



February 25, 2017

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Thomas D. Homan, Acting Director
Mike Davis, Acting Principal Legal Advisor and Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Re: Urgent Request Regarding Removal of Eritrean Asylum Seekers

Dear. Mr. Homan and Mr. Davis:

I write as counsel to The America Team for Displaced Eritreans, the leading American organization advocating specifically for Eritrean refugees and asylum seekers. This matter is of considerable urgency.

We are concerned that the new presidential administration may take more aggressive measures in removing, to Eritrea, Eritreans whose asylum claims here have failed, in comparison to previous removal measures affecting Eritreans. We urge that such removals not occur at this time, because the claimants would likely be imprisoned, tortured and even put to death by the Eritrean regime if they were removed to Eritrea before the country became safe. Our reasoning follows.

A. Eritrea. Eritrea is widely referred to as the "North Korea of Africa." It is a police state that brutally represses its people, and it is hermetically isolated from the outside world. No press or personal freedoms are tolerated, and any perceived dissent is punished by imprisonment, torture and death. Young people are universally conscripted into the national service – primarily, the military – where most are forced to serve in slave-like conditions for sometimes decades on end, even while the country sinks ever deeper into destitution, and now possibly into famine.

B. Eritrean Refugees and Asylum Seekers. As a consequence of all of that, hundreds of thousands of Eritreans have fled their country. They account for one of the largest groups of refugees and asylum seekers within Europe's migrant crisis, as well as a large portion of the Mediterranean drowning victims. They often encounter abominable abuse as they flee from country to country across North Africa toward freedom. Fewer than 2000 Eritreans per year have been admitted as refugees to the United States in recent years.

C. Eritrean Asylum Seekers in the United States. Several hundred Eritreans per year have sought asylum here in recent years. American courts (like European courts) have granted their asylum claims at a high rate; but the claims of some applicants here have been denied – either fairly, or because they lacked effective counsel, or because their cases were heard by judges who lacked an appreciation of Eritrean country conditions. However, to our knowledge, few Eritreans have been removed to Eritrea in recent years. We understand that the removals have

not proceeded largely or entirely because the Eritrean embassy has declined to issue travel documents for the individuals. As a consequence, many have sat in detention for long periods; but most have eventually been released under orders of supervision.

D. Arguments against Removal to Eritrea.

1. *Severe Risks Associated with Removal.* Removal to Eritrea – even for those whose asylum claims have failed – is likely tantamount to a sentence to imprisonment, torture, or even death. We have summarized the findings of authoritative American and international human rights bodies in that regard, in a paper that I am including with a transmission of this letter and that we have previously shared with USCIS and Department of Justice officials. The paper can also be found on our Web site at <http://eritreanrefugees.org/wp-content/uploads/2016/10/ERITREAN-ASYLUM-CLAIMS-SUMMARY-BY-THE-AMERICA-TEAM-FOR-DISPLACED-ERITREANS.pdf>. In particular, I would draw your attention to the discussion of the risks associated with removal at Section D of that document.

2. *Low Risks in the United States.* To our knowledge, no Islamic terrorist activity has been directed by any actors in or from Eritrea toward the United States. With only one reported exception known to us, no Eritrean in the United States has contemplated any terrorist activity here, and that individual, a student, was quickly apprehended. We are not aware of any of those in detention or under orders of supervision having committed crimes in the United States.

E. Limitations on Our Advocacy. We do not customarily advocate for all Eritrean asylum seekers. As stated on our Web site at <http://eritreanrefugees.org/asylum-support/>, we do not assist in asylum cases in the United States where the claimant has committed a crime here, has violated others' human rights in Eritrea or elsewhere overseas, has served as an agent of the Eritrean regime in the United States, is not truly an Eritrean national, or has previously obtained asylum or other safe haven in another democratic country. We also do not encourage or facilitate entry into the United States for purposes of gaining asylum. And we do not advocate on individual claims unless we are thoroughly familiar with and accept those claims.

We respectfully, and pressing, urge that Eritreans whose asylum claims have been denied not be returned to Eritrea while the overwhelmingly inhumane conditions persist there. We would welcome an opportunity to discuss this matter with an appropriate ICE official in Washington at the earliest possible moment.

Thank you for considering this request.

Very truly yours,

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The America Team for Displaced Eritreans

cc: John Stauffer, President, The America Team for Displaced Eritreans