



December 11, 2017

Kirstjen Nielsen, Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave.
Washington, D.C. 20528

cc: Rex Tillerson, Secretary of State
Nikki Haley, U.S. Ambassador to the United Nations
Thomas Homan, Acting Director, U.S. Immigration and Customs Enforcement
Ron Johnson, Chair, Senate Homeland Security and Governmental Affairs Committee
Claire McCaskill, Ranking Member, Senate Homeland Security and Governmental Affairs Committee
Michael McCaul, Chair, House of Representatives Homeland Security Committee
Bennie Thompson, Ranking Member, House of Representatives Homeland Security Committee

Re: Imminent Removal of 700 Eritreans

Dear Secretary Nielsen:

We – The America Team for Displaced Eritreans and the other undersigned organizations – write to you urgently on behalf of some 700 Eritreans whose removal from the U.S. the Department of Homeland Security, by way of a September 13, 2017 order, has taken measures to facilitate:

<https://www.dhs.gov/news/2017/09/13/dhs-announces-implementation-visa-sanctions-four-countries>.

We believe, and we can cite numerous authorities to confirm, that those removed to Eritrea would likely be tortured or killed by the Eritrean regime: <http://eritreanrefugees.org/wp-content/uploads/2017/10/PUNISHMENT-UPON-REFOULEMENT-TO-ERITREA-4-17-17.pdf>. We also believe that any such removal not only would be egregiously inhumane, but would violate the United Nations Convention Against Torture and the United Nations Convention Relating to the Status of Refugees to which the U.S. is party. We thus urge you to suspend all Eritrean removals until such time as the country is safe for the individuals to be returned there.

Conditions in Eritrea. Eritrea is a small country in the Horn of Africa. It is a police state, and it is widely referred to as "the North Korea of Africa." Its government's brutality toward its citizens has been documented and denounced by the U.S. State Department, the United Nations, and many major human rights organizations. Citizens live in constant fear of surveillance, arbitrary arrest, torture, malnutrition, detention within a gulag of underground prisons, and indefinite military service under slave-like conditions. Asylum seekers who are returned from other countries are at particular peril:

<http://eritreanrefugees.org/wp-content/uploads/2017/10/ERITREAN-ASYLUM-CLAIMS-SUMMARY.pdf>

The DHS order. Many of the 700 here are under final removal orders issued by American immigration courts. To our knowledge, few are under those orders for having committed crimes here. Rather, many or most had applied in good faith for asylum in the U.S., but they had simply lost their asylum claims. Often they lost their cases because they lacked legal counsel, their English language skills were limited, the immigration judges did not understand the dire state of human rights in Eritrea, or for all of those reasons.

In recent years, few Eritreans – even those who had lost their asylum claims – have been deported from the U.S. The reason appears to have been that the Eritrean government had generally refused to cooperate with the deportations – specifically, had refused to issue travel documents for the individuals who were under final removal orders. In its September 13 directive, DHS sought to remedy that situation by causing the State Department to issue a broad ban on in-bound visas from Eritrea to the U.S., as a means of pressuring the Eritrean regime to issue the travel documents for deportees.

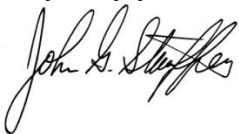
At least twelve countries have refused to issue travel papers for and to accept U.S. deportees. But DHS, apparently exercising its discretion, chose to place visa restrictions on only four of them, including Eritrea – and it chose to press for Eritrean deportations – perhaps without considering the horrors that would likely befall those sent back to Eritrea. We do not object to the ban on in-bound visas. But we fervently object to Eritreans being deported to an excruciating fate.

The Convention Against Torture. The Convention Against Torture (CAT) provides that no country may remove someone to another country if there are "substantial grounds for believing that he [or she] would be in danger of being subjected to torture." In the case of Eritrea, there are more than "substantial grounds" – there is a high probability. We thus believe that in the case of Eritrea (perhaps almost uniquely among the countries of the world), the CAT's ban on deportation should be regarded as absolute, regardless of whether or how an immigration judge may have considered or ruled upon the issue of torture in an individual's hearing.

For both such legal reasons and related humanitarian reasons, almost no other country is willing to deport Eritreans to Eritrea. The sole or principal exception is Sudan – an outlaw state, whose president is under an international arrest warrant issued by the International Criminal Court for having committed crimes against humanity. For the U.S. to now deport Eritreans to Eritrea would make the U.S. and Sudan possibly the only countries to do so.

We again request urgently that you suspend all removals to Eritrea until the country is safe for those being returned. For a discussion or more information, please contact John Stauffer, President of The America Team for Displaced Eritreans, at 610-891-8470, or John@EritreanRefugees.org.

Very truly yours,



John Stauffer, President
The America Team for Displaced Eritreans
<http://eritreanrefugees.org>

The America Team for Displaced Eritreans is a non-profit organization based in Southeastern Pennsylvania. It is the principal American organization that assists specifically Eritrean refugees and asylum seekers in the U.S. and around the world.

ADDITIONAL SIGNATORIES

International Organizations

American Relief Agency for the Horn of Africa (ARAHA)
Ethiopian Community Development Council, Inc.
HIAS
International Refugee Assistance Project (IRAP) at the Urban Justice Center
International Rescue Committee
Jubilee Campaign USA
Lutheran Immigration and Refugee Service
Neighborhood Good Samaritan Center
Refugees International
U.S. Committee for Refugees and Immigrants

National Organizations

AsylumConnect
Bethany Christian Services
Courage Campaign
Franciscan Action Network
International American Relief Society
Jesuit Refugee Service/USA
Just Foreign Policy
PCC4Refugees (Returned U.S. Peace Corps Volunteers)
RAICES
Southeast Asia Resource Action Center (SEARAC)
Torture Abolition and Survivors Support Coalition (TASSC)
UndocuBlack Network
Veterans for American Ideals
We Belong Together

State Organizations

AB540 Ally Training Project
Arkansas United Community Coalition
Coalition to Abolish Slavery & Trafficking
Dorcas International Institute of Rhode Island
Humanitarian Immigration Law Clinic, Elon University School of Law
Make the Road New York
OneAmerica
Raleigh Immigrant Community
With Open Minds
Worker Justice Center of New York, Inc.

Local Organizations

African Advocacy Network
Allies Safety Network/Sonoma County
Asian Law Alliance
Asylee Women Enterprise
Carolina Refugee Resettlement Agency
Chula Vista Partners in Courage
Damayan Migrant Workers Association
Eritrean Americans Civic Movement Raleigh & Its Environs
Esperanza Community Housing Corporation
Heartland Human Care Services
HIAS Pennsylvania
Immigrant and Refugee Community Organization - IRCO
International House
International Institute of Akron
International Institute of Buffalo
International Institute of Los Angeles
International Institute of Minnesota
International Institute of St. Louis
Jewish Vocational Service of Kansas City
Lutheran Services Carolinas
Migrant Rights Collective
Multi-Cultural Health Evaluation Delivery System
New American Consortium for Wellness and Empowerment
North Bay Organizing Project
Services, Immigrant Rights, and Education Network (SIREN)
South Bay People Power
University Leadership Initiative
Vietnamese American Community Center of the East Bay
Wallingford (PA) Presbyterian Church
World Relief Durham
Youth Co-Op, Inc.
YWCA Greater Austin

Eritrean Organizations

Human Rights Concern - Eritrea (HRCE)
Eritrean National Salvation Front HIDRI (ENSF-HIDRI)
Bay Area Eritreans for Democracy Change
Eritrean American Community of Las Vegas
Eritrean Community in Houston
Eritrean People's Movement for Justice in North America
Forum for National Dialog
Freedom Friday (Arbi Harnet)
Global Initiative to Empower Eritrean Grassroots Movement
Mahber Hwnet, Inc.
Radio Assenna
Voice of Eritrea- Canada