

URGENT ACTION

DETAINED ASYLUM SEEKER NEEDS MEDICAL CARE

Sara Beltran Hernandez fled domestic and gang violence in El Salvador in November 2015 to live with relatives in the US. She has been held in a detention centre in Texas since then, despite having a claim to asylum. She is in urgent need of medical attention and must be released on parole pending the resolution of her asylum claim.

Sara Beltran Hernandez, 26, is in a US Immigration and Customs Enforcement (ICE) detention centre in Dallas, northern Texas, pending an appeal on a court decision to remove her from the United States. She has been in detention since arriving at the US-Mexico border on 4 November 2015. Despite having US citizen family members who can guarantee her appearance at any future hearings on her case, US authorities have denied her parole because she was considered a flight risk.

Sara Beltran Hernandez is claiming asylum in the US as she reports that a gang leader and gang members who are believed to have killed people in the past have sent her death threats in El Salvador. According to her affidavit in support of her asylum claim, Sara Beltran Hernandez suffered serious physical and psychological domestic violence, and was sexually abused.

According to her lawyer, Sara Beltran Hernandez collapsed in the detention centre on 10 February 2017 and staff then took her to Huguley Hospital in Fort Worth, Texas. On 13 February, she told her lawyers that she had been diagnosed with a brain tumour that required surgery. On 18 February, ICE officials permitted Sara Beltran Hernandez to call her relatives for the first time since being taken to the hospital eight days earlier. She said that she had begun to have convulsions and nose bleeding, head pain, trouble thinking clearly, and that she had still not received surgery. On 22 February, staff at Huguley Hospital informed her that she would have surgery on 27 February and transferred her back to the detention centre.

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 present a threat to public safety and poses no flight risk. As Sara Beltran Hernandez fits these parameters, she should be released from detention immediately.

Please write immediately in English or your own language:

- Urging the authorities to release Sara Beltran Hernandez (A#: 208-548-384) on parole, pending the resolution of her asylum claim;
- Calling on them to ensure she is urgently provided necessary medical attention, in accordance with her wishes;
- Urging them to ensure that while in detention, she is provided regular contact with her family members and lawyers of her choosing.

PLEASE SEND APPEALS BEFORE 7 APRIL 2017 TO:

ICE Field Office Director

Simona Flores

Field Office Director at ICE ERO

US Immigration & Customs Enforcement

Dallas Field Office

8101 N. Stemmons Freeway

Dallas, TX, 75247, USA

Email: simona.l.flores@ice.dhs.gov

Twitter: @ICEgov

Salutation: Dear Ms. Flores

And copies to:

Consulate General of El Salvador in

Dallas, United States

1250 West Mockingbird Lane, Suite 240

Dallas, TX, 75235, USA

Fax: +1 214 637 1106

Email: consuladodallas@ree.gob.sv

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY THE HONOURABLE MATTHEW BARZUN American Embassy, 24 Grosvenor Square, London W1A 6AE, tel: 020 7499 9000. Salutation: Your Excellency
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.

The UN Working Group on Arbitrary Detention has called on governments to ensure that “alternative and non-custodial measures, such as reporting requirements, should always be considered before resorting to detention.” A limited number of specific purposes are recognized as legitimate grounds for detention under international standards, including verifying identity, protecting national security or public order, and preventing a person from absconding following an objective assessment of flight risk. 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 he or she would be at risk of torture or other serious human rights abuses: the principle of *nonrefoulement*. Such safeguards are imperative for protecting refugees fleeing violence and persecution. Under U.S. 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. These policies remain in place following the recent guidance provided by the Department of Homeland Security’s memorandum on Implementing the President’s Border Security and Immigration Enforcement Improvements Policies, issued on 21 February 2017.

UA: 54/17 Index: AMR 51/5781/2017 Issue Date: 24 February 2017