



# human rights *first*

THE NEW NAME OF

LAWYERS COMMITTEE FOR HUMAN RIGHTS

## Headquarters

333 Seventh Avenue  
13<sup>th</sup> Floor  
New York, N.Y. 10001

Tel: (212) 845-5200  
Fax: (212) 845-5299

## Washington D.C. Office

100 Maryland Avenue, N.E.  
Suite 500  
Washington, D.C. 20002

Tel: (202) 547-5692  
Fax: (202) 543-5999

[www.HumanRightsFirst.org](http://www.HumanRightsFirst.org)

November 18, 2004

The Honorable Tom Ridge  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Re: Detention and Death of Reverend Joseph Dantica

Dear Secretary Ridge:

We are writing to urge you to investigate the circumstances surrounding the detention and death of Reverend Joseph Dantica. Reverend Dantica was an 81-year-old Baptist minister from Haiti who was detained by the Department of Homeland Security upon his arrival in Miami on October 29, 2004. He died in DHS custody several days later.

We recommend that you refer this matter for immediate investigation to the DHS Inspector General. Specifically, the DHS Inspector General should investigate reports that Reverend Dantica was deprived of his medications, accused of faking his illness, and denied the right to have his family visit him once he was hospitalized. The Inspector General also should review the Department's initial decision to detain, and its subsequent failure to release, Reverend Dantica. Finally, Human Rights First urges the Department to review its nationality-based detention policy targeting Haitian nationals.

Reverend Dantica was subjected to expedited removal and jailed in an immigration detention facility, although he was carrying a valid passport. Presumably this occurred because the DHS/CBP inspector viewed Reverend Dantica's non-immigrant visa as invalid when he explained that he needed temporary asylum.

The failure of local CBP and ICE officials to recognize that they did not have to subject Reverend Dantica to expedited removal and that they could have paroled him immediately from detention underscores alarming gaps in the Department's efforts to meet its obligation to protect asylum seekers.

In the wake of this tragedy, we urge the Department immediately to:

- Terminate nationality-based detention policies aimed at Haitian asylum seekers;
- Give Haitian and other asylum seekers the chance to have their detention reviewed by an immigration judge, like other immigration detainees;
- Put the official parole criteria for asylum seekers into formal regulations; and
- Create a high-level refugee protection position with the authority to oversee the operational activities and policies of the immigration enforcement bureaus (ICE and CBP) that affect asylum seekers.

We recognize the challenges you face as you work to strengthen this country's security. We firmly believe that this objective can be accomplished while also safeguarding the victims of human rights abuses from other countries who come to the United States in search of refuge. We greatly appreciate your attention to this important matter.

Sincerely,



Michael Posner  
Executive Director

Cc: Clark Kent Ervin  
Inspector General  
U.S. Department of Homeland Security

Daniel Sutherland  
Civil Rights and Civil Liberties Officer  
U.S. Department of Homeland Security  
Washington, DC 20528

Joseph D. Whitley  
General Counsel  
U.S. Department of Homeland Security  
Washington, DC 20528