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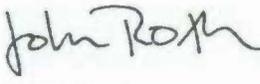
Washington, DC 20528 / www.oig.dhs.gov

June 16, 2016

MEMORANDUM FOR: The Honorable Jeh C. Johnson
Secretary

The Honorable Sarah Saldaña
Director
U.S. Immigration and Customs Enforcement

FROM:

John Roth 
Inspector General

SUBJECT:

Jean Jacques

On November 24, 2015 we received a request by Senators Richard Blumenthal and Christopher Murphy, and Representative Joe Courtney, to investigate the circumstances by which Jean Jacques, a Haitian national previously convicted of attempted murder and subject to a final order of removal, was released from the custody of Immigration and Customs Enforcement (ICE). Jacques killed another individual, Casey Chadwick, while on release. Our objective was to conduct a factual inquiry regarding the incident, to determine whether ICE adhered to its policies in the release and supervision of Jacques and whether such policies are sufficient to ensure the effective enforcement of U.S. immigration law.

As part of this assessment, we conducted approximately 30 interviews of individuals at ICE Headquarters as well as the Boston, Baltimore, Hartford, and Newark Field Offices. We also reviewed records provided by ICE, including emails, policies, training materials, and Jacques' immigration A-File¹. From these materials, we were able to establish a

¹ An alien file, otherwise known as an A-file, is the collection of documents maintained by the Department of Homeland Security on non-citizens. An A-file typically contains official files related to the alien's immigration status, citizenship, and removal and includes documents provided by the alien as well as investigations, statements, correspondence, and memoranda created by the agency.



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timeline of action taken by ICE with respect to Jacques, attached to this report as Appendix A.

We are undertaking a second phase of this review, in which we will determine whether the issues we identified in in the Jacques case are more widespread in ICE's Enforcement and Removal Operations. Specifically, our objective will be to determine whether the Department of Homeland Security Enforcement and Removal Operations has cohesive policy and procedures to remove priority level one aliens on the non-detained docket and to identify systemic factors that may hamper removal efforts. These factors may include employees' workloads, inadequate policy guidance and ICE's priorities for deporting individuals. We will limit our review to actions to deport non-detained individuals.

Attachments



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Executive Summary

In conducting this review, we found that:

- After his release from state custody, Jacques was held in ICE custody for about 205 days. During this period of custody, the ICE Enforcement and Removal Operations (ERO) Boston Field office conducted two Post-Order Custody Reviews and decided to continue to hold Jacques in custody.
- During Jacques' detention, ERO Boston and the Headquarters-based Travel Document Unit (TDU) made three attempts to remove Jacques to Haiti. The removal efforts included setting up an interview between Jacques and a Haitian consulate official as well as completing a sworn statement signed by Jacques identifying, among other things, his Haitian family members.
- Because Jacques did not possess a Haitian identification document, the Haitian government rejected all three repatriation requests. While there are standard practices and informal arrangements regarding repatriation, there are no written agreements between the two countries on this issue. ICE could not retrieve Jacques' birth certificate from Haiti, as they are not public documents.
- As Jacques' period of detention approached 180 days, the ERO Headquarters Post Order Custody Review Unit (POCR Unit) conducted a custody determination assessment. Consistent with ICE policy following the Supreme Court's ruling in *Zadvydas v. Davis*, and 8 C.F.R. §§ 214.13 & 214.14, ERO officials determined that it could not continue to detain Jacques because, in their judgment, there was no significant likelihood of removal in the reasonably foreseeable future.

While not explicitly required by existing ICE policy, ERO could have taken some additional steps to achieve Jacques' removal to Haiti while Jacques was still in ICE custody. However, we cannot conclude that those steps would have resulted in Jacques' removal from the United States.

- ERO Boston did not attempt to contact Jacques' family members living in the United States or search those individuals' A-files to



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strengthen Jacques' repatriation request. However, ICE ultimately learned, after Jacques' arrest for murder in 2015, that Jacques' mother had lost all of his Haitian identification documents.

- ERO did not elevate to the State Department Haiti's refusal to accept Jacques, a course of action provided for in ERO's removal guidelines. ERO officials believed that the Department of State would not intervene to encourage a foreign country to accept a violent offender like Jacques. ERO believed that the State Department's involvement was typically limited to aliens engaged in terrorism or human rights violations. Although we did not interview State Department officials about this, we have no basis to believe that ERO's experience in this area was unfounded.
- Following Haiti's third rejection, a Haitian government official advised ERO to contact the Haitian consulate in Miami to request a travel document. There is no record that ICE ERO made this request. However, ERO officials had previously made hundreds of similar requests to the Haitian consulates for travel documents without success, and we have no reason to believe that the Jacques matter would have been different.

Jacques' removal from custody effectively ended ICE's efforts to remove him, and his supervision while on release was minimal and ineffective.

- The caseloads of Deportation Officers (DOs) in the field make personalized follow-up with the aliens under their supervision functionally impossible. At ERO Newark, for example, there are between three and four DOs assigned to approximately 37,000 released aliens.
- In addition to the heavy caseload, there is no evidence that ICE used a risk-based analysis for managing caseloads, which would have them expending more time and attention on more dangerous aliens. Instead, officers in the field told the OIG that they prioritized cases primarily based on the possibility of removability.
- Following Jacques' release from custody, there is no evidence of DOs at ERO requiring that Jacques acquire additional documents that might have assisted in his removal, even though they had the power to compel him to do so.



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- Jacques' conduct after release from ICE custody indicated a poor reporting history and violations of state parole conditions. After his release from state custody for parole violations in January 2015, he was released to ICE custody. ICE again found that there was no significant likelihood of removal in the reasonably foreseeable future, and again released Jacques.
- A DO has few tools available to supervise even an alien with a violent criminal history, such as Jacques. For example, ICE's Alternatives to Detention (ATD) Program places conditions on aliens released from custody, such as electronic bracelet monitoring and home visits. However, the program is only available for aliens who are removable in the foreseeable future. Additionally, the tools available in ATD are used as a means of ensuring a removable alien complies with court orders and does not flee, and the ATD Program is not aimed at deterring future criminal behavior.

Finally, the OIG also identified broader issues affecting removal efforts:

- Removal policies, procedures, and guidelines do not appear to be effectively disseminated to field staff. Most of the ERO officers OIG spoke to in the field, for example, were unaware of the existence of the Detention and Removal Operations Policy and Procedure Manual (DROPPM), which contains guidelines for removal.
- The OIG also identified a disconnect between how headquarters and field officers viewed removal efforts. While officers at headquarters acknowledged that Haiti was one of the more cooperative countries in assisting with removals, the view by many officers in the field was that removal to Haiti was exceedingly difficult, if not impossible.

Discussion

Jean Jacques' History Prior to ICE Custody

Knowledge of Jean Jacques' life prior to his arrival in the United States was gathered from sworn affidavits in his request for asylum into the United States. According to his affidavit, Jacques was born in Haiti on October 3, 1974 and was raised in Port-au-Prince. In 1992, after his father was killed, Jacques fled Haiti and was interdicted at sea by the



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U.S. Coast Guard on April 29, 1992. At the time of his arrival to Guantanamo Bay, Cuba, Jacques did not possess any documents on his person identifying him as a Haitian citizen.

Jacques was paroled into the United States on July 6, 1992.

In connection with a 1996 shooting in Norwich, Connecticut that left one dead and another injured, on June 9, 1997, Jacques was convicted of attempted murder and possession of a firearm without a permit. He was sentenced to 20 years of imprisonment in Connecticut state custody.

While in Connecticut state custody, the Immigration and Naturalization Service served Jacques with a Notice to Appear on May 15, 2001. On November 5, 2002, an Immigration Judge ordered that Jacques be removed to Haiti. Following an appeal and a motion to reconsider, Jacques was issued a Final Order of removal on January 6, 2010.

Release Into ICE Custody

After serving fifteen years in prison, on April 18, 2012, the Connecticut Department of Corrections released Jacques to serve the rest of his sentence on probation. Having received a Final Order of removal, Jacques was accordingly released into the custody of the ICE Enforcement and Removal Operations (ERO) Boston Field Office.² Jacques' initial release was processed by the ERO Hartford Field Office, which falls under the organizational umbrella of ERO Boston. An Immigration Enforcement Agent at ERO Hartford completed the required booking procedures to enter Jacques into ICE's custody, noting on the booking paperwork that Jacques' property would be released to his brother. The brother's New Jersey address was recorded on this document. On the same day, Jacques was transferred to the office in Burlington, MA and then to the Bristol County House of Corrections, a state facility located in North Dartmouth, MA.

Upon entering ERO custody, Jacques signed a document entitled "Instruction Sheet to Detainee Regarding Requirements to Assist in Removal" and agreed to take a set of actions in order to assist in obtaining a travel document. The tasks listed on the instruction sheet, which has been attached as Appendix B, are described as "mandatory

² ERO enforces the nation's immigration laws by identifying, arresting, and removing aliens who enter the United States illegally or who present a danger to national security or are a risk to public safety. ERO Boston, which is based out of Burlington, MA, oversees the region that includes Connecticut, Maine, Massachusetts, Rhode Island, New Hampshire, and Vermont.



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requirements.” Jacques also completed the I-217 Information for Travel Document or Passport form to request a new identity or travel document from the Haitian consulate. On the I-217 form, Jacques indicated that he was not in possession of a travel document or passport at the time of entry into the United States.

ERO Responsibility in Obtaining a Travel Document

While the alien has an obligation to seek out the necessary documentation to achieve removal, ERO officers must also take action to secure the alien’s removal. ERO’s responsibilities in obtaining travel documents for aliens are described in the Travel Document Handbook, contained within Chapter 16 of the DROPPM, titled “Removal Process: Preparations for Travel Within 90 Days of Final Order.”

According to training materials produced for the ERO Field Offices (POCR Training)³, it should be ERO’s goal to “exhaust[] all avenues to obtain a [travel document] and/or [to] effect[] the alien’s removal.” The Chief of the ERO Law Division also acknowledged that ERO efforts to obtain a travel document should be more rigorous when the underlying crime committed by the alien or risk to the public is more serious.

Chapter 16.1 of the DROPPM outlines the suggested timeline and actions that the field office should take to prepare a request for travel documents:

Within two weeks of the alien receiving his/her final order, make your travel document request....To prepare a request for travel documents, consult as many sources as you need to verify the aliens [sic] identity. Talk with the alien and, if applicable, family members. Check their files. Check the Non-Immigrant Information System (NIIS) for entry information and passport number. If still in doubt, contact the International Criminal Police Organization INTERPOL.

The POCR Training recommends an even quicker turn-around for submitting a travel document request – within seven days of the alien’s arrival.

³ This training was provided to ERO Boston in February 2012 as part of an effort to inform ERO field office staff of the removal procedures described in the DROPPM and promote consistent procedures throughout the ERO offices.



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Chapter 16.1 of the DROPPM also instructs the DO to “call for a status report at least every 30 days until the document is issued or the case is closed.” The POCR Training materials again recommend a shorter timeframe of 15 days to track the issuance of the travel document.⁴

As described by the Chief of the ERO Law Division, the DROPPM does not set minimum requirements for ERO efforts to establish an alien’s identity. There is no requirement that officers contact family members or reach out to other law enforcement agencies to facilitate removal of the alien. On the contrary, the steps taken by each officer to achieve removal are discretionary and depend on the circumstances.

Attempts to Remove Jacques While in ICE Custody

ERO Boston assigned a DO to pursue Jacques’ removal and repatriation to Haiti.

On May 7, 2012, fewer than 30 days after Jacques entered ICE custody, ERO Boston completed a Post-Order Custody Review (POCR) Worksheet. According to ERO Boston, the POCR Worksheet is a review typically completed after an alien is in custody for 90 days and then periodically throughout an alien’s detention to determine if ERO should continue to detain the alien. The review evaluates the alien’s case, criminal and travel document histories, as well as whether the alien meets the criteria for continued detention under 8 CFR 241.14.⁵ The DO completing the POCR worksheet recommended that Jacques “remain in custody while removal efforts continue.” The Boston Field Office Director (FOD) accepted the recommendation and decided that Jacques would remain in custody.

As part of what was described to us as the standard practice for Haitian removals, on May 7, 2012, ERO Boston compiled a travel document request packet,⁶ uploaded the packet to the electronic travel document

⁴ This particular guidance does not appear to apply directly to Haitian removals; the standard practice was to work directly with the Haitian government because consulates were not issuing travel documents.

⁵ This process is discussed in greater detail later in this memorandum.

⁶ The packet included the following documents: Warrant of Removal/Deportation (Form I-205); Order of the Immigration Judge; Warning to Alien Ordered Removed or Deported (Form I-294); Notice to Appear (Form I-862); Information for Travel Document or Passport (Form I-217); Fiché Signaletique du Deporte (Haitian travel document application); Copy of Application; Copy of Criminal Conviction Document; and Biometric Information.



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system (eTD), and engaged the ERO Headquarters Travel Document Unit (TDU), located in Washington, D.C., to assist with Jacques' removal.⁷ ERO Boston explained that for Haitian removals, the TDU took the lead on interacting with the foreign government and would contact the field officer if the travel document request packet needed to be supplemented.

The TDU subsequently added Jacques' name and travel document request packet to a deportation manifest for removals to Haiti scheduled for a charter flight, scheduled for departure on June 19, 2012. At the time, the Assistant Attaché for Removals (AAR) to Haiti was based in the Dominican Republic and made bi-weekly trips to Haiti to present the manifest for removals to the Haitian government. When given approval from the Haitian government, this manifest becomes the travel document needed to repatriate Haitian citizens. The Haitian government determines which of the aliens are approved for repatriation and accepts a charter flight of up to 50 Haitian immigrants each month. The TDU explained that it would often provide a manifest with more than 50 aliens to ensure that the plane was always full, knowing that the Haitian government would frequently deny repatriation for some on the manifest.

The purpose of the AAR's visits to Haiti, according to the TDU, was solely to speak with the Haitian government and present the available documentation for the aliens seeking repatriation. As a United States citizen, the AAR was not granted access to the Haitian record archives to attempt to obtain identity documents.

On May 29, 2012, the AAR delivered the manifest with Jacques' name to the Chief of the Department of Political Affairs and Human Rights, Ministry of Interior and Collective Territories for Haiti (Chief of Political Affairs). During the AAR's tenure, the Chief of Political Affairs was the TDU's main point of contact in the Haitian government. On June 5, 2012, the Chief of Political Affairs notified the AAR via email that Jacques was "not approved" for repatriation to Haiti. As a result, Jacques was not on the June 19 flight.

ERO Boston and the TDU made their second attempt to remove Jacques on June 26, 2012. They submitted the same travel document request packet and included Jacques' name on a manifest for Haitian removals scheduled for an August 2012 charter flight. Once again, the AAR

⁷ The TDU supports the field offices to ensure the safe and orderly removal of aliens from the United States. The unit assists the field in taking the necessary steps to facilitate the removal of aliens to their designated countries as it has established points of contact with consulates, embassies, and government officials throughout the world.



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presented the manifest for removal to the Haitian government. On August 7, 2012, the Chief of Political Affairs verbally informed the AAR that Jacques would not be accepted because he did not possess sufficient documentation to prove his Haitian citizenship. The Chief of Political Affairs reaffirmed these denials by email on August 16 and August 20, 2012.

On September 4, 2012, ERO Boston completed a second POCR Worksheet. When asked to “[l]ist ICE attempts to obtain travel documents and status” on the worksheet, the DO assigned to Jacques’ removal commented:

ICE did all the necessary paperwork and interviews to obtain a [travel document] from the Haitian Government but the subject was denied entry to Haiti in August. A [travel document] will not be issued for the subject by Haiti at this time.

The DO recommended that Jacques be released from custody “[b]ecause removal of the subject is not possible.” ERO Boston FOD rejected this recommendation and ordered that Jacques continue to be held in ERO custody. Accordingly, on September 10, 2012, ERO Boston served Jacques with a Notice of the Decision to Continue Detention.

Before ERO Boston and the TDU made a third attempt to remove Jacques, the AAR emailed the TDU about the aliens who were denied repatriation in August 2012 (including Jacques), stating:

I would suggest having someone interview them again and try to get names of schools attended, names and address of family living in Haiti and passport info if one was issued.

Accordingly, Jacques’ DO, along with an Immigration Enforcement Agent, conducted an interview and drafted a sworn statement signed by Jacques on September 17, 2012. In this statement, Jacques swore to the veracity of additional facts to help prove his Haitian citizenship. Jacques listed his place of birth and citizenship as Haiti, provided the name of the school he attended in Port-au-Prince, and gave his parents’ names, identifying them both as Haitian citizens. He also included the names and last known places of residence for his brothers and sisters: a sister in Florida, a sister in Haiti, a brother in Elizabeth, NJ, and a brother in New Jersey.



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Jacques' DO entered one brother's name and telephone number in the ENFORCE Alien Removal Module (EARM).⁸ There is, however, no record in Jacques' A-file or the EARM to indicate whether anyone at ERO Boston attempted to contact Jacques' family members or consulted their A-files in his removal efforts. The DO assigned to Jacques' case during his detention did not recall whether anyone at ERO Boston took such action.

In September 2012, the TDU also asked ERO Boston to reach out to the local consulate to see if it might have any better luck in requesting a travel document. ERO Boston connected with an official at the local Haitian consulate who agreed to meet with Jacques on September 17, 2012. ERO Boston was not aware of the nature or length of the discussion between Jacques and the Haitian official, just that the meeting took place at the field office in Burlington. Jacques' DO in Boston could not recall any prior instance of a consulate official coming to the field office to meet an alien.

ERO Boston added the sworn statement to the previously submitted travel document packet, and the TDU added Jacques' name to a manifest for removals to Haiti scheduled for October 2012. The AAR presented the manifest to the Haitian government and received verbal confirmation from the Chief of Political Affairs on October 1, 2012, that Jacques was accepted for repatriation. On October 4, 2012, however, the Chief of Political Affairs notified the AAR via email that the request to repatriate Jacques would again be denied, stating:

For Jean Jacques Jean Ives, the informations that we had aren't sufficient. We can't receive him. Get hold of again him and contact the Haitian Consul in Miami for the Government Identifications. We'll can receive him, after, on the ulterior flight. [sic]

Upon receipt of these comments, the TDU emailed the AAR and stated, "[t]he consulate has not issued anything in a year. Over 300 cases have been sent to consulates." There is no indication of whether ERO contacted the Haitian consulate in Miami.

Unique Challenges to Haitian Removals

⁸ The EARM is a case management tool that supports ICE's processing and removal of alien's from the United States. EARM tracks the status of alien removal proceedings, provides personal identifiers, and allows an ICE official to view and update the alien's history during the removal process.



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The Detention and Deportation Officer (DDO) who was responsible for overseeing Haitian removals at the TDU told us that compared to other countries, Haiti was relatively cooperative with respect to their removal assistance. Although we did not have information to verify the figure, in the DDO's experience, the Haitian government approves more than 95% of repatriation requests and responds to communications from ICE in a reasonable manner.

According to that same DDO, the removal process can be more complicated and delayed for Haitian aliens without proof of identity or travel documents. The DDO explained that the Haitian removal process hinges upon the government of Haiti granting travel authorization by accepting the deportation manifest. When submitting this manifest, ERO must demonstrate that the aliens possess what the Haitian government considers sufficient identification documents to verify their Haitian citizenship.

Unfortunately, ERO has not received a formal list of mandatory documents that must be provided in order for the Haitian government to recognize an alien as a Haitian citizen. While there are standard practices and informal arrangements when dealing with the government of Haiti to repatriate its citizens, there are no written agreements outlining the process of removing an individual to Haiti. Furthermore, Haitian birth certificates are maintained in the archives in Haiti, and, since they are not regarded as public documents, they are inaccessible to United States citizens. The AAR for Haiti stated that ICE would like to employ a Foreign Service national in Haiti who might be able to access these records, but has not yet received approval to do so.

No Opportunity to Appeal Haitian Refusal to Repatriate

If an alien is denied repatriation to Haiti, he can be resubmitted on subsequent manifests. There is no appeal process with the Haitian government. According to the ERO Law Division, only the Department of State has the tools necessary to leverage a foreign country into accepting a deportee. Pursuant to Chapter 16.2(b) of the DROPPM, "when a foreign country refuses to accept, or unduly delays acceptance, of its nationals found to be deportable from the United States," ICE may notify the State Department, which in turn "may suspend immigrant and nonimmigrant visa issuances" for the country. These reports to the State Department should "[i]nclude the date and time of every attempt to obtain a travel



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documents, the names of consular officials involved, names of aliens affected, and other relevant details.”

Following Haiti’s several denials, Jacques’ name was never reported to the State Department. As the relevant section of the DROPPM itself notes, “cooperation is always preferred to conflict and sanction.” In the experience of the Chief of the ERO Law Division, furthermore, the State Department would not threaten the use of sanctions for violent offenders like Jacques, but rather more typically uses leverage if the alien has committed acts of terror or human rights violations. According to the TDU, in the case of an alien like Jacques, ICE must build positive working relationships with those foreign government officials who have the power to deny requests for repatriation.

Release from Custody

Under Section 1241(a)(6) of the Immigration and Nationality Act, a non-citizen subject to a final order of removal from the United States may be detained. The Supreme Court has held, however, that “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Zadvydas v. Davis*, 522 U.S. 678, 682 (2001). The Court went on to explain:

[F]or the sake of uniform administration in the federal courts, we recognize [the 6-month] period. After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the “reasonably foreseeable future” conversely would have to shrink. This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.

Id. at 701.

In response to *Zadvydas*, in November 2001, the Immigration and Naturalization Service issued regulations, which remain interim final



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rules to this day. See 8 CFR §§ 241.13 & 241.14. The rules limited detention under Section 241(a)(6) to the period reasonably necessary to effectuate removal, set out the Post Order Custody Review (POCR) process, and set the guidelines for when an individual should be released from custody. While the Chief of the ERO Law Division was not present when these rules were drafted, he told us that the regulations were developed to avoid constant *habeas corpus* challenges. In other words, he believed the agency erred on the side of caution so that it would not be bogged down by federal court litigation and the risk of adverse decisions.

The ERO field office must complete a POCR Worksheet within the 90-day removal period following the issuance of a final order of removal. The Field Office Director makes the final decision on whether to keep an individual in custody at this stage. In making their determination, FOD's are instructed to consider "the totality of the circumstances," balancing "adverse factors, such as the severity, number of convictions, amount of time since convictions [against] any equities of the Haitian national, such as duration of residence in the U.S., family ties, or significant medical issues."

As the duration of an alien's time held in ERO custody approaches 180 days, the POCR Unit⁹ conducts a Post-Order Custody Review in order to evaluate whether significant likelihood for removal in the reasonably foreseeable future, which ICE abbreviates as SLRRFF, exists pursuant to 8 CFR 241.13.

On October 15, 2012, ERO Boston forwarded Jacques' case to the POCR Unit. A DO in the POCR Unit reviewed the materials submitted and organized the relevant paperwork for the POCR Unit Chief's final review. When compiling the materials, the POCR Unit DO included the following comments provided by the TDU:

Cases without identity documents have been rather difficult to remove. We have had some success in the past. I will continue to work with the [Department of State] desk officer for Haiti and the political officer at post for a permanent solution. Unfortunately, this case no longer has SLRRFF. If and when we reach a solution, I will notify Boston.

⁹ The POCR Unit is responsible for making custody decisions for detained aliens with final orders of removal, who have not been removed upon the expiration of the 90 day removal period or within a reasonable time frame.



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The POCR Unit Chief took these comments into consideration when making his final determination to release Jacques.

The POCR Unit Chief informed the OIG team that when determining whether to release an alien it is easy to say that there is SLRRFF if the alien possesses a travel document like a passport; however, if the alien does not possess a travel document or the embassy has denied repatriation on several occasions, SLRRFF diminishes and release must be considered per the *Zadvydas* ruling. The Chief of the ERO Law Division agreed with this analysis and acknowledged that one could find there is no SLRRFF following even one denial of repatriation under certain circumstances.

In determining whether to release an individual from custody after 180 days, the reviewing official only considers SLRRFF and the special circumstances outlined in 8 CFR 241.14. The special circumstances permitting prolonged detention include:

- (1) Aliens with a highly contagious disease that is a threat to public safety;
- (2) Aliens detained on account of serious adverse foreign policy consequences of release;
- (3) Aliens detained on account of security or terrorism concerns; and
- (4) Aliens determined to pose a special danger to the public because (a) they have previously committed a violent offense as defined in 18 U.S.C. 16, (b) due to a mental condition or personality disorder, they are likely to engage in acts of violence in the future, *and* (c) no conditions of release can be expected to ensure the safety of the public.

See 8 CFR 241.14(a)-(f). The POCR Unit Chief explained that Jacques did not fall into any of these categories.

Outside of these special circumstances, headquarters does not consider criminal history when making a decision about whether to release the alien from custody. The POCR Unit Chief explained that the review was limited to the POCR checklist, the informational POCR worksheet, a detention letter from the FOD, and some emails. Even though Jacques did not fall into any of the special circumstances permitting prolonged custody without SLRRFF, the POCR Unit Chief recalled being concerned about releasing an individual who had committed a violent crime. In



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some circumstances, the POOCR Unit might keep such an alien in custody for another month to attempt removal one more time. While no additional attempts at removal were made, Jacques was held in custody an additional 25 days after the 180-day limit. The POOCR Unit Chief explained that ultimately *Zadvydas* and the subsequent regulations prevent ICE from keeping violent offenders in custody if they have concluded that removal is not reasonably foreseeable. As the Court explained:

[I]f removal is reasonably foreseeable, the habeas court should consider the risk of the alien's committing further crimes as a factor potentially justifying confinement within that reasonable removal period.

Zadvydas at 700.

In Jacques' case, the POOCR Unit Chief made this determination by looking at whether prior efforts were made to repatriate by the TDU. Given that the TDU made three attempts to repatriate Jacques that were all denied by the Haitian government, the Chief concluded that there was no SLRRFF. The POOCR Unit Chief explained that because there was no SLRRFF, ERO could not consider Jacques' criminal history and was bound to release him. Nonetheless, the POOCR Unit believed that removal, if not a "significant likelihood," would be possible at some point in the future and recommended that the field office "[c]ontinue engaging country regarding [travel document] issuance." However, the POOCR Worksheet with this comment encouraging ongoing engagement were not recorded into Jacques' A-file.

Per Chapter 17.6 of the DROPPM, an alien's removal period may also be extended beyond the legally mandated 180 days if the alien does not comply with required removal efforts. When speaking with OIG representatives, the ERO Boston DO assigned to Jacques' case stated that Jacques cooperated with removal efforts during his detention, particularly by submitting an affidavit acknowledging Haitian citizenship. Therefore, in ERO's view, it would not have been appropriate to extend Jacques' detention pursuant to DROPPM 17.6.

On October 19, 2012, the POOCR Unit ordered that Jacques be released from ERO custody as ERO did not have SLRRFF and there was no alternative basis to continue to detain him. Jacques was issued a Release Notification on October 19, 2012, which stated:



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ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE.

ERO Boston released Jacques from detention on November 9, 2012.

Order of Supervision

Jean Jacques was released from custody pursuant to an Order of Supervision (OSUP).¹⁰ Among other requirements, Jacques' OSUP ordered him to:

- Appear in person at the time and place specified, upon each and every request of the agency;
- Report to ERO Newark on December 12, 2012;
- Assist ICE in obtaining any necessary travel documents; and
- Not associate with known gang members, criminal associates, or commit any crimes.

The OSUP stated that any violations of his conditions “will result in revocation of your employment authorization document” and “may result in you being taken into Service custody and you being criminally prosecuted.”

Jacques' OSUP also noted that he would possibly be enrolled in the Alternatives to Detention (ATD) program, which includes conditions like electronic monitoring, curfew, and home visits.

When asked why Jacques was never placed on ATD, several DOs explained that, pursuant to guidance, he would not have qualified.¹¹

¹⁰ An OSUP sets certain conditions on an alien's release from custody. Aliens released from custody with a Final Order of removal are supervised by DOs assigned to the non-detained unit of the relevant field office.

¹¹ On February 28, 2011 an ICE Executive Associate Director issued a memorandum to ICE Field Office Directors on the subject of “Alternatives to Detention Program Participant Enrollment Guidance.” The memorandum issued the following guidelines:

1. Prioritize the enrollment of aliens who pose a significant risk of flight and who are likely to be removed in the near future.
2. Aliens who are not likely to be removed in the reasonably foreseeable future should not be enrolled (or continued) in the ATD program.



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Deportation Officers in ERO Hartford and ERO Newark explained that the ATD program is not intended to be punitive or regarded as a crime prevention tool. On the contrary, it is utilized as a supervision program to promote compliance with ERO and court requirements. The ERO Hartford Assistant Field Office Director (AFOD) also explained that an alien would only be put on ATD to help ensure compliance with removal likely to occur in the foreseeable future. According to the ERO Hartford AFOD, aliens with no SLRRFF would not be placed on ATD because they believed that it would be cost-prohibitive to have them enrolled in the program possibly for the rest of their lives. Since Jacques was unlikely to be removed in the reasonably foreseeable future, according to the ERO Hartford AFOD, he would have been ineligible for the ATD program.

Efforts to Remove Jacques While on an Order of Supervision

There is no documentation to indicate that Jacques contacted his relatives to assist him in obtaining a travel document or reached out to the Haitian Embassy or Consulate directly to request a travel document or establish his nationality.

There is, similarly, no evidence of any efforts made by officers in Boston, Hartford, or Newark to repatriate Jacques or obtain a travel document during Jacques' supervised release. Most of the officers in the field were unaware of the existence of the DROPPM and explained that their practices to work towards removal of non-detained aliens were primarily based on on-the-job training and directives received by email. Chapter 16 of the DROPPM, furthermore, would not have applied to the period of time Jacques was under an OSUP because it relates to preparations for travel within 90 days of the final order of removal and not situations in which the alien is on an order of supervision. The ERO Law Division confirmed that there is no specific DROPPM guidance or other formal policy related to removal efforts while an alien is under OSUP.

Officers in the field told us, furthermore, that the steps they took to achieve removal were discretionary. Several explained that the likelihood of removal would play the largest factor in determining whether they dedicated additional time to obtaining an identity document. Officers also stated that, while they could not recall the specifics of Jacques' case, they would not have made additional efforts to remove Jacques because

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3. Expand the use of technology-only (TO) reporting.



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they believed that such efforts would have been futile given that Haiti had previously denied three repatriation requests.

Every DO assigned to the non-detained units at ERO Newark and ERO Hartford, furthermore, explained to OIG that the size of their caseload makes it nearly impossible to actively pursue removal and set frequent reporting requirements for every alien on their docket. The ERO Newark AFOD stated that there are only three or four DOs assigned to approximately 37,000 non-detained cases. The ERO Newark AFOD noted that one year, out of about 34,000 cases, ERO Newark was successfully able to remove only 50 aliens. According to one ERO Newark DO, as many as 75 non-detained aliens could report to the Newark field office on any given day, leaving officers little time to prepare for the meetings or to effectively work towards the removal of each alien.

ERO Hartford AFOD echoed these concerns about the size of each DO's caseload, explaining that ERO Hartford is burdened with more than 10,000 non-detained cases assigned to three DOs.

Jacques' Reporting Requirements

As Chart 1 demonstrates below, the interval between Jacques' scheduled reporting dates ranged from a month to a year, and Jacques met with a different DO at each reporting. A Supervisory Detention and Deportation Officer (SDDO) from ERO Hartford explained that each DO exercises his/her own discretion to set the reporting requirements depending on the alien's circumstances. Another SDDO, a former supervisor on the non-detained unit at ERO Hartford, explained that longer times between reporting periods would be appropriate if the alien had shown ongoing compliance with the OSUP.

The ERO Newark AFOD explained that the purpose of these reporting meetings is for the DOs to check the criminal activity of the alien and determine if the alien has made any progress in obtaining a travel document. At the end of the meeting, the alien is given a new reporting date and would potentially be given an assignment to complete before the next appointment, like visiting a consulate to request a travel document or contacting a family member to obtain documentation.

Deportation Officers at ERO Newark and ERO Hartford described typical procedures on a non-detained alien's reporting date. According to an ERO Newark DO, when Jacques reported to ERO Newark, he would have met with any DO who was available to assist with OSUP cases. At ERO



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Hartford, a different officer was assigned to the “duty window” each week to meet with aliens reporting on those days. In both ERO Hartford and ERO Newark, the DO would run criminal record checks, review the A-file, speak to the alien to determine what efforts might be necessary to achieve removal, and set a new reporting date. If the officer on duty had specific questions about an alien, he/she would follow-up with the DO supervising that individual.

The EARM entries, which can be seen attached as Appendix C, frequently lack specificity about what actions were taken during Jacques reporting meetings.

Jacques’ Reporting Practices

Although it appears that Jacques remained on the ERO Newark non-detained docket and was expected to report to ERO Newark, Jacques oscillated between reporting to ERO Newark and ERO Hartford between 2012 and 2015.

Chart 1 lays out the dates and locations of Jacques’ reporting while under an OSUP.

Assigned Reporting Date	Actual Reporting Date	Reporting Location	Approximate Time Until Next Reporting Date
12/12/12	11/29/12	OSUP (dated 11/9/12) says report to NEWARK but reports early to HARTFORD	½ month
12/12/12	12/12/12	HARTFORD	1 month
1/16/13	1/16/13	NEWARK	1 ½ months
2/27/13	2/27/13 ¹²	NEWARK	4 months
6/26/13	6/26/13	NEWARK	12 months

¹² The EARM entry is dated 2/28/13 but the DO reported that she believed Jacques actually reported on 2/27/13.



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6/26/14	No-show: CT custody for Parole Violation on 7/17/14	Unknown	Unknown
N/A released from CT DOC custody	1/16/15	HARTFORD	1 month
2/17/15	3/2/15 (LATE)	NEWARK	2 months
5/5/15	5/5/15	HARTFORD	3 months
8/6/15	No-show: CT arrest & custody on 6/15/15		

On November 29, 2012, Jacques showed up at ERO Hartford to report that he was currently residing at a halfway house located in Connecticut. He, then, showed up for his December 12, 2012 initial reporting date at ERO Hartford.

Jacques returned to his assigned reporting location at ERO Newark but failed to show up for at least one of his scheduled reporting dates. Jacques did not show up to his reporting on June 26, 2014 because he was arrested for violating his parole on June 17, 2014. Records from Connecticut Parole show that, at the time, the conditions of Jacques' parole did not permit him to leave the state of New Jersey, which he violated when he began working at a bar in New York. Following his arrest, he was extradited to Connecticut and held in Connecticut state custody until January 2015.

On January 16, 2015, the Connecticut Department of Corrections (DOC) released Jacques to ERO Hartford custody. Upon reporting to ERO Hartford, Jacques met with a DO on the Detention Unit. This DO evaluated whether Jacques could be kept in custody for the purpose of



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obtaining a travel document. The DO, pursuant to the instruction of the SDDO, released Jacques under the existing OSUP because there was no SLRRFF. Accordingly, ERO Hartford sent the A-File to Newark,¹³ told Jacques to immediately report to the Norwich, CT parole office, and scheduled Jacques to report to ERO Newark on February 17, 2015.

Jacques reported two weeks late for that February meeting in Newark. The EARM entry for March 2, 2015 indicates that Jacques claimed he was late due to a miscommunication with ICE and his parole officer.

Jacques reported to ERO Hartford one more time on May 5, 2015. ERO case documents and interviews with OIG did not explain why Jacques reported to Hartford instead of Newark on that date.

Response to Jacques' Non-Compliance

While Jacques showed up to different field offices and missed at least one of his scheduled reporting dates, there is no evidence of ICE bringing him back into custody.

An ERO Hartford SDDO explained that there are few tools available to DOs looking to coerce compliance from an alien like Jacques on an OSUP. The POCR Training materials, for example, state there are limited situations in which the ERO can re-detain an alien on an OSUP. First, if an alien who was previously unable to secure a travel document is suddenly able to receive one, the ERO could detain the alien to ensure removal if the individual were a potential flight risk. Second, if the alien commits a crime or violates parole, the individual can be prosecuted for failure to comply with the OSUP. The training materials note, however, that this process of getting an alien back in custody is unlikely to be pursued because U.S. Attorney's Offices rarely agree to prosecute these cases.

2015 Arrest and Subsequent ERO Activities

The Norwich Police Department in Connecticut arrested Jacques on June 15, 2015 for the sale of illegal drugs. On June 25, 2015, while still in Connecticut state custody, the Norwich Police Department charged Jacques with the murder of Casey Chadwick.

¹³ The fact that the A-File was in ERO Hartford's possession indicates that the A-File was likely sent from Newark to Hartford at some point after Jacques' initial release from custody. The OIG has not confirmed if/when this occurred.



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Following Jacques' arrest, his file was assigned to the docket of a DO at ERO Hartford. This DO was also tasked with reviewing the case history and drafting an executive summary.

ERO Hartford began calling the Haitian consulate monthly in attempts to obtain a travel document and made several unsuccessful attempts to contact Jacques' brother in Elizabeth, New Jersey. On January 26, 2016, ERO Hartford obtained and reviewed the A-file of Jacques' mother. The A-file did not contain identity documents for Jean Jacques; however, two forms listed Jean Jacques as her son. ERO Hartford provided the AAR with Jacques' mother's forms, her Haitian baptismal certificate, and her Haitian birth certificate, in order to add Jacques to the February 2016 manifest for removals.

On February 2, 2016, the Chief of Political Affairs verbally notified the AAR that Jacques' removal to Haiti was approved; however, later in the day, the Haitian government withdrew their approval, stating via email:

We apologize. We are sorry not can receive Mr. Jean Jacques Jean Ives. Jean Jacques has no Haitian identifications. Therefore, He is not approved on Tuesday February 16, 2016 flight. If you have more informations about him, send to us them please. [sic]

On February 8, 2016, ERO Hartford spoke with Jacques' mother through a translator. She explained that she had lost all of her children's Haitian identifications.

On April 11, 2016, Jacques was found guilty of the murder of Casey Chadwick.



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Appendix A

Timeline

April 29, 1992	The U.S. Coast Guard interdicts Jean Jacques at sea.
July 6, 1992	The former U.S. Immigration and Naturalization Service (INS) paroled Jacques into the United States.
June 9, 1997	The Norwich, CT Superior Court convicts Jacques for attempted murder and possessing a firearm without a permit and sentences him to 20 years of imprisonment, 16 years to serve, and five years of probation for attempt to commit murder, and five years of imprisonment to be served concurrently for no pistol permit.
May 15, 2001	The INS serves Jacques with Form I-862, Notice to Appear.
November 5, 2002	An immigration judge orders Jacques removed to Haiti and denies his application for Withholding of Removal under the Convention Against Torture.
April 5, 2012	ERO Boston notifies the Consulate General of Haiti that Jacques is detained in Connecticut Department of Corrections (CT DOC) custody.
April 18, 2012	The CT DOC releases Jacques to ICE custody.
May 7, 2012	ERO Boston completes a Post Order Custody Review (POCR) Worksheet, determining that Jacques will remain in custody.
May 7-11, 2012	ERO Boston compiles a travel document request packet and engages the Headquarters Travel Document Unit (the TDU) for assistance with Jacques' removal. Jacques is nominated for a June 2012 charter flight to Haiti.
May 29, 2012	The Assistant Attaché for Removals (AAR) for Haiti, presents Jacques' travel document (TD) request to the government of Haiti.
June 5, 2012	The government of Haiti denies Jacques' entry into Haiti.
July 26, 2012	TDU adds Jacques to the manifest for the August 2012 charter flight to Haiti.
August 7, 2012	The AAR for Haiti presents Jacques' TD request



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	to the government of Haiti.
August 16, 2012	The government of Haiti denies Jacques' removal because he does not have any Haitian Identification.
September 4, 2012	ERO Boston completes PO CR worksheet, determining that Jacques remain in ICE custody.
September 17, 2012	ERO Boston conducts a sworn statement interview with Jacques to determine his Haitian citizenship and adds the sworn statement to Jacques' TD request.
October 1, 2012	The AAR for Haiti presents the new Jacques' TD request to the government of Haiti and receives verbal confirmation that Jacques is approved for repatriation.
October 4, 2012	The government of Haiti tells the AAR for Haiti that Jacques is denied return to Haiti due to insufficient identification.
October 15, 2012	ERO Boston sends the Jacques case to ERO Headquarters PO CR Unit to make a custody determination.
October 19, 2012	The ERO PO CR Unit Chief orders that Jacques be released from ICE custody.
November 9, 2012	ERO Boston releases Jacques on an Order of Supervision (OSUP) and tells him to report to ERO Newark on December 12, 2012.
November 29, 2012	Jacques reports to ERO Hartford to change his address to an address in Hartford, Connecticut.
December 12, 2012	Jacques reports in person at ERO Hartford and is given a new reporting date of January 16, 2013.
January 16, 2013	Jacques reports to ERO Newark and is given a new reporting date of February 27, 2013.
February 27, 2013	Jacques reports to ERO Newark and is given a new reporting date of June 26, 2013.
June 26, 2013	Jacques reports to ERO Newark and is given a new reporting date of June 26, 2014.
June 17, 2014	Jacques is arrested and taken into CT DOC custody for a parole violation for leaving the state of New Jersey.
June 26, 2014	Jacques misses his reporting date.
January 16, 2015	CT DOC releases Jacques into ERO Hartford custody. He is instructed to report to ERO



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	Newark on February 17, 2015.
February 17, 2015	Jacques fails to appear before ERO Newark as instructed.
March 2, 2015	Jacques reports late to ERO Newark, claiming a miscommunication, and is scheduled to report back to ERO Newark on May 5, 2015.
May 5, 2015	Jacques reports to ERO Hartford and is given a new reporting date of August 6, 2015.
June 15, 2015	The Norwich, CT Police Department arrests Jacques for sale of illegal drugs.
June 25, 2015	While still in state custody, the Norwich Police Department arrests Jacques for the murder of Casey Chadwick.
January 26, 2016	ERO Boston reviews the administrative file of Jacques' mother. Jacques is listed as her son on two forms.
February 1, 2016	The AAR for Haiti presents the Jacques' previous TD request along with his mother's Haitian baptismal and birth certificates and his half-brother's immigrant visa application to the government of Haiti.
February 2, 2016	The government of Haiti tells the AAR for Haiti that Jacques is approved for repatriation to Haiti but later withdraws the approval due to insufficient identification.
February 8, 2016	ERO Boston contacts Jacques' mother in NJ, who indicated that Jacques' Haitian documents were lost over the course of time.

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL

The following is a list of things you are required to complete within thirty days of receiving this form, in order to comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE Officers depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply may result in the extension of the removal and subject you to further detention. In addition, you may be subject criminal prosecution. If you need assistance in complying with any of these requirements, please contact a Deportation Officer.

- Submit passports (current and expired) to ICE. If you have a copy of your passport, you are to submit.
- Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- Submit to ICE birth certificates, national identification cards, and any other document issued by foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering United States.
- Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from United States.
- Provide ICE with written copies of request to embassies or consulates requesting issuance of a travel documents.
- Provide INS with written copies of requests to embassies or consulates requesting issuance of a travel document.
- Provide INS with written copies of responses from embassies or consulates regarding your requests.
- Solicit permission from another country, which may be able to accept you, to enter that country to effect your removal from the United States.
- Other:

<input checked="" type="checkbox"/> Jean Jacques	A# 72 385 539	JEAN-JACQUES, Jean
	A Number	Printed Name
	01/18/2012	NEW ENGLAND FIELD OFFICE
	Date	Location

To be served with I-229 (a) no later than 30 days after the final order

Name: JEAN-JACQUES, Jean	District Office: NEW ENGLAND FIELD OFFICE	File #: A# 72 385 539
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Section 243(a) of the Immigration and Nationality Act provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237 (a) who:

- (A) willfully fails or refuses to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,
- (B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,
- (C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or
- (D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237 (a)), or both.

Nothing in this section shall make a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action Immigration Custom Enforcement may take to obtain a travel document for your departure or to remove you will NOT relieve you off the liability for compliance with the provisions of law referred to in the first paragraph above.

Section 241 (a) (1) (C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final:	Ordered Removed under Section:
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**Record of Service (check method used)
Record of Personal Service**

Served by: (Print Name and Title of Officer) [Redacted] IEA	Date: 4/5/2012 4/18/12
Officer's Signa [Redacted]	Location of Service: NEW ENGLAND FIELD OFFICE
Served on : (Alien's Signature) X Jean Jacques	Date: 4/5/2012 4/18/12
Warning administered in Court (copy of order attached)	Record of Personal Service (Cont.)
Certified Mail Service	Fingerprint of Alien (Specify finger used) Right Index Finger
Attach certified mail receipts here.	

Person ID: 6101728 Sex: M DOB: 10/03/1974 Current Age: 40 COB: HAITI COG: HAITI
 Subject ID: 342871819 Processing Disposition: Bag and Baggage
 Case #: 6770162 Case Category: [BF] Docket: NEW - OS NEWARK D45 - 400-898
 Final Order of Removal: Yes Time in Custody: N/A Special Class:
 Final Order Date: 02/10/2003 Depart / Cleared Status: ACTIVE
 Proceed With Removal: No
 Days Final Order in Effect: 4538

Aggravated Felon	
Detention History	
Final Order of Removal	
Criminal	

Jean Jacques, Jean Ives 072 385 539

Comments

FILTER BY COMMENT TYPE	SHOW / HIDE DELETED COMMENTS
<input type="checkbox"/> EARM	<input type="checkbox"/> Show Deleted Comments
<input type="checkbox"/> EADM	
<input type="checkbox"/> ATD	
FILTER BY ENTERED DATE	
-- All Dates --	

7/17/2014
Violation of Probation

All of the following comments are related to Case # 6770162
 Results: 43 total

Date Entered	Entered By	Type	Comments
03/02/2015 10:17 AM	FNE [REDACTED]	EARM	Subject reported late, he claims there was mis communication with ICE and his parole officer. Subject advised that he must comply with all his OSUP reports from here on. Subject advised to report to ICE Newark office for OSUP on 05/05/2015.GG
01/16/2015 11:13 AM	HAR [REDACTED]	EARM	Alien was release from CT Dept of Corrections for parole violation. Contacted Officer [REDACTED] from CT Pardon and Parole Dept [REDACTED]. Alien is to report to Norwich, CT Parole office at 2 Cliff Street, Norwich, CT before being transferred to New Jersey Parole Office. Alien was released on OSUP, to report to Newark ICE on 02/17/2015. A-file to be sent to Newark Office [REDACTED]
06/26/2013 11:50 AM	NEV [REDACTED]	EARM	Next report 6/26/14
02/28/2013 07:06 AM	FNE [REDACTED]	EARM	next report 6/26/13
02/25/2013 08:15 PM	FNE [REDACTED]	EARM	checks neg
01/16/2013 09:25 AM	CBF [REDACTED]	EARM	A-File transferred to NEW. (D.O.#9, HAR/NDD)
01/16/2013 11:23 AM	FNE [REDACTED]	EARM	Subject reported on 1/16/13 to Newark/ERO. Subject is also on parole with Officer [REDACTED] (phone [REDACTED]). Next report date 2/27/13. Subject stated he does not have a birth certificate or any documents from Haiti and he does not think they will issue. Subject also had heart surgery recently. sm
11/29/2012 12:24 PM	CBP [REDACTED]	EARM	Subject reported to HAR/ERO today's date, subject is a resident at Open Hearth Association, P.O. Box 1077, 437 Sheldon St., Hartford, CT 06143. Next report date is 12/12/12. (D.O.#9, HAR/NDD)
11/09/2012 01:08 PM	BOS [REDACTED]	EARM	File to BOS records to forward to ICE/NEW.
11/09/2012 01:03 PM	BOS [REDACTED]	EADM	Subject told to call NEW before the 12/12/2012 report in date that was given to him.
11/06/2012 04:24 PM	FMI [REDACTED]	EADM	ICE Air Ops
11/06/2012 09:36 AM	NOL [REDACTED]	EADM	
11/05/2012 09:45 AM	BOS [REDACTED]	EARM	requested subject be returned to Boston ASAP in order to release.
10/26/2012 09:57 AM	BOS [REDACTED]	EARM	paperwork forwarded to detention SDDOs to forward to Newark Field Office. There is a possibility he can be released from their.
10/22/2012 10:11 AM	BOS [REDACTED]	EARM	awaiting JEAN JACQUES return to serve the release paperwork on him.
10/02/2012 08:09 PM	FNL [REDACTED]	EADM	n
10/02/2012 01:31 PM	FMI [REDACTED]	EADM	ICE AIR OPS
10/01/2012 10:34 AM	ACD [REDACTED]	EARM	File to SDDO for signatures for 10/02/2012 Air-Ops removal. [REDACTED] for [REDACTED]
09/19/2012 10:55 AM	BOS [REDACTED]	EARM	Release paperwork to SDDO.
09/17/2012 11:07 AM	BOS [REDACTED]	EARM	Called consulate in Boston and asked them if they would review the TD paperwork we have on subject. Mr. [REDACTED] told me to fax over everything I have, so I did.
09/14/2012 12:27 PM	BOS [REDACTED]	EARM	requested detainee be transferred to Burlington for an interview on Monday, 09/17.
09/12/2012 09:12 AM	FSD [REDACTED]	EARM	Continued Detention letter served 9/10 by [REDACTED] R
09/07/2012 12:58 PM	FSD [REDACTED]	EARM	Bio info requested from DO, forwarded to DO [REDACTED] on 9/08/12.
09/06/2012 12:44 PM	BOS [REDACTED]	EARM	BROTHER: [REDACTED] 1-908-[REDACTED]

AFR9

Date Entered	Entered By	Type	Comments
09/06/2012 09:14 AM	BOS [REDACTED]	EARM	Requested liaison ask subject some questions for a sworn statement I am preparing.
09/05/2012 03:07 PM	BOS [REDACTED]	EARM	Alien has been twice nominated for Haitian charter, but rejected both times for lack of ID. Alien to be interviewed again to see what more can be learned.
09/04/2012 11:55 AM	BOS [REDACTED]	EARM	File to SDDO for signature on release letter. HAITI WILL NOT ISSUE A TD. - View Revision History
08/29/2012 01:58 PM	FBO [REDACTED]	EADM	B&B transfer. Property (if any) en route with the IGSA transport team and will be delivered and re-entered into EADM by the property officer upon arrival.
08/28/2012 09:52 AM	FNU [REDACTED]	EADM	n
08/27/2012 08:57 AM	BOS [REDACTED]	EARM	A-file in my cubicle awaiting his return to hoston and subsequent release from custody.
05/29/2012 09:03 PM	FCH [REDACTED]	EADM	
05/29/2012 01:20 PM	FM [REDACTED]	EADM	109.39
05/28/2012 02:27 PM	FMI [REDACTED]	EADM	ICE AIR OPS
05/28/2012 02:24 PM	FMI [REDACTED]	EADM	ICE AIR OPS
04/23/2012 01:47 PM	BOS [REDACTED]	EARM	paperwork (fiche, equities review, I229a and Notice of Review) forwarded to liaison to serve on subject.
04/19/2012 09:16 AM	ACD [REDACTED]	EARM	File to SDDO for signatures and then DRA for TD Request.(KF)
04/16/2012 06:00 PM	FBO [REDACTED]	EADM	B&B transfer from HAR to BOS. Property (if any) en route with the IGSA transport team and will be delivered and re-entered into EADM by the property officer upon arrival.
04/18/2012 04:33 PM	FBO [REDACTED]	EADM	TRANSFER TO BRISTOL HOC
04/18/2012 02:12 PM	FSD [REDACTED]	EADM	SUBJECT is a new admit WD. SUBJECT came from Corrigan CI on 4/18/2012. SUBJECT was booked in at the Hartford ICE Office and transferred to Burlington on the same day. SUBJECT was given a free phone call.
07/18/2009 12:49 PM	EARM_MIG	EARM	02/10/2003 DACS MIGRATED CORT COMMENT: APPEAL DISMISSED AS UNTIMELY FILED.
08/09/2008 02:36 PM	EARM_MIG	EARM	ON 12/12/02, BIA REC AND ACPT APPEAL.
08/09/2008 02:27 PM	EARM_MIG	EARM	FILE LOCATION: HAR/STJ
08/09/2008 01:53 PM	EARM_MIG	EARM	GENF. 11/05/02, O/D, NO APPEAL FILED PER BIA AUTO LINE 12/10/02.

Comment Type Legend

EARM: Case comments entered in the EARM system.

EADM: Detention comments entered in the EADM system.

ATD: Alternatives to Detention comments entered in the EARM system.