

URGENT ACTION

US MUST NOT DEPORT GAY ASYLUM SEEKER TO GHANA

Sadat I. fled homophobic attacks from a criminal group in Ghana and has been held in US immigration detention since requesting asylum there in January 2016. US authorities are seeking to forcibly return Sadat to Ghana, where he faces human rights violations by police and the groups he fled. Sadat must immediately be released on parole pending the resolution of his asylum claim, and under no circumstances be deported to Ghana.

Sadat I., 31, a gay man from Ghana, has been detained by US Immigration and Customs Enforcement (ICE) since claiming asylum at the US-Mexico border on 17 January 2016; he is now held in Pearsall, Texas. Sadat fled Ghana in November 2015 after being beaten by members of the vigilante group 'Safety Empire', which burned down his house and beat his uncle three days later as Sadat was in hiding. The vigilantes identified Sadat as gay after beating and interrogating his gay friend and intimate partner, and posting a video of that beating on the leader's Facebook page. The group re-posted the video in April 2017, which has received over 53,000 views, further exposing Sadat as a gay man. The leader remains free in Ghana and threatening the gay community there.

Homosexuality remains a criminal offense in Ghana, and the police consistently fail to prosecute and punish attacks on the lesbian, gay, bisexual and transgender (LGBT) community. Despite evidence that Sadat would continue to face persecution, imprisonment, and threats to his life if returned there, US authorities have denied his parole and are seeking his deportation, claiming he failed to prove that he still faces threats in Ghana. Sadat's family sent him a video as evidence of the ongoing threats of persecution he faces, yet ICE removed the video from his package without informing him. In rejection of Sadat's appeal in November 2017, the immigration judge stated that even though ICE officers withheld this evidence, Sadat failed to reach out to his family to confirm that they had sent it. Sadat went on hunger strike twice in February 2018 to protest the poor conditions of prolonged detention that he has suffered. His lawyers say ICE retaliated against Sadat in response to his hunger strikes.

Detention should only be used by immigration officials as a last resort and justified on a case by case basis. Parole should be granted for humanitarian reasons where the person does not pose a threat to public safety and presents no flight risk. No asylum seeker should ever be forcibly returned to a real risk of torture or other ill-treatment, including imprisonment based on a prohibited ground of discrimination, such as sexual orientation. As Sadat fits all of these parameters, US authorities should release him from detention immediately and not deport him to Ghana.

Please write immediately in English or your own language:

- Calling on US authorities to immediately halt any deportation proceedings against Sadat I.;
- Urging ICE to release Sadat I. (case file A# 208-920-376) on parole, pending the resolution of his asylum claim;
- Calling on the Department of Homeland Security (DHS) Office of the Inspector General (OIG) to review apparent due process violations in the handling of Sadat's asylum claim, and his ill-treatment in detention.

PLEASE SEND APPEALS BEFORE 4 MAY 2018 TO:

ICE Field Office Director
Daniel Bible
San Antonio Field Office
8940 Fourwinds Drive
San Antonio, TX 78239 USA
Email: daniel.a.bible@ice.dhs.gov
Salutation: Dear Mr. Bible

(Acting) ICE Director
Thomas Homan
Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536 USA
Email: Thomas.Homan@ice.dhs.gov
Salutation: Dear Mr. Homan

(Acting) DHS Inspector General
John Kelly
Office of the Inspector General
MAIL STOP 0305
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305 USA
Fax: +1 202-254-4297
Email: dhs-dhdoig.officepublicaffairs@oig.dhs.gov
Salutation: Dear Mr. Kelly

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY WOODY JOHNSON, U.S. Embassy London, 33 Nine Elms Lane, SW11 7US, Phone: (0)20 7499-9000
Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Under international law, the US government has an obligation to ensure that the human rights of migrants and asylum seekers are respected, protected and fulfilled. International standards, including instruments to which the United States is a party, contain a strong presumption against the detention of immigrants and asylum seekers. The International Covenant on Civil and Political Rights (ICCPR) clearly sets out the right to be free from arbitrary detention. Detention should only be used as a measure of last resort; it must be justified in each individual case and be subject to judicial review. Detention is only appropriate when authorities can demonstrate in each individual case that it is necessary and proportionate to the objective being achieved and on grounds prescribed by law, and that alternatives (such as reporting requirements, bail or financial deposits) would not be effective.

In its July 2017 report on a country visit to the United States, the UN Working Group on Arbitrary Detention said: "The Working Group is of the view that the mandatory detention of immigrants, especially asylum seekers, is contrary to international human rights and refugee rights standards.[...] The Working Group has observed that the current system of detaining immigrants and asylum seekers is, in many cases, punitive, unreasonably long, unnecessary, costly when there are alternative community-based solutions, [...] not based on an individualized assessment of the necessity and proportionality of detention, carried out in degrading conditions, and a deterrent to legitimate asylum claims."

Under the ICCPR, the Convention against Torture, and customary international law, the United States government is under an obligation not to return individuals to a situation in which they would be at risk of torture or other serious human rights abuses: the principle of *non-refoulement*. Such safeguards are imperative for protecting refugees fleeing violence and persecution. In a 28 February 2018 report, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment found that prolonged detention based solely on migration status equates to "arbitrary detention", and often quickly, if not immediately, constitutes ill-treatment – particularly for LGBTI asylum seekers, among other vulnerable groups.

Under US law, all individuals apprehended at the border "shall be detained" pending deportation proceedings. US law provides that these individuals may be released on parole on a case-by-case basis for "urgent humanitarian reasons" or for "significant public benefit" where the individual presents neither a security risk nor a risk of absconding. Immigration and Customs Enforcement policies provide Field Office Directors with discretion to parole individuals who have established a credible fear on a case by case basis for these same reasons – which includes persons whose continued detention is not in the public interest – as well as discretion when it comes to the continued detention of individuals suffering from medical emergencies. Both policies relate to the decision on whom to detain or to release on bond, supervision, personal recognizance or other condition.

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