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H U M A N
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W A T C H

“How Can You Throw Us Back?”

Asylum Seekers Abused in the US and Deported to Harm in Cameroon



“How Can You Throw Us Back?”

Asylum Seekers Abused in the US
and Deported to Harm in Cameroon

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“How Can You Throw Us Back?”

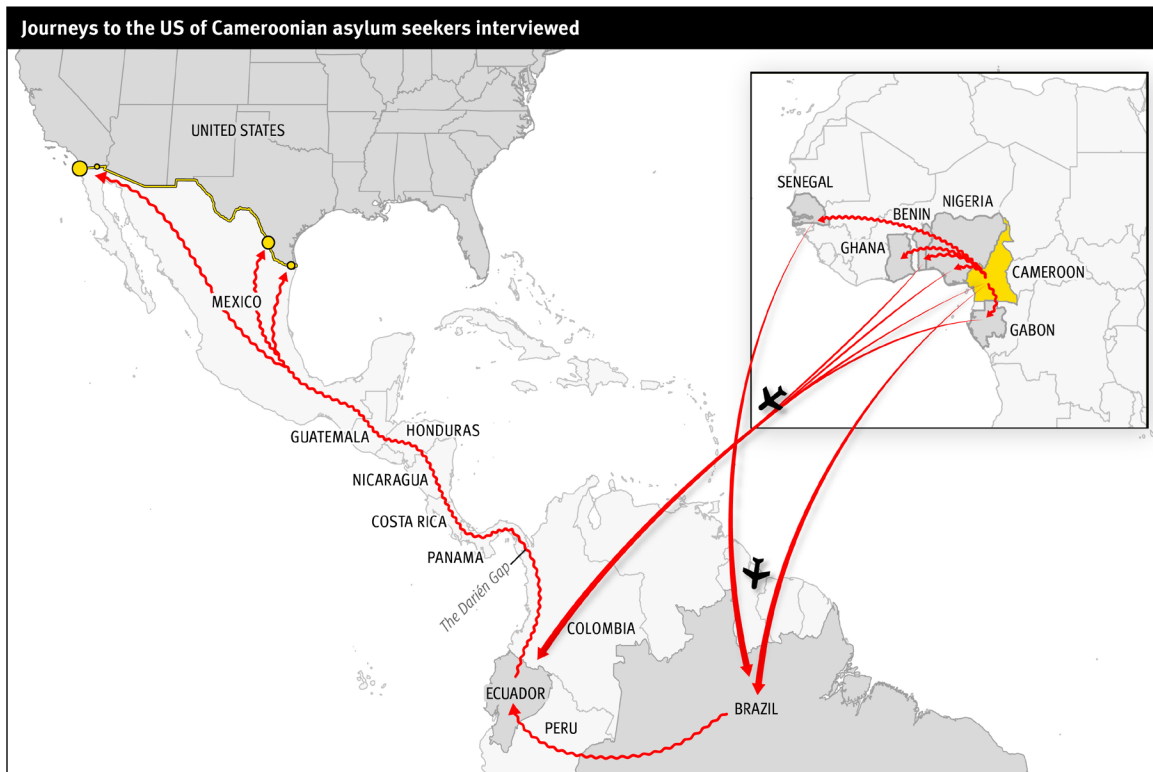
Asylum Seekers Abused in the US and Deported to Harm in Cameroon

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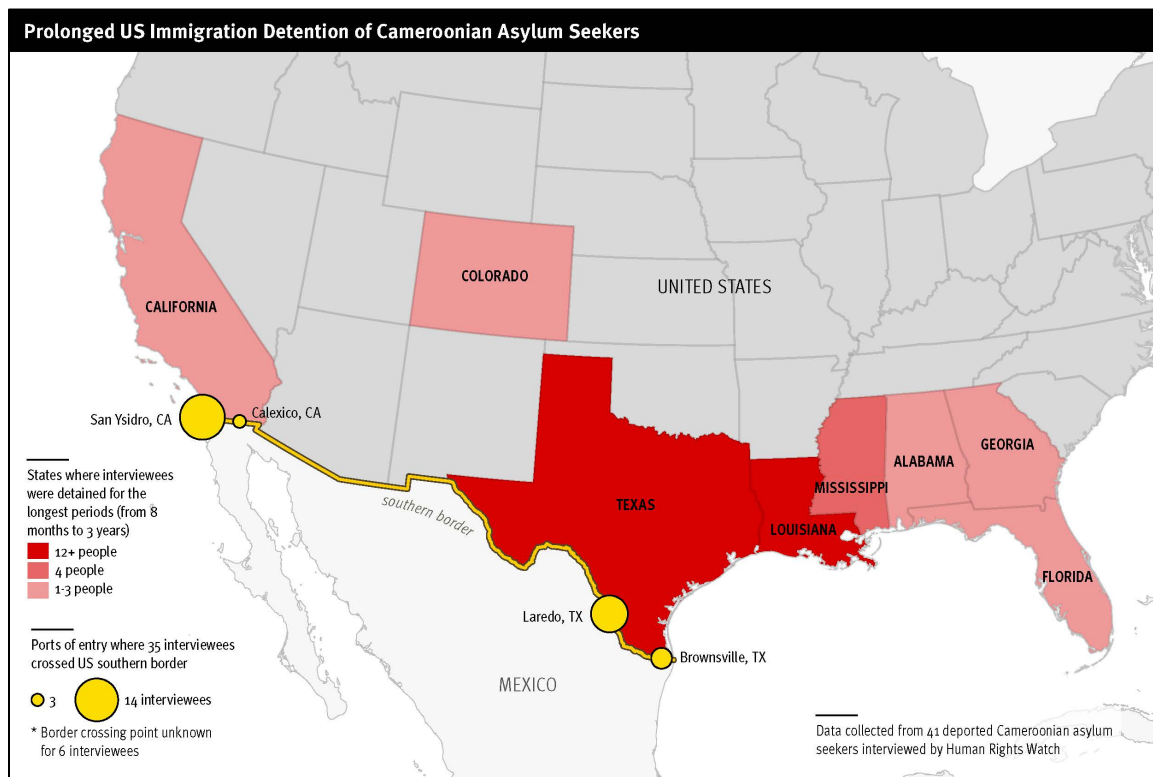
Maps

Journeys to the United States



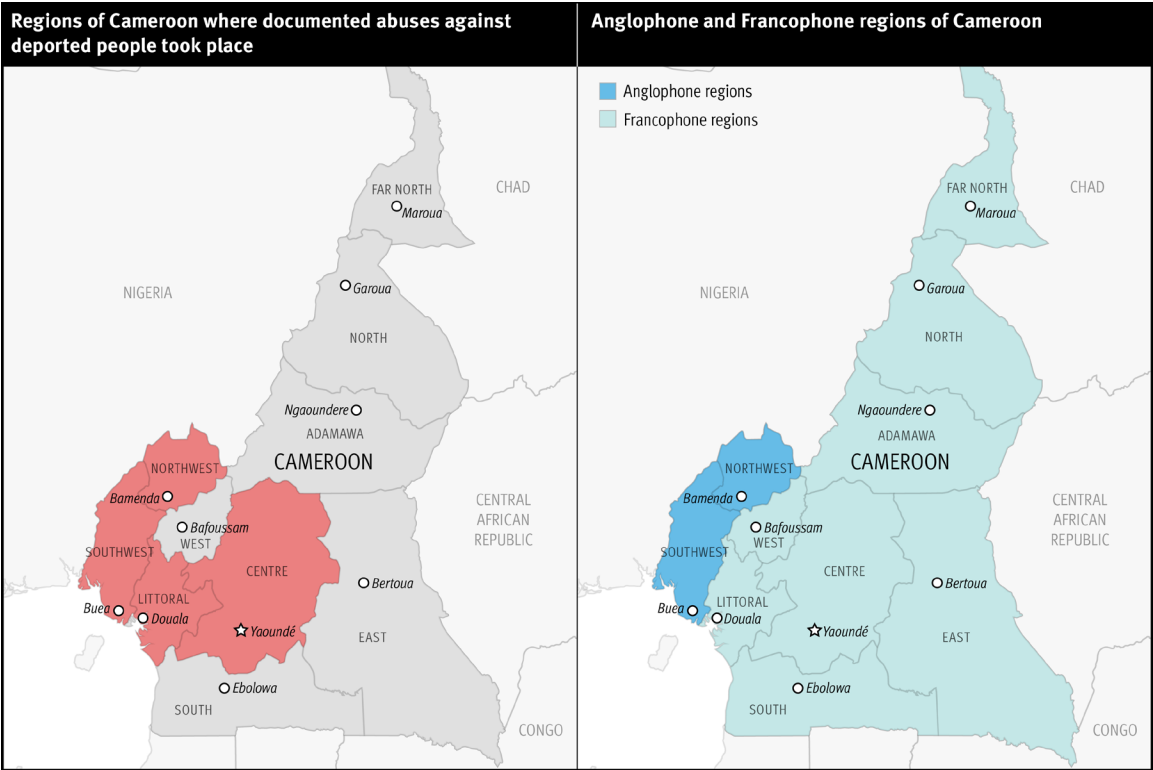
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Sites of Prolonged US Immigration Detention



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Locations of Documented Incidents in Cameroon



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Terminology and Acronyms

Cameroon

“Ambazonians,” “Amba boys,” “Amba fighters” – terms used by some Cameroonians to refer to armed separatist groups and fighters in the Anglophone regions. “Ambazonia” or the “Republic of Ambazonia” refers to a self-declared state announced by pro-independence groups, constituting the North-West and South-West regions of Cameroon.

Anglophone regions – the North-West region and South-West region, Cameroon’s two English-speaking regions among the country’s 10 administrative regions. The two regions are sometimes referred to as “Southern Cameroons,” and some people from these regions prefer to be called “Southern Cameroonians.”

BIR – *Bataillon d’Intervention Rapide* (**Rapid Intervention Battalion**), an elite combat unit of the Cameroonian army.

CFA – refers to the **Central African CFA franc**, Cameroon’s currency (CFA stands for *Communauté Financière Africaine*, African Financial Community).

DGSN – *Délégation Générale à la Sûreté Nationale* (**General Delegation for National Security**); agency under the Presidency, in charge of the national police.

Francophone regions – Cameroon’s eight majority French-speaking administrative regions: the Centre, Littoral, West, North, Far North, Adamawa, East, and South regions.

Gendarmes (Gendarmerie Nationale) – a paramilitary (police) force with both law enforcement and national security responsibilities, under the authority of Cameroon’s Ministry of Defence.

Sauf Conduit – a French term referring in this report to a document issued as a movement pass (also known as a *laissez-passer*) by the Cameroonian government to people deported from the United States, after confiscation of their national identity documents.

SCNC – **Southern Cameroons National Council**, a political organization supporting independence for Cameroon’s Anglophone regions; the Cameroonian government banned its activities in 2017.

Yassa – a district of the city of Douala, Littoral region. Authorities transferred people deported from the United States in October and November 2020 from the airport to a government facility or complex located in Yassa, allegedly for Covid-19 “quarantine” purposes, holding them there for varying periods.

United States

Key US Government Agencies:

DHS – Department of Homeland Security. Manages US immigration and border security, among other roles (counterterrorism, cybersecurity, maritime security, and more). Its offices and agencies include, among others:

- **CBP – Customs and Border Protection.** A law enforcement agency that enforces customs, immigration, and agricultural laws and regulations at US ports of entry, among other roles.
- **CRCL – Civil Rights and Civil Liberties office.** Among other duties, CRCL receives and investigates complaints of civil rights violations filed by the public regarding DHS policies or activities, or actions taken by DHS personnel.
- **ICE – Immigration and Customs Enforcement.** A law enforcement agency that, among other functions, is charged with investigating, apprehending, arresting, detaining, and removing (deporting) people within the United States. ICE manages the US civil immigration detention system, which includes detention centers run by ICE and private prison companies (**ICE contractors**).
- **USCIS – US Citizenship and Immigration Services.** USCIS asylum officers conduct Credible Fear Interviews of people seeking asylum in the “**defensive**” process (during removal proceedings), such as those who request asylum at the border. USCIS also reviews asylum applications of people in “**affirmative**” asylum processes (those applying who are not in deportation proceedings).

DOJ – Department of Justice. Among its array of national security, law enforcement, and criminal justice responsibilities, DOJ also manages the US immigration court system, including:

- **BIA – Board of Immigration Appeals.** An administrative body that reviews appeals of immigration judge decisions. BIA decisions are binding unless modified or overruled by the Attorney General or a federal court.

- **EOIR – Executive Office for Immigration Review.** Adjudicates immigration matters (including asylum) through immigration court proceedings, appellate reviews, and administrative hearings. Manages US immigration courts and the BIA.
- **IJ – immigration judge.** Adjudicates immigration court proceedings; appointed by the US Attorney General, part of the executive branch (Justice Department) rather than the independent judiciary.

Other US Terminology:

CFI – Credible Fear Interview. A screening interview by an asylum officer to make a “positive” or “negative” determination of whether the asylum seeker has a “credible fear” of persecution or torture if returned to their country of origin. According to the Department of Homeland Security, a “credible fear of persecution” means establishing “that there is a ‘significant possibility’ that [the asylum seeker] could establish in a full hearing before an Immigration Judge that he or she has been persecuted or has a well-founded fear of persecution or harm on account of his or her race, religion, nationality, membership in a particular social group, or political opinion if returned to his or her country.”

“Officials”: Used in Chapter IV of this report to refer to US government personnel from undetermined agencies (ICE, CBP, US Marshals, or other agencies) interacting with people in immigration detention.

“Security officers,” “detention facility personnel/staff,” “detention facility officers/security officers,” or “ICE contractors”: Used in the report to refer to employees of companies that contract with the US Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) to operate or provide security, medical, or other support services in US immigration detention facilities. Contractors are not responsible for determining the location where detainees are held; for decisions to obtain fingerprinting documentation; for adjudication of asylum cases; or for decisions on transfers, release, or deportation of people in immigration detention; these are the responsibility of US government personnel.

Summary

After the United States rejected her asylum claim and deported her in October 2020, Esther,¹ a Cameroonian woman, found herself trapped in a nightmare in the country she had previously fled. “I was arrested and detained [by gendarmes]... I was raped. I was well [seriously] beaten, I was tortured, I lived mostly on bread,” she said. “They said we are the people that have gone out and spoiled the name of the country... so I have to pay for it dearly.”

Like Esther, many other Cameroonians denied asylum and deported by the United States between 2019 and 2021 have suffered persecution and other serious human rights violations in Cameroon post-return. This report traces what happened to several dozen of them, both during their time in the US and after deportation. It focuses in particular on the estimated 80 to 90 Cameroonians deported on two flights in October and November 2020.

Human Rights Watch research shows that US authorities not only sent Cameroonians back to harm, but also subjected them to serious human rights violations in US immigration detention, failed to fairly adjudicate many of their cases, and failed to protect confidential asylum documents, which were confiscated by their government. For these reasons, US deportations of Cameroonian asylum seekers violated US obligations under international human rights and refugee law.

The 2017 to 2021 administration of US President Donald Trump coincided with deteriorating respect for human rights and mass displacement in Cameroon. In the country’s two Anglophone regions, violent confrontations between government forces and armed separatist groups led to a major humanitarian crisis. Meanwhile, conflict with the armed Islamist group Boko Haram continued in Cameroon’s Far North region, and the government increasingly cracked down on political opposition and dissent. Though most Cameroonian refugees have fled to neighboring countries – including more than 72,000 from the Anglophone regions to Nigeria – several thousand flew to South America and journeyed overland to the US southern border to request asylum. These arrivals increased

¹ The names of all Cameroonians deported from the US have been replaced with pseudonyms in this report for their safety.

each year from 2016 until March 2020, when the US barred nearly all asylum seekers from entry under a discriminatory border expulsion policy, citing Covid-19 as pretext.

Deported Cameroonians told Human Rights Watch they had looked to the US for protection for several reasons: fears of extradition from African countries, notably Nigeria; family and community ties in the US; the language (many who fled are English speakers); and a belief in a “high standard of human rights” in the US, as one man, Carl, put it. Another, Ousmanou, said during his immigration court hearing, “I decided to run to the United States because I know they respect human rights and they protect migrants.”

This hopeful belief soon shattered for scores of Cameroonians who spent months or years in abusive US Immigration and Customs Enforcement (ICE) detention, only to be deported. “The human rights in America that I always looked up to, now I don’t believe these human rights exist, because of the way that we’ve been treated and sent back to our country, where we are going through pain,” said Esther.



Cameroonians in handcuffs descend from a US deportation flight arriving in Douala, Cameroon, October 14, 2020. © 2020 Private

Though conditions in Cameroon had not improved, the US immigration court grant rate for asylum or other relief to Cameroonians dropped by approximately 24 percent from fiscal year 2019 to 2020 – a substantial difference from the 6 percent drop in the overall rate. In late 2020, deportations surged.

Human Rights Watch identified at least 190 Cameroonian deportations in 2019 and 2020, of which approximately half were conducted in October and November 2020 alone. Nearly everyone on the October and November flights had sought and was denied asylum. The flights went ahead despite the Covid-19 pandemic, allegations of ICE abuses, and the protests of scores of activists, lawyers, and US Congress members. This continued until Trump's last days in office, with ICE deporting at least one Cameroonian in January 2021. After a hiatus during most of 2021, the administration of President Joe Biden deported several people to Cameroon in October 2021.

During the research for this report between December 2020 and January 2022, Human Rights Watch interviewed 41 Cameroonian asylum seekers – mostly Anglophones – deported from the US between 2019 and January 2021, all but two of whom were returned in October and November 2020. We also interviewed 58 other people in the US and Cameroon, including deportees' relatives, lawyers, immigrant rights advocates, experts, and others; collected photos, videos, recordings, and medical and legal documents corroborating deported peoples' accounts; and analyzed the US asylum documents of over two dozen deported people.

Post-Return Harm in Cameroon

Human Rights Watch found that Cameroonian authorities have, between 2019 and 2021, subjected returned deportees and members of their families to serious human rights violations including rape, torture and other physical abuse, arbitrary arrest and detention, inhuman and degrading treatment in detention, extortion, and threats. Perpetrators included police, gendarmes, and military personnel, among other officials and state agents. Armed separatists also beat at least one deported person and threatened the relatives of others.

Our research indicates government forces detained or imprisoned at least 39 deported people after return. This includes 19 people we interviewed who were detained in jails,



Two men denied asylum and deported by the United States wait in a jail cell at a police station in Douala, Cameroon, November 2020. (Screenshot from a video.) Cameroonian police arrested the men upon arrival and detained them for two weeks in crowded, squalid and unhygienic conditions. One man was also beaten. © 2020 Private

prisons, military camps, or other detention facilities, both legal and illegal, for periods ranging from days to months. One man was detained twice. Many were held without due process or incommunicado, in some cases in circumstances that may constitute enforced disappearances. Nearly all described squalid detention conditions with little to no food, medical care, sanitation, or protection from Covid-19. Credible sources indicated authorities detained at least 20 other deported people as well, while additional unconfirmed reports suggest the total may be higher.

Human Rights Watch documented 13 cases of torture, physical or sexual abuse, or assault of deported people by state agents in detention, during or prior to arrests, or at their residences. Three women alleged that members of the security forces raped them, one after arrest and two in detention. Government forces punched, kicked, and beat men and women with batons, belts, machetes, guns, and whips. “They said, ‘...You left and thought we wouldn’t get you... You will die in this jail,’” said Richard, imprisoned for a month post-deportation. “They took off my [clothes], so I was naked, and they beat me...for 14 days, every day... They were making me feel that’s the end of my life.”

Government forces targeted many returnees – mostly Anglophones, some Francophones – because of their deportation and their actual or imputed opposition to the government. Deported people described how authorities interrogated and threatened them, accusing them of “speaking ill” or “blackening the name” of the country by seeking asylum, of “destabilizing” and wanting to divide Cameroon, or of raising money for separatists. We

also documented persecution against deported people for the same individual reasons they originally fled Cameroon. Others said authorities arbitrarily targeted them for being Anglophone, but treated them worse if they learned they had been deported.

Authorities also targeted the families of deported people. In seven cases we documented, state agents beat, abducted, detained, harassed, and in one case reportedly killed, relatives in connection with deportees' returns. In the North-West region, allegedly while searching for Esther, soldiers opened fire and killed her 35-year-old sister. In the South-West region, while searching for George, five soldiers attacked his 60-year-old mother. "Since they could not find me, they...beat her up," George said. "They beat her with a military belt...and they threatened her with guns... She fell down crying, so then they kicked her with their military shoes, and they were hitting her with sticks... They broke her bones."

The government also confiscated deported peoples' national identity cards – required under Cameroonian law to be carried at all times – which prevented them from freely moving or working, trapped them in extreme hardship, and exposed them to additional risks. "We're living in a perpetual state of fear," said Etienne, months after his 2020 deportation.

Several deported people faced trumped-up criminal charges, in at least one case directly linked to having sought asylum in the United States. This, along with other deportees' accounts illustrating that the act of seeking asylum itself or being deported from the United States triggered persecution upon return, establishes a basis for *sur place* asylum claims (based on conditions arising after a person has left their country) for Cameroonians in the United States.

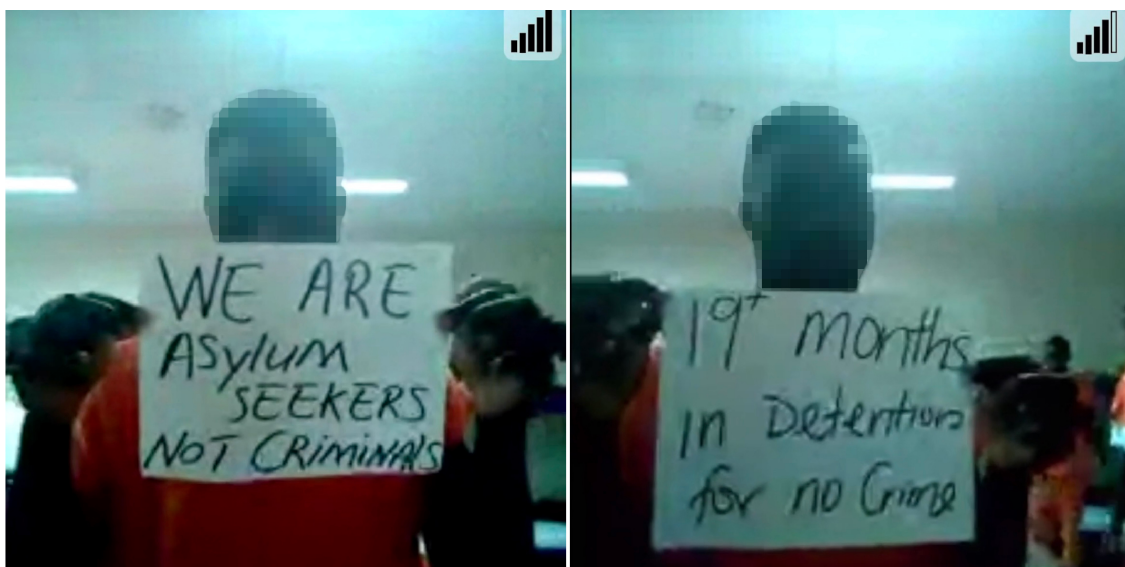
US Abuses and Failures

While Cameroonian authorities and armed separatists bear direct responsibility for abuses against deported people, this report also addresses the US government's culpability for sending Cameroonians to harm. It documents allegations of ICE refusing to allow people to remove asylum case documents from their luggage prior to deportation, resulting in their *de facto* transfer to Cameroonian authorities. It also explores due process concerns and other issues that appear to have led to unfair adjudications of multiple Cameroonians'

asylum cases, including communication barriers, alleged asylum officer errors and misconduct, possible factual inaccuracies and lack of impartiality by immigration judges, and limited access to legal counsel and information.

The report further highlights US responsibility for human rights violations against the deportees and other Cameroonians during time in the US. ICE administratively detained nearly all asylum seekers we interviewed in jail-like conditions for prolonged and unnecessary periods, most for one to three years without parole. While in the US, these Cameroonians faced a context of systemic racism in which Black and brown people, who comprise the majority of those ICE detains, are disproportionately affected by harmful immigration detention policies and practices.

Human Rights Watch documented 24 cases of violence, excessive force, and other abuses by ICE, other US government officials, or ICE contractors (detention facility security officers) against 18 Cameroonians who were subsequently deported, including forced fingerprints on documents, pepper spray, painful restraints, and abusive solitary confinement, isolation, or segregation. “One [officer] put his knee on my neck. I told him I could not breathe. He told me he didn’t care,” said Thierry, who was detained for nearly three years before deportation in October 2020.



A Cameroonian asylum seeker at Pine Prairie ICE Processing Center, Louisiana, protests his prolonged US immigration detention, August 2020. (Screenshots from a video call.) © 2020 Joe Penney

Eight deported Cameroonians said they fell ill due to Covid-19 in ICE detention facilities, with ICE or ICE contractors failing to take adequate measures to prevent or respond to outbreaks. Twelve people said they suffered medical neglect in ICE detention. Many also described other cruel treatment by ICE. “On the planes we would ask for food, and they wouldn’t give it to us, or even let us go to the bathroom... The treatment they were giving us was just so bad and inhuman,” said Robert.

Urgent Action Needed

In February 2021, at the start of US President Joe Biden’s term, ICE halted a planned deportation flight to Cameroon following an outcry by activists and rights groups. ICE said it “decided to cancel the flight to allow any potential victims or witnesses an opportunity to be interviewed, and will conduct an agency review of recent use-of-force reports related to individuals on this flight, and issue any additional guidance or training as deemed necessary.” This was a positive step. However, deportations to Cameroon resumed in October, and those already deported to Cameroon also deserve support and justice.

Cameroonian authorities and armed separatists should cease all abuses against returnees and their families, including torture, rape, inhuman and degrading treatment, arbitrary arrest and detention, and other violations, and investigate allegations of such mistreatment.

By returning Cameroonians to face persecution, torture, and other serious harm, the US violated the principle of nonrefoulement, the foundation of international refugee law. Given the documented harm and ongoing risks the deported people face, the US government should urgently offer Cameroonian asylum seekers deported in 2020 and 2021 the opportunity to return via humanitarian parole, the mechanism that allows people to enter the US temporarily on humanitarian grounds. US Citizenship and Immigration Services should permit them to re-apply for asylum through the affirmative process. The Departments of Justice and Homeland Security should investigate all alleged misconduct by asylum officers and alleged lack of impartiality by immigration judges, abuses by ICE and ICE contractors, and ICE actions leading to the de facto handover of asylum documents to a country-of-origin government. Deported people should have the opportunity to testify and receive effective remedies for harm suffered in ICE custody.



Daniel T., coordinator of the Cameroon Advocacy Network, an immigrant rights coalition, holds a sign calling for a halt to US deportations to Cameroon and for Temporary Protected Status (TPS) for Cameroonians in the US, due to widespread safety risks in Cameroon. © 2021 CASA

Our findings also underscore the broader need for reform of the US immigration and asylum systems, including to eliminate unnecessary immigration detention, due process violations, barriers to asylum, poor training and supervision leading to endemic misconduct, and entrenched institutional cultures at DHS and the Department of Justice that appear to tolerate disrespectful and overly adversarial treatment of non-citizens in custody and in immigration proceedings.

Given that people deported to Cameroon may face serious risks to their lives, freedom, and safety upon return, the US and governments worldwide should suspend deportations there. In addition to considering Cameroonian *sur place* asylum claims, the US government should designate Cameroonians in the United States for Temporary Protected Status (TPS), as, per TPS statutory requirements, “extraordinary and temporary conditions” in Cameroon make safe return impossible.

Ongoing Fear and Hardship, Cumulative Trauma

The cumulative impact on deported people of the abuses experienced in both the US and Cameroon, added to past experiences of violence and persecution, cannot be over-stated. “The trauma is just so deep,” said Anne-Marie Debbané, advocate with the Alliance in Defense of Black Immigrants, a US coalition that fought to stop the deportations to Cameroon. Every deported person Human Rights Watch spoke with expressed continued fear for their lives, health, safety, or freedom. Many remained in hiding even as of late 2021 and early 2022, while others had fled again. Many could not find their families or had to stay away due to the risks. Several were homeless.

Many of the people Human Rights Watch interviewed were still recovering from injuries caused by abuse, or from illnesses due to prolonged detention in horrific conditions, but most could not afford medical treatment. Nearly all were physically, psychologically, or emotionally broken down; some were – in their words – “destroyed.” Mathias, deported in November 2020, said months later: “I’m not doing good. This wound is just too big.” A few deported people said they thought about suicide.

“They destroyed our lives, the US government,” said Job, who was deported to Cameroon in October 2020. “How can you take someone running from war and throw us back where we’re running from?”

In response to letters from Human Rights Watch sent in advance of the publication of this report, two companies contracted by ICE to manage immigration detention centers denied all allegations of mistreatment of Cameroonians, and one company said it was prohibited from addressing specific allegations and cases. The US Justice Department’s Executive Office for Immigration Review (EOIR) responded to provide requested information, which we have integrated into this report, and stated: “We take very seriously any allegations of unprofessional behavior, such as those raised in your letter, and we will investigate them and take appropriate action.” At time of writing, neither the Cameroonian government nor the US Department of Homeland Security had provided a written response to our letters.

Recommendations

To the US Government

- Immediately offer all Cameroonian asylum seekers deported in 2020 and 2021 humanitarian parole to the United States, in order to enable de novo examination of their asylum claims, not only because of wrongful denial of their initial asylum claims, but also because they now have established *sur place* claims.
- Provide effective remedies for Cameroonian asylum seekers deported in 2020 and 2021 who experienced US violations of their rights in immigration detention or in connection with their deportations.
- Halt all deportations to Cameroon and designate Cameroon for Temporary Protected Status.

To the Department of Justice (DOJ), Department of Homeland Security (DHS), and US Congress

- Investigate alleged abuses by ICE officials or ICE contractors against deported Cameroonians documented in this report, with a view to ensuring accountability and preventing future abuse; offer victims the opportunity to testify or submit complaints; and ensure effective remedies and reparations (which may include compensation, rehabilitation, and guarantees of non-repetition) for harms suffered.
- Investigate ICE officials' alleged failure to protect some Cameroonians' confidential asylum documents during the October/November 2020 deportations – including by ignoring Cameroonians' pleas to remove documents from their luggage prior to deportation – leading to the confiscation of those documents by Cameroonian authorities, in apparent violation of US federal regulation 8 CFR § 208.6.

To DHS: US Citizenship and Immigration Services (USCIS)

- Permit rejected Cameroonian asylum seekers deported in 2020 and 2021, upon grant of humanitarian parole and return to the United States, to re-apply for asylum affirmatively with USCIS.

- Investigate alleged errors and possible misconduct by USCIS asylum officers in the screening interviews between 2018 and 2020 of subsequently deported Cameroonians as documented in this report, and take appropriate disciplinary action.

To DOJ: Executive Office for Immigration Review (EOIR)

- Investigate and address the due process concerns in asylum adjudications outlined in this report, as well as allegations of inaccuracies and lack of impartiality by US immigration judges, particularly those with disproportionate asylum denial rates.
- Improve transparency by expanding the level of disaggregation and frequency of published statistics on an open data site. In particular, publish downloadable and machine-readable data on receipts, completions, closures, outcomes, decisions and completion times, disaggregated by nationality (and if possible, gender and race/ethnicity), court, and judge. The data provided should include both overall numbers and rates.

To USCIS and EOIR

- Set up specific protocols during credible fear interviews and immigration court hearings for communication with speakers of the distinct language its speakers often call “Pidgin” or “Cameroonian Pidgin English,” to ensure the person understands all questions and is able to make informed decisions.
- Instruct asylum officers and immigration judges to:
 - Explicitly ask Cameroonian Pidgin English speakers if they would like an interpreter;
 - Ensure that audio equipment during interviews and hearings is working properly and stop proceedings until clear audio is available;
 - Cease reliance on “internal relocation” alternative for Anglophone Cameroonians who establish a well-founded fear of being persecuted by Cameroonian government authorities.

To the Department of Homeland Security

- Apply a presumption of release for all people seeking asylum; in line with international standards, detention of asylum seekers should be a measure of last resort, for the shortest possible period.
- End the use of jails and other criminal incarceration facilities for immigration detention.
- End the use of solitary confinement, handcuffs and shackles, and full-body or straightjacket-like restraints (including the “Wrap”) for immigration purposes.
- Develop or expand monitoring and training for ICE personnel and contractors focused on ending unnecessary and excessive use of force and restraints, punitive or abusive solitary confinement or segregation, derogatory comments, or other mistreatment of people in detention.
- Take steps to examine, including through data collection as outlined below, how different nationalities and races/ethnicities are impacted by US immigration policies and practices, including detention and detention locations/transfers, solitary confinement, parole and bond (including bond amounts), removal proceedings, use of force, and civil rights complaints and investigations; and initiate policy reforms to address any disproportionate impacts on particular nationalities, races or ethnicities.
- Take steps to strengthen transparency and accountability by publishing disaggregated data monthly on an open data site in a machine-readable and downloadable format. Data on apprehensions, detentions, removal proceedings, releases/deportations/removals/outcomes, bond and parole grants and denials, and bond amounts should be published disaggregated by nationality, ICE field office and detention facility. Data on use of force complaints, investigations, and outcomes, disaggregated by facility, nationality, and race/ethnicity should be published annually.

To US Private Prison Companies Contracted to ICE

- Conduct human rights due diligence and establish or bolster effective internal oversight mechanisms to prevent abusive behavior towards people in immigration detention by company employees and to address allegations of such behavior, including through investigations and mitigation (such as disciplinary actions and

remedies for harms suffered).

- Where these do not exist already, establish and publicize confidential channels that people in immigration detention facilities can use to complain about alleged abuses by company employees without fear of reprisal.

To the Government of Cameroon

To the Ministry of Defense and General Delegation of National Security

- Instruct police and security forces to cease violence, arbitrary detention, extortion, harassment, and other violations against returned deportees and their families, making clear that those responsible for violations will be held to account, including with appropriate punishment.
- Return all confiscated identity documents to Cameroonians deported from the United States, and issue new national ID cards to those who had none upon arrival.

To the Ministry of Justice

- Set up an independent judicial committee to investigate the treatment of deported people arriving in Cameroon between 2019 and 2021, notably those deported from the US in October and November 2020, with a view to ensuring justice, including appropriate sanctioning of those responsible for human rights violations.
- Ensure that all victims of human rights violations have access to effective remedies, including access to accessible complaint mechanisms against security forces, a witness protection regime if necessary, and the possibility to participate in a transparent judicial process against perpetrators.

To the Ministries of Justice and Defense

- Cease all arbitrary detentions, and all detention of people in unlawful facilities such as military camps.
- Improve conditions of detention and ensure detained people are treated in accordance with human rights standards, including by enforcing the absolute prohibition on torture or inhuman and degrading treatment; providing adequate food, potable water, sanitation, and medical care; reducing overcrowding; and

implementing Covid-19 prevention measures such as sanitization, provision of soap and masks, testing, and social distancing.

- Ensure that anyone detained or charged with offenses enjoys full due process and that civilians are not tried in military courts; release all deported people detained in violation of due process, including those held without charge, those not brought before a judge within 48 hours in line with Cameroon's Penal Procedure code, and those held for longer than the legal limit for pre-trial detention.

To Leaders of Armed Separatist Groups in Cameroon

- Instruct fighters to cease all attacks on and human rights abuses against civilians, including killings, torture, assault, kidnapping, extortion, and threats, and immediately release all abducted individuals.

Methodology

This report is based on interviews conducted by telephone and email between December 2020 and January 2022, and on analysis of US asylum and immigration documents and corroborating evidence of post-deportation human rights violations in Cameroon. The documented abuses in Cameroon took place between October 2020 and September 2021 (other than one case in 2019), while abuses in the United States primarily occurred between 2018 and 2020.

Human Rights Watch interviewed 99 people, including 41 Cameroonian asylum seekers deported from the US (also referred to as “deported people” or “deportees”), 11 relatives of deported people in the US and Cameroon, 21 lawyers (16 in the US, 5 in Cameroon), and 26 others including two witnesses and a deportee’s friend in Cameroon, and, in the US, immigrant rights activists, advocates, and volunteers; an academic expert on Cameroon; deportees’ friends and sponsors; and four asylum seekers previously detained with deported Cameroonians.

The 41 deported people interviewed include 4 women and 37 men, ages 22 to 49. Among them, 39 people (4 women and 35 men) were deported in 2020 on ICE charter flights in October (24) and November (15). Two men were deported separately, on a January 2021 commercial flight and a January or February 2019 ICE charter flight. Thirty-five identified themselves as Anglophone and two as Francophone; four had parents who were Anglophone and Francophone. Human Rights Watch also communicated with two others deported in October 2020, who declined a full interview.

We conducted interviews in French or English, using a Cameroonian Pidgin English interpreter for one interview. Interviewees in Cameroon (lawyers, deported people, and relatives) were located in Littoral, Centre, North-West, and South-West regions. Some deported people had fled Cameroon to other countries by the time of interview. For the safety of Cameroonians interviewed, nearly all of whom expressed extreme anxiety about their identities being revealed, we have withheld most identifying details and locations at time of interviews. The names of all deported people interviewed for this report have been changed to pseudonyms due to security and privacy concerns.

Human Rights Watch informed all interviewees of the nature and purpose of the research and of our intention to publish a report with the information gathered. The researcher obtained oral consent for each interview and gave interviewees the opportunity to decline to answer questions. Interviewees did not receive material compensation for speaking with us, but were reimbursed for transport and communications expenses incurred.

The key findings in this report draw from the testimonies of the 41 deported Cameroonians, who were detailed and consistent in their accounts, often over weeks and months of communication. Human Rights Watch corroborated many accounts by obtaining evidence such as photos, videos, and documents – legal papers, government documents, medical reports – and additional testimony from relatives, witnesses, or others with knowledge of the events. It was not possible to obtain corroboration for all cases, due to lack of witnesses or relatives’ fear of reprisals. However, we carefully assessed and determined testimonies included in this report to be credible, due to the level of detail provided, the consistency of their accounts over time during communication with Human Rights Watch and others, and parallels between the experiences of deported people interviewed separately.

Human Rights Watch obtained and analyzed US asylum documents for 30 deported Cameroonians interviewed. These included credible fear interviews, asylum applications, immigration judge decisions, hearing transcripts, appeal briefs and decisions, and supporting evidence such as affidavits, photos, and medical reports. We also reviewed ICE administrative documents for multiple deported people.

When describing abuses or other mistreatment during their time in US ICE custody, some deported Cameroonians we interviewed distinguished responsible parties as ICE personnel, other US government officials, personnel working for the companies contracted by ICE to work within or operate the immigration detention facilities, or all or some categories of personnel together. Most did not cite the name of the contracting company, referring to contractors (detention center personnel employed by the companies) as “facility security,” “security officers,” or similar phrasings. In some instances, they could not recall or differentiate whether the responsible parties were ICE officers, other US government officials, or personnel working under contract with ICE, referring to them in general terms such as “officers.” We also recognize the possibility that interviewees may on occasion have conflated one with the other or used “ICE” to refer to ICE, other US

government officials, or ICE contractors. In reference to incidents occurring during ICE custody, where the term “officer” is used in this report without specification, this may refer to either contractors, ICE, or other government officials.

Similarly, when describing abuses that took place in Cameroon, interviewees often identified perpetrators specifically as police, gendarmes (military police), or military (often referring to the army). However, some used “military” to encompass both gendarmes and army or other military personnel (all members of Cameroon’s armed forces); some described “mixed forces” of different services working together; and some could not distinguish the service to which perpetrators belonged.

Human Rights Watch sent letters to the Cameroonian government (on November 5, 2021), the US Department of Homeland Security (on November 17, 2021), the US Department of Justice (on December 6, 2021), and, in November 2021, to three US companies – CoreCivic, GEO Group, and LaSalle Corrections – contracted to ICE for the operation of immigration detention centers. The letters presented our findings and sought responses to them, and posed questions on policies and practices, on data related to Cameroonians, and on steps planned or taken to address the incidents and issues documented. Human Rights Watch received letters of reply from GEO Group on December 2 (saying it was prohibited from addressing specific allegations and cases), LaSalle on December 9 (denying allegations of mistreatment of Cameroonians), CoreCivic on December 10 (denying allegations of mistreatment and addressing each incident listed), and the US Justice Department on December 23 (committing to investigate allegations). Elements of these responses have been integrated into the report.

I. Background

Human Rights Situation in Cameroon

Cameroon, a bilingual country with eight Francophone and two Anglophone regions, has since late 2016 faced a protracted human rights crisis in its Anglophone North-West and South-West regions. The deadly cycle of violence has caused a humanitarian crisis, claiming over 3,500 lives ² and leaving 2.2 million in need of humanitarian assistance in the Anglophone regions. ³ By late 2021, over 570,000 people from these regions remained internally displaced within Cameroon, in addition to over 380,000 returnees who were previously displaced. ⁴

Citing perceived marginalization by the central government, Anglophone teachers, lawyers, and activists in the North-West and South-West regions peacefully mobilized in late 2016 to protest what they perceived as the central government's attempts to marginalize and assimilate Anglophone courts and schools into the Francophone system. Government security forces heavily clamped down on protests in response. Moderate voices began to fade, as armed separatist groups started to form and grew in number, profile, and support, both nationally and internationally. They began attacking both security forces and civilians and calling for secession of the two Anglophone regions.

² Reuters, "United States imposes visa restrictions over Cameroon separatist crisis," June 8, 2021, <https://www.reuters.com/world/africa/united-states-imposes-visa-restrictions-over-cameroon-separatist-crisis-2021-06-07/> (accessed September 4, 2021).

³ UN Office for the Coordination of Humanitarian Affairs (OCHA), "Cameroon Situation Report," November 5, 2021, <https://reliefweb.int/report/cameroon/cameroon-situation-report-5-november-2021> (accessed November 18, 2021).

⁴ Figures for the number of internally displaced people (IDPs) within or from the Anglophone regions varied during 2021, from approximately 700,000 reported IDPs in mid-2021, to a reported 570,000 IDPs (in addition to 380,000 "returnees" or "former IDPs") as of November 5, 2021. OCHA, "Cameroon: North-West and South-West Situation Report No. 33," July 31, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/ocha_cmr_nwsw_sitrep_july2021.pdf (accessed September 7, 2021); OCHA, "Cameroon Situation Report," November 5, 2021.



A patrol of Cameroonian gendarmes during a political rally in Buea, South-West region, on October 3, 2018. Alleged perpetrators of abuses against people deported from the United States included some members of the police, gendarmerie, and army, among other state agents. © 2018 Marco Longari/AFP/Getty Images

Armed separatists and government forces have both committed widespread human rights abuses.⁵ Security forces have killed civilians, raped women, and arbitrarily arrested and tortured hundreds of alleged separatist fighters.⁶ Armed separatists have killed, tortured, assaulted, and kidnapped hundreds of people, also attacking aid workers and schools.⁷

⁵ See “Cameroon: New Abuses by Both Sides,” Human Rights Watch news release, August 2, 2021, <https://www.hrw.org/news/2021/08/02/cameroon-new-abuses-both-sides>; *World Report 2022* (New York: Human Rights Watch, 2022), Cameroon chapter [events of 2021], <https://www.hrw.org/world-report/2022/country-chapters/cameroon#>.

⁶ “Cameroon: New Abuses by Both Sides,” Human Rights Watch news release; *World Report 2022*, Cameroon chapter. See also “Cameroon: Security Forces Kill Civilians, Rape Woman,” July 22, 2019, <https://www.hrw.org/news/2019/07/22/cameroon-security-forces-kill-civilians-rape-woman>; “Cameroon: Routine Torture, Incommunicado Detention,” May 6, 2019, <https://www.hrw.org/news/2019/05/06/cameroon-routine-torture-incommunicado-detention>; “Cameroon: Civilians Massacred in Separatist Area,” February 25, 2020, <https://www.hrw.org/news/2020/02/25/cameroon-civilians-massacred-separatist-area>.

⁷ Human Rights Watch, *World Report 2022*, Cameroon chapter; “Cameroon: Video Shows Separatists Torturing Man,” June 24, 2019, news release, <https://www.hrw.org/news/2019/06/24/cameroon-video-shows-separatists-torturing-man>; “Kidnappings Endemic in Cameroon’s Anglophone Regions,” July 11, 2019, <https://www.hrw.org/news/2019/07/11/kidnappings-endemic-camerouns-anglophone-regions>; “*They Are Destroying Our Future*: Armed Separatist Attacks on Students, Teachers, and Schools in Cameroon’s Anglophone Regions,” December 16, 2021, <https://www.hrw.org/report/2021/12/16/they-are-destroying-our-future/armed-separatist-attacks-students-teachers->

Both groups have destroyed civilians' homes and property.⁸ Few people responsible for serious abuses have been held accountable.⁹

In a separate but concurrent conflict in Cameroon's Far North region, the armed Islamist group Boko Haram has attacked civilians and committed killings, kidnappings, thefts, and property destruction, displacing over 340,000 people as of August 2021.¹⁰ Intercommunal clashes displaced thousands more within and from the Far North between August and December.¹¹

The government has also cracked down on political opponents and opposition party supporters, charging hundreds participating in peaceful protests in September 2020 with terrorism and rebellion, and using the Covid-19 pandemic as pretext to quell dissent.¹²

New displacements nearly doubled in 2020 and continued during 2021.¹³ As of December 2021, in total, nearly 1 million people were internally displaced in Cameroon,¹⁴ over 72,000

and#4064; "Renewed Attacks on Aid Workers in Cameroon," June 4, 2020, <https://www.hrw.org/news/2020/06/04/renewed-attacks-aid-workers-cameroon>.

⁸ "Cameroon: Promised Investigation Should Be Independent," Human Rights Watch news release, May 23, 2019, <https://www.hrw.org/news/2019/05/23/cameroon-promised-investigation-should-be-independent>; "Cameroon: Election Violence in Anglophone Regions," February 12, 2020, <https://www.hrw.org/news/2020/02/12/cameroon-election-violence-anglophone-regions>.

⁹ "Cameroon: Survivors of Military Assault Await Justice," Human Rights Watch news release, February 26, 2021, <https://www.hrw.org/news/2021/02/26/cameroon-survivors-military-assault-await-justice>; Ilaria Allegrozzi (Human Rights Watch), "A Chance for Accountability in Cameroon?," commentary, *Media Part*, June 25, 2020, <https://www.hrw.org/news/2020/06/25/chance-accountability-cameroon>.

¹⁰ OCHA, "Cameroon: Extreme North – Situation Report No. 13 (August 2021)," October 7, 2021, <https://reliefweb.int/report/cameroon/cameroon-extr-me-nord-rapport-de-situation-no-13-ao-t-2021> (accessed October 11, 2021); "Cameroon: Boko Haram Attacks Escalate in Far North," Human Rights Watch news release, April 5, 2021, <https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north>.

¹¹ As of December 2021, there were over 357,000 IDPs in the Far North region. UN High Commissioner for Refugees (UNHCR), "UNHCR External Update – Far North Cameroon – Chad Emergency," January 6, 2022, <https://data2.unhcr.org/en/documents/details/90347> (accessed January 20, 2022); UNHCR, "Cameroon: Statistiques des personnes relevant de la compétence du HCR" (December 2021), <https://data2.unhcr.org/en/documents/details/90330> (accessed January 20, 2022).

¹² "Cameroon: Heightened Crackdown on Opposition," Human Rights Watch news release, September 21, 2020, <https://www.hrw.org/news/2020/09/21/cameroon-heightened-crackdown-opposition>.

¹³ Norwegian Refugee Council, "The world's most neglected displacement crises in 2020," May 27, 2021, <https://www.nrc.no/shorthand/fr/the-worlds-most-neglected-displacement-crises-in-2020/index.html> (accessed July 15, 2021); Human Rights Watch, *World Report 2022*, Cameroon chapter.

¹⁴ Reported figures for the total number of IDPs in Cameroon varied during 2021, with estimates ranging from approximately 1 to 1.5 million IDPs across all regions depending on whether the returnees the UN classifies as "ex-IDPs" were included in the totals. UNHCR reported that there were 933,000 IDPs and over 518,000 "ex-IDPs" as of December 2021. UNHCR, "Cameroon Multi-Country Office (MCO) global statistics (December 2021): Persons of Concern in Cameroon," January 6, 2022, <https://data2.unhcr.org/en/documents/details/90327> (accessed January 20, 2022).

refugees had fled to Nigeria from the North-West and South-West regions,¹⁵ and over 35,000 refugees had fled to Chad from the Far North region.¹⁶ Thousands have continued to seek asylum in other countries in Africa and around the world. Since 2018, the Norwegian Refugee Council has ranked Cameroon first or second on its annual list of “the world’s most neglected displacement crises.”¹⁷

Risks to Returnees and US Obligations

International refugee law, integrated in US immigration law, prohibits the US from returning refugees to a place where their lives or freedom would be threatened.¹⁸

International human rights law also prohibits the US from returning anyone to risks of torture, serious harm, inhuman or degrading treatment, or other serious human rights violations.¹⁹

¹⁵ UNHCR, “Cameroonian Refugees Overview – December 2021,” January 7, 2022, <https://data2.unhcr.org/en/documents/details/90342> (accessed January 20, 2022).

¹⁶ UNHCR, “UNHCR Tchad: personnes relevant de la compétence du HCR - décembre 2021,” January 14, 2022, <https://data2.unhcr.org/en/documents/details/90448> (accessed January 20, 2022).

¹⁷ Norwegian Refugee Council, “The world’s most neglected displacement crises in 2020”; and “The world’s most neglected displacement crises [in 2019],” June 10, 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/1260983.pdf> (accessed September 13, 2021). The latter also cites the ranking for 2018.

¹⁸ The 1967 Protocol Relating to the Status of Refugees, to which the United States acceded in 1968, binds parties to abide by the provisions of the 1951 Refugee Convention, including the principle of “nonrefoulement”: that no state “shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Convention relating to the Status of Refugees (“Refugee Convention”), 189 U.N.T.S. 150, July 28, 1951, entered into force April 22, 1954, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.23_convention%20refugees.pdf, art. 33; Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, entered into force October 4, 1967, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolStatusOfRefugees.aspx>. The US Refugee Act of 1980 brought the country’s laws into conformity with the Refugee Convention and Protocol.

¹⁹ Under international human rights law, the principle of nonrefoulement prohibits “all forms of removal and transfer of any individual, regardless of their status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, enforced disappearance or other serious human rights violations.” Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, “Report on means to address the human rights impact of pushbacks of migrants on land and at sea,” UN Human Rights Council, A/HRC/47/30, May 12, 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_30_E.pdf (accessed August 11, 2021), paras. 41-42. See also International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by the US in 1992, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, arts. 6 and 9; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by the US in 1994, <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx> (accessed September 3, 2021). The UN Human Rights Committee has stated that states party to the ICCPR are also obligated to prevent people from being returned to risk of ill-treatment not rising to the level of torture. Human Rights Committee, CCPR General Comment No. 20, Article 7, March 10, 1992, <https://www.refworld.org/docid/453883fbo.html> (accessed September 3, 2021), para. 9.

Several groups of Cameroonians face particular risks if returned (not an exclusive or exhaustive list):

- **Anglophones** face a serious risk of abuse by government security forces because they may be assumed to have links to separatists, as this report illustrates. The threat to them at the hands of government security forces is country-wide. Those returning to Anglophone regions also risk being caught in violent confrontations or harmed by armed separatists.
- Cameroonians seen as **sympathizers to opposition parties** can face threats if returned, due to the government's repression of political opposition and dissent.²⁰
- **Cameroonians fleeing the Far North region** risk arbitrary arrest and detention, torture, other inhuman and degrading treatment, and harassment if returned, as the government has accused many residents of supporting Boko Haram.²¹
- **Lesbian, gay, bisexual, and transgender (LGBT) people** face risks across Cameroon due to a law criminalizing same-sex conduct and an upsurge of anti-LGBT persecution in 2021.²²

Cameroonians in the US: Asylum and Deportations

Increasing numbers of Cameroonians sought asylum in the US each year from 2016, the start of the crisis in Cameroon's Anglophone regions, until the US shut its southern border to most asylum seekers in March 2020.²³ Many flew visa-free to Ecuador and journeyed overland to the Mexico-US border, where they requested asylum. US authorities placed

²⁰ "Cameroon: Opposition Leaders, Supporters Detained," Human Rights Watch news release, October 19, 2020, <https://www.hrw.org/news/2020/10/19/cameroon-opposition-leaders-supporters-detained>.

²¹ Amnesty International, "Cameroon: Right Cause, Wrong Means: Human Rights Violated and Justice Denied in Cameroon's Fight Against Boko Haram," July 14, 2016, <https://www.amnesty.org/en/documents/afr17/4260/2016/en/> (accessed July 10, 2021), and "Cameroon's Secret Torture Chambers: Human Rights Violations and War Crimes in the Fight against Boko Haram," July 20, 2017, <https://www.amnesty.org/en/documents/afr17/6536/2017/en/> (accessed October 11, 2021).

²² "Cameroon: Wave of Arrests, Abuse Against LGBT People," Human Rights Watch news release, April 14, 2021, <https://www.hrw.org/news/2021/04/14/cameroon-wave-arrests-abuse-against-lgbt-people>.

²³ Transactional Records Access Clearinghouse (TRAC), Syracuse University, "Asylum Decisions," <https://trac.syr.edu/phptools/immigration/asylum/> (accessed January 14, 2022). On Title 42 border expulsion policy, see Human Rights Watch, "Q&A: US Title 42 Policy to Expel Migrants at the Border," April 8, 2021, <https://www.hrw.org/news/2021/04/08/qa-us-title-42-policy-expel-migrants-border>.

them in removal proceedings and ICE detention as they underwent the “defensive” asylum process: “credible fear” screenings and immigration court hearings.²⁴

According to government data collected by the Transactional Records Access Clearinghouse (TRAC), US courts issued over 3,400 decisions on asylum or other relief (such as withholding of removal) for Cameroonians between fiscal years (FY) 2016 and 2020. TRAC data accessed in January 2022 reported 166 such decisions in FY16; 326 in FY17; 466 in FY18; 862 in FY19; and 1,612 in FY20.²⁵

In a December 2021 response letter to Human Rights Watch, the US Justice Department’s Executive Office for Immigration Review (EOIR) provided the following data on “Cameroonians in removal proceedings with an Immigration Judge decision on asylum, withholding of removal, or protection under the Convention against Torture” for fiscal years 2019 to 2021 (October 2018 to September 2021)²⁶:

IJ Decisions with an Asylum, Asylum Withholding or WCAT Decision by FY

Decision	FY 2019	FY 2020	FY 2021	Total
Dismissed by IJ	0	0	7	7
Relief Granted	710	944	283	1,937
Remove	186	657	59	902
Remove-CAT Deferral Granted	0	0	8	8
Remove-CAT Withholding Granted	1	1	4	6
Remove-INA Withholding Granted	0	4	1	5
Terminated	17	21	22	60
Voluntary Departure	5	0	0	5
Withdrawn	0	1	0	1
TOTAL	919	1,628	384	2,931

Data above is for Cameroonians only. Source: EOIR letter to Human Rights Watch, December 23, 2021.

Acronyms: IJ – Immigration Judge; CAT – Convention against Torture; WCAT – withholding of removal pursuant to the CAT; INA – [US] Immigration and Nationality Act.

²⁴ Human Rights Watch telephone interviews with Cameroonian deportees, locations withheld, December 2020 – October 2021 (hereafter “interviews with deportees, December 2020 – October 2021”); interviews with immigration lawyers and activists, US, December 2020 – May 2021.

²⁵ TRAC, “Asylum Decisions” (accessed January 14, 2022). The US fiscal year runs October to September. TRAC data is regularly updated and numbers may differ depending on the date the database is accessed. The data only includes cases adjudicated by immigration courts, primarily defensive asylum cases of those in removal processes (e.g., those who applied for asylum at the border, or were in the US without a valid visa). TRAC data does not include decisions by USCIS in affirmative asylum applications (e.g., from those applying from inside the US who are not in deportation proceedings), unless they were referred to the courts by USCIS.

²⁶ EOIR letter to Human Rights Watch, December 23, 2021, on file (attached as an Annex to this report).

In follow-up correspondence with Human Rights Watch in January 2022, EOIR provided data for fiscal years 2019 to 2021 that differed slightly from the data above it had provided in December, along with additional data breakdowns (see Annex). EOIR also provided the following data on immigration judge decisions on asylum or other relief for Cameroonians from fiscal years 2016 to 2018 (October 2015 to September 2018) ²⁷:

IJ Decisions with an Asylum, Asylum Withholding or WCAT Decision by FY

Decision	FY 2016	FY 2017	FY 2018	Total
Other	*	*	*	*
Relief Granted	138	240	346	724
Remove	61	104	153	318
Terminated	36	24	17	77
Voluntary Departure	*	*	4	8
TOTAL	235	368	520	1,123

Data above is for Cameroonians only. Source: EOIR email correspondence with Human Rights Watch, January 25, 2022.

US Asylum and Immigration Data Gaps: Transparency Needed

The slight discrepancies between the EOIR data above provided to Human Rights Watch and government data obtained and published by TRAC, a research organization at Syracuse University, reflect ongoing concerns with data quality and public access. The lack of adequate government-published data on US immigration detention, deportation proceedings, and asylum processes makes it difficult to conduct meaningful analysis and oversight of these systems. TRAC, which regularly obtains data about government enforcement and regulatory activities through use of Freedom of Information Act (FOIA) requests, has stated: “Some agencies are remarkably open. Other agencies are not. In some circumstances TRAC has to file suit in federal court to force the release of vital data.” ²⁸ TRAC has repeatedly expressed concerns about missing records and the quality of the government data it receives, singling out EOIR for errors in the data it releases. ²⁹ US government agencies, including EOIR, ICE, and USCIS, should do everything in their power to ensure data accuracy and improve transparency into their decision-making.

²⁷ EOIR email correspondence with Human Rights Watch, January 25, 2022, on file (excerpts in attached Annex).

²⁸ TRAC, “About Us,” 2021, <https://trac.syr.edu/aboutTRACgeneral.html> (accessed January 14, 2022).

²⁹ TRAC, “After EOIR Fixes Most Egregious Data Errors, TRAC Releases New Asylum Data—But with a Warning,” September 16, 2020, <https://trac.syr.edu/immigration/reports/624/> (accessed January 14, 2022).

While relatively low compared to certain nationalities seeking asylum defensively in the US, such as Guatemalans and Salvadorians, Cameroonians had the most asylum decisions in US courts of all African nationalities during FY2019, 2020, and 2021, according to TRAC. In FY20 and FY21, Cameroon was the only African country among the top 10 nationalities with the most US asylum court decisions, ranking ninth and tenth respectively. For FY20, all other African nationalities had much fewer than Cameroon's more than 1,600 decisions, with Nigeria next at 270 and Eritrea at 256.³⁰

During the final year of Trump's presidency, though conditions in Cameroon had not improved, immigration court grant rates of asylum or other relief to Cameroonians dropped from 79 percent in FY19 to 59 percent in FY20, according to analysis of data from EOIR's letter to Human Rights Watch.³¹ The estimated 80 to 90 Cameroonians deported by ICE in the first two months of FY21 (reportedly 57 in October 2020, including 9 women and 48 men, and 20 to 30 men in November 2020)³² already exceeded the total number of Cameroonians deported in each prior fiscal year: 49 in FY20, 74 in FY19 and 68 in FY18.³³

³⁰ TRAC, "Asylum Decisions" (accessed January 14, 2022). Controlling for population size of these top African nationalities, there were approximately 7 decisions per 100,000 Eritreans, 6 per 100,000 Cameroonians and only 0.1 per 100,000 Nigerians.

³¹ These rates were calculated from data provided in EOIR's letter to Human Rights Watch, differing slightly from data available in TRAC. According to EOIR's letter, immigration courts granted asylum or other relief to 949 out of 1606 Cameroonians (59 percent) in FY20, and 711 out of 897 (79 percent) in FY19. This 20-percentage point difference represents a 25 percent decrease. The figures we used for the total number of decisions in those years (1606 in FY20 and 897 in FY19) exclude cases that were "dismissed by IJ [immigration judge]," "terminated," "withdrawn," or "voluntary departure." EOIR letter to Human Rights Watch, December 23, 2021 (on file). TRAC data accessed January 14, 2022 had slightly different figures, reporting that immigration courts granted asylum (893) or other relief (111) to 1004 out of 1,612 Cameroonians (62 percent) in FY20, and 706 (including 696 granted asylum and 10 granted other relief) out of 862 (82 percent) in FY19. This 20-percentage point difference represents a 24 percent decrease.

³² ICE did not publish official figures of the number of Cameroonians on these flights. Documents issued by the Cameroonian government to deportees returning on the October and 2020 flights stated that the flights carried 57 and 23 Cameroonians, respectively. Presidency of the Republic of Cameroon, General Delegation for National Security, *Sauf Conduit* passes, October 16, 2020 and November 13, 2020, on file with Human Rights Watch. Other sources also cited the 57 number for the October flight and estimated 20-30 deportees for the November flight. List of names of 57 Cameroonians intended to be on October 2020 deportation flight, untitled, N.D., on file with Human Rights Watch; Human Rights Watch interviews with Cameroonian deportees and US immigrant rights activists, December 2020 – October 2021; Joe Penney and Christian Locka, "Deported Cameroonian Asylum Seekers Fear for Their Lives," November 9, 2020, <https://prospect.org/justice/deported-cameroonian-asylum-seekers-fear-for-their-lives/> (accessed January 15, 2021).

³³ ICE letter to Representative Ilhan Omar, US House of Representatives, November 18, 2020, on file with Human Rights Watch. TRAC data lists slightly higher numbers: 50 Cameroonians deported in FY20, 75 in FY19, and 70 in FY18. By calendar year, ICE deported approximately 100 Cameroonians in 2020 (28 for January-June 2020, per TRAC data, added to the 80-90 deported in October-November 2020), 82 in 2019, and 69 in 2018 (per TRAC data for 2018-2019). TRAC, "Immigration and Customs Enforcement Removals: ICE data through June 2020," 2021, <https://trac.syr.edu/phptools/immigration/remove/> (accessed November 14, 2021).



An ICE charter flight, which reportedly carried 57 deported Cameroonians, arrives at Douala International Airport, Cameroon, on October 14, 2020. © 2020 Private

During the Biden administration’s first year, the asylum grant rate for Cameroonians in immigration courts rose back up to 83 percent (for FY21), but the number of asylum decisions for Cameroonians was far fewer (less than 400 in FY21, compared to over 1,600 in FY20).³⁴ The lower number of decisions may have reflected court closures due to the Covid-19 pandemic or reduced access to asylum at the US border.³⁵ While the Biden administration halted a planned deportation flight to Cameroon in February 2021,³⁶ it reportedly deported at least three Cameroonians in October 2021.³⁷

Deported Cameroonians’ Testimonies of Past Persecution or Harm

Human Rights Watch interviewed 41 Cameroonians denied asylum in the US during the Trump administration and deported, including 39 deported in October or November 2020, and two deported separately in January 2021 and early 2019. Other than one who entered

³⁴ EOIR letter to Human Rights Watch, December 23, 2021, on file (see Annex). According to the data provided by EOIR, for Cameroonians in FY21, there were 283 immigration judge decisions granting asylum, 13 granting other relief, and 59 denying relief and ordering removal (for a total of 355 decisions).

³⁵ “Title 42” public health order from the US Centers for Disease Control and Prevention (CDC), a discriminatory border expulsion policy using Covid-19 as pretext. See UNHCR, “UNHCR chief calls on US to end COVID-19 asylum restrictions at the Mexico border,” May 20, 2021, <https://news.un.org/en/story/2021/05/1092352> (accessed October 12, 2021).

³⁶ Julian Borger, “Ice cancels deportation flight to Africa after claims of brutality,” *The Guardian*, February 4, 2021, <https://www.theguardian.com/us-news/2021/feb/04/ice-cancels-deportation-flight-african-asylum-seekers-brutality> (accessed February 5, 2021).

³⁷ Human Rights Watch correspondence with Daniel T., coordinator, Cameroon Advocacy Network, US, October 11, 2021; interview with Cameroonian asylum seeker, US, January 14, 2022.

the US in 2015, all had fled Cameroon between late 2017 and mid-2019, requested asylum at the US southern border, and entered the US between January 2018 and January 2020. Deported people, as well as US lawyers and activists, said to their knowledge all but two or three Cameroonians on the October and November 2020 flights were asylum seekers who had arrived in recent years.³⁸

Those interviewed – 35 Anglophones, 2 Francophones, and 4 with Anglophone and Francophone parentage – said they originally fled Cameroon for reasons linked to the crisis in the Anglophone regions, where most (37) grew up. Prior to fleeing, they lived in the South-West (21 people), North-West (15), and Littoral (5) regions, working as business owners or managers (8), teachers (8), students (4), taxi drivers (3), and a variety of other professions. Everyone interviewed said they never joined or supported armed separatist groups, but had experienced harm or persecution by government security forces before fleeing. At least 10 said armed separatists had also kidnapped, threatened, or harmed them, or burned their property.³⁹

Twenty-four people, one of Anglophone-Francophone parentage and the others

Anglophone, claimed persecution by authorities fully or partly due to their political opinion. They said they had supported or participated in peaceful protests, meetings, or other activities expressing opposition to the government, to perceived marginalization of



“Pierre,” a Cameroonian man, shows the still-healing injuries on his legs in 2019, following over two months of detention and torture he said the Cameroonian military subjected him to in the South-West region, before he fled to the United States to seek asylum. The US government deported him back to Cameroon in 2020. © 2019 Private

³⁸ Human Rights Watch interviews with deportees, December 2020 – October 2021; interviews with US lawyers and activists, December 2020 – May 2021.

³⁹ Human Rights Watch interviews with deportees, December 2020 – October 2021; interviews with US lawyers and activists, December 2020 – May 2021; copies of deportees’ US asylum documents, 2018-2020, on file with Human Rights Watch.

the Anglophone regions, or to security force abuses. Nine said they were members or supporters of the Southern Cameroons National Council (SCNC), a political organization supporting independence for Cameroon’s Anglophone regions, which has been involved in coordinating peaceful protests; the government banned SCNC activities in 2017.⁴⁰ In response to their protests or political activities, they said, security forces attacked, arbitrarily arrested and detained, tortured, raped, or abused them; harmed family members; or burned down their homes or businesses. Several said authorities accused them of involvement with separatist groups.⁴¹

Fourteen deported people, including 11 Anglophones, said they were not involved in politics but that authorities had arbitrarily detained, abused, threatened, or sought to arrest them, in most cases accusing them of being or supporting separatists – an imputed political opinion. One said the military first tried to recruit him as an informant; two said military or police targeted them after they witnessed killings.⁴² Three deported people previously employed by the Cameroonian government said authorities had threatened, detained, or beat them and accused them of supporting separatists. Two, from Anglophone regions, also said separatists threatened their families.⁴³

Based on our interviews for this report, analysis of deported Cameroonians’ asylum documents, and previous research on Cameroon, Human Rights Watch considers deportees’ claims of past persecution or other harm to be credible. Their accounts were detailed and largely consistent, many with supporting evidence.⁴⁴ Following deportation, as this report shows, many experienced the very harm and persecution they told the US government they feared if returned.

⁴⁰ Human Rights Watch interviews with deportees, December 2020 – October 2021; Amnesty International, “Cameroon: Arrests and civil society bans risk inflaming tensions in English-speaking regions,” January 20, 2017, <https://www.amnesty.org/en/latest/news/2017/01/cameroon-arrests-and-civil-society-bans-risk-inflaming-tensions-in-english-speaking-regions/> (accessed September 7, 2021).

⁴¹ Human Rights Watch interviews with deportees, December 2020 – October 2021; copies of deportees’ US asylum documents, 2018-2020, on file with Human Rights Watch.

⁴² Human Rights Watch interviews with deportees, December 2020 – October 2021; copies of deportees’ US asylum documents, 2018-2020, on file with Human Rights Watch.

⁴³ Human Rights Watch interviews with three deportees (names withheld for security concerns), January-July 2021.

⁴⁴ Deportees’ asylum documents (including, in some cases, evidence such as photos, medical reports, government warrants, or affidavits), 2018-2020, on file with Human Rights Watch.

II. Return to Harm and Hardship in Cameroon

“We don’t even know if we will survive or be OK... I don’t know how we can get out of here. We are only praying that America should allow us to come back.”

– Brandon (deported in 2020), February 24, 2021

Between 2019 and 2021, Cameroonian authorities targeted rejected asylum seekers deported by the United States, as well as members of their families, for serious human rights violations. Committed in Centre, Littoral, North-West, and South-West regions, the violations included torture, rape, and other physical abuse which may amount to cruel, inhuman or degrading treatment or punishment; arbitrary arrest and detention, which in some cases may have constituted enforced disappearances; detention in inhumane conditions; extortion; harassment; and threats. Perpetrators included police, prison wardens, gendarmes, army or other military personnel, and other officials.

All 41 deported people who spoke with Human Rights Watch between December 2020 and January 2022 were either detained, hiding, keeping low profiles, or had fled Cameroon again, at the time of interview. Following their return, nearly all experienced some combination of the human rights violations listed above, or learned that authorities or armed separatists were searching for them among their relatives or neighbors. Government confiscation of their national IDs also restricted their freedom of movement, trapping them in circumstances of hardship and risk.⁴⁵

Human Rights Watch research indicates Cameroonian authorities detained or harmed at least 40 people (20 of whom we interviewed) after deportation from the US between 2019 and 2021, of whom most or all were returned asylum seekers. Through interviews with victims and relatives and analysis of corroborating evidence, this chapter documents 21 cases of physical harm or detention by authorities of 20 deported people, and one case of a deportee beaten by armed separatists. The 20 victims included 16 men and three women deported in 2020 and one man deported in 2019.⁴⁶

⁴⁵ Human Rights Watch interviews with deportees and their relatives, locations withheld, December 2020 – January 2022.

⁴⁶ Ibid.

Credible sources also indicated that authorities detained at least 20 deported people we did not interview, including three women and 10 men from the 2020 flights – one of whom authorities also reportedly harmed ⁴⁷ – and seven men deported in 2019. ⁴⁸ Other unconfirmed reports suggest the true figures may be even higher. ⁴⁹

Separately, Human Rights Watch documented the post-return detention of a Cameroonian asylum seeker deported from Latin America in March 2021, ⁵⁰ underscoring the risks for returned asylum seekers in general. However, deportation from the US appeared to amplify risks. Those on the 2020 flights said their elevated profiles upon return increased their risk beyond their original reasons for fleeing. They attributed this additional risk to several factors: media coverage of their return, including some Cameroonian press labeling them separatists; ⁵¹ documents leaked in Cameroon revealing the names of those on the flights; ⁵² and the confiscation of their IDs upon arrival, substituted by movement passes identifying them as deportees from the US. ⁵³ Nearly every deportee said that police, gendarmes, or military personnel accused them of having gone to the US to “speak ill” of

⁴⁷ Human Rights Watch interviews with five deportees (who collectively reported that some 12-15 others had been detained with them), January-July 2021; WhatsApp correspondence with deportee (who said she was detained post-deportation), March 4, 2021; interviews and correspondence with Anne-Marie Debbané, immigrant rights advocate and organizer, Free Them All (San Diego) and Alliance in Defense of Black Immigrants, California, January-July 2021; Blondel Ciceron, “Deserters from the army and the Ambazonian separatist forces among those returned from the US to Cameroon” (“*Des officiers déserteurs de l’armée et des ambazoniens parmi les rapatriés des USA au Cameroun*”), CamerounWeb, October 18, 2020, <https://www.camerounweb.com/CameroonHomePage/features/Des-officiers-d-serteurs-de-l-arm-e-et-des-ambazoniens-parmi-les-rapatri-s-des-USA-au-Cameroun-549829> (accessed August 15, 2021).

⁴⁸ Human Rights Watch interview with Victor and Walter, deportees, January 14 and March 16-30, 2021.

⁴⁹ Human Rights Watch interviews with a lawyer, North-West region, Cameroon, January 19, 2021, and an immigration lawyer, California, US, January 20, 2021.

⁵⁰ Country of deportation withheld for safety reasons. The man was detained in Cameroon’s Littoral region upon his return. Human Rights Watch interviews with deportee’s relative, Cameroon, March 26-30, 2021.

⁵¹ Koaci, “Cameroun : Des officiers déserteurs de l’armée et des séparatistes rapatriés par les USA” (“Cameroon: Deserters from the army and separatists repatriated by the US”), October 19, 2020, https://www.koaci.com/article/2020/10/19/afrique/politique/cameroun-des-officiers-deserteurs-de-l-armee-et-des-separatistes-rapatries-par-les-usa_145973.html (accessed May 30, 2021); CamerounWeb, “Alerte: le régime de Biya demande aux Etats-Unis de rapatrier les ‘sécessionnistes’ en exil” (“Alert: Biya regime asks the US to repatriate ‘secessionists’ in exile”), November 18, 2020, <https://www.camerounweb.com/CameroonHomePage/NewsArchive/Alerte-le-r-gime-de-Biya-demande-aux-Etats-Unis-de-rapatrier-les-s-sessionnistes-en-exil-556546> (accessed May 30, 2021).

⁵² Human Rights Watch interviews with deportees, January-July 2021; interviews and correspondence with Anne-Marie Debbané, immigrant rights advocate, Free Them All (San Diego) and Alliance in Defense of Black Immigrants, California, January-July 2021; list of names of 57 Cameroonians intended to be on October 2020 deportation flight, untitled, N.D., on file with Human Rights Watch.

⁵³ These passes, titled *Sauf Conduit* in French (roughly, “movement pass”), are discussed later in the section on “Harassment and Hardship Due to Confiscated IDs.” Copies of 10 deportees’ documents (4 from October flight, 6 from November flight) on file with Human Rights Watch.

Cameroon or raise support for the separatists,⁵⁴ with statements such as: “You are the ones sponsoring the Amba [separatist] fighters”⁵⁵ or “destroying the name of the country.”⁵⁶ It also may be the case that authorities made assumptions that those being sent back from the United States had access to funds or money and targeted them and their relatives in particular for extortion.

Government forces committed serious abuses against the family members of at least seven deported people in connection to their returns, in the regions of Littoral, North-West, and South-West, including the killing of a deportee’s sister, the abduction of a deportee’s son, and the beating of a deportee’s mother, among others, according to our interview subjects.

Arrival and Aftermath

Asylum seekers deported on the October and November 2020 flights said ICE agents handed their identification documents over to Cameroonian authorities upon arrival at the airport in Douala, Littoral region. At least two deported people said officials, whom their families had bribed in advance of their arrival, helped them escape from the airport after disembarkation. Cameroonian police and other officials gathered all others to administer Covid-19 tests and question them on why they left Cameroon, why the US deported them, and what they said to US officials. Deportees said police and officials threatened them, accusing them of supporting the separatists or



An October 15, 2020 issue of *The Guardian Post Daily*, a Cameroonian newspaper, alleged that people deported from the US were “supposed supporters of the Ambazonia separatist movement.” Human Rights Watch research indicates that many Cameroonians denied asylum and deported from the US in October and November 2020 had credible asylum claims. Those interviewed said they had never supported armed separatist groups. Negative media coverage amplified the risks deported asylum seekers faced.

© 2020 The Guardian Post Daily

⁵⁴ Human Rights Watch interviews with deportees, December 2020 – October 2021.

⁵⁵ Human Rights Watch interview with Paul, deportee, March 11, 2021.

⁵⁶ Human Rights Watch interview with Marie, deportee, March 10, 2021.

spreading “lies.”⁵⁷ “[Officials] said... ‘You people left here, you ran...to the US, telling lies about the government, painting the name of the country black,’” said Marie.⁵⁸

Among deported people we interviewed, nine men said police, gendarmes, and military took them from the airport to detention facilities in Douala and Yaoundé. Twenty-eight others (24 men, 4 women) said authorities took them to a government housing complex in Yassa, a district of Douala, allegedly for Covid-19 “quarantine,” holding them in apartment-style units for differing periods, from one to eight days. Marie said, “If you made an attempt to go outside, they pointed guns at you... We were guarded by mixed forces... some wearing military clothes, some in black... Two [Anglophone deportees] went out to look for [phone] credit to make a call, and they...beat them. We were locked in the room and heard them screaming outside.”⁵⁹ At least one man said authorities interrogated him in Yassa. “The police called me for an interview... They asked what happened to cause me to leave the country,” said Isaiah. “They said they are going to send me to prison.”⁶⁰

While quarantine may be lawfully imposed on persons entering a country for public health purposes, it should be tailored to meet those public health purposes, and under no circumstances should be enforced by extrajudicial methods, including unlawful use of force. Quarantine should have a lawful basis, ensure humane and dignified conditions, and only last as long as necessary to protect public health. The alleged quarantine which the deported people were required to undergo in Yassa did not meet these criteria, and their detention could not be justified as lawful quarantine requirements.

Three men said authorities subsequently took them from Yassa to detention facilities in Douala or Yaoundé. Twenty-one men and four women said they were released from Yassa at different times, including nine who said relatives or friends paid money to the authorities to secure their release.⁶¹

According to news reports, in an October 2020 TV statement, the Cameroonian government said it had freed some deported people while holding others, notably military deserters,

⁵⁷ Human Rights Watch interviews with deportees, December 2020 – October 2021.

⁵⁸ Human Rights Watch interview with Marie, deportee, March 10, 2021.

⁵⁹ Ibid.

⁶⁰ Human Rights Watch interview with Isaiah, deportee, April 5, 2021.

⁶¹ Human Rights Watch interviews with deportees, December 2020 – October 2021.

for “investigation.”⁶² One deportee, Bernard, said, “The government was presenting to the world that every person deported would just be released to their families, even though that isn’t what happened.”⁶³ In addition to 12 cases of people jailed after arrival in 2020, Human Rights Watch documented how seven others were released initially but later arrested or assaulted by security forces, while one man was arrested a second time.⁶⁴ The accounts of several deported people also cumulatively indicated at least 12 to 15 others from the 2020 flights were detained with them.⁶⁵

Those deported from the US on different flights were subject to similar treatment. A man deported in early 2019 told Human Rights Watch authorities detained him upon arrival,⁶⁶ while a man deported in January 2021 said police at the airport told him he would have been arrested if he had not agreed to pay a bribe in advance.⁶⁷



Asylum seekers deported from the United States sit handcuffed at a court in Douala, Cameroon, in November 2020. © 2020 Private

Violence, Detention, and Enforced Disappearances by Government Forces

Human Rights Watch documented 13 cases of physical or sexual abuse against deported people by Cameroonian police, gendarmes, prison staff, or military, including members of the Rapid Intervention Battalion (*Bataillon d’Intervention Rapide*, BIR), an elite combat unit

⁶² Moki Edwin Kindzeka, “Cameroon Activists Fear for Fate of Asylum Seekers US Plans to Deport,” VOA, November 10, 2020, <https://www.voanews.com/africa/cameroon-activists-fear-fate-asylum-seekers-us-plans-deport> (accessed May 17, 2021).

⁶³ Human Rights Watch interview with Bernard, deportee, January 17, 2021.

⁶⁴ Human Rights Watch interviews with deportees, January–September 2021.

⁶⁵ Human Rights Watch interviews with Henry, Thierry, Alphonsus, Etienne, deportees, January–May 2021.

⁶⁶ Human Rights Watch interviews with Victor, deportee, January 14, 2021.

⁶⁷ Human Rights Watch interviews with Amos, deportee, February 9, 2021.

of the Cameroonian army. Several people said they were targeted by “mixed forces” from different services working together. Some could not distinguish the service to which the perpetrator belonged. The victims included three women and nine men deported in 2020 and one man deported in 2019; 12 Anglophones and one Francophone. State agents assaulted or abused nine of them in detention, three prior to arrests (one at home, one at a checkpoint) or en route to detention, and one other at home. The incidents took place in Littoral, Centre, South-West, and North-West regions.⁶⁸ In addition to these documented cases, credible information received by Human Rights Watch indicates that military detained and beat another woman from the October 2020 deportation flight.⁶⁹

Human Rights Watch documented how Cameroonian authorities detained 19 deported people after their return, 16 men and 3 women (17 Anglophones, one Francophone, and one with Anglophone and Francophone parents), with one man detained twice. Ten were deported in October 2020, eight in November 2020, and one in February 2019. A mix of military, police, and gendarmes arrested the deportees and took them to jails, prisons, military camps, and several unknown police- or gendarme-run facilities in the regions of Littoral (Douala and another nearby town), Centre (Yaoundé and nearby towns), North-West (mainly around Bamenda), and South-West (mostly around Buea). Ten were detained directly from the Douala airport, three from the government facility in Yassa, and one after departing Yassa on a bus; five were arrested weeks or months after arrival.

Authorities detained the 19 individuals for varying periods:

- 2-4 days (three people)
- 1-2 weeks (six people)
- 1-3 months (seven people)
- 5-8 months (three people)

In at least nine cases, the deportees, their relatives, or friends paid bribes for their release.⁷⁰

⁶⁸ Human Rights Watch interviews with deportees, December 2020 – October 2021.

⁶⁹ Human Rights Watch WhatsApp correspondence with Anne-Marie Debbané, immigrant rights advocate, Free Them All (San Diego) and Alliance in Defense of Black Immigrants, California, February 25, 2021; WhatsApp correspondence with deportee (who did not consent to a full interview), March 4, 2021.

⁷⁰ More details on deportees paying bribes for release can be found in section “Extortion and Bribes,” p. 58.

At least 14 of these cases appear to constitute arbitrary detention in violation of international law.⁷¹ Arbitrary detentions are not only those detentions that violate domestic law but those that include “elements of inappropriateness, injustice, lack of predictability and due process.”⁷² In these cases, the detentions took place without due process, or often without any legal basis. Thirteen people, detained on 14 occasions (one man twice), said authorities produced no arrest warrant or detention order, never informed them of formal charges, and never took them to court. Eleven were held incommunicado for part or all of the time, unable to contact family or a lawyer.⁷³ Some of these cases may constitute enforced disappearances, which under international law are when state agents detain a person and refuse to acknowledge the detention or conceal the person’s whereabouts, placing the person outside legal protections.⁷⁴

In nearly all cases, interviewees said that authorities detained them in squalid conditions amounting to inhuman and degrading treatment, with little to no food, potable water, soap, or water for bathing. Many were held in overcrowded cells without masks to protect them from contracting the virus that causes Covid-19. The 19 people detained had limited or no access to medical treatment, and most told Human Rights Watch they became ill in detention, citing malaria, typhoid, the flu, skin rashes, or gastrointestinal illnesses.⁷⁵

Certain details in the accounts below, such as specific dates or locations, have been withheld for individuals’ safety.

⁷¹ See the right to liberty and security as set out in the African Charter on Human and Peoples’ Rights (“Banjul Charter”), Article 6, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, acceded to by Cameroon December 18, 1989, <https://www.achpr.org/legalinstruments/detail?id=49>; and the International Covenant on Civil and Political Rights, (ICCPR), op. cit. acceded to by Cameroon on June 27, 1984, article 9.

⁷² See Guideline 15 of the Report of the Working Group on Arbitrary Detention: United Nations Basic Principles and Guidelines on the right of anyone deprived of their liberty to bring proceedings before a court, UN Doc. WGAD/CRP.1/2015, May 4, 2015, <https://www.ohchr.org/Documents/Issues/Detention/DraftBasicPrinciples/March2015/WGAD.CRP.1.2015.pdf> (accessed November 18, 2021); and OHCHR, “Revised Fact Sheet No. 26 on the Working Group on Arbitrary Detention,” February 8, 2019, <https://www.ohchr.org/Documents/Issues/Detention/FactSheet26en.pdf> (accessed November 18, 2021).

⁷³ Human Rights Watch interviews with deportees, January – September 2021.

⁷⁴ International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), adopted December 20, 2006, G.A. Res. 61/177, U.N. Doc. A/RES/61/177 (2006), entered into force December 23, 2010, <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> (accessed August 12, 2021), art. 2. Cameroon signed the ICCPED in 2007.

⁷⁵ Human Rights Watch interviews with deportees and relatives, December 2020 – October 2021.



“Paul,” deported in October 2020, recovers at a medical clinic after military personnel assaulted him at home in Cameroon’s South-West region in January 2021. © 2021 Private

Assaulted at Home

In January 2021, military personnel assaulted Paul, deported in October 2020, at his mother’s home in the South-West region.⁷⁶ Showing his government-issued movement pass⁷⁷ only worsened the abuse, he said:

Four military guys broke the door and came inside. They found me...with my mother... They started beating me. I said, ‘I am not an Ambazonian [separatist] fighter.’... I showed them the [movement pass]... They said I was one of the Amba fighters, because I didn’t have a national identity card. They said, ‘You were deported from America?... You are the ones sponsoring the Amba fighters...’ They hit my head and left arm... They were

⁷⁶ Human Rights Watch interview with Paul, deportee, March 11, 2021.

⁷⁷ More on the movement passes in section, “Harassment and Hardship Due to Confiscated IDs,” p. 52.

kicking me... One of the military guys put my hand on the floor [and] hit it with the bottom of the gun... [which] nearly chopped off my finger... [O]ne said, 'Shoot, shoot!'... But another said, 'No'... I had a wound on my forehead and hand. ... I was at the hospital for four days.⁷⁸

Human Rights Watch reviewed photos of Paul at the hospital with his head, arm, and finger bandaged. Paul's neighbor corroborated the incident, noting that he saw a "large number" of army and BIR soldiers arrive in their town quarter: "I saw [soldiers] go to [Paul's] door... that's when we...ran into the bushes. ...When we came back...I saw [Paul] badly brutalized...with an injured finger and head, and bruises."⁷⁹

Abused and Detained

Three Anglophone women deported in October – Esther, Marie, and Mercy – experienced arbitrary detention, beatings, and rape, after being released from Yassa. Security forces stopped and arrested all three at checkpoints heading to the Anglophone regions, allegedly due to their lack of IDs and the fact that their movement passes revealed they had been deported.⁸⁰

In late 2020, after gendarmes asked Esther for her ID at a checkpoint en route to Bamenda, North-West region, she presented her movement pass. She said gendarmes told her to get out of her car, asking why she was deported. "They pushed me... One kicked me with his boot, and said, 'Get inside the car'" (into their vehicle). The officers drove Esther to a gendarmerie station in Bamenda and detained her there incommunicado until early December, when a military contact helped her escape. She described how, during 1.5 months of detention, she was tortured, including being raped and beaten, by gendarmes or other military officers:

I was well [seriously] beaten... Every two days... they were using ropes, [rubber] tubes, their boots, military belts... They hit me all over my body... They said that I've destroyed the image of Cameroon, because my deportation [paper] shows that I had gone [to the US]...so I had to pay for it.

⁷⁸ Human Rights Watch interview with Paul, deportee, March 11, 2021.

⁷⁹ Human Rights Watch interview with witness (Paul's neighbor), South-West region, Cameroon, October 22, 2021.

⁸⁰ See section, "Harassment and Hardship Due to Confiscated IDs."

They were saying I might be cooperating with the Ambazonian guys... They asked if I'm working with them, I said no. They said I'm lying, that I went out there [to the US] to raise money for them... I finally told them, '...I asked for asylum, but I wasn't granted asylum.'... They told me that since I have tarnished the image of the country, they will also destroy my own life.

...After I'd been there like a week and some days... [some officers] came and...covered my face with a cloth. I heard voices, I don't know if they were two or three... [They took me] in another room... I was raped... They beat me, they kicked me... They gave me a serious warning, they said if I want my family to see me alive, I just have to stay quiet.⁸¹

Esther sustained numerous injuries from the rapes by at least two men and the beatings, including wounds and bruises on her back, feet, legs, and buttocks – with one injury documented in a photo reviewed by Human Rights Watch – but said she received no medical treatment in detention. In addition to the physical abuse, Esther said gendarmes denied her due process, never taking her to court. “I wasn't allowed to make any calls. They said I'm a terrorist, that I'm cooperating with the Amba boys [separatists]... I said, ‘Can I look for a lawyer?’ They said no.” She said authorities held her in inhumane conditions, only allowing her to wash once a week, requiring her to defecate in a bucket, and providing little food. “At times they just brought bread and water... Some days they didn't even bring anything, only water.”⁸²

Marie, traveling to look for her family in Bamenda in January 2021, said two men in black uniforms assaulted her at the same checkpoint, prior to arresting her, raping her, and detaining her for three days in “a small jail cell” in Santa, a town in the North-West region. She recounted:

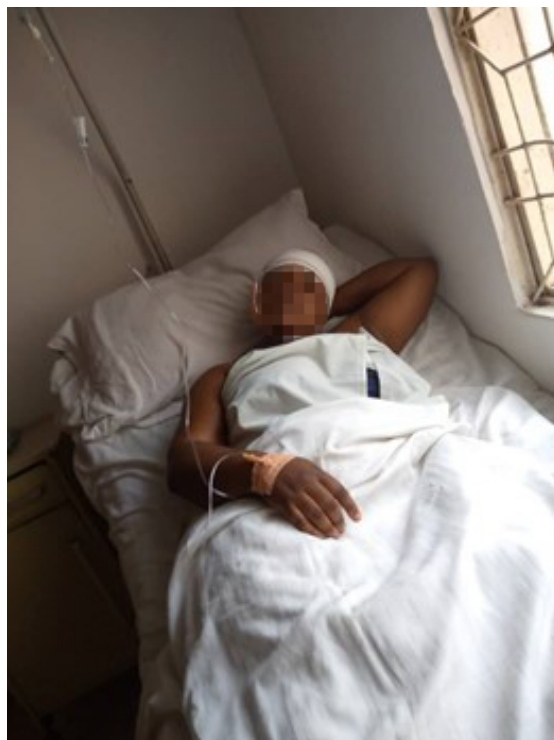
They [security forces at the checkpoint] asked for my ID. I gave them the [movement pass].... [An officer] said, “So you are one of those people who came back here.”...[A commander] told the [officer], “Tell her to come here, let the rest...go.” ...They started beating me, two people... I'm not sure if

⁸¹ Human Rights Watch interview with Esther, deportee, June 12, 2021.

⁸² Ibid.

they were BIR, army, gendarmes, or police... They said, ‘Here’s the Ambazonian... destroying the name of the country.’ ...They used some whip...on my neck and back... They slapped me in my face... I fell on the ground. They...kicked me... They...pressed their boot on my face and jaw...the pain was too much... They picked me up with my dress and dragged me, pushed me inside a car. ... They abused me sexually...in an uncompleted building [in Santa]...before taking me to lock me up. ...It makes me feel like dying whenever I remember it. ...

There were bruises and marks on my breast where they had mashed [kicked], and bruises on my hands and blood and bruises behind my neck. My period came automatically because of what they did... I thought maybe it was from the shock of the beating.⁸³



“Marie,” deported in October 2020, recovers at a medical clinic after assault and arbitrary detention by members of the Cameroonian security forces in the North-West region, in early 2021. © 2021 Private

Marie said that during her detention, “They gave us food once a day... We could not bathe for three days. ...The fourth day I escaped... I had 7,000 CFA [US\$14] in my purse, so I had to give a military guard everything.”⁸⁴ Human Rights Watch reviewed photos of Marie, taken at a medical clinic after her escape, depicting her injuries. A lawyer in the North-West region in touch with Marie after the incident, who spoke with Human Rights Watch, as well as an affidavit written by a friend of Marie’s in Douala, corroborated Marie’s account.⁸⁵

Mercy said that after her arrival on the October 2020 flight, authorities held her in the Yassa facility in Douala for one night, then put her on a bus with six or seven other

⁸³ Human Rights Watch interviews with Marie, deportee, March 10 and October 14, 2021.

⁸⁴ Ibid.

⁸⁵ Human Rights Watch interview with lawyer, Bamenda, North-West region, October 8, 2021; affidavit from Marie’s friend in Douala (details withheld for safety reasons), 2021, on file with Human Rights Watch.

deportees, including two women, to “take us to our different localities in South-West region.” She said military personnel at a checkpoint in South-West region detained her and the others.⁸⁶ “We were asked to present ID document[s]. All we had...was a...[movement pass] that stated that we were deportees. When the military saw that we had been deported from the USA, we were asked to come down [from] the bus... [T]he military...accused us of spreading lies about the Cameroonian government,” said Mercy.⁸⁷ She said officers took her and the others to a military facility nearby, separating them.⁸⁸ Mercy said she was detained incommunicado for around 1.5 months, with little food. She described torture including rape and other severe physical abuse:

I was put in a small room with no ventilation, no light...for some days without food or water... [T]wo military officers...took me to another room... I was asked to sit down on the chair, with my hands and legs tied... [O]ne of them pointed a gun at my head, shouted at me to tell them the truth about what I said about the government. They said my file in which all that I said to the US government was in front of them... They...slapped [me] hard against my face, causing me to fall to the floor and my nose to bleed. They kept kicking me.... They beat me under my legs with a...machete...

After some days, I was called again for the same interrogation... [M]y clothes were forcibly taken off. I was held down to the floor by two men while one penetrated me. I cried... I was raped by all three men. ...I was called on three different occasions and each time they did almost the same thing to me.⁸⁹

Maxwell, deported in October 2020, was staying at a friend’s apartment in Douala in January 2021 when three men forcefully entered, beat and blindfolded him, and took him to a prison in Douala. He told Human Rights Watch:

⁸⁶ Human Rights Watch interview with Mercy, deportee, August 31, 2021; written declaration by Mercy, August 2021, on file with Human Rights Watch.

⁸⁷ Excerpt from written declaration by Mercy, August 2021, on file with Human Rights Watch (published with her permission).

⁸⁸ Ibid.; Human Rights Watch interview with Mercy, deportee, August 31, 2021.

⁸⁹ Excerpts from written declaration by Mercy, August 2021, on file.

I heard a loud noise at the door. ...When I came...to the parlor, two military men with “BIR” written on their black shirts...and a policeman... grabbed me and put me on the floor. They were speaking in French and I could not really understand... They were punching and kicking me... all I was hearing was, “You are an Ambazonian” ... The police [officer]...was smashing my head and back with his boot... [He said] they were looking for me for a long time...that I will pay and I will die, that we have destroyed the stability of the country. They beat me for like five or six minutes. They never showed me any warrant of arrest... The policeman was holding my picture and a paper, but I don’t know what was written on the paper.⁹⁰

Due to the assault, Maxwell said, “My face and my head...were swollen, my nose was bleeding, and my back hurt.” He said the men blindfolded him and took him to a two-person cell, in a prison he could not identify. During nearly two months of incommunicado detention, Maxwell said he saw no one apart from guards. “The guards never called me for questioning,” he said. “They brought food...bread and water...two times a day, sometimes once... It was a dirty cell. There was a bucket [for a toilet]... I slept on the cement floor...in a singlet and boxers. ...I was coughing. I had rashes... I showered just once.” Maxwell never learned the reasons for his detention. Police released him in the middle of the night, dropping him in the outskirts of Douala. Weeks later, he said, “I’m having a serious problem with my back. I haven’t been to the hospital because I have no money.”⁹¹ He showed Human Rights Watch a photo of pain medication he bought. A friend of Maxwell’s in South-West region told Human Rights Watch he had helped Maxwell obtain this medication and provided accommodation after his detention and release.⁹²

Richard, deported in October 2020, said that after one night at the government facility in Yassa, “I was taken out in the night to New Bell Prison [in Douala]. Three [police] came, put handcuffs on my hands, and took me away in a police van. When I tried asking [why], they started speaking French... I don’t understand French... None of my relatives knew where I was taken. I could not communicate with them.” Police detained him in a solitary cell for about a month, until mid-November, releasing him after 2.5 million CFA (US\$5,000) was

⁹⁰ Human Rights Watch interview with Maxwell, deportee, March 9, 2021.

⁹¹ Ibid.

⁹² Human Rights Watch interview with friend of Maxwell, South-West region, Cameroon, October 6, 2021.

paid for his release.⁹³ They held him incommunicado for two weeks, until another detainee found him a lawyer. During the second two weeks, he said, authorities beat him every day. Richard described the harsh conditions and torture he experienced at New Bell Prison:

I was kept in a dark room, only given two slices of bread for the whole day... no water at times... When I would go to the toilet, at times my innards would bleed. ...No one explained why they were keeping me... When my lawyer came...they sent [prison, military, and police] officers to...beat me up... They took off my [clothes], so I was naked, and they beat me...[with] batons...and a military belt...and their cutlasses [machetes]... They were kicking [me]... They also used the butt of their guns to hit me...

They were telling me to confess...that I was one of the ones who organized...the [protest] rally...in my hometown... They were saying...that if I don't cooperate, they'll kill me and go after my family... I was tortured for 14 days, every day, three times a day... for 20 to 25 minutes. ...They were making me feel that's the end of my life. ...I was wounded on my knees, ankles, hands, shoulders. There was blood... I had bruises on my back... I was so traumatized.⁹⁴

Henry, deported in November 2020, said the military detained him for three months after his arrival, in two camps near Yaoundé, including two months being held incommunicado.⁹⁵ He described poor conditions, forced labor, and violence:

I was among [approximately five deportees] taken from Yassa to detention... [Officials] blindfolded us...[and] drove [us] to... a Francophone village in the Yaoundé area... When we arrived...they took the blindfold off. It was a military camp...men were wearing BIR and army uniforms... They kept us [deportees] in separate cells... I was kept in a cell with three [inmates]... There was no bed,...just a cement floor... They gave us food twice a day, mostly rice... To bathe, they would bring a bucket of water...but

⁹³ Human Rights Watch interview with Richard, deportee, April 5, 2021.

⁹⁴ Human Rights Watch interview with Richard, deportee, April 5, 2021.

⁹⁵ Human Rights Watch interviews with Henry, deportee, March 11-13, 2021.

no soap. You could stay two days without bathing... I had a fever at times, stomach cramps... I got rashes all over my body...

They forced us to work farming twice, and they unchained our hands for that, but not our legs. It was a farm at the military camp. We did weeding, clearing the land... I experienced violence...when [three officers] wanted to take us from the first detention [camp], they were trying to put us in the vehicle, and we were refusing... They grabbed me by my trousers, one slapped me in the face, another one kicked me, and the other one grabbed me by the neck of my T-shirt...and pointed his gun at me... I just gave up and let them put me in the truck.⁹⁶

Human Rights Watch reviewed a video showing him in handcuffs, which he said was taken at the second camp. Henry said that though a BIR commander told him “we have been looking for you,” no one informed him of charges, and another commander released him after his family paid 2.5 million CFA (US\$5,000).⁹⁷



“Henry,” deported from the US in November 2020, sits handcuffed to another detainee at a military camp in Cameroon’s Centre region, in February 2021 (screenshot from a video), during his three months of arbitrary detention. © 2021 Private

⁹⁶ Human Rights Watch interviews with Henry, deportee, March 11-13, 2021.

⁹⁷ Ibid.

Immediately after his arrival in October, gendarmes detained Donard incommunicado for six days in a government facility in Yaoundé, beating and interrogating him about being a separatist, until his family paid 500,000 CFA (US\$1,000).⁹⁸ “Even in the gendarmerie van that transported me, they started beating me and saying that it’s people like us that have made their job difficult,” Donard said. “In Yaoundé... they asked me..., who is our leader, who is ‘sponsoring’ us... I said, ‘I don’t know anything...’ [Gendarmes] beat me with their black batons...everywhere, even on my head, but...mostly hitting under my feet.” Donard said gendarmes beat him on three or four occasions. Afterward, “My whole body was hurting... I had some bruises, and under my feet was swollen.”⁹⁹

Two men deported in October and November 2020, Etienne and Charles, were held in prolonged pre-trial detention in Littoral region for 8 and 6.5 months respectively, until they were provisionally released in mid-2021. Human Rights Watch interviewed both while they were detained and reviewed legal documents confirming their detention.¹⁰⁰ Both said they were beaten and held in squalid, crowded prisons filled over capacity.¹⁰¹ Two relatives corroborated their accounts, noting that the prisons did not provide adequate food, nor medical care when Etienne and Charles fell ill (with malaria, the flu, and typhoid).¹⁰²

Four deported people on the November 2020 flight – Michael, Edgar, Benedict, Mathias – said police took them together to Bonanjo judicial police station in Douala and detained them for two weeks. Benedict said police treated him abusively during transport, forcing him to sit in spilled chemicals that burned his skin.¹⁰³ Human Rights Watch reviewed photos showing his burns. All four men described threats and “horrible” conditions of detention.¹⁰⁴ “We slept on the floor, with bugs that bit us... They didn’t give us food... My

⁹⁸ Human Rights Watch interviews and WhatsApp correspondence with Donard, deportee, January-April 2021; correspondence with Anne-Marie Debbané, immigrant rights advocate, Free Them All (San Diego) and Alliance in Defense of Black Immigrants, California, February 25, 2021.

⁹⁹ Human Rights Watch interview with Donard, deportee, January 13, 2021.

¹⁰⁰ Human Rights Watch interviews with Etienne and Charles, deportees, January-June 2021; Douala Military Court, “Ordonnance de mise en detention provisoire” (Provisional Detention Order), 2020 (details withheld), on file with Human Rights Watch; Douala Military Court, “Ordonnance de Jonction et de Renvoi” (Order of Continuation and Referral), 2021 (details withheld), on file with Human Rights Watch.

¹⁰¹ Human Rights Watch interviews with Etienne and Charles, deportees, January-June 2021; correspondence with US-based activist, June 11, 2021.

¹⁰² Human Rights Watch WhatsApp correspondence with Etienne’s relative, Cameroon, January 2021; interview with Charles’s relative, Cameroon, January 24, 2021.

¹⁰³ Human Rights Watch interview with Benedict, deportee, January 6, 2021.

¹⁰⁴ Human Rights Watch interview with Michael, deportee, December 23, 2020.

family came and brought food, but not every day,” said Edgar.¹⁰⁵ “The floor had sewage that runs from an open toilet,” said Benedict.¹⁰⁶

The police interrogated the four men individually. “They made us understand that it wasn’t a good thing that we left the country to go to the US to seek protection,” said Mathias.¹⁰⁷ “The police were accusing us that we are separatists,” said Michael.¹⁰⁸ Edgar said two police officers beat him twice: “They used a baton and a [machete] to whip my body, my back and legs...to interrogate me... They were saying that I’m an ex-SCNC [political group] member... They beat me...10 minutes the first time, and the second time about 10 to 15 minutes.” After release, he said, he spent three days in a clinic recovering: “I had swelling on my legs, and pains throughout my body.”¹⁰⁹ Edgar’s relative corroborated these injuries.¹¹⁰ Human Rights Watch examined medical records for Edgar stamped by a clinic, with doctor’s notes such as: “body pain on ribs from beating”; “flogged”; “a deported person from the United States.”¹¹¹

The four men said that after 12 days, police brought them to Douala’s military court, where officials told them investigations were ongoing and released them following payments, in at least two cases of around 1 million CFA (US\$2,000).¹¹² Human Rights Watch reviewed a video of the men in jail and photos of them at the military court.

Victor, who said he was deported in January or February 2019 on a charter flight with around six other Cameroonians, said authorities took him and the other deportees directly to New Bell Prison in Douala. He said he was held without charge for two months, including two weeks incommunicado; fed once a day; beaten about 10 times; and released only because he fell ill with scabies and malaria.¹¹³ Victor said the other deported people with him – Anglophones like him, who he said had sought asylum in the US for “political

¹⁰⁵ Human Rights Watch interview with Edgar, deportee, February 2, 2021.

¹⁰⁶ Human Rights Watch interview with Benedict, deportee, January 6, 2021.

¹⁰⁷ Human Rights Watch interview with Mathias, deportee, February 26, 2021.

¹⁰⁸ Human Rights Watch interview with Michael, deportee, December 23, 2020.

¹⁰⁹ Human Rights Watch interview with Edgar, deportee, February 2, 2021.

¹¹⁰ Human Rights Watch interviews with Edgar’s relative, Cameroon, February 22 and March 7, 2021.

¹¹¹ Medical records from private clinic in Douala, November 25, 2020, on file with Human Rights Watch.

¹¹² See section “Extortion and Bribes.” Human Rights Watch interviews with four deportees (Benedict, Michael, Edgar, Mathias), December 2020 – February 2021; interview with Edgar’s relative, Cameroon, February 22 and March 7, 2021.

¹¹³ Human Rights Watch interview and WhatsApp correspondence with Victor, deportee, January-May 2021.

persecution” – were detained for varying periods. ¹¹⁴ A relative corroborated Victor’s account. ¹¹⁵

In addition to the cases we documented, a US immigration lawyer, Rajan O. Dhungana, said two of his asylum-seeker clients experienced abuse in Cameroon after deportation from the US in October 2020: “Cameroonian authorities whisked them off to an undisclosed location... They said security forces used machetes on their feet to beat them.” ¹¹⁶ A Cameroonian lawyer told Human Rights Watch in January that his association had assisted several deported people detained and “exposed to beatings,” but did not provide details. ¹¹⁷

Other Arbitrary or Abusive Detention

In several cases, deported people who did not experience physical abuse told Human Rights Watch they were nonetheless arbitrarily detained, often in abusive conditions.

Upon arrival in October 2020, authorities detained Lucas incommunicado for 1.5 months in Kondengui Central Prison in Yaoundé. ¹¹⁸ “I was taken from airport by gendarmes and police. There were six of us in the car. When I woke up the next...morning, I was in a cell,” he said. “I ate [only] once a day... I wasn’t charged.” Authorities released Lucas in December after his family paid 2.5 million CFA (US\$5,000). ¹¹⁹ In a second incident in August 2021, Lucas said police arrested him due to lack of ID, asked him if he was “among those...deported from the USA,” and detained him for two weeks at a prison in South-West region. Lucas showed Human Rights Watch a photo of his cuffed hands, which he said was taken after arrest. ¹²⁰

¹¹⁴ Human Rights Watch interview and WhatsApp correspondence with Victor, deportee, January-May 2021.

¹¹⁵ Human Rights Watch interview and WhatsApp correspondence with Victor’s relative, Cameroon, April 11-15, 2021.

¹¹⁶ Human Rights Watch interview with Rajan O. Dhungana, lawyer, Federal Practice Group, California, US, January 20, 2021.

¹¹⁷ Human Rights Watch interview with lawyer, North-West region, Cameroon, January 19, 2021.

¹¹⁸ Human Rights Watch interview with Lucas, deportee, March 20, 2021; WhatsApp correspondence with Lucas’s relative, Cameroon, July 5, 2021.

¹¹⁹ Human Rights Watch interview with Lucas, deportee, March 20, 2021.

¹²⁰ Human Rights Watch WhatsApp correspondence with Lucas, deportee, and his relative, September 6-8, 2021.



“Lucas,” a man deported from the US to Cameroon in October 2020, is handcuffed during his arrest by police in August 2021, in Cameroon’s South-West region. © 2021 Private

Authorities detained Walter, deported in October 2020, for over four months in Douala and Yaoundé without charge or due process. Police summoned him in late October to return to the airport for his “documents” and “investigation follow-up,” then held him incommunicado at New Bell Prison for a week.¹²¹ Walter said an officer questioned him about why he left Cameroon, accusing him of “ruin[ing] the name of the country” and of being a separatist. He said police held him in a small cell without adequate food or water, with no soap or masks for protection from the Covid-19 virus.¹²² He said authorities transferred him in November to Kondengui Central Prison, where he met a man deported from the US in 2019. After two weeks in the prison, he said authorities transferred him to “the home of a ranking military officer” in Yaoundé and kept him there for 3.5 months “waiting for payment” – 2 million CFA [US\$4,000] – from his family.¹²³

¹²¹ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021; interviews and WhatsApp correspondence with Walter’s relative, Cameroon, February-April 2020; photo of text message from Cameroonian police, October 29, 2020, on file with Human Rights Watch.

¹²² Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021.

¹²³ Ibid.; interview and WhatsApp correspondence with Walter’s relative, Cameroon, February-April 2020. For more information on this case, see “Extortion and Bribes” section.

Three other men deported in 2020 described experiences of arbitrary detention in abusive conditions for two to seven days between October 2020 and June 2021. Thierry and Alphonsus, detained in Douala with one and two other deportees respectively, said authorities referenced their deportation or “speaking ill” of Cameroon, while Solomon was detained due to lack of ID in the South-West region. Solomon and Alphonsus said authorities released them after they or their families agreed to pay bribes of 150,000 to 2 million CFA (US\$300 to \$4,000). Thierry said a “benefactor” intervened to organize his release.¹²⁴

Violence and Risks from Armed Separatists

Several deported people told Human Rights Watch separatist fighters targeted them or their families post-return, another factor pushing them into hiding. Donard said armed separatists in South-West region beat and threatened him with death in December 2020:

About six or seven men from an armed separatist group came, carrying long guns, in civilian clothes... They stormed the house... Most of them could identify me because [that town] is where I grew up... They threatened that I need to join, to participate in the fight to restore Ambazonia... They started harassing, kicking me... They said, “If you don’t join us...we’re going to kill you, or if you run, we’re going to kidnap your family members...” We had to bribe them with money before they left us.¹²⁵

Joseph told Human Rights Watch he was afraid to return home after separatists kidnapped his uncle in January 2021.¹²⁶ Yannick said his name appeared on a list of October 2020 deportees that was circulating, so an armed separatist group, the Ambazonian Defense Forces – which he said “were after me before I fled the country” – knew he was back in Cameroon: “About one month after I came back, they went to my parents’ house [in South-

¹²⁴ Human Rights Watch WhatsApp correspondence and interviews with Solomon, Alphonsus, and Thierry, deportees, February-June 2021.

¹²⁵ Human Rights Watch interview with Donard, deportee, February 3, 2021.

¹²⁶ Human Rights Watch interview with Joseph, deportee, January 28, 2021.

West region] asking where I am... I don't feel safe. I'm afraid to move, I'm afraid to make friends, to leave my home.”¹²⁷

Deportees' Families Targeted

Cameroonian authorities targeted relatives of at least six deported people for violence, abduction, arbitrary detention, extortion, harassment, or other mistreatment, in connection with the deportees' returns. In a seventh case, military personnel allegedly opened fire on a house and killed a deportee's sister. These abuses took place between October 2020 and January 2021 in Douala and North-West and South-West regions, primarily during searches for deportees. Victims included an 11-year-old boy, five women, and two men.

Esther said soldiers attacked her 35-year-old sister's house in North-West region, where she was staying at the time, around two weeks after she escaped from detention in December 2020. “My elder sister was shot. They killed her, but I managed to escape,” she said. “I heard gunshots... I [ran] to escape, but my sister was there in the house... She had a problem with her leg and couldn't move. She was sitting on the bed. They were shooting guns around the house... The bullet went straight into the house and hit her.” Esther said a military friend who had helped her escape detention informed her family the attack had been intended for her. “They came and wanted to finish my life... That's what I was told.”¹²⁸



A 60-year-old woman, the mother of “George” (deported from the United States in October 2020), recovers at a medical clinic after military personnel severely beat her while they were looking for her son in the South-West region, Cameroon, December 2020. © 2020 Private

¹²⁷ Human Rights Watch interview with Yannick, deportee, May 12, 2021. We corroborated Yannick's account of his background in USCIS, “Record of Determination / Credible Fear [Interview] Worksheet,” June 10, 2019, on file with Human Rights Watch (hereafter “CFI record, Yannick”); US Immigration Court, Jena, LA, “Order of the Immigration Judge,” July 17, 2019, on file (hereafter “IJ decision, Yannick”); and Form I-589, “Application for Asylum and for Withholding of Removal,” Yannick, August 8, 2019, on file with Human Rights Watch.

¹²⁸ Human Rights Watch interview with Esther, deportee, June 12, 2021.

George, deported in October 2020, went into hiding in South-West region, but did not return to his home village. In December, George said, eight military men severely beat his 60-year-old mother at her home, while looking for him.¹²⁹ George said:

Since they could not find me...five of them were beating her...with a military belt...and they threatened her with guns... She fell down crying, so then they kicked her... They were hitting her with sticks... While those five were beating her, the other three... stole all her livestock... They left her to lie there... People in village came and took her to the hospital.¹³⁰

Human Rights Watch reviewed photos of George's injured mother and a hospital report documenting her injuries. A witness from the village, a 52-year-old man who found George's mother, said:

I was walking to the market around 9 a.m., when I passed Madame[...]’s house and heard her crying for help. I ran to find her lying on the ground, and I noticed that she was bleeding...the military men had already left... She said eight had come asking for her son, because he had been deported from the USA...and...they started beating her... [She said] they promised that they will come back, and if they find anyone in that compound that cannot produce Mr. [George], then they will kill the person...

Afterward I saw the military in the village market. Some villagers told me the military had been coming and asking for Mr. [George]... [and that] his case is special because he traveled abroad and...he's supposed to be in prison.¹³¹

Alphonsus, deported in November 2020, said gendarmes looking for him in his hometown in North-West region harassed his stepmother twice, in November and January. He said that a gendarmerie truck arrived and five gendarmes “threatened my stepmother that she

¹²⁹ Human Rights Watch interview with George, deportee, March 10, 2021; interview with witness, South-West region, Cameroon, March 13, 2021.

¹³⁰ Human Rights Watch interview with George, deportee, March 10, 2021.

¹³¹ Human Rights Watch interview with witness, South-West region, Cameroon, March 13, 2021.

had to produce me, or they will burn down her compound... They made her crawl on her stomach.”¹³²

Pierre said that in the months after his October 2020 deportation, security forces – gendarmes and men he believed to be undercover – repeatedly visited his wife and children at home in Douala to demand his whereabouts, threatening them, sometimes showing an arrest warrant. In early 2021, he said, two men abducted his 11-year-old son for 12 hours, interrogating the boy about Pierre:

Four people came the first time; the second time, two, ...the third time, another four... They tried to intimidate [my wife]...asking, “Where is your husband? You have to know where he is hiding,” and they said if she does not tell...they will harm her... They told her just because she has a kid doesn’t mean they cannot do something to her. They always came at night and on weekends. ...

[T]wo people...took my son away and [tried to] force him to tell where I was hiding... They took my son around 11 a.m... put him in a car, drove him for a long time, and brought him back after 11 p.m... He said they intimidated him, that if he did not say the truth, they [would] take him away.¹³³

Pierre shared an audio recording of what he said was a 2021 visit by the men, in which they can be heard arguing with his wife.

Bernard said police in North-West region harassed his mother and extorted his family in October 2020, prior to his November deportation, after a list of names of people scheduled to be deported circulated publicly: “The police went to my village..., met my mother..., took her [to a police station], threatened her... They said they knew I was on the list to be deported, and if she doesn’t make an ‘arrangement,’ they are going to take me to jail.”¹³⁴ Bernard’s brother also confirmed the incident.¹³⁵

¹³² Human Rights Watch interview with Alphonsus, deportee, February 9, 2021.

¹³³ Human Rights Watch interview with Pierre, deportee, January 18, 2021.

¹³⁴ Human Rights Watch interviews with Bernard, deportee, January 17 and May 13, 2021.

¹³⁵ Human Rights Watch interviews with Bernard’s brother, US, January 14 and March 18, 2021.

Two men deported in October, Etienne and Isaiah, said security forces arbitrarily arrested and detained relatives in connection with their returns. Isaiah, in hiding since his return, said gendarmes repeatedly threatened his uncle in North-West region, looking for him. In mid-2021, he said, gendarmes arrested his uncle and detained him for two days at a gendarme station in Batibo, where he was beaten and pressured to say where Isaiah was hiding.¹³⁶ Etienne said gendarmes held his brother for several days in October: “He came to...where I was locked up [in Douala]...with a medical report to know if they can release me, [and] they...told him that his brother is a traitor and he wants to help a traitor, so they locked him up.”¹³⁷ Another family member corroborated this incident.¹³⁸

Harassment and Hardship Due to Confiscated IDs

Deported people arriving on the October and November 2020 flights said their ICE escorts handed their identification documents – national identity cards, birth certificates, passports – to Cameroonian authorities, who confiscated and never returned them.¹³⁹ Cameroonian law requires citizens to possess and carry national ID cards at all times, penalizing failure to possess one with imprisonment from three months to one year, or a fine from 50,000 to 100,000 CFA (US\$100 to 200), or both.¹⁴⁰ Refusal to present an ID card carries a penalty of 5 to 10 days imprisonment and a fine of 4,000 to 25,000 CFA (US\$8 to 50).¹⁴¹

Given these laws and the frequent ID checks nationwide, the government’s confiscation of deportees’ IDs effectively restricted their freedom of movement and trapped them in extreme hardship by limiting their ability to work, receive direct money transfers, find housing, access public services, and afford basic living necessities, including food and medical care. It also exposed them to additional risks, in some cases leading to abuse, detention, or extortion by state agents. Many said lack of IDs contributed to forcing them

¹³⁶ Human Rights Watch WhatsApp correspondence with Isaiah, deportee, June-July 2021.

¹³⁷ Human Rights Watch interview with Etienne, deportee, May 6, 2021.

¹³⁸ Human Rights Watch interview with Etienne’s relative, Cameroon, February 24, 2021.

¹³⁹ Human Rights Watch interviews with deportees, December 2020 – October 2021.

¹⁴⁰ Law 90-42 of 19 December 1990, Establishing the National Identity Card (*Loi no 90-42 du 19 décembre 1990 instituant la carte nationale d’identité*) Government of Cameroon, December 19, 1990, <https://www.gredevel.fr/index.php/2016-03-14-13-30-24/2016-03-14-13-59-43/file/185-loi-n-90-42-du-19-dec-1990-instituant-la-carte-nationale-d-identite?start=20> (accessed May 26, 2021), art. 5.

¹⁴¹ General Delegation for National Security (Délégation Générale à la Sureté Nationale), Cameroon, “Sanctions relating to the National Identity Card” (“Les sanctions relatives à la Carte Nationale d’Identité”), undated, <https://www.dgsn.cm/les-sanctions-relatives-a-la-carte-nationale-d-identite/> (accessed May 26, 2021), citing Cameroon Penal Code, art. 370, para. 12.

into hiding.¹⁴² These constraints took a serious toll on deportees' mental and physical health, as Robert described:

I'm just staying indoors...because I don't have an identity card. I can't even move... Since I came back, I'm not actually OK. Most of the time I have this PTSD that's disturbing me. I have thoughts of committing suicide... I just feel so lonely... I haven't even seen my mom, my siblings... In my own country I can't work, I can't go anywhere... it's traumatizing me.¹⁴³

Sali said, "It's not easy for me because I have no papers... I can't work, I can't go anywhere, I can't drive... Even a phone, you can't register a phone SIM... I have no house... I've lost everything. My health is not good."¹⁴⁴

Bernard explained:

Not having your ID, you can't move... You can't do a transaction or receive anything... [H]aving a job is out of the question. ...I can't even leave my house now and go toward the road where the military is, because if they ask for your ID and you don't present it, you're going to detention or will have to pay a fine... This law applies throughout country, but in the Anglophone regions it's bad, because they consider anyone that can't present an ID to be a separatist fighter.¹⁴⁵

A Cameroonian lawyer in North-West region emphasized the particular risks for Anglophones: "There are so many people in prison, detained because they didn't have a national identity card. This is a crisis situation, and if you are an Anglophone and [security forces] find you somewhere and you don't have an ID... they'll just detain you... Those who can pay, they let them go. Those who cannot pay, they suffer the most."¹⁴⁶

¹⁴² Human Rights Watch interviews with deportees, December 2020 – October 2021.

¹⁴³ Human Rights Watch interview with Robert, deportee, February 20, 2021.

¹⁴⁴ Human Rights Watch interview with Sali, deportee, January 16, 2021.

¹⁴⁵ Human Rights Watch interview with Bernard, deportee, January 17, 2021.

¹⁴⁶ Human Rights Watch interview with lawyer, North-West region, Cameroon, February 17, 2021.

Several deported people, their relatives, and a US-based researcher claimed the Cameroonian government confiscated deportees' IDs to constrain and monitor them, possibly to arrest them later.¹⁴⁷ Derrick said, "The police [at the airport]...told us that after some time they are going to call us back... If they can take our national ID card, it means there is something wrong."¹⁴⁸ A deportee's brother said, "Since there are so many Cameroonians deported, the government didn't want to jail all of them. They had a mindset of a way to show the world everything is OK... They took their IDs so they can't really go anywhere... That way they can get to them whenever they want."¹⁴⁹ Dr. Charlotte Walker-Said, a New York-based African Studies scholar with a decade of research experience on Cameroon, said: "Not every single deportee is immediately thrown into prison...but they're all under surveillance, they all lose their identity documents, they're all considered suspicious. That puts them at greater risk of being arrested."¹⁵⁰ Indeed, at least one deportee, Walter, was later summoned back by police "for his documents" after being released from Yassa, and was then arrested.¹⁵¹

In place of their IDs, the General Delegation for National Security gave some – but not all – deported people documents in French entitled *Sauf Conduit*, a movement pass. The documents listed their names and personal details, identified them as deportees from the US, and stated, "Upon disembarking the plane, the person concerned was lacking any national identity document," and that the document "has the value of a movement pass."¹⁵² Ten passes we examined were identical, except for deportees' details and flight information. Of the 39 interviewees deported in October or November 2020, only 20 said authorities offered them a pass.¹⁵³

¹⁴⁷ Human Rights Watch interviews with deportees (Solomon, Derrick, Walter), January-March 2021; interview with Bernard's brother, US, January 14, 2021; interview with Walter's relative, Cameroon, February 25; interview with Charlotte Walker-Said, associate professor, Department of African Studies, John Jay College of Criminal Justice, City University of New York, February 3, 2021. Walker-Said has extensively studied Cameroon's politics, history, and human rights context, and has served as an expert witness in US asylum adjudications for Cameroonians.

¹⁴⁸ Human Rights Watch interview with Derrick, deportee, January 28, 2021.

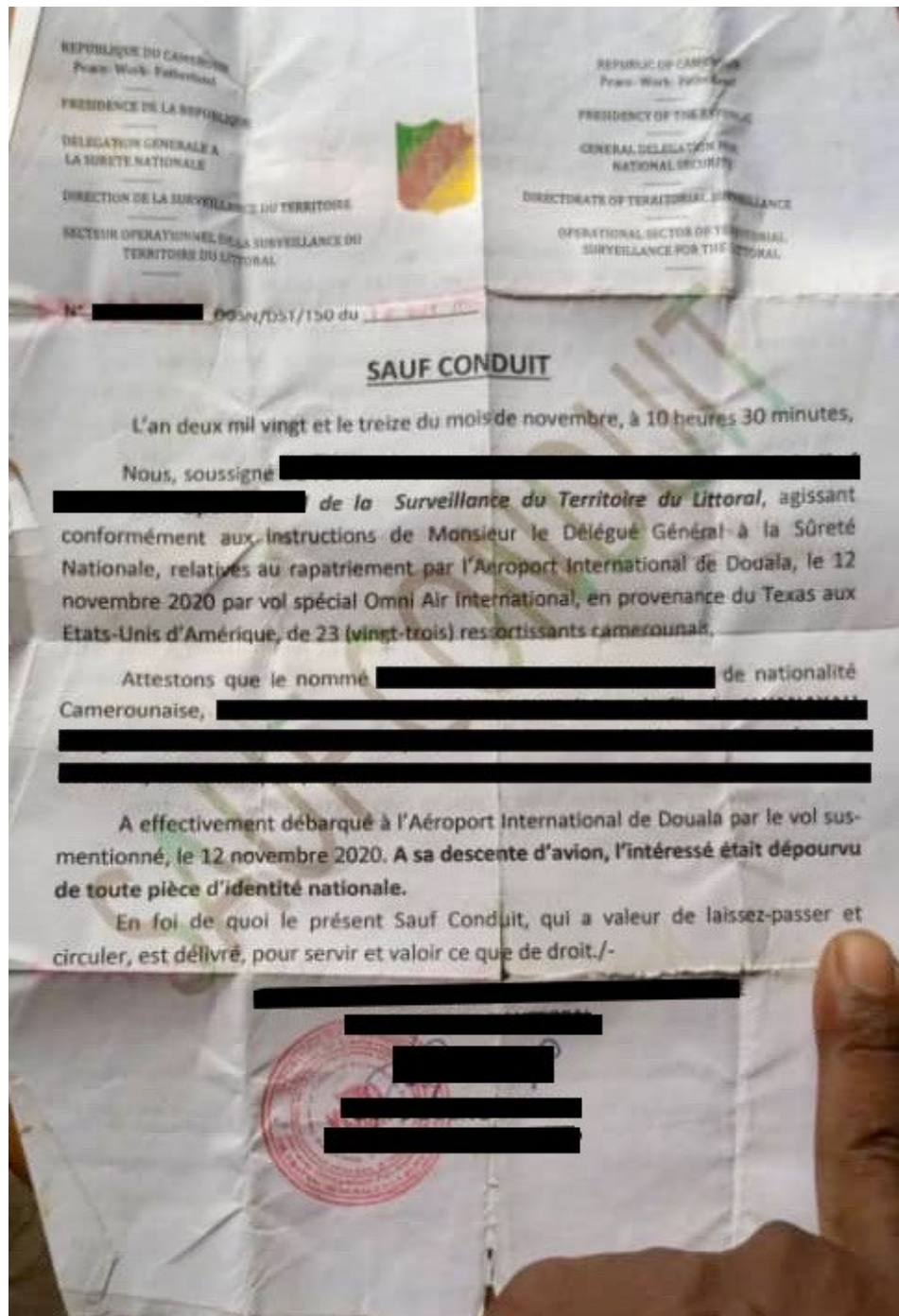
¹⁴⁹ Human Rights Watch interview with Bernard's brother, US, January 14, 2021.

¹⁵⁰ Human Rights Watch interview with Charlotte Walker-Said, African studies associate professor, City University of New York, February 3, 2021.

¹⁵¹ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021; interview with Walter's relative, Cameroon, February 25, 2021; photo of police text message, date withheld, on file with Human Rights Watch.

¹⁵² Unofficial translation by Human Rights Watch. Presidency of the Republic of Cameroon, General Delegation for National Security (Délégation Générale à la Sureté Nationale), *Sauf Conduit* (movement pass), October 16, 2020 and November 13, 2020, on file with Human Rights Watch.

¹⁵³ Human Rights Watch interviews with deportees, December 2020 – October 2021.



A Cameroonian man deported by the United States in November 2020 holds a Cameroonian police document (“*Sauf Conduit*,” or movement pass) that he received upon arrival. Cameroonian authorities confiscated the national ID documents of those arriving on the October and November 2020 US deportation flights, giving some of them movement passes in lieu of their confiscated IDs. © 2020 Private

According to deportees' accounts, the *Sauf Conduit* passes created additional problems with police, gendarmes, and military in Littoral, Centre, West (at checkpoints), North-West, and South-West regions. Some officers claimed not to recognize or trust the documents, holding deported people until they paid bribes; others threatened or abused them after realizing the documents identified them as deportees.¹⁵⁴ "It is a police document, but at times [authorities] tell you it's fake... to extort money from you," said Solomon.¹⁵⁵

Human Rights Watch documented ten cases of deported people assaulted, harassed, or detained in connection with their lack of IDs. In five cases we described earlier, officers reportedly demanded IDs and beat or detained people when they didn't have one, even after presenting the *Sauf Conduit*:

- **In South-West region:** Mercy's October 2020 arrest by military at a checkpoint; Paul's January 2021 assault at home by the military; and Solomon's June 2021 arrest on the street, during which he said police "asked for my ID, and told me to get in the truck."¹⁵⁶
- **At a checkpoint entering into North-West region:** security forces' arrest and abuse of Esther and Marie, in October 2020 and January 2021, respectively.¹⁵⁷

Paul said police also harassed him about the *Sauf Conduit* pass at checkpoints en route to South-West region between October 2020 and January 2021:

I was bothered so many times... [Police] said, "Everybody show their ID card."...They said, "Nothing can prove this document is your own, because your picture is not there... Who gave you this paper?" ...On so many occasions I had to give [the police] money before they would let me go... 2,000 CFA, 1,000 CFA, 500 CFA [US\$1-4].¹⁵⁸

Cornelius described two problematic ID-related encounters with security forces. In October 2020, he was in a taxi in Douala, passing through a checkpoint, and had to spend hours

¹⁵⁴ Human Rights Watch interviews with deportees, December 2020 – October 2021.

¹⁵⁵ Human Rights Watch interview with Solomon, deportee, February 18, 2021.

¹⁵⁶ For details on Mercy, Solomon, and Paul's cases, see section, "Violence, Detention, and Enforced Disappearances by Government Forces," p. 33.

¹⁵⁷ For details on Esther and Marie's cases, see same section as above.

¹⁵⁸ Human Rights Watch interview with Paul, deportee, March 11, 2021.

explaining to police and gendarmes arguing for the *Sauf Conduit*'s authenticity. In the end, Cornelius was forced to pay a bribe to be allowed proceed. In November 2020 in South-West region, BIR soldiers identified him as an asylum seeker deported from the US and threatened him for “tarnishing the image of Cameroon” after he presented the *Sauf Conduit*. Cornelius said after those incidents, “it was so scary to move about without an ID, so I was just indoors in hiding for a long time.” ¹⁵⁹

Theodore told Human Rights Watch that he had had several encounters with the military in Yaoundé, and that they had not accorded the *Sauf Conduit* any weight: “They don’t recognize it.” He described a December 2020 encounter with a mixed group of gendarmes and police who demanded his ID when they noticed he did not speak French. “When I presented the document, they said, ‘This is not your identity card... Why were you being deported from the US?’” In another incident in February 2021, Theodore was walking on the street when two gendarmes and one BIR officer demanded that he present his ID. After he took out the *Sauf Conduit*, they put him in their vehicle and asked threatening questions about his involvement in “the ongoing crisis.” “I was so scared,” he said. ¹⁶⁰

Deportees who tried to get their IDs back from authorities encountered problems. Sali said police in Douala threatened him in November 2020: “I went to the police station to ask for my papers... [The officers] removed three or four papers with pictures [of deportees]... They said, ‘You went to the US? ...We’ve got some of you guys... These guys are troublemakers, they went out...and spoiled this country’s image.’” He said that when he continued asking for his IDs, an officer stated: “You are no longer in America... Here in Cameroon if you speak too much, me or any police officer can remove our gun and shoot you.” ¹⁶¹

Donard, a deportee hiding in the outskirts of Douala, described security raids in December 2020 and January 2021 in which security forces “started moving from house to house,” arresting people without IDs. He said, “I’m scared for my life... We are basically being put on house arrest.” ¹⁶²

¹⁵⁹ Human Rights Watch interview with Cornelius, deportee, March 2, 2021.

¹⁶⁰ Human Rights Watch interview with Theodore, deportee, February 22, 2021.

¹⁶¹ Human Rights Watch interview with Sali, deportee, January 16, 2021.

¹⁶² Human Rights Watch interview and WhatsApp correspondence with Donard, deportee, January 13 and February 4, 2021.

Some deported people said they were afraid to travel out of Douala, the city of arrival, due to the risk of passing checkpoints without IDs. Others went and managed to pass through, but still faced risks in the Anglophone regions. ¹⁶³ Joseph, hiding in the South-West region, said, “Since I came here there has been so much shooting, and if I go out the military might take me to be one of those guys [armed separatists] since I don’t have an ID card... I’m at so much risk.” ¹⁶⁴

Extortion and Bribes

At least 25 of the 41 deported people we interviewed said they, their relatives, or their friends were forced or felt they had no choice but to pay bribes to state agents in order to protect them from or mitigate the harm they faced after they returned. They said they paid police, gendarmes, or military, from guards to commissioners, to arrange release from detention, to ensure they were not taken to detention, or to improve or mitigate the circumstances or location of imprisonment. They paid in advance of deportation, at the airport, at the Yassa “quarantine” facility, during detention, or when stopped on streets or at checkpoints. ¹⁶⁵

The UN Office on Drugs and Crime describes “coercive extortion by a public official” as “the seeking or receiving of a corrupt benefit paid under an implicit or explicit threat to give the payer worse than fair treatment or to make the payer worse off.” ¹⁶⁶ At least five deported people described how officials made explicit threats and demands for money in order for them to be released, not prosecuted, or not taken to “worse” facilities, notably Kondengui Central Prison. Others said authorities’ threats were implicit when they indirectly indicated failure to pay would lead to harm, given the abusive treatment and lack of due process or guarantees of a fair trial. ¹⁶⁷

In one case, described earlier, ¹⁶⁸ Bernard said police threatened his mother in North-West region in advance of his return that “if she doesn’t make an ‘arrangement,’ they are going

¹⁶³ Human Rights Watch interviews with deportees, January-June 2021.

¹⁶⁴ Human Rights Watch interview with Joseph, deportee, January 28, 2021.

¹⁶⁵ Human Rights Watch interviews with deportees, December 2020 – October 2021.

¹⁶⁶ UNODC, “Bribery versus Extortion,” April 2018, <https://www.unodc.org/e4j/en/organized-crime/module-4/key-issues/bribery-versus-extortion.html> (accessed June 1, 2021).

¹⁶⁷ Human Rights Watch interviews with deportees, December 2020 – October 2021.

¹⁶⁸ See section “Deportees’ Families Targeted,” p. 49.

to take me to jail.” He said police asked for 5 million CFA (US\$10,000), and his family paid 3 million (US\$6,000). ¹⁶⁹

Walter’s detention without due process from October 2020 to February 2021 – first in New Bell prison (in Douala) and Kondengui Central Prison (in Yaoundé), then at an officer’s home in Yaoundé – was explicitly for extortion, according to his account and that of his relative. ¹⁷⁰ Walter said, “They told my family I had to pay 2 million francs [CFA] [US\$4,000] to get me off the book, or I would be prosecuted.” ¹⁷¹ Prior to Walter’s release, his relative said:

I contacted a friend who [is] a police officer [in Douala]... The commissioner at the station told him these cases are normally supposed to be transferred to Yaoundé...to face trial... These guys were demanding a huge sum... They refused to give us any information about [Walter’s] whereabouts... To secure his release, it will come down to money, not legal argument... They do that purposefully..., keep people in detention without trial. ¹⁷²

After Kondengui Central Prison, Walter said authorities detained him for three and a half months in “the home of a ranking military officer, in Yaoundé, an hour or more drive from Kondengui...like a residential house, with a big compound, fenced around.” He said he was locked in a room, that military and police brought him food, and there was no mention of any legal process. ¹⁷³ He explained how he was essentially being held for ransom:

They have some cases they don’t keep in Kondengui. They keep you [elsewhere] until your family pays...you can’t go out... You are just there waiting payment. ...It was pretty clear. In transit from Kondengui to the house, an officer told me, “We arranged with your family, you will stay here until we finish what we’re doing.” ¹⁷⁴

¹⁶⁹ Human Rights Watch interviews with Bernard, deportee, January 17 and May 13, 2021.

¹⁷⁰ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021; interview and WhatsApp correspondence with Walter’s relative, Cameroon, February-April 2021. See section, “Violence, Detention, and Enforced Disappearances by Government Forces,” p. 33.

¹⁷¹ Human Rights Watch interview with Walter, deportee, March 16, 2021.

¹⁷² Human Rights Watch interview with Walter’s relative, Cameroon, February 25, 2021.

¹⁷³ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021.

¹⁷⁴ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021.

Another case in which the police explicitly extorted a bribe, also described earlier, occurred during Solomon's June 2021 detention for a week in South-West region.¹⁷⁵ He said, "[The police] said before they let me go, I have to give them 150k [150,000 CFA, or US\$300]." ¹⁷⁶

Six other deported people or their relatives also said they ultimately paid the police, gendarmes, or military to release them from detention. Four said their families paid 2 to 2.5 million CFA (US\$4,000 to 5,000); one said his family paid 500,000 CFA (\$1,000), and one gave what she had on her: 7,000 CFA (\$14). ¹⁷⁷

Four deported people detained together in Douala paid money at court for their release – 900,000 and 1 million CFA (US\$1,800-2,000) in two cases – but since they did not receive receipts, they said they were unsure whether the money constituted bail, bond, or bribe. ¹⁷⁸ "We were not given any paperwork...nothing to show you paid a bond," said Michael. ¹⁷⁹ Edgar's relative said he considered the situation extra-legal, due to the lack of arrest warrant and release paperwork. "For them to allow you to take him out of jail, they ask a ransom, and there is no receipt. You give it and don't talk," he said. ¹⁸⁰

Eight deported people said they or their relatives paid sums of money in advance, or upon arrival at the airport, to ensure they were not imprisoned. Some cited amounts between 500,000 and 3 million CFA (US\$1,000 to 6,000). According to the deportees' accounts, police then helped three to escape from the airport, while security forces took five to Yassa and then released them. ¹⁸¹ Amos, who paid to escape from the airport, said, "[The police] said normally I was to go to Kondengui [Central Prison]...that they would charge me with [supporting] separation [of the Anglophone regions]... but...they have taken the money." ¹⁸²

¹⁷⁵ See section, "Violence, Detention, and Enforced Disappearances by Government Forces," p. 33.

¹⁷⁶ Human Rights Watch WhatsApp correspondence with Solomon, deportee, June 11, 2021.

¹⁷⁷ Human Rights Watch interviews with deportees (Donard, Alphonsus, Henry, Walter, Lucas, Richard, Marie), January–July 2021. See section, "Violence, Detention, and Enforced Disappearances by Government Forces," p. 33.

¹⁷⁸ Human Rights Watch interviews with deportees (Benedict, Michael, Mathias, Edgar), December 2020 – February 2021; interview with Edgar's relative, Cameroon, February 22 and March 7, 2021.

¹⁷⁹ Human Rights Watch interviews with Michael, deportee, February 17, 2021.

¹⁸⁰ Human Rights Watch interview with Edgar's relative, Cameroon, February 22, 2021.

¹⁸¹ Human Rights Watch interviews with deportees (Charles, Bernard, Denis, Job, George, Yannick, Pierre; Amos, Andre), January–July 2021.

¹⁸² Human Rights Watch interview with Amos, deportee, February 9, 2021.

Three deported people, including one who also later paid money to escape jail, said friends or family had to pay bribes at the government “quarantine” facility in Yassa to get them released.¹⁸³ At least two cases suggest explicit extortion. Fanya said, “[The police] said... ‘Call your family member, who will come and give something, or otherwise you will go to prison.’ ...So we paid...150,000 or 170,000 CFA [US\$300 or 340].”¹⁸⁴ Marie said that after a friend paid 300,000 CFA (US\$600) for her release from Yassa, officials “threatened us not to mention anything, that we gave any bribe for release.”¹⁸⁵ Marie’s friend wrote in an affidavit that “the men on duty” had “demanded for [US]\$1000 for her release[,] saying she must have come with money...from the US,” and “I finally paid the sum of three hundred thousand [CFA] as bribe in order to get my friend... free... without getting a receipt.”¹⁸⁶

Two deported people and their relatives said that during months of prolonged detention, relatives had to pay multiple bribes to visit and bring needed food, water, medicine, and a mattress to sleep on.¹⁸⁷ Three deported people paid smaller amounts (US\$1 to 20) to police or gendarmes after being stopped due to lack of IDs.¹⁸⁸

Two deported people reported attempted extortion by authorities. Robert, deported in November 2020, said that some people identifying themselves as immigration officials called his uncle in January, telling him to bring Robert to Yaoundé for some “clarifications.” Robert said that his uncle “called somebody at the national gendarmerie in Yaoundé, and she said we need to bring 1.5 million CFA [US\$3,000] for them to erase my name from the list of people ‘supporting separatist fighters’...and to get my ID card back.”¹⁸⁹ Richard, deported in October and detained incommunicado at New Bell prison for a month, said:

The guards and prison attendants...said they heard that I’m coming back from the US, so I must have come back with dollars. They were struggling to get money from me, and if I didn’t give it, they would make conditions hard

¹⁸³ Human Rights Watch interviews with deportees (Fanya, Marie, Isaiah), February-April 2021.

¹⁸⁴ Human Rights Watch interview with Fanya, deportee, February 26, 2021.

¹⁸⁵ Human Rights Watch interview with Marie, deportee, March 10, 2021.

¹⁸⁶ Affidavit from Marie’s friend in Douala (details withheld for safety reasons), 2021, on file with Human Rights Watch.

¹⁸⁷ Human Rights Watch interviews with Charles and Etienne (deportees), and two relatives in Cameroon, January-June 2021.

¹⁸⁸ Human Rights Watch interviews with deportees (Cornelius, Paul, Benjamin), February-May 2021. See section, “Harassment and Hardship Due to Confiscated IDs,” p. 52.

¹⁸⁹ Human Rights Watch interview with Robert, deportee, February 20, 2021.

on me... But I didn't have anything... That's why my living conditions were so harsh. I was kept in a dark room, only given two slices of bread for the whole day, [often] no water. ¹⁹⁰

Fabricated Charges and Wrongful Prosecutions for Having Sought Asylum

Cameroonian authorities told some deported people they would face prosecution, in several cases threatening or leveling trumped-up charges. ¹⁹¹ Documented violations of fair trial standards in Cameroon suggest deported people would be unlikely to receive a fair trial. ¹⁹²

The act of seeking asylum in the United States was the basis of a Douala military court summons for one civilian deportee, who was charged with:

[H]aving, in the United States, spread false news likely to harm public authorities or national cohesion, by declaring to be a victim of abuses by the Cameroonian Government as an Anglophone and sympathizer of the SCNC and the Separatists. ¹⁹³

This charge establishes the basis for *sur place* asylum claims for Cameroonians in the United States, as it demonstrates that the act of seeking asylum itself – “declaring to be a victim of abuses by the Cameroonian Government” – is a basis for prosecution upon return. Prosecution may constitute persecution, according to the UN refugee agency (UNHCR), if the law in question is “not...in conformity with accepted human rights standards,” notably if it is “pretext for punishing the offender for his political opinions” or if a person may face “excessive or arbitrary punishment.” ¹⁹⁴

¹⁹⁰ Human Rights Watch interview with Richard, deportee, April 5, 2021.

¹⁹¹ Human Rights Watch interviews with deportees, December 2020 – October 2021, and lawyer, North-West region, Cameroon, January 19, 2021.

¹⁹² Human Rights Watch, *World Report 2022*, Cameroon chapter; “Cameroon: Separatist Leaders Appeal Conviction,” September 3, 2019, <https://www.hrw.org/news/2019/09/03/cameroon-separatist-leaders-appeal-conviction>.

¹⁹³ The court summons also adds, “Facts foreseen and punished by articles 74 and 113 of the Penal Code” (prohibiting the “propagation of false news”). Douala Military Court, “Citation à Prévenu” (summons to the defendant to appear), December 21, 2020, on file with Human Rights Watch. Unofficial translation by Human Rights Watch.

¹⁹⁴ UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection*, reissued, February 2019, <https://www.refworld.org/docid/5cb474b27.html> (accessed November 15, 2021), paras. 57, 59, and 85.

Three other civilian deportees said they were also being investigated at the Douala military court, though they fled prior to being served with official charges.¹⁹⁵ Human Rights Watch reviewed photos of the men seated outside the court, and a relative corroborated their accounts.¹⁹⁶

“Civilians are not to be tried at the military court,” a Douala-based lawyer told Human Rights Watch. “The law is clear. ‘Propagation of false information [or news]’ is not a crime that should be tried at the military court. But...the law is not being respected.”¹⁹⁷ Cameroon authorities’ use of military courts to try civilians violates applicable international and regional human rights law.¹⁹⁸ Both international and regional bodies, such as the UN Human Rights Committee and the African Commission on Human and People’s Rights, have held that the trial of civilians in military courts is incompatible with fair trial standards in particular as military court proceedings typically do not protect basic due process rights or satisfy requirements for independence and impartiality.

Two deported people detained after return said in addition to certain formal charges they received and did not contest,¹⁹⁹ authorities claimed they were being investigated on fabricated charges of supporting armed separatists. One said gendarmes told him in detention, “You’re a traitor... you went to train the Ambazonians,” and a military court official told him they would “charge me for treason.”²⁰⁰ The other said a gendarme threatened that he would be charged with “supporting the rebels,” for which, he was told, the penalty was life imprisonment.²⁰¹

One man said that upon his arrival after deportation, police at the airport told him he would have been detained and prosecuted for supporting “separation of the country” if he

¹⁹⁵ Human Rights Watch interviews with deportees, December 2020 – March 2021.

¹⁹⁶ Human Rights Watch interviews with deportee’s relative, Cameroon, February 22 and March 7, 2021.

¹⁹⁷ Human Rights Watch interview with lawyer, Douala, Cameroon, March 1, 2021.

¹⁹⁸ See e.g., African Commission on Human and Peoples’ Rights, “Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,” 2003, DOC/OS (XXX)247, <https://www.achpr.org/legalinstruments/detail?id=38> (accessed January 18, 2022). Principle L, entitled *The Right of Civilians Not be Tried Before Military Courts*, provides in section (c) Military courts should not in any circumstances whatsoever have jurisdiction over civilians.

¹⁹⁹ Douala Military Court, “Ordonnance de mise en detention provisoire” (Provisional Detention Order), 2020 [specific date withheld], and “Ordonnance de Jonction et de Renvoi” (Order of Continuation and Referral), 2021 [specific date withheld], on file with Human Rights Watch.

²⁰⁰ Human Rights Watch interview with deportee, May 6, 2021.

²⁰¹ Human Rights Watch interview with deportee, May 20, 2021.

had not paid his way out.²⁰² Another man said gendarmes told him, in detention, that “they would charge me under the new anti-terrorism law,” but then agreed to release him on condition a bribe was paid.²⁰³ Cameroon’s 2014 anti-terrorism law has been widely criticized by rights groups for its overbroad definition of terrorism, the provision of the death penalty, and for being used to silence the opposition, civil society, and the media.²⁰⁴

A lawyer based in the North-West Region said his organization had assisted several deportees in late 2020 who were “presented with charges of terrorism, insurrection, conspiracy, or hostility against the government,” though he did not provide details.²⁰⁵

²⁰² Human Rights Watch interview with deportee, February 9, 2021.

²⁰³ Human Rights Watch interview with deportee, January 13, 2021.

²⁰⁴ Law No. 2014/028 of 23 December 2014 on the Suppression of Acts of Terrorism (Loi no. 2014/028 du 23 décembre 2014, Portant Repression des Actes de Terrorisme), December 23, 2014, https://www.assnat.cm/gestionLoisLegislatures/libraries/files_upload/uploads/Lois/2014-028fr.pdf (accessed September 10, 2021). See also: “Cameroon: Heightened Crackdown on Opposition,” Human Rights Watch news release, September 21, 2020, <https://www.hrw.org/news/2020/09/21/cameroon-heightened-crackdown-opposition>; Ngala Killian Chimtom, “Cameroon’s Anti-Terrorism Law – Reversal of Human Freedoms,” IPS, December 5, 2014, <http://www.ipsnews.net/2014/12/cameroons-anti-terrorism-law-reversal-of-human-freedoms/> (accessed August 16, 2021); Amnesty International, “Cameroon: Conviction and sentence of Radio France Internationale journalist a travesty of justice,” April 24, 2017, <https://www.amnesty.org/en/latest/news/2017/04/cameroon-conviction-and-sentence-of-radio-france-internationale-journalist-a-travesty-of-justice/> (accessed August 16, 2021).

²⁰⁵ Human Rights Watch interview with lawyer, North-West Region, Cameroon, January 19, 2021.

III. US Failure to Protect Confidential Asylum Documents During Deportations

Deported people told Human Rights Watch that upon their arrival in Cameroon on the October and November 2020 deportation flights, Cameroonian authorities searched their bags for incriminating documents, and in some cases discovered sensitive and confidential documents relating to their US asylum applications. Eight people alleged that their documents fell into the hands of Cameroonian officials because US Immigration and Customs Enforcement (ICE) officials failed to protect or respect the confidentiality of their asylum documents.²⁰⁶

Five of these eight people said that ICE or other officials had, prior to departure, either packed their bags for them or refused to allow them – despite pleas – to remove documents from their bags. They said Cameroonian authorities then confiscated documents from their luggage and arrested them, either at the airport or after leaving the government “quarantine” facility in Yassa, Douala. Another deportee alleged that ICE directly handed over a sensitive document to Cameroonian authorities with his identity documents, leading to his immediate arrest. Two others, detained after leaving Yassa, said they suspected ICE may have – without their knowledge – added asylum-related documents to their belongings or identity files, given that, they alleged, Cameroonian authorities told them they had confiscated incriminating documents.²⁰⁷

Deported people told Human Rights Watch they witnessed asylum documents being confiscated from others at the airport as well.²⁰⁸ “They were searching our luggage...trying to get any documents from us showing we were seeking asylum. ...For some people they removed the documents and separated them... I saw about six guys taken away,” said Brandon, deported in November.²⁰⁹

²⁰⁶ Human Rights Watch interviews with deportees, December 2020 – October 2021.

²⁰⁷ Ibid.

²⁰⁸ Human Rights Watch interviews with Fanya and Theodore, deportees, February 26 and 22, 2021.

²⁰⁹ Human Rights Watch interview with Brandon, deportee, February 24, 2021.

ICE officials' failure to protect confidential asylum documents that they should reasonably have expected would be discovered by Cameroonian authorities upon arrival, including by ignoring the pleas of the people being deported to allow them to remove their documents before departure, resulted in the de facto disclosure of protected information pertaining to asylum cases, in possible violation of US federal regulation 8 CFR § 208.6. ICE's actions – or failures to act – contributed to bringing about the exact circumstances of persecutory retribution against asylum seekers that the regulation was designed to prevent.²¹⁰

“When most of us told ICE we need to remove something very important that can implicate us, they refused and said everything was sealed, and we will only open our bags in our country,” said Marie, whose documents were confiscated in Cameroon.²¹¹ At the airport, Michael said, “The first thing that led to my arrest is that [Cameroonian authorities] found...a letter about my asylum case... My belongings were packed by ICE, so I didn't know I still had some paperwork in my things.”²¹² Mathias, arrested upon arrival, said ICE or other officials packed his bag and did not allow him to remove documents:

When [ICE or other officials in the US] were packing our stuff to put on the plane, they didn't allow us to go through our stuff, they just bundled everything and put it in, and sent us back to Cameroon. On arriving there, customs in Cameroon...found my credible fear, asylum form, declaration, evidence, everything, my whole asylum case file...and handed them over to the airport manager... He called the military that...took us to [jail].²¹³

²¹⁰ US federal regulation 8 CFR § 208.6 prohibits the disclosure to third parties of information contained in or pertaining to asylum applications and credible fear determinations, with a few limited exceptions, none of which apply here. 8 CFR § 208.6 (Disclosure to Third Parties), December 6, 2000, amended December 11, 2020, <https://www.ecfr.gov/current/title-8/chapter-I/subchapter-B/part-208/subpart-A/section-208.6> (accessed November 18, 2021). According to USCIS, “This regulation safeguards information that, if disclosed...could subject the claimant to retaliatory measures by government authorities or nonstate actors in the event that the claimant is repatriated, or endanger the security of the claimant's family members... Moreover, public disclosure might... give rise to a plausible protection claim where one would not otherwise exist by bringing an otherwise ineligible claimant to the attention of the government authority...against which the claimant has made allegations of mistreatment. ...confidentiality is breached when information contained in or pertaining to an asylum application... is disclosed to a third party in violation of the regulation, and...allows the third party to link the identity of the applicant to: (1) the fact that the applicant has applied for asylum; (2) specific facts or allegations pertaining to the individual asylum claim...or (3) facts or allegations that are sufficient to give rise to a reasonable inference that the applicant has applied for asylum.” USCIS, “Fact Sheet: Federal Regulation Protecting the Confidentiality of Asylum Applicants,” October 18, 2012, <https://www.uscis.gov/sites/default/files/document/fact-sheets/Asylum-ConfidentialityFactSheet.pdf> (accessed May 19, 2021).

²¹¹ Human Rights Watch WhatsApp correspondence with Marie, deportee, May 20, 2021.

²¹² Human Rights Watch interviews with Michael, deportee, May-October, 2021.

²¹³ Human Rights Watch interviews with Mathias, deportee, February 26 and April 8, 2021.

Authorities detained Michael and Mathias with two others and brought all four to court, where an official told them they were being investigated. Michael said a government lawyer had told him his asylum declaration was part of his file “that was sent to court.”²¹⁴ As noted earlier, formal charges against at least one of the four for “spread[ing] false news” in the US appeared linked to having sought asylum.²¹⁵

Maxwell, while not arrested immediately, said he was targeted a few months later when police beat and arrested him at home. He said he had packed his belongings in the US before transfer to Prairieland Detention Facility in Texas, not knowing he was being deported, and ICE officials ignored his pleas to access his luggage:

In Prairieland...[ICE] never gave me the opportunity to separate the documents from my luggage. My credible fear documents, judge decision, appeal,...evidence,...everything was in there... I told ICE...I need to get my immigration paperwork out of my luggage, and they told me they cannot let me... When we were leaving from Prairieland...I was shouting and screaming that I need to take some documents out of my bags, but [ICE] never gave me any attention.

In Cameroon, when we arrived...[police] asked, ‘Did you ask for asylum in America?’ I said no... [T]hey said I should shut up, that I was lying, because they found every piece of paperwork in my bag...proving that I asked for asylum... I was speechless... I wonder if those documents are the reason they later came and molested [beat] me.²¹⁶

Donard, taken to detention in Yaoundé after arrival in October, alleged to Human Rights Watch that ICE officials themselves handed over to Cameroonian authorities his SCNC political organization membership card, which he had submitted to the US immigration court as corroborating evidence for his asylum claim:

²¹⁴ Human Rights Watch interview with Michael, May 17, 2021.

²¹⁵ Douala Military Court, “Citation à Prévenu.” Unofficial translation by Human Rights Watch. See Chapter II (“Return to Harm and Hardship in Cameroon”), section “Fabricated Charges and Wrongful Prosecutions for Having Sought Asylum,” p. 62.

²¹⁶ Human Rights Watch interview with Maxwell, deportee, June 16, 2021.

In detention in the US, we were asking ICE to give us back our documents so we could discard them... There were certain documents they kept... [including] my [SCNC] membership card... I [had] handed the original over to the [US immigration] judge, who gave it to ICE. They...placed it inside my file, which they handed over to the authorities of my country... That card...ended me in detention here in Cameroon. ...Later, [gendarmes in detention] showed me [the card]... [Gendarmes] said they would charge me under the new the anti-terrorism law... They said for me to possess that card is enough evidence for them to consider me a separatist fighter. ²¹⁷

Walter, deported in October, said he had removed all asylum paperwork before deportation but had asked ICE for his medical records. He said he suspected ICE may have included documents revealing he had sought asylum, because when police arrested him a few weeks after arrival, “The police officer told me that... they found documents in my bag...claiming the government was maltreating us.” ²¹⁸Walter’s relative, who received a call from him when he was arrested, corroborated Walter’s account. ²¹⁹

Mercy, deported in October and detained at a military facility, where she said she was tortured, raped, and interrogated about what she “said to the US government,” alleged that military officers “told me they have my file from the US, that said a lot of bad things about the [Cameroonian] government.” She said she had not put asylum documents in her luggage, and wondered if ICE had added papers to her luggage or identity documents. She said that while military officers never showed her the alleged file, they mentioned things she had addressed during her US credible fear interview. ²²⁰ “I could not understand how it was possible for them to [know] what I told [asylum] officers in the US, since I was told that it was all confidential,” she stated. ²²¹

²¹⁷ Human Rights Watch interview and WhatsApp correspondence with Donard, deportee, January 13 and 23, 2021.

²¹⁸ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021; photos of police text message, date withheld, on file with Human Rights Watch.

²¹⁹ Human Rights Watch interview with Walter’s relative, Cameroon, February 25, 2021.

²²⁰ Human Rights Watch interview with Mercy, deportee, August 31, 2021.

²²¹ Written declaration by Mercy, August 2021, on file with Human Rights Watch.

IV. Abusive Treatment in US Immigration Detention and During Deportations

“I was just so sad, because I did two years and ten months [in detention], and I am not a criminal. Every time I was moved, detention to detention, they put me in chains. I believed US was a freedom country... I went there to flee persecution, only to be subject to mental persecution.”

–Thierry, asylum seeker detained by ICE 2018-2020, Louisiana & Mississippi

Among the 41 deported Cameroonian asylum seekers interviewed by Human Rights Watch, all but one were detained by ICE for prolonged periods, most for one to three years. Around half said they experienced or witnessed abuses by US government personnel or contractors during their time in ICE custody. They said that those responsible for mistreatment included ICE officers, ICE Special Response Team personnel, other US government officials, or, in some cases, personnel from private prison companies under contract with ICE, including LaSalle Corrections, the GEO Group, and CoreCivic.²²²

According to their accounts, 18 men experienced 24 incidents of physical mistreatment, including 15 allegations of violence or excessive force and nine allegations of abusive solitary confinement or other forms of extended isolation or segregation. Five deported people said they witnessed excessive force against other detained Cameroonians not interviewed by Human Rights Watch. Others described experiencing abusive forms of coercion or punishment. The incidents took place between January 2018 and November 2020 in Louisiana, Texas, and Mississippi, with one case in Florida and one in New York, and with four cases occurring during or just before deportation flights. Many deported people also described other abusive treatment during ICE flights.²²³ Some of the

²²² Human Rights Watch interviews with Cameroonian deportees (locations withheld), with deportees’ relatives (US and Cameroon), and with US immigration lawyers and activists (California, Louisiana, Texas, Mississippi, Colorado, Alabama, Florida, Washington DC, New York, Delaware, North Carolina), December 2020 – January 2022. Human Rights Watch corroborated details of many deportees’ accounts of detention in interviews with US lawyers and activists who knew them, and in DHS and ICE documents listing detention details and refusals of parole.

²²³ Human Rights Watch interviews with deportees, December 2020 – January 2022.

documented cases may constitute cruel, inhuman, or degrading treatment or punishment, prohibited by the Convention against Torture.²²⁴

At least 12 deported people interviewed – 11 men and one woman – said they experienced medical neglect in ICE detention. This includes eight who said they were denied adequate medical treatment or release despite serious health issues, and four who said that when they contracted the virus that causes Covid-19, their requests to be tested were ignored or they did not receive medical care when ill. Eight deported Cameroonians said they contracted the novel coronavirus due to ICE failure to take necessary measures to prevent or respond to the spread of the virus in detention.²²⁵

Deported Cameroonians also described other harsh treatment and derogatory language by ICE or other officials. Several said they felt ICE or the US government treated them as “criminals” or “slaves.”²²⁶ “We arrived [in Cameroon] in chains – you know how they transported people back in...the slave trade? I was cuffed on my legs, and hands, a round chain on my belly... I went to the United States for protection, I wasn’t expecting to be treated that way,” said Mathias.²²⁷

The allegations of abuse in this chapter are consistent with multiple complaints filed with DHS’s Office of Civil Rights and Civil Liberties (CRCL) in 2020 and 2021 by immigrant rights organizations on behalf of Cameroonians in ICE detention, alleging they were subjected to excessive force, prolonged detention, medical neglect, and other mistreatment,²²⁸ as well

²²⁴ Convention against Torture, art. 16: state parties are obliged to “prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture...when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

²²⁵ Human Rights Watch interviews with deportees, December 2020 – October 2021.

²²⁶ Ibid.

²²⁷ Human Rights Watch interview with Mathias, deportee, February 26, 2021.

²²⁸ See civil rights and civil liberties (CRCL) complaints to DHS from Southern Poverty Law Center (SPLC), Freedom For Immigrants (FFI), et al., “Re: Call for... Investigation of Detention, Violence, Repression and Racism Against... Cameroonian and Black Asylum Seekers... at Pine Prairie ICE Processing Center...” (“Pine Prairie CRCL complaint”), August 26, 2020, https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf (accessed August 16, 2021); “Re: [ICE] Enforcement Officers’ Use of Torture to Coerce Immigrants Into Signing...Documents at Adams County Correctional Facility” (“Adams County CRCL complaint”), October 7, 2020, <https://www.freedomforimmigrants.org/torture-deportations-black-immigrants> (accessed August 16, 2021); “Re: ...(ICE)’s Pattern of Torture in Signing of Deportation Documents for Cameroonian Migrants” (“Jackson Parish CRCL complaint”), November 5, 2020, https://www.splcenter.org/sites/default/files/crcl_complaint_ice_s_pattern_of_torture_in_signing_of_deportation_documents_for_cameroonian_migrants.pdf (accessed August 16, 2021). See also FFI, Al Otro Lado, and Advocates for immigrant Rights, “Re: U.S. [ICE] Torture in Signing of Deportation Documents for Cameroonian Migrants at Winn Correctional Center,

as an August 2021 lawsuit filed against the US government by a Cameroonian man alleging abuse in ICE detention.²²⁹ Advocates involved in filing five of the group complaints – three in 2020, two in 2021 – said that DHS reportedly conducted, or began conducting, some manner of investigation into at least four of the complaints,²³⁰ including by interviewing some of the victims or witnesses to at least three complaints.²³¹ DHS reportedly pulled two of the eight Cameroonians party to an October 2020 CRCL complaint off the deportation flight that month in order to interview them: “Those were the two that had more physical damage and hospital records,” said an advocate involved in the complaint.²³²

However, Human Rights Watch confirmed that at least eight Cameroonians party to two (October and November 2020) group CRCL complaints were among those deported in October and November 2020, though the complaints had not yet been fully investigated, according to the deportees and those who submitted the complaints (advocates and lawyers).²³³ While DHS responded in May 2021 to say it had investigated the August 2020 complaint, was “unable to substantiate the allegations raised,” and had closed it out,²³⁴ complaint authors called the investigation “deficient,” stating that complainants had not

Louisiana” (“Winn CRCL complaint”), February 1, 2021, <https://www.freedomforimmigrants.org/crcl/2021/2/2/winn-correctional-center-louisiana> (accessed August 16, 2021); SPLC complaint to DHS and DOJ, “Re: Call for...(ICE) to End Contracts due to Abusive...and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana,” July 28, 2021, https://www.splccenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_parish.pdf (accessed October 5, 2021); and Texas A&M University School of Law Immigrant Rights Clinic, UndocuBlack Network, Black Alliance for Just Immigration (BAJI), et al, “Complaint Regarding ICE’s Use of The WRAP as a Restraint Device,” complaint to DHS/CRCL, October 13, 2021, <https://undocublack.org/press-releases/2021/10/13/the-wrap-complaint> (accessed November 17, 2021).

²²⁹ According to a media report, in February 2021, ICE halted a planned deportation flight to Cameroon “to allow any potential victims or witnesses an opportunity to be interviewed” and to “review...recent use-of-force reports.” In August, a Cameroonian man reportedly slated to be on the flight filed a lawsuit alleging ICE officers used violence against him at Winn Correctional Center, Louisiana, on January 14, 2021. See Julian Borger, “Cameroonian asylum-seeker sues US for alleged assault by Ice officers,” *The Guardian*, August 12, 2021, <https://www.theguardian.com/us-news/2021/aug/12/cameroonian-asylum-seeker-sues-us-for-alleged-assault-by-ice-officers> (accessed August 16, 2021).

²³⁰ SPLC, FFI et al, Pine Prairie CRCL complaint (August 2020), Adams County complaint (November 2020); FFI, Al Otro Lado, et al, Winn CRCL complaint (February 2021); Texas A&M University School of Law et al, “Complaint Regarding ICE’s Use of The WRAP” (October 2021).

²³¹ SPLC, FFI et al, Adams County CRCL complaint (November 2020); FFI, Al Otro Lado, et al, Winn CRCL complaint (February 2021); Texas A&M University School of Law et al, “Complaint Regarding ICE’s Use of The WRAP” (October 2021).

²³² Human Rights Watch interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom for Immigrants, Texas, November 24, 2021.

²³³ Human Rights Watch interviews with Cameroonian deportees, US immigration lawyers, and immigrant rights advocates, December 2020 – January 2022.

²³⁴ DHS Office for Civil Rights and Civil Liberties (CRCL), letter to Rose Murray, SPLC, FFI, and Cameroon American Council, “Re: Complaint No. 20-12-ICE-0964,” May 18, 2021, on file with Human Rights Watch.

been interviewed.”²³⁵ By late 2021, advocates and lawyers said that DHS had not communicated the outcome of any investigations into the October 2020, November 2020, or February 2021 complaints.²³⁶ “The transparency is zero,” one advocate stated.²³⁷

In November 2021, Human Rights Watch wrote to DHS as well as to the three companies under contract with ICE to manage detention facilities cited in this chapter – GEO Group, LaSalle Corrections, and CoreCivic – to seek responses to our findings and allegations involving their personnel or facilities. At time of writing, Human Rights Watch had not received a response letter from DHS.

In a December 2, 2021 response letter, the GEO Group stated: “As a service provider delivering support services on behalf of the U.S. Department of Homeland Security and U.S. Immigration and Customs Enforcement, we would refer you to the agency for questions pertaining to the specific immigration cases and the allegations regarding such cases in your letter. Our contracts with ICE specifically make detainee records the property of the U.S. Government. Thus, we are prohibited from responding to your questions related to such records.” GEO said it “has always maintained a strong commitment to respecting human rights,” referenced its 2013 “Global Human Rights Policy,” and stated that the services it provided ICE were “safe and humane” and adhered to “strict contractual requirements” and national standards.²³⁸ Other elements of GEO’s response are integrated into this chapter.

In a response letter dated December 8, 2021, CoreCivic stated: “We have a zero-tolerance policy for all forms of abuse against anyone in our care, and we categorically deny the allegations of abuse of the Cameroonian detainees raised in your letter.” They further denied “any allegations of detainee mistreatment,” noting “a robust grievance process in

²³⁵ SPLC and Southeast Immigrant Freedom Initiative of Louisiana, letter to DHS (CRCL Officer and DHS Inspector General), “Re: Call to Re-Open and Timely Address Complaints Against Pine Prairie ICE Processing Center; Cancel All ICE Contracts at Pine Prairie ICE Processing Center; and Safely Release All Those Detained,” June 25, 2021, on file with Human Rights Watch.

²³⁶ Human Rights Watch interview and email correspondence with Rose Murray, immigration and civil rights attorney, SPLC, Louisiana, October 8 and November 16, 2021; email correspondence with Jeremy Jong, immigration attorney, Al Otro Lado, December 2-3, 2021; correspondence with Sarah Towle, author and immigrant rights advocate with Witness at the Border and Alliance in Defense of Black Immigrants, November 18, 2021; interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom For Immigrants, Texas, November 24, 2021.

²³⁷ Human Rights Watch interview with immigrant rights advocate, US, November 2021.

²³⁸ The GEO Group, letter to Human Rights Watch, “Re: Request for Comment - Upcoming Human Rights Watch Report,” December 2, 2021 (on file).

place should a detainee ever feel that they have been treated unfairly.”²³⁹ Elements of CoreCivic’s responses to specific cases have been incorporated into this chapter.

In a response letter received by Human Rights Watch on December 9, 2021, LaSalle Corrections stated that the allegations presented by Human Rights Watch contained “inaccuracies,” but did not elaborate or address the individual cases listed. The company provided some information on their roles, standards, and oversight; noted the “detainee grievance procedure” available; and said that “all...allegations...of staff misconduct and impropriety” are “thoroughly investigated.”²⁴⁰ Elements of LaSalle’s letter are integrated into this chapter.

The below chart lists the ICE detention facilities named in this chapter, along with each facility’s location and the company contracted with ICE to operate the facility. This is not an exhaustive list, as Cameroonians interviewed were also detained in many other ICE detention centers or other facilities such as jails.

Name of ICE Immigration Detention Facility	Location (State)	Operator (Company Contracted with ICE)
Otay Mesa Detention Center	California	CoreCivic
Adams County Correctional Center	Mississippi	CoreCivic
Eden Detention Center	Texas	CoreCivic
Broward Transitional Center	Florida	GEO Group
Alexandria Staging Facility	Louisiana	GEO Group
LaSalle ICE Processing Center	Louisiana	GEO Group
Pine Prairie ICE Processing Center	Louisiana	GEO Group
Joe Corley Detention Facility	Texas	GEO Group
Montgomery Processing Center	Texas	GEO Group
Jackson Parish Correctional Center	Louisiana	LaSalle Corrections
Richwood Correctional Center	Louisiana	LaSalle Corrections
River Correctional Center	Louisiana	LaSalle Corrections
Prairieland Detention Facility	Texas	LaSalle Corrections

²³⁹ CoreCivic, letter to Human Rights Watch, December 8, 2021, received December 10, 2021 (on file), pp. 2 and 5.

²⁴⁰ LaSalle Corrections, letter to Human Rights Watch, “RE: Request for Comment – Upcoming Human Rights Watch Report on Mistreatment of Cameroonian Asylum Seekers in ICE Custody, Involving LaSalle Corrections Facilities/Personnel,” not dated, received December 9, 2021 (on file).



A Cameroonian man in ICE detention speaks to a US immigrant rights advocate on a video call in October 2020 prior to deportation. © 2020 Anne-Marie Debbané

Prolonged, Arbitrary ICE Detention

As the number of Cameroonians seeking asylum in the US increased each year during the Trump administration, so did the percentage ICE detained. According to TRAC data accessed in January 2022, in FY17, ICE detained 61 percent of Cameroonians receiving asylum decisions in US immigration courts (200 out of 326); by FY20, ICE detained 86.5 percent (1,395 out of 1,612).²⁴¹ According to US lawyers and activists, many Cameroonian asylum seekers deported between 2019 and 2021 had been detained for prolonged periods. This was the case for 40 deported people we interviewed, whom ICE detained between eight months and three years – for an average of 17 months – in public and private immigration detention centers and jails.²⁴² “I was

treated like a criminal,” said Cornelius, detained for 18 months after requesting asylum. “I thought, is this America?”²⁴³

Though ICE transferred them between multiple facilities, most deportees said ICE detained them in Louisiana (21) or Texas (13) for the longest periods, with some spending significant time in Mississippi or Georgia; a few were primarily held in California (3), Alabama (2), Colorado (1) and Florida (1). Nearly all (34) said ICE refused to grant them parole, bond, or any form of release, and some said immigration judges also denied them bond.²⁴⁴ Facilities in Louisiana, Mississippi, and Alabama fall within ICE’s New Orleans Field Office area, which denied 99.1 percent of all applications for release on parole for asylum

²⁴¹ This data may not encompass the total number of Cameroonian asylum seekers in ICE custody during those years. The US fiscal year runs October to September. Transactional Records Access Clearinghouse (TRAC), Syracuse University, “Asylum Decisions,” <https://trac.syr.edu/phptools/immigration/asylum/> (accessed January 14, 2022). Also see Chapter I of this report, section on “Cameroonians in the US: Asylum and Deportations,” regarding issues and discrepancies with government data.

²⁴² Only one deportee interviewed (who arrived in the US in December 2019, the latest date among interview subjects) was detained for a shorter time, 4-5 months before 6 months of medical release prior to deportation. Human Rights Watch interviews with Cameroonian deportees, US lawyers, and immigrant rights activists, December 2020 – October 2021.

²⁴³ Human Rights Watch interview with Cornelius, deportee, February 23, 2021.

²⁴⁴ Human Rights Watch interviews with deportees, January-October 2021; parole or bond denials were also verified in ICE and immigration court documents for several deportees. For more on parole and bond, see Human Rights First, “Parole vs. Bond in the Asylum System,” September 5, 2018, <https://www.humanrightsfirst.org/resource/parole-vs-bond-asylum-system> (accessed November 15, 2021).

seekers between March and December 2019.²⁴⁵ In Texas, prolonged detention has similarly been common, with “release on parole...essentially non-existent” in some detention facilities, Human Rights First has reported.²⁴⁶ In a detention facility in Texas, “even in the midst of coronavirus, an ICE officer said, ‘We don’t care, you can rot here,’” said George, detained for 1.5 years and denied parole.²⁴⁷

US detention of Cameroonian asylum seekers for prolonged periods as a default measure constitutes arbitrary detention, prohibited under international law. Authorities should use immigration detention only as an exceptional measure of last resort for the shortest possible time. Detention for immigration purposes in any case needs to be justified on an individualized basis, as “reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time.”²⁴⁸ The UN Working Group on Arbitrary Detention has stated that “immigration detention should gradually be abolished.”²⁴⁹

Under US immigration law, detained asylum seekers found by an asylum officer to have a credible fear of persecution are eligible for release on parole if they do not pose a flight risk or community danger.²⁵⁰ A 2009 agency directive instructed immigration agents to

²⁴⁵ More than 70 percent of people held in detention centers built during the Trump administration were under the purview of the New Orleans field office (Alabama, Arkansas, Louisiana, Mississippi, and Tennessee). In FY18, the office granted parole in only 1.5 percent of cases. See: Human Rights Watch, American Civil Liberties Union (ACLU), and National Immigrant Justice Center (NIJC), *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration*, April 2020, https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2020-04/Justice-Free_Zones_Immigrant_Detention_Report_ACLU-HRW-NIJC_April-2020.pdf, p.6; Human Rights Watch interviews with US immigration lawyers, November 2020 – May 2021.

²⁴⁶ Human Rights First, “Ailing Justice: Texas. Soaring Immigration Detention, Shrinking Due Process,” June 14, 2018, <https://www.humanrightsfirst.org/resource/ailing-justice-texas-soaring-immigration-detention-shrinking-due-process> (accessed July 30, 2021).

²⁴⁷ Human Rights Watch interview with George, Cameroonian deportee, March 10, 2021.

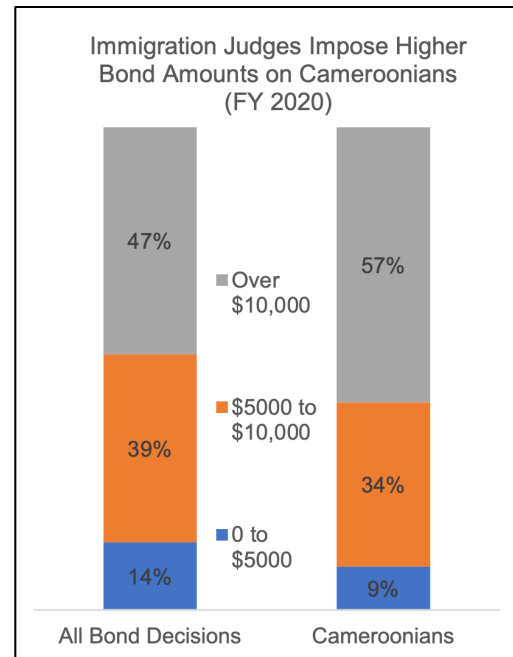
²⁴⁸ See ICCPR, art. 9(1); UN Human Rights Committee, General Comment 35: Article 9 (Right to Liberty and Security of Persons), December 16, 2014, CCPR/C/GC/35, <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC35-Article9LibertyandSecurityofperson.aspx> (accessed September 12, 2021), para. 18; UNHCR, “Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention,” 2012, <https://www.unhcr.org/en-us/publications/legal/505b10ee9/unhcr-detention-guidelines.html> (accessed September 11, 2021); Working Group on Arbitrary Detention, Revised Deliberation No. 5 on deprivation of liberty of migrants, February 7, 2018, <https://www.refworld.org/docid/5a903b514.html> (accessed September 11, 2021), paras. 8 and 19.

²⁴⁹ Human Rights Council, Report of the Working Group on Arbitrary Detention, “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,” U.N. Doc. A/HRC/13/30, January 15, 2010, https://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30_AEV.pdf (accessed October 15, 2021), paras. 58-59.

²⁵⁰ 8 U.S.C. § 1182 (Inadmissible aliens), (d)(5)(A); 8 C.F.R. § 212.5 (Parole of aliens into the United States), (b).

follow this law.²⁵¹ Nonetheless, the parole grant rate declined during the Trump administration. In 2019, a federal court ordered ICE to restore parole in several regions, including the New Orleans Field Office,²⁵² but to be granted parole there remained virtually impossible as of late 2019.²⁵³

Angela Trehan, a Mississippi-based attorney who assisted 20 Cameroonian asylum seekers in 2020, said: “For [ICE’s] denials of parole, there’s no rhyme or reason... Some [of my clients] had six or seven US citizens willing to watch and support them...but [ICE] still didn’t budge.”²⁵⁴



© 2020 Human Rights First (based on TRAC data)

In relation to release on bond, according to a Human Rights First analysis of US government data in TRAC, immigration judges “imposed disproportionately high bond amounts” for Cameroonians in FY20, creating another barrier to release from detention: “Fifty-seven percent of Cameroonian asylum seekers were issued bonds over \$10,000 compared to 47 percent of bond determinations generally.”²⁵⁵

Human Rights Watch has previously documented how ICE transfers of immigration detainees disrupt due process rights and the ability of detainees to retain legal representation and to present evidence to challenge their detention and deportation, as well as other longstanding problems, including medical neglect, in US immigration

²⁵¹ *Damus v. Nielsen*, No.1:18-00578 (D.D.C. Mar. 15, 2018) (complaint) at 11.

²⁵² *Heredia Mons v. McAleenan et al.*, No. 1:19-01593 (D.D.C. Sept. 5, 2019) (order granting preliminary injunction).

²⁵³ Human Rights Watch, ACLU, and NIJC, *Justice-Free Zones*, p. 22.

²⁵⁴ Human Rights Watch interview with Angela Trehan, associate attorney, Chhabra & Gibbs P.A., Jackson, Mississippi, December 18, 2020.

²⁵⁵ Human Rights First, “Cameroonian Asylum Seekers Increasingly Detained, Denied Asylum Under Trump Administration,” November 6, 2020, <https://www.humanrightsfirst.org/resource/cameroonian-asylum-seekers-increasingly-detained-denied-asylum-under-trump-administration> (accessed June 12, 2021); TRAC, “Immigration Court Bond Hearings and Related Case Decisions: October 2000 through October 2021,” <https://trac.syr.edu/phptools/immigration/bond/> (accessed November 17, 2021).

detention.²⁵⁶ Research also indicates prolonged immigration detention can have severe consequences for migrants' physical and mental health.²⁵⁷ "I had been in detention for 15 months," said Amos, deported in January 2021. "I was emotionally broken."²⁵⁸

Physical Abuse

Forced Fingerprints, Pepper Spray, and Other Excessive Force

Eight deported people alleged to Human Rights Watch that ICE or other US officials used excessive force to obtain (six) or attempt to obtain (two) their fingerprints on travel- and deportation-related documents, such as the Form I-229(a) "Warning for Failure to Depart."²⁵⁹ In some cases, deportees said that facility security officers assisted ICE, generally by handcuffing Cameroonians or using force to overpower or restrain them.²⁶⁰ Three deported people told Human Rights Watch that officers unnecessarily used pepper spray on them in 2020,²⁶¹ while two said they witnessed pepper spray needlessly used on another Cameroonian.²⁶²

In their responses to Human Rights Watch, the contracting companies CoreCivic and LaSalle Corrections stated that their staff (detention facility personnel) were not responsible for fingerprinting detainees.²⁶³ CoreCivic noted that "fingerprinting and

²⁵⁶ See Human Rights Watch, *A Costly Move: Far and Frequent Transfers Impede Hearings for Immigrant Detainees in the United States*, June 14, 2011, <https://www.hrw.org/report/2011/06/14/costly-move/far-and-frequent-transfers-impede-hearings-immigrant-detainees-united>; *Locked Up Far Away: The Transfer of Immigrants to Remote Detention Centers in the United States*, December 2, 2009, <https://www.hrw.org/report/2009/12/02/locked-far-away/transfer-immigrants-remote-detention-centers-united-states>; *Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention*, June 20, 2018, <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>; Human Rights Watch, ACLU, and NIJC, *Justice-Free Zones*.

²⁵⁷ M. von Werthern et al., "The impact of immigration detention on mental health: a systematic overview," *BMC Psychiatry*, 2018, 18:382, <https://bmcp psychiatry.biomedcentral.com/articles/10.1186/s12888-018-1945-y> (accessed August 16, 2021); Zachary Steel et al., "Psychiatric status of asylum seeker families held for a protracted period in a remote detention centre in Australia," *Australian and New Zealand Journal of Public Health*, 2004, 28:6, 527, <https://pubmed.ncbi.nlm.nih.gov/15707201/> (accessed September 12, 2021); Janet Cleveland, Rachel Kronick, Hanna Gros, and Cécile Rousseau, "Symbolic violence and disempowerment as factors in the adverse impact of immigration detention on adult asylum seekers' mental health," *International Journal of Public Health*, 2018, 63:12, <https://pubmed.ncbi.nlm.nih.gov/29860657/> (accessed September 12, 2021).

²⁵⁸ Human Rights Watch interview with Amos, deportee, February 9, 2021.

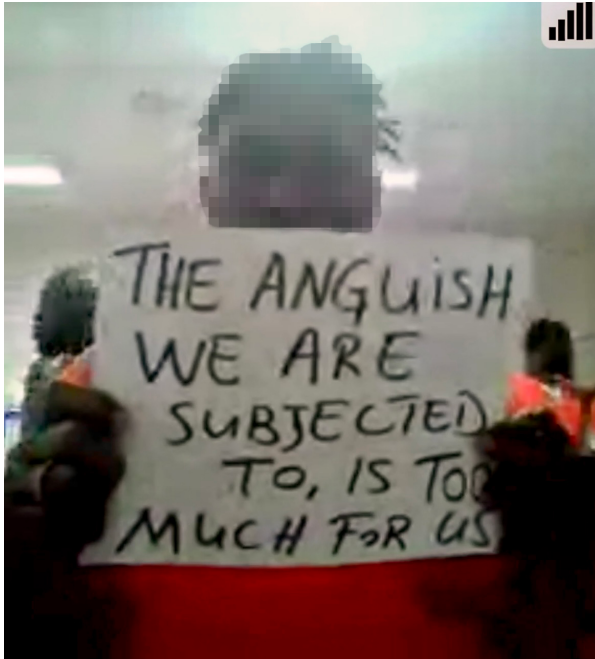
²⁵⁹ Human Rights Watch interviews with seven deportees (Richard, Robert, Thierry, Paul, Theodore, Bernard, Charles), January-July 2021.

²⁶⁰ Human Rights Watch interviews with deportees, January-December 2021.

²⁶¹ Human Rights Watch interviews and WhatsApp Correspondence with deportees (Ousmanou, Benjamin, Maxwell), February-May 2021.

²⁶² Human Rights Watch interviews with Martin and Cornelius, deportees, March-September 2021.

²⁶³ LaSalle and CoreCivic letters to Human Rights Watch (on file).



A Cameroonian asylum seeker, subsequently deported, depicted at Pine Prairie ICE Processing Center, Louisiana, protests his prolonged US immigration detention by ICE, August 2020. (Screenshot from video call.) © 2020 Joe Penney

deportation documentation are carried out by ICE.” They did not address whether facility staff might have assisted ICE, for example by restraining detainees, as ICE officers attempted to obtain fingerprints.²⁶⁴

Texas

Richard said that at Joe Corley Detention Facility, around March 2020, “three ICE officers came to my dorm to ask me to sign a document for them to get my travel documents from the embassy.” When he refused, “They physically forced my hand. [Two officers] held me...and [one] put that ink on my thumb... They sprained my finger.”²⁶⁵

Ousmanou said that on October 9, 2020, facility security officers at Eden Detention Center in Texas used force and pepper spray on him when he resisted transfer for deportation. “They came

about eight of them, struggling to chain me... One sprayed pepper spray all over my body... it was...very painful. ...They put me on the ground, chained me... There was one pressing on my head, one on my stomach, everywhere.”²⁶⁶

Regarding the above incident at Eden, the operating company CoreCivic stated:

On October 9, 2020, two Cameroonian detainees who were scheduled to be transported to another facility refused verbal directives from EDC [Eden] facility staff. After attempts to verbally deescalate the situation were unsuccessful, a facility security team was asked to intervene. This team was able to secure one of the detainees without incident, while the other detainee became combative toward our staff. Staff deployed... “OC” spray,

²⁶⁴ CoreCivic letter to Human Rights Watch (on file), p. 3.

²⁶⁵ Human Rights Watch interview with Richard, deportee, April 5, 2021.

²⁶⁶ Human Rights Watch interview and WhatsApp correspondence with Ousmanou, deportee, April 23 and 28, 2021.

in an attempt to stop the detainee’s assaultive behavior. There were no injuries...and each of the detainees was seen by medical personnel [...].²⁶⁷

Northeastern United States

Robert said three ICE officers forced his fingerprint, with assistance from four detention facility security officers, around October 2020 in a facility in a northeastern state:

When [ICE] brought my deportation documents, when I refused to put my thumb on it, they forced me... I was in chains... [ICE] forcefully pressed my fingers on the ink, and pressed it on the documents... [Officers] stepped on my feet with their boot... They pressed me in such a way that I couldn’t even get my breath. ...I didn’t even have a chance to look at the document.²⁶⁸

Mississippi

Three men deported in October 2020, Thierry, Christian, and Paul, said ICE, with the assistance of facility security officers, used force on them to obtain their fingerprints in September 2020 in Adams County Correctional Center. Thierry said, “Four [ICE and facility security] officers brought me to the game room, where there were no cameras... They said, ‘You have to sign’... when ICE pushed my hand and I started to feel pain, I just let them put my fingerprint... It was Form I-229.”²⁶⁹

Christian described a similar experience, with brutality by at least four ICE and facility security officers, after he refused to sign a deportation-related document:

They put me facedown on the ground. One ICE officer put his knee on my neck, pushing with so much pressure... I was crying. I said, ‘Please, please, I can’t breathe.’ They cuffed my hands behind my back. Then they forced me inside the game room..., forced my head onto the ping-pong table, and pressed on my neck. Some were hitting me. One twisted my arm with so much force that it was like he was going to break it. The handcuffs were

²⁶⁷ CoreCivic letter to Human Rights Watch (on file), p. 3.

²⁶⁸ Human Rights Watch interview with Robert, deportee, February 20, 2021.

²⁶⁹ Human Rights Watch interview with Thierry, deportee, May 9, 2021.

cutting off my circulation. ...They took my fingerprint by force. I had marks on my wrists, neck pain, and pain in my ribs where they hit or kicked me.²⁷⁰

Paul described two attempts to force his fingerprint, alleging ICE ultimately falsified his print:

On [September 27, 2020], an ICE officer came and said, “You need to sign this...deportation paper.” I said, “I won’t”... I was...kept in a room... just two meters square, alone, for nine days. ...Two or three days later, ...ICE officers [again] told me to sign... I said, “I can’t do it.” There were like seven [ICE and facility security officers]. They handcuffed me, they held me, and they threatened me... They forced my hand... They put the ink on my hand, but...I never allowed the ink to touch the paper...

[Several days later,] when they wanted to remove me from Adams facility, five or more [ICE and security] officers in shield masks came. ...They said I should sign... They held my hand to force me... I said, “What is happening? If you want to deport me, deport me peacefully, not by brutalizing me.”... One ICE officer said..., “...Don’t struggle with that guy... We can use the same fingerprint that we took at the port of entry.”²⁷¹

Martin and Cornelius each described seeing another Cameroonian pepper-sprayed, also at Adams County Correctional, in September 2020.²⁷² Referring to the same facility and time period, an immigration attorney told Human Rights Watch that some of her Cameroonian clients, including at least one man we interviewed, were, “days before they were deported,” subjected to “pepper spray, shackling their hands behind their back... Some got hit... They were thrown...in solitary... The abuse was really off the charts for these guys in particular.”²⁷³

²⁷⁰ Human Rights Watch interview with Christian, deportee, October 3, 2021.

²⁷¹ Human Rights Watch interviews with Paul, deportee, March 11 and May 2, 2021.

²⁷² Human Rights Watch interviews with Cornelius and Martin, deportees, February-September 2021.

²⁷³ Human Rights Watch interview with immigration lawyer, Mississippi, March 14, 2021.

Regarding the above allegations of detention facility personnel involvement in incidents of forced fingerprinting or pepper spray at Adams County Correctional Center (ACCC), CoreCivic stated:

Obtaining fingerprints is part of the deportation process, and it is carried out by ICE staff. On September 27, 2020, three Cameroonian detainees refused to comply with the verbal directives provided by ICE staff. ACCC facility staff were asked to escort these individuals to another housing unit... they were met with physical resistance and assaulted by the detainees. CoreCivic and ICE staff were able to quell the situation. Staff did deploy oleoresin capsicum, commonly referred to as “OC” spray, on one of the detainees who had wrapped his arms around the neck of a staff member, refusing to release him. There were no injuries as a result of this incident, and each of the detainees was seen by medical personnel after the incident.

The Department of Homeland Security has conducted an investigation of this incident, based on the allegations made, and found no violations of policy or issues of concern.²⁷⁴

In reference to Paul’s account, CoreCivic stated: “We are not aware of such an incident.”²⁷⁵ Regarding the accounts of Thierry and Christian, CoreCivic stated:

On September 28, 2020, ICE staff met with one additional Cameroonian detainee to obtain fingerprints as part of the deportation process. This detainee refused to cooperate and became combative. ACCC staff assisted ICE personnel in defusing this physical altercation. The Department of Homeland Security has conducted an investigation of this incident, based on the allegations made, and found no violations of policy or issues of concern.²⁷⁶

²⁷⁴ CoreCivic letter to Human Rights Watch (on file), p. 2.

²⁷⁵ Ibid, p. 2.

²⁷⁶ Ibid, p. 3.

Louisiana

Three people alleged to Human Rights Watch that ICE, potentially with the assistance of others, tried to force their fingerprints on deportation-related documents at Jackson Parish Correctional Center in 2020. Theodore said that on October 8, a group of eight officers (including ICE and others) used excessive force on him, forcing his fingerprint on a form he had not read: “I had refused to sign... There were eight of them on me... Some were trying to take out my finger by force to put it on that place where you can fingerprint. Others were holding my body and pressing me down... I had a wound on my finger.”²⁷⁷ Benedict said he witnessed this happen to Theodore.²⁷⁸ Similarly, Bernard said ICE forced him in October to fingerprint a document that he believed was a warning about failure to depart.²⁷⁹ Charles said several ICE officers attempted to force him in September:

They called me to sign deportation [papers]... I refused... They [tried to force] me while I was handcuffed, but didn’t succeed to take my fingerprint... When they did not succeed, the head officer from ICE said... they will [take] my signature... from what I had signed at border, and they will put it on the document whether I like it or not, and they will deport me.²⁸⁰

In their response to Human Rights Watch, though LaSalle Corrections – which operates Jackson Parish center – said their “facility staff are not... responsible for fingerprinting detainees prior to removal,” they did not address whether staff may have been present or assisted with ICE’s attempts to obtain fingerprints.²⁸¹

Two deported people, Benjamin and Maxwell, said they were pepper-sprayed for peacefully protesting their prolonged detention in a May 2020 sit-in at Richwood Correctional Center. “We wanted release due to our conditions. Some of us were sick [with Covid-19],” said Benjamin. “We were sitting down... [ICE] came with the Richwood security... about four ICE officers pepper-sprayed us... I got pepper-sprayed in the eyes and I collapsed... They put their leg on my neck while they were handcuffing me... They broke

²⁷⁷ Human Rights Watch interview with Theodore, deportee, February 22, 2021.

²⁷⁸ Human Rights Watch interview with Benedict, deportee, January 6, 2021.

²⁷⁹ Human Rights Watch interview with Bernard, deportee, January 17, 2021.

²⁸⁰ Human Rights Watch interview with Charles, deportee, January 29, 2021.

²⁸¹ LaSalle Corrections letter to Human Rights Watch (on file), p. 2.



Cameroonians who had participated in a peaceful hunger strike at Pine Prairie ICE Processing Center in Louisiana in August 2020 told Human Rights Watch detention facility security officers used excessive force when several men tried to leave the dining hall without eating, injuring the two Cameroonians depicted. (Screenshots from video calls.) The facility’s operator said that, as a service provider for ICE, it was prohibited from responding to Human Rights Watch about these specific allegations. © 2020 Joe Penney

my lenses.”²⁸² Maxwell insisted, “We just sat on the ground, did not fight them or anything, but they pepper-sprayed us.”²⁸³ LaSalle Corrections did not respond to these allegations regarding Richwood.²⁸⁴

Four Cameroonians who had participated in a hunger strike at Pine Prairie ICE Processing Center told Human Rights Watch they experienced (one man) or witnessed (three men, including two deported in November 2020) security officers using excessive force when several men tried to leave the dining hall without eating. They said officers pushed a Ugandan and two Cameroonians to the ground, piled on them, and pressed forcefully, injuring the two Cameroonians.²⁸⁵ One of the injured men (not deported) told Human Rights Watch that about five security officers had forcefully pressed on his neck and body, causing pain and resulting in “bruises and wounds,” including “some bleeding from my

²⁸² Human Rights Watch interview with Benjamin, deportee, May 6, 2021.

²⁸³ Human Rights Watch interview with Maxwell, deportee, March 9, 2021.

²⁸⁴ LaSalle Corrections letter to Human Rights Watch (on file).

²⁸⁵ Human Rights Watch interviews with two deported Cameroonians (Andre, Brandon) and one Cameroonian in the US (not deported), October 7-8, 2021.

nose... and on my hands, at my ankles.”²⁸⁶ Southern Poverty Law Center (SPLC), Freedom for Immigrants, and other groups filed a civil rights complaint to DHS about this incident and the treatment of the African men involved in the hunger strike.²⁸⁷ DHS responded to the complaint nine months later stating they had investigated and were “unable to substantiate the allegations.”²⁸⁸

The UN Special Rapporteur on torture has noted that using coercion or punishment against detainees for choosing to protest by not eating could amount to cruel, inhuman or degrading treatment or punishment: “The desire of the inmates not to eat must be respected for as long as it is clear that they are making that choice voluntarily.”²⁸⁹

Painful Restraints and Other Mistreatment During and Before Flights

Many people we interviewed from the 2020 deportation flights characterized the treatment they experienced leading up to or during the flights as extremely abusive, citing ICE’s use of prolonged and painful restraints and ICE refusing to provide adequate food or allow humane use of toilet facilities.

Human Rights Watch documented four cases in which Cameroonian deportees said ICE, or possibly in some cases other officials, placed them for prolonged periods in tightly cinched full-body restraints – in at least three cases, a straightjacket-like device known as “the Wrap” – causing discomfort and pain. Three said ICE kept

²⁸⁶ Human Rights Watch interview with Cameroonian asylum seeker, US, November 13, 2021.

²⁸⁷ SPLC, FFI et al, Pine Prairie CRCL complaint, August 26, 2020. See also Katie Fernelius, “‘Someone Needs to Listen to Us’: Why African Asylum Seekers Went On Hunger Strike,” *In These Times*, October 7, 2020, <https://inthesetimes.com/article/african-migrants-hunger-strike-ice-cameroon-racism> (accessed October 4, 2021).

²⁸⁸ DHS CRCL, letter to Rose Murray, SPLC, FFI, and Cameroon American Council, “Re: Complaint No. 20-12-ICE-0964,” May 18, 2021, on file; Human Rights Watch email correspondence with SPLC, November 16, 2021.

²⁸⁹ UN Office of the High Commissioner for Human Rights, Special Rapporteurs on torture and the right to health, “Force-feeding is cruel and inhuman – UN experts urge Israel not to make it legal,” June 25, 2014, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14770> (accessed January 18, 2022).

them in this restraint for hours during their flights.²⁹⁰ Other deported people corroborated these accounts.²⁹¹

Robert described his experience in a full-body restraint during the November 2020 flight:

[ICE] put me in a Wrap [or similar restraint] because I was refusing to get in the plane... [T]hey tie your legs and your hands, each is connected to each and you can't sit up straight. It's a form of punishment. Then they put something like a net cap on my face. ...I told them God will judge them. The ICE officers told me I should go to hell, that whatever complaint I do, the case will go nowhere, that they can do whatever they want.²⁹²

Thierry said ICE, with the assistance of detention facility officers at the ICE Alexandria Staging Facility in Louisiana, used excessive force and placed him in the Wrap in October 2020, prior to deportation:

Some [detention facility security officers] came in our room...to try and remove us... When I refused, four big guys [security officers] came and...carried me out...and put me on the ground, face down. One [ICE or security officer] put his knee on my neck. I told him I could not breathe. He told me he didn't care...

[ICE] had...a sack [Wrap] that they tied me [with] until I did not have any position to move... They pulled my knees...up to my chin... [ICE] kept me on the floor almost one hour, to show other [detainees] trying to protest that they would do the same thing... I started to cry... I had pain in my feet,

²⁹⁰ Human Rights Watch interviews with four deportees (Thierry, Michael, Robert, Bernard), December 2020 – May 2021. The Wrap is designed as a temporary restraining device with a purpose of “immobiliz[ing] the body and restrict[ing] the subject’s ability to kick or do harm to oneself or others.” Americans for Effective Law Enforcement, “The Wrap Restraint,” undated, <https://www.aele.org/law/2008ALL12/wrap.pdf> (accessed September 12, 2021); Safe Restraints, Inc., “The WRAP” Application Manual,” November 2020, https://saferestrains.com/?page_id=107 (accessed September 12, 2021); Ken Klippenstein, “ICE Orders Dozens of Straitjacket-Like Restraints,” TYT, August 16, 2018, <https://legacy.tyt.com/2018/08/16/ice-orders-dozens-of-straitjacket-like-restraints/> (accessed September 2, 2021).

²⁹¹ Human Rights Watch interview with deportees, January–June 2021.

²⁹² Human Rights Watch interview with Robert, deportee, February 20, 2021.

because [in Cameroon] I had been tortured and beaten with machetes on my feet, so when I was treated like that, I started to feel pain again. I also had pain in my back.²⁹³

Michael described ICE's use of excessive force at Prairieland Detention Facility in Texas on the day of his deportation, November 11, 2020, followed by placement in the Wrap:

There were about 10 ICE Special [Response] Team...²⁹⁴ [They] said... either I follow or they will use whatever method they have to... I was trying to resist... They shot me with rubber bullets four times... they threw me on the floor... Some were...smashing me with their boots... They also hit me... [They] shackled me, put me in a Wrap, and took me to airport.²⁹⁵

The brother of Bernard, another man restrained in the Wrap on the November flight, told Human Rights Watch that Bernard had been tied up and folded “like a mattress” and consequently had “pains on his neck and waist, and cuts on his ankles and wrists.”²⁹⁶ A civil rights complaint filed with DHS in October 2021 on behalf of several Cameroonians and other Africans, regarding the abusive use of the Wrap in 2020, notes that the complainants were “cinched up to a 30- or 45-degree angle, not the 90-degree angle intended by the manufacturer,” and that ICE “applied [the Wrap] on top of five-point shackles,” which should only be used in “extreme circumstances” per ICE standards.²⁹⁷ In response to the complaint, DHS's Office of Civil Rights and Civil Liberties reportedly began

²⁹³ Human Rights Watch interview with Thierry, deportee, May 9, 2021.

²⁹⁴ Several other deported Cameroonian asylum seekers referred the ICE officials that took them to board the deportation flights as “ICE military.” It appears they were referring to Special Response Teams (SRTs) from ICE's Enforcement and Removal Operations (ERO), which according to ICE “are trained to...escort dangerous criminal aliens who have been ordered deported.” ICE, “ERO's special response teams rigorously trained and ready to deploy at a moment's notice,” June 30, 2015, <https://www.ice.gov/news/releases/eros-special-response-teams-rigorously-trained-and-ready-deploy-moments-notice> (accessed September 5, 2021); Human Rights Watch interviews with deportees, December 2020 – October 2021.

²⁹⁵ Human Rights Watch interviews with Michael, deportee, December 23, 2020.

²⁹⁶ Human Rights Watch interview with deportee's brother, US, January 14, 2021.

²⁹⁷ Texas A&M University School of Law Immigrant Rights Clinic, UndocuBlack Network, BAJI, et al, “Complaint Regarding ICE's Use of The WRAP as a Restraint Device,” complaint to DHS/CRCL, October 13, 2021, <https://undocublack.org/press-releases/2021/10/13/the-wrap-complaint> (accessed November 17, 2021), pp. 2, 11, citing ICE, Performance-Based National Detention Standards, 2011, revised December 2016, <https://www.ice.gov/detain/detention-management/2011> (accessed November 18, 2021), p. 200.

interviewing complainants in October.²⁹⁸ Bernard, one of the complainants (“Godswill” – also a pseudonym), gave the following account in the complaint:

They started with my legs, rolling me onto The WRAP, which looked like a piece of black fabric laid flat on the ground. They closed it around my legs with buckles and pulled the straps so tight, compressing my legs, already in five-point restraints... they threw the upper-body piece over my head and around my arms and closed it at the back. They pushed my upper body down over my cuffed hands, and they pressed on my back to the point where my head was almost touching my knees... they attached a strap from my chest to my feet, and left me folded up like a mat.

There was so much pain in my waist and in my back.... I couldn’t breathe. I couldn’t sit up. ...I saw two other guys wrapped. I could hear them crying... One of them went quiet and was taken off the plane.²⁹⁹

Deported people told Human Rights Watch that ICE kept those not in a Wrap chained hand-and-foot during the long flight. “Even if you wanted to ease yourself [use the bathroom], [ICE] wouldn’t take off the handcuffs,” said Donard.³⁰⁰ “Some men even peed on their [clothes],” said Marie.³⁰¹ “We were in so much agony and confusion...chained up from legs to waist to hands,” said George. “Afterwards my feet were swollen for almost three months. I could not put them in shoes, I could not move well. I was using a cane to move around.”³⁰² Lucas said he still had pain in his wrists, toes and fingers from the restraints, five months later.³⁰³

Robert also described abusive treatment during domestic ICE transfer flights, prior to deportation, around October 2020:

²⁹⁸ Human Rights Watch correspondence with Sarah Towle, author and immigrant rights advocate with Witness at the Border and Alliance in Defense of Black Immigrants, November 18, 2021.

²⁹⁹ Texas A&M University School of Law Immigrant Rights Clinic, BAJI, et al, “Complaint Regarding ICE’s Use of The WRAP as a Restraint Device,” p. 5.

³⁰⁰ Human Rights Watch interview with Donard, deportee, February 3, 2021.

³⁰¹ Human Rights Watch interview with Marie, deportee, March 10, 2021.

³⁰² Human Rights Watch interview with George, deportee, March 10, 2021.

³⁰³ Human Rights Watch interview with Lucas, deportee, March 20, 2021.

The manner in which they [ICE officers] would put me in the plane, human beings should not be treated like that. I had to be in chains all the time... Sometimes on the planes...we would ask for food and they wouldn't give it to us, or even let us go to the bathroom... [T]hey just said when we get to our countries, we'll get food. ... The treatment they were giving us was just so bad and inhuman. Some of those ICE officers transporting us were telling us we should have stayed in our countries.³⁰⁴

Solitary Confinement, Segregation, or Isolation

Eight deported Cameroonians, as well as two (formerly detained) Cameroonians in the US, described to Human Rights Watch nine experiences of apparently abusive, and in at least one case prolonged (more than 15 days), solitary confinement, segregation, or isolation, in one- or two-person cells.

For four people, this was part of “suicide watch,” with three people in Louisiana and one person in Mississippi (two incidents at Adams County Correctional Center). All four said their clothes were taken away for days, leaving them freezing.³⁰⁵ Cornelius and Martin said detention facility staff put them on suicide watch in November 2019 at River Correctional Center in Louisiana, Martin for one week and Cornelius for one month.³⁰⁶

Cornelius recounted:

They put you in like a short sleeve [garment] that ends on shoulder...no pants, no drawers... nothing else to cover you. No sheets... you just sleep on the mattress like that all day long. I was in suicide watch for one month, but wore that [garment] just for about a week. ... It was very, very cold.³⁰⁷

Michael described a similar experience of suicide watch in Louisiana in early 2019, at LaSalle ICE Processing Center:

³⁰⁴ Human Rights Watch interview with Robert, deportee, February 20, 2021.

³⁰⁵ Human Rights Watch interviews with Cornelius, Martin, Michael, and Christian, deportees, December 23, 2020, March 2, 2021, September 4, 2021, and October 3, 2021.

³⁰⁶ Human Rights Watch interviews with Cornelius and Martin, deportees, March 2, 2021 and September 4, 2021.

³⁰⁷ Human Rights Watch interview with Cornelius, deportee, March 2, 2021.

I was locked up in a cell... without a mattress or blanket. It was so cold. The AC was high, and they made me naked. [Detention facility staff] took off all my clothes, even my boxers. I was freezing. I was there for three days. I don't think if someone is on suicide watch they should put you in those conditions. They are helping him to want to commit suicide.³⁰⁸

In response to the allegation regarding “suicide watch” at Adams County center, CoreCivic stated: “Solitary confinement... does not exist at any of the facilities we operate. We do have separate housing units that we use for certain situations, such as when an individual expresses suicidal ideations. Privacy laws prevent us from discussing an individual’s specific medical issues.” They said that “when emergency care becomes necessary for a detainee, they are immediately evaluated, and emergency care is provided in the most medically appropriate setting,” but did not address the conditions described.³⁰⁹

Alphonsus told Human Rights Watch that in September or October 2020 at River Correctional, after he refused to sign deportation-related papers presented by ICE, an ICE officer sent him to “isolation”:

[The] ICE [officer] passed an order that [security officers] should take me to an isolation room, and I will only be released when I sign my deportation [papers]. ICE said I should give my fingerprint, and then I can go back into the dorm with my friends, but if I don't sign, I will remain in that [isolation] room until I will be deported forcefully... [The ICE officer] said he will personally ensure I will be deported or I will live and die in jail. ... I was left in that room for close to two weeks.³¹⁰

For its part, LaSalle Corrections, which runs River Correctional, stated that its own facility staff does not utilize segregation “to coerce detainees in any way.”³¹¹

³⁰⁸ Human Rights Watch interviews with Michael, deportee, December 23, 2020.

³⁰⁹ CoreCivic letter to Human Rights Watch (on file), p. 6.

³¹⁰ Human Rights Watch interviews with Alphonsus, deportee, February 9 and December 13, 2021.

³¹¹ LaSalle Corrections letter to Human Rights Watch (on file), p. 2.



Cameroonian and other African asylum seekers at Pine Prairie ICE Processing Center, Louisiana, show Black Lives Matter t-shirts in August 2020 to protest prolonged immigration detention by ICE. (Screenshots from video calls.) © 2020 Joe Penney

Five Cameroonians (three of whom were deported) told Human Rights Watch that following the peaceful August 2020 hunger strike at Pine Prairie in Louisiana, facility security officers placed them punitively in segregated one or two-person cells for 4 to 10 days.³¹² Denis said they “locked me up four days in a...cell, no phone calls, no water. They said...if you don’t eat food, you get no water.”³¹³ A Cameroonian man interviewed in the US said he was detained in a two-meter cell for 10 days, noting officers “expected us to drink from water that flows above the toilet pot.” He stated, “Facility] staff would come around and mock us... Sometimes they said we stink... We were only allowed to shower once a week.”³¹⁴ Ruth Hargrove, a California-based lawyer, said this also happened to her Cameroonian client, for which she filed an individual civil rights complaint to DHS. “He was placed into solitary confinement twice at Pine Prairie, once five days, once eight days,” she said. “It was because Cameroonians asked to speak to ICE about why parole was constantly being denied. They went on a hunger strike, and [the] response was to put them in solitary.”³¹⁵

³¹² Human Rights Watch interviews with three deported Cameroonians (Denis, Andre, Brandon), March-October 2021, and two Cameroonians in the US (not deported), October-November 2021.

³¹³ Human Rights Watch interview with Denis, deportee, March 22, 2021.

³¹⁴ Human Rights Watch interview with Cameroonian man in the US (not deported), October 7, 2021.

³¹⁵ Human Rights Watch interview with Ruth Hargrove, immigration attorney, San Diego, California, December 3, 2020. See also SPLC, FFI et al, Pine Prairie CRCL complaint, August 26, 2020.

Other Coercion and Punishment

In addition to the cases cited in previous sections, four other deported people described how ICE or other officers used threats, acts of violence against others, or abusive forms of detention to coerce or punish them.

Benedict said after he witnessed ICE forcing Theodore’s fingerprint in October 2020 at Jackson Parish Correctional, Louisiana, ICE and other officers threatened to “use same method on me,” so he did not resist. He said, “I saw that when they were pushing on his handcuffs, it started to wound him...so I was afraid.”³¹⁶ Cornelius said that in September 2020 at Adams County Correctional, in Mississippi, eight ICE and facility security officers “stood in front of the door and asked if I wanted to fight,” and out of fear he allowed ICE to take his fingerprint.³¹⁷

Responding to the Adams allegation, CoreCivic again stated that ICE, and not contracting (security) personnel, carries out fingerprinting and documentation. They did not address the possibility of facility security assisting ICE in those efforts.³¹⁸

Two Cameroonians said ICE placed them in jail to punish them. Thierry said that in 2019, when he refused to sign deportation-related papers at Broward Transitional Center in Florida, ICE officers “said they are going to send me to a worse place. Then they sent me to Baker County jail for almost two and half weeks – where you couldn’t see the sun, you couldn’t go outside – and then Wakulla County jail...for seven months.”³¹⁹ Andre told Human Rights Watch that after he helped organize the Black Lives Matter hunger strike in August 2020 at Pine Prairie, Louisiana, ICE sent him to Allen Parish Public Safety Complex for 1.5 months in September: “The warden of the jail let us know that ICE had sent us there as punishment.”³²⁰

³¹⁶ Human Rights Watch interview with Benedict, deportee, January 6, 2021.

³¹⁷ Human Rights Watch interview with Cornelius, deportee, March 2, 2021.

³¹⁸ CoreCivic letter to Human Rights Watch (on file), p. 3.

³¹⁹ Human Rights Watch interview and correspondence with Thierry, deportee, May 9, 2021 and November 18, 2021.

³²⁰ Human Rights Watch interviews with Andre, deportee, January 25 and February 24, 2021.

Medical Neglect and Failure to Prevent the Spread of Covid-19

Covid-19

Eight deported Cameroonians told Human Rights Watch they had contracted Covid-19 in US immigration detention in 2020. Most said they believed this was due to ICE practices of transferring sick detainees between facilities, and ICE or detention center staff failing to test or quarantine people, distribute masks, or ensure social distancing.³²¹ Among these eight men, four alleged that they also experienced medical neglect, as their requests to be tested were ignored or they did not receive any medical care while ill.

Ousmanou tested positive for Covid-19 in late September at Eden Detention Center in Texas. “[ICE] brought some people that tested positively into our detention room,” he said. “After some time, everyone in detention was complaining that they had a fever... I had a fever, cough, headaches... I think it was about two weeks later that we got tested... after the whole dorm was sick... Only around five people tested negative.”³²² CoreCivic, the company operating Eden center, responded: “Any detainee who tells medical staff they were exhibiting symptoms that are consistent with COVID-19 are tested, no exceptions. Any known COVID-19 positive detainees were placed in a segregated housing unit to quarantine. The other detainees that remained in the affected housing unit were screened for temperature and symptoms, twice daily, in accordance with ICE directives.”³²³

Etienne said that at River Correctional, Louisiana, “When I had Covid [in September 2020], they [ICE or detention facility staff] didn’t take care of me. ...Just a month before [ICE] deported me...70 percent of our cell had Covid-19... [ICE had] transferred some detainees...to River. Most of them were sick, and they brought them in our cell.” He said quarantine was “full,” so ICE or facility staff “just kept us inside our dorms.”³²⁴

³²¹ See Isabelle Niu and Emily Rhyne, “4 Takeaways From Our Investigation Into ICE’s Mishandling of Covid-19,” *New York Times*, April 25, 2021, <https://www.nytimes.com/2021/04/25/video/immigration-detention-covid-takeaways.html> (accessed October 13, 2021); RFK Human Rights, SPLC, FFI et al, civil rights complaint letter to DHS, “Re: Call for Immediate Investigation into [ICE] Officers’ Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises,” June 21, 2021, <https://rfkhr.imgix.net/asset/RFK-Human-Rights-Pine-Prairie-DHS-Complaint.pdf#asset:190280> (accessed October 13, 2021).

³²² Human Rights Watch interview with Ousmanou, deportee, April 23, 2021; MedScan Laboratory, Covid-19 test results, Eden Detention Center, Texas, September 18, 2020, on file with Human Rights Watch.

³²³ CoreCivic letter to Human Rights Watch (on file), p. 5.

³²⁴ Human Rights Watch interview with Etienne, deportee, May 6, 2021.

Benjamin said he fell ill from the novel coronavirus (and tested positive for Covid-19) twice at Richwood Correctional in Louisiana, in early and mid-2020: “Not only was ICE bringing sick [detainees], but there was no protection... Even the officers...would go in with us every day with no masks.”³²⁵ Thierry, who tested positive in mid-2020 at Adams County Correctional Center, Mississippi, described a similar experience.³²⁶

In reference to Adams County center, CoreCivic replied that “face masks have been provided to all staff and individuals in our care at ACCC since April 2020,” noting, “The CDC did not recommend the use of cloth face coverings until that time.” They reiterated that “CoreCivic does not have any say” in ICE transfers of detainees and stated that Adams County center was compliant with ICE’s national detention standards regarding medical care.³²⁷

Walter said he was sick for a week in June 2020 before he was finally tested at Joe Corley Detention Facility in Texas, even though he had sent in earlier medical requests.³²⁸ Solomon said around August or September 2020, in LaSalle ICE Processing Center in Louisiana, “I had coronavirus. I put in a medical request for a test about three times, but nobody came... I couldn’t taste, I couldn’t smell, and I could feel a hard pain in my head. I had trouble breathing... There were too many people in the dorm who had coronavirus. Some were isolated, but they left some of us in the dorm... there was no electricity, because of [Hurricane Laura]... you couldn’t flush the toilet, there were no lights, the AC was off, it was so hot... that was for about two weeks. ...ICE wasn’t even coming to the dorm.”³²⁹

In their response to Human Rights Watch, GEO Group cited the distribution of Covid-19 rapid testing devices across facilities and air purification systems to “select” facilities, administration of 184,000 Covid-19 tests, and vaccination of 65 percent of individuals at their contracted residential facilities. GEO Group stated that “we remain focused on implementing mitigation initiatives and practices that are consistent with the guidance issued by the U.S. Centers for Disease Control and Prevention, including the provision of

³²⁵ Human Rights Watch interview with Benjamin, deportee, May 6, 2021.

³²⁶ Human Rights Watch interview with Thierry, deportee, May 9, 2021.

³²⁷ CoreCivic letter to Human Rights Watch (on file), p. 4.

³²⁸ Human Rights Watch interviews with Walter, deportee, March 16 and 30, 2021.

³²⁹ Human Rights Watch interview with Solomon, deportee, February 18, 2021.

facemasks and cleaning supplies at all facilities, and implementation of social distancing practices[...].”³³⁰

LaSalle Corrections stated that they had “implemented our Pandemic contingency plan in response to COVID-19, that included screening, testing, appropriate treatment, prevention, education, and infection control measures.”³³¹

Deteriorating Health, Inadequate Treatment

Multiple Cameroonian deportees developed serious mental or physical health issues, or experienced a worsening of these issues, while in US immigration detention. All attributed the decline to their prolonged detention, with some also citing mistreatment by ICE or other officers, or lack of adequate care. At least eight said ICE refused to release them despite serious health concerns, including psychosis, PTSD, anxiety, depression, hypertension, diabetes, typhoid, Hepatitis B, and asthma. Several said they felt suicidal.³³²

Theodore, deported in November 2020, suffered from PTSD and psychosis during his 15 months of detention, primarily in Louisiana. His 2020 medical records describe ongoing hallucinations, anxiety, depression, insomnia, and nightmares, linked to past experiences of torture.³³³ Theodore said he sought help when he first began experiencing hallucinations in 2019 at Jackson Parish Correctional Center, but did not receive adequate help until 2020, when his health declined even further. “I was seeing things which are not real and hearing bad voices,” he said. “When it started, the nurses and ICE officers neglected me... They only [paid] attention when it got worse.”³³⁴ After sending him to a mental hospital for a month, ICE put Theodore back in detention.³³⁵ LaSalle Corrections did not comment on this incident in their response to Human Rights Watch.³³⁶

³³⁰ GEO Group letter to Human Rights Watch (on file), pp. 2-3.

³³¹ LaSalle Corrections letter to Human Rights Watch (on file), p. 2.

³³² Human Rights Watch interviews with deportees, December 2020 – October 2021.

³³³ ICE medical records for Theodore, Jackson Parish Correctional Center, Louisiana, January-July 2020, on file with Human Rights Watch; Human Rights Watch WhatsApp correspondence with Theodore, deportee, April 19, 2021.

³³⁴ Human Rights Watch WhatsApp correspondence with Theodore, deportee, April 19, 2021.

³³⁵ Ibid.

³³⁶ LaSalle Corrections letter to Human Rights Watch (on file).

Robert, also deported in November 2020, suffered from multiple health issues that worsened during his approximately 18 months detained in California (an estimated 15 months) and Texas (an estimated 3 months), including anxiety, depression, PTSD, suicidal ideation, chest pains, and hypertension.³³⁷ Robert said that prior to fleeing Cameroon, gendarmes had detained and severely beaten him, traumatizing him.³³⁸ His sister, a nurse and US citizen, said his US treatment traumatized him further: “His PTSD started in US detention... he told me the very first time he got to a detention center [in California, in December 2018], they locked him in a basement someplace, no light... by himself for some days. He also told me his ICE officer told him he will never get out of detention.”³³⁹ She showed Human Rights Watch a letter she wrote to ICE in 2019 citing her concerns with his health, requesting his release into her care.³⁴⁰ ICE did not grant the request in 2019, only releasing him much later, in mid-2020, for a brief period.³⁴¹

Fanya, deported in October, said that she experienced worsening abdominal pain, hypertension, and untreated Hepatitis B while detained in Texas from 2018 to 2020. At Joe Corley Detention Facility in late 2019, “I developed high blood pressure... [ICE] said I should bring documents and they’d release me. I brought medical documents, but they didn’t release me,” she said. At Montgomery Processing Center in mid-2020, ICE finally took her to the hospital for her stomach pain, she said, but no one explained the medical results to her.³⁴²

Responding generally to allegations of medical neglect, CoreCivic cited its commitment to “a high standard of care,” noting: “Patients with chronic health conditions are treated and regularly monitored by facility medical staff. All detainees have daily access to medical care.”³⁴³ GEO Group said: “While we acknowledge a small number of allegations regarding a lack of medical care are made..., all such claims are promptly and professionally

³³⁷ ICE medical records for Robert, San Diego Contract Detention Facility CCA, January-April 2019, on file with Human Rights Watch; Human Rights Watch interviews with Robert, deportee, February 20, 2021, and Robert’s sister, US, April 21, 2021. According to CoreCivic, “prior to September 10, 2020, the government’s ICE Health Services Corps (IHSC) provided all of the medical and mental healthcare at OMDC” [Otay Mesa Detention Center, previously known as San Diego Contract Detention Facility CCA]. CoreCivic letter to Human Rights Watch (on file), p. 5.

³³⁸ Human Rights Watch interview with Robert, February 20, 2021.

³³⁹ Human Rights Watch interview with Robert’s sister, US, April 21, 2021.

³⁴⁰ Letter from Robert’s sister to ICE, not dated, on file with Human Rights Watch.

³⁴¹ Human Rights Watch interview with Robert, February 20, 2021.

³⁴² Human Rights Watch interviews with Fanya, deportee, February 26 and April 26, 2021.

³⁴³ CoreCivic letter to Human Rights Watch (on file), p. 3.

reviewed, and where appropriate, corrective action is taken.”³⁴⁴ LaSalle Corrections stated: “LaSalle is guided by the standards set by ICE and other government partners... for the delivery of the highest levels of medical care. Frequent audits and independent reviews verify that our facilities closely adhere to established protocols.”³⁴⁵

Systemic Racism and the Need for Government Data

During their time in the United States, Cameroonians faced a context of US systemic racism,³⁴⁶ reflected and perpetuated by the fact that Black and brown people comprise the majority of people in ICE detention.³⁴⁷

As noted in this chapter, many deported Cameroonians we interviewed were detained for long periods in Louisiana. A 2021 study found that in the Western District of Louisiana from 2010 to 2020, the majority (57 percent) of detainees who filed habeas petitions for release from detention were Black, more than one-fifth were from African countries of origin, and 85 percent filed without assistance of counsel. In the study, immigrants had been detained for one year and one month on average at the time they filed their petitions.³⁴⁸ The study stated that since Black immigrants make up 4.8 percent of detained immigrants nationwide (citing the Black Alliance for Just Immigration),³⁴⁹ but were 57 percent of those

³⁴⁴ GEO Group, letter to Human Rights Watch (on file), p. 2.

³⁴⁵ LaSalle Corrections letter to Human Rights Watch (on file), p. 2.

³⁴⁶ On systemic racism in the United States, see Marina Riera, “UN Condemns Systemic Racism, Police Violence,” commentary, Human Rights Watch dispatch, July 20, 2020, <https://www.hrw.org/news/2020/07/20/un-condemns-systemic-racism-police-violence-o>; “Submission to the UN Office of the High Commissioner for Human Rights: Resolution 43/1,” March 9, 2021, <https://www.hrw.org/news/2021/03/09/submission-un-office-high-commissioner-human-rights-resolution-43/1>; “H.R. 40: Exploring the Path to Reparative Justice in America: Written Testimony of Dreisen Heath Submitted to the US House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties,” February 17, 2021, <https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america>.

³⁴⁷ See Letter from Amnesty International to DHS Secretary Alejandro Mayorkas, “Re: Amnesty International USA comments on February 2021 Interim Guidance: Civil Immigration Enforcement and Removal Priorities,” April 20, 2021, <https://www.amnestyusa.org/wp-content/uploads/2021/04/Amnesty-International-USA-Letter-re-Feb-2021-ICE-Enforcement-Priorities-Memo.pdf> (accessed July 30, 2021), p. 10; Elizabeth Aranda and Elizabeth Vaquera, “Racism, the Immigration Enforcement Regime, and the Implications for Racial Inequality in the Lives of Undocumented Young Adults,” *Sociology of Race and Ethnicity* Vol. 1(1) (2015), accessed December 3, 2021, doi: 10.1177/2332649214551097; Jack Herrera, “Black Immigrants Matter,” *The Nation*, March 24, 2021, <https://www.thenation.com/article/society/black-immigrants-asylum-deportation/> (accessed September 11, 2021).

³⁴⁸ Tulane University Law School Immigration Rights Clinic, “No End in Sight: Prolonged and Punitive Detention of Immigrants in Louisiana,” May 2021, <https://law.tulane.edu/sites/law.tulane.edu/files/TLS%20No%20End%20In%20Sight%20Single%20Pages%20FINAL.pdf> (accessed December 3, 2021), pp. 9 and 29.

³⁴⁹ BAIJ & NYU School of Law Immigrant Rights Clinic, *The State of Black Immigrants*, 2020, <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf> (accessed December 3, 2021), p. 26.



Protesters in Washington, DC, call for a halt to deportations to Cameroon; for Temporary Protected Status (TPS) for Cameroonians in the US; for the release of Cameroonians from ICE detention; and for the rights of Black immigrants to be respected, October 19, 2021. © 2021 CASA

who filed habeas petitions in the Western District of Louisiana, they were thus disproportionately represented among immigrants seeking release through habeas.³⁵⁰ Detainees who filed habeas petitions in the Western District of Louisiana, therefore, were disproportionately Black and were subjected to long periods of detention.³⁵¹

A 2020 study also found that people of African and Caribbean nationalities had been disproportionately subjected to solitary confinement in ICE detention from 2012 to 2017.³⁵²

Lawyers and immigrant rights activists told Human Rights Watch that they had observed Cameroonians and other Africans treated particularly harshly in ICE custody, in reference to prolonged detention, denial of parole, high bond amounts, physical abuse, and medical

³⁵⁰ The disparity between these two rates is not simply due to a concentration of Black immigrants detained in the Western District of Louisiana. For example, as of the latest data available in TRAC from July 2019, only 11 percent of Cameroonian detainees were held in Louisiana, and of all immigrants held in the state, approximately two-thirds were from either Cuba, Guatemala, Honduras, or El Salvador. (Data from TRAC, "Immigration and Customs Enforcement Detention ICE Data Snapshots, up to July 2019," <https://trac.syr.edu/phptools/immigration/detention/> (accessed December 6, 2021).

³⁵¹ Tulane University, "No End in Sight," p. 9.

³⁵² The study stated: "We...find vast disparities by region of origin. While 24.74 percent of solitary confinement cases involve individuals from Africa or the Caribbean, people from these regions collectively represent only 3.64 percent of all detained people. In other words, African and Caribbean immigrants are overrepresented by a factor of 6.8 in solitary confinement cases when compared to the larger overall detained population." And: "African immigrants are more likely to be confined for disciplinary reasons, compared to the average." Konrad Franco, Caitlin Patler, and Keramet Reiter, "Punishing Status and the Punishment Status Quo: Solitary Confinement in U.S. Immigration Prisons, 2013-2017," SocArXiv, April 27, 2020, doi:10.1177/1462474520967804, <https://osf.io/preprints/socarxiv/zdy7f/> (accessed December 3, 2021).

neglect.³⁵³ Sofia Casini, Director of Visitation Advocacy Strategies at Freedom for Immigrants (FFI) – an organization which jointly filed several of the CRCL complaints on behalf of Cameroonians in 2020 and 2021 – stated:

We have a national abuse reporting hotline, and from our work on civil rights complaints across the country, we can see disproportionate mistreatment and harm of Black immigrants [in ICE detention] – use of force in particular. ... There’s no doubt in my mind it’s linked to race, the level of harm and abuse, because of the volume of complaints from Black immigrants we receive on our...hotline and throughout our [immigration detention] visitation network, specific to Black immigrants over other nationalities. The harm does happen to others, but not at the rate it happens to Black immigrants.³⁵⁴

FFI’s National Immigration Detention Hotline is a monitoring tool staffed by a team of multilingual advocates across the country, connecting immigrants in detention to free “abuse documentation support.” The hotline receives between 600 and 14,500 calls per month, from people in more than 200 immigrant detention facilities around the country.³⁵⁵ Casini noted that out of the 36 civil rights complaints FFI submitted to DHS from August 2020 to July 2021 “for the most high intensity cases... based on people’s incoming calls to our hotline,” 66.7 percent involved people from Africa (25 percent) or the Caribbean (41.7 percent). She said the complaints focused on “severe medical abuse, physical assault, sexual abuse or assault, transgender discrimination, racial or ethnic discrimination and solitary confinement.”³⁵⁶

However, the United States does not publish adequate data about immigration enforcement, detention, and DHS Civil Rights and Civil Liberties (CRCL) complaints or investigations, disaggregated by race, ethnicity, nationality, immigration status and other demographic or case type criteria. As a result, it is extremely difficult to assess specific

³⁵³ Human Rights Watch interviews with US immigration lawyers and activists, November 2020 – July 2021.

³⁵⁴ Human Rights Watch interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom for Immigrants, Texas, November 24, 2021.

³⁵⁵ Freedom for Immigrants, “National Detention & Abuse Reporting Hotline,” N.D., <https://www.freedomforimmigrants.org/hotline> (accessed December 6, 2021).

³⁵⁶ Human Rights Watch interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom for Immigrants, Texas, November 24, 2021.

claims of racial, ethnic, or national bias in the immigration system. This underscores the need for increased disaggregated data collection and publication in relation to apprehension, detention, DHS CRCL investigations, bond, parole, asylum or immigration court outcome, and expulsions, returns, or removals.

V. Unfair US Asylum Screenings and Adjudications

Through interviews with US immigration lawyers, deported Cameroonians and their relatives, and analysis of court rulings and asylum documents obtained for 30 of the 41 deported people interviewed, Human Rights Watch identified due process concerns and other issues that appear to have prevented fair adjudication of multiple deportees' asylum cases. These included communication and language barriers during screening interviews and court hearings; the inappropriate application of the "Third Country Transit Rule" and "internal relocation" concept to deny asylum claims; preventable obstacles for detainees to acquire legal counsel, information, and evidence; possible errors and misconduct by asylum officers; lack of impartiality and understanding of country conditions and apparent factual errors by immigration judges (IJs); and other structural flaws of the US immigration court system that politicize adjudications and make unfair outcomes more likely depending on where cases are heard.³⁵⁷

In several cases, asylum officers or immigration judges found Cameroonians not to have credible or well-founded fears of persecution based on claims that country conditions were improving or based on a supposed "internal relocation" alternative. The latter is a legal concept that considers the possibility of relocation within the country of origin – if doing so could reduce or eliminate risk of future persecution – as a ground for refusing asylum. Human Rights Watch considers this argument erroneous in relation to Cameroonians seeking asylum since 2017, not only due to the widespread, well-documented human rights abuses in the country, but also because the threats in most cases reviewed by Human Rights Watch were from the central government, which could not be escaped simply by moving to another part of the country.³⁵⁸

³⁵⁷ Human Rights Watch interviews with Cameroonian deportees, December 2020 – October 2021; interviews with immigration lawyers and activists, US, November 2020 – May 2021; copies of deportees' asylum documents (Credible Fear Interview [CFI] and hearing transcripts, immigration judge (IJ) decisions, asylum applications, supporting evidence), 2018-2020, on file with Human Rights Watch.

³⁵⁸ "The need for an analysis of internal relocation only arises where the fear of being persecuted is limited to a specific part of the country, outside of which the feared harm cannot materialise. In practical terms, this normally excludes cases where the feared persecution emanates from or is condoned or tolerated by State agents, including the official party in one-party States, as these are presumed to exercise authority in all parts of the country." UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, July 23, 2003, HCR/GIP/03/04, <https://www.unhcr.org/en-us/publications/legal/3f28d5cd4/guidelines-international-protection-4-internal-flight-relocation-alternative.html> (accessed November 14, 2021), para. 13.

According to US immigration lawyers and activists, the above issues also impacted many other Cameroonians denied asylum in the US, suggesting these findings may reflect wider trends.³⁵⁹

US immigration courts and judges are part of the Justice Department’s Executive Office for Immigration Review (EOIR). In a December 23, 2021 response letter to Human Rights Watch, EOIR stated that its Judicial Conduct and Professionalism Unit “has made efforts to investigate the allegations of unprofessional behavior raised in your letter,” noting that they “will continue to investigate the allegations.”³⁶⁰

Expedited Removal and the “Defensive” Asylum Process

Deported Cameroonians interviewed by Human Rights Watch said they requested asylum at the US southern border, after which they were placed in immigration detention and in expedited removal proceedings. As part of the “defensive” asylum process required for those in expedited removal, they underwent screening interviews by asylum officers, who made positive or negative determinations of whether they had “credible” fears of persecution or torture if returned to Cameroon, under the standards of the Refugee Convention or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”).³⁶¹ Asylum seekers with positive credible fear determinations were moved into non-expedited removal proceedings, referred for full immigration court hearings to defend their asylum claims, and directed to submit asylum applications and supporting evidence within a deadline.³⁶² Those with negative credible fear determinations remained in expedited removal and could request “review” by an immigration judge (who either affirmed or vacated the asylum officer’s

³⁵⁹ Human Rights Watch interviews with immigration lawyers and activists, US, November 2020 – May 2021.

³⁶⁰ EOIR letter to Human Rights Watch, December 23, 2021, on file (see Annex).

³⁶¹ Human Rights Watch interviews with Cameroonian deportees, December 2020 – October 2021; American Immigration Council, “Asylum in the United States,” June 11, 2020, <https://www.americanimmigrationcouncil.org/research/asylum-united-states> (accessed June 20, 2021).

³⁶² Human Rights Watch interviews and correspondence with Cameroonian deportees and US immigration lawyers, December 2020 – January 2022; deportees’ asylum documents, 2018-2020 (on file). See also Yael Schacher (Refugees International), “Addressing the Legacy of Expedited Removal: Border Procedures and Alternatives for Reform,” May 13, 2021, <https://www.refugeesinternational.org/reports/2021/5/11/addressing-the-legacy-of-expedited-removal-border-procedures-and-alternatives-for-reform> (accessed January 14, 2022).

determination) or submit a request for redetermination to USCIS. Immigration judge credible fear review decisions are final and cannot be appealed.³⁶³

During key hearings, some asylum seekers had lawyers, but many (at least 20 deportees interviewed) represented themselves.³⁶⁴ Lawyers typically asked questions to help them demonstrate eligibility for asylum, followed by questions from the government (DHS) attorney contesting those assertions, and the judge. For those without lawyers, the judge asked the key questions. Some judges issued oral decisions the same day, while others issued written decisions later. The immigration judge decisions reviewed by Human Rights Watch address the respondent's eligibility for three forms of relief: asylum, withholding of removal, and Convention against Torture protection. For those with negative credible fear determinations, some immigration judges who reviewed did not issue decisions with explanations, but simply stated they "affirmed the decision of the asylum officer," denied asylum, and ordered removal. All deported Cameroonians we interviewed had been denied asylum and other relief and ordered removed by immigration judges.³⁶⁵

Asylum seekers in the non-expedited removal process could appeal negative immigration judge decisions with the Board of Immigration Appeals (BIA). If the BIA denied the appeal, they could submit a BIA Motion to Reopen (MTR) or appeal to circuit courts. At least 29 deported people said they filed BIA appeals, all with negative outcomes;³⁶⁶ 15 appealed to circuit courts, and 18 also filed other motions. Fourteen Cameroonians told us they had appeals or motions still pending at deportation.³⁶⁷ One man with a pending Fifth Circuit appeal, Andre, was deported in November 2020 despite a stay of removal order issued by

³⁶³ Human Rights Watch interviews and correspondence with US immigration lawyers, January 2022; Yael Schacher (Refugees International), "Addressing the Legacy of Expedited Removal"; Jeffrey Chase (immigration lawyer and former immigration judge), "Attorneys and Credible Fear Review," *Opinions/Analysis on Immigration Law* (blog), July 22, 2018, <https://www.jeffreyschase.com/blog/2018/7/22/attorneys-and-credible-fear-review> (accessed January 14, 2022).

³⁶⁴ *Ibid.* According to US law, people "in any removal proceedings before an immigration judge and in any appeal proceedings... from any such removal proceedings" do not have the right to court-appointed attorneys; rather, they have the right to choose legal counsel "at no expense to the Government." 8 U.S.C. § 1362 (Right to counsel).

³⁶⁵ Human Rights Watch interviews with Cameroonian deportees and US immigration lawyers, December 2020 – October 2021; deportees' asylum documents, 2018-2020 (on file).

³⁶⁶ *Ibid.* The 29 who said they appealed to the BIA included two in expedited removal with negative credible fear determinations upheld by immigration judges; these two may not have understood these decisions are final and cannot be appealed.

³⁶⁷ Six with pending circuit court appeals, five with pending BIA MTRs, and two who had both. One man said he also had a pending USCIS credible fear redetermination request. Human Rights Watch interview with Benjamin, deportee, May 6, 2021; interviews with Cameroonian deportees and US immigration lawyers, December 2020 – October 2021; deportees' asylum documents, 2018-2020 (on file).

the Fifth Circuit – and communicated to ICE by Andre’s lawyer – prior to the plane’s takeoff, according to Andre and his lawyer.³⁶⁸

Asylum Officers: Problematic “Credible Fear” Screenings

Through analysis of deportees’ credible fear interview (CFI) documents and interviews with deported people and lawyers, Human Rights Watch identified several key issues that appear to have led to unfair credible fear screenings for certain deportees and other Cameroonians.³⁶⁹ These included communication barriers; possible errors and misconduct by USCIS asylum officers, such as showing impatience, rudeness, or aggression toward interviewees; and lack of accurate country information or understanding of the context in Cameroon. Among the 14 deported people who told Human Rights Watch that asylum officers gave them negative determinations, at least 12 indicated that one or more of these issues contributed to the outcomes.³⁷⁰

One deportee, detained at Tallahatchie Correctional Center in Mississippi during his interview, said he recalled a slew of negative determinations: “At that time [in late 2019]...about 46 of us Cameroonians that went in for credible fear interviews, they gave us negative.”³⁷¹

³⁶⁸ Human Rights Watch interviews with Andre, deportee, January 25, 2021, and Rose Murray, immigration and civil rights attorney, SPLC Southeast Immigrant Freedom Initiative, Louisiana, October 8, 2021; Rose Murray (counsel for petitioner), No. 20–60863 in the US Court of Appeals for the Fifth Circuit, November 12, 2020, on file with Human Rights Watch.

³⁶⁹ These findings are consistent with Human Rights Watch’s prior findings that the expedited removal process fails to provide due process to asylum seekers. Human Rights Watch, *“You Don’t Have Rights Here”: US Border Screening and Returns of Central Americans to Risk of Serious Harm*, October 16, 2014, <https://www.hrw.org/report/2014/10/16/you-dont-have-rights-here/us-border-screening-and-returns-central-americans-risk>.

³⁷⁰ In 13 cases, immigration judges reviewed and upheld the negative decisions during brief hearings. In the 14th case, an immigration judge allowed a full merits hearing and written decision, but still denied asylum. Others deported in October–November 2020 whom Human Rights Watch did not interview also had negative credible fears, according to immigrant rights activists. Human Rights Watch interviews with Cameroonian deportees and US immigration lawyers, December 2020 – October 2021; interviews and correspondence with Anne-Marie Debbané, immigrant rights advocate, Free Them All (San Diego) and Alliance in Defense of Black Immigrants, California, and with an immigrant rights volunteer (name withheld), Mississippi, January–July 2021; copies of deportees’ USCIS “Record of Determination / Credible Fear Worksheet” (“CFI records”), including for 6 of 14 with negative determinations, on file with Human Rights Watch; USCIS, “Record of Determination / Credible Fear Worksheet,” October 29, 2019 (interview) / October 30, 2019 (decision), on file (hereafter, “CFI record, Amos”); US Immigration Court, Los Fresnos, Texas, “Amended Decision and Order of the Immigration Judge,” May 12, 2020 (“IJ decision, Amos”), and “Transcript of Hearing,” April 21, 2020 (“hearing transcript, Amos”), on file with Human Rights Watch.

³⁷¹ Human Rights Watch interview with Alphonsus, deportee, February 9, 2021.

Communication Barriers and Alleged Officer Errors

Nine deported people who had negative credible fear determinations said that communication barriers were part of the problem, leading to misunderstandings by asylum officers or the interviewees, and in some cases errors by asylum officers. Seven were Anglophones, most comfortable in Cameroonian Pidgin English and other local languages, while one spoke Pidgin English and French. Most said they received no orientation about what to expect during the credible fear interview. While some indicated they wanted an interpreter, others said they thought they could manage in American English, only to realize belatedly they could not understand the officer, or vice versa. Most interviews were conducted by phone, often with poor audio, compounding the problem. The transcripts reflect these issues.³⁷² In all interviews where communication barriers became evident, officers should have stopped until an interpreter could be found and restarted the interviews.

“The phone I was using had a very low volume, I could barely hear the officer,” said Yannick. “I realized there was a need of an interpreter because...the officer...could barely understand what I was saying. When I went through my interview record, I realized he misquoted me in several places.”³⁷³ Yannick’s transcript reveals these misquotes and shows that he frequently asked the officer to repeat or clarify questions. The officer himself added a note: “No interpreter: Applicant claims to speak English...in hindsight: See communication difficulties below.”³⁷⁴

Another deportee, Pierre, said: “I didn’t understand anything about the credible fear, because...I didn’t have...a legal orientation... I [thought] the interview was just to ask one or two questions. I didn’t know that it was a long process... The woman [asylum officer] started the interview in English... Finally, I asked for a translator because I was not even hearing [understanding] anything she was saying.”³⁷⁵

³⁷² Human Rights Watch interviews with deportees, November 2020 – July 2021; copies of deportees’ USCIS Credible Fear Worksheets (CFI records) on file with Human Rights Watch.

³⁷³ Human Rights Watch interview with Yannick, deportee, May 12, 2021.

³⁷⁴ CFI record, Yannick, p. 1.

³⁷⁵ Human Rights Watch interviews with Pierre, deportee, January 18-20, 2021.

Alphonsus's interview transcript shows that he said "I don't get you" several times and reflects the officer's poor understanding of his responses.³⁷⁶ Alphonsus explained:

I was not really understanding the asylum officer... He was really harsh on me... When I told him, 'Please...can you come again, I don't get you clearly?'...[H]e would get mad and say..., 'It's fine'... so it was causing tension for me. ...When we started...he said if it is Pidgin English, he will not conduct the interview that day...because there are no translators that day. So, I said he should conduct the interview in English, but that he should try to conduct it slowly... I never knew his accent would be different.³⁷⁷

Robert said his accent and manner of speaking English, combined with his recent dental surgery, which he informed the officer about,³⁷⁸ led to communication difficulties:

The asylum officer wrote on the credible fear document that I couldn't remember dates...but I told her that it was my pronunciation. I said "first October," but she wrote "third October." Even when she read it back to me, I corrected her...but she still wrote that those dates were incorrect... She didn't understand the type of English I was speaking. There were a couple of things that she wrote down that were wrong. When I tried to correct her, she told me I'd already said it... [S]he shouted at me, so I just kept quiet.³⁷⁹

After receiving a negative credible fear determination, Robert brought up the communication issue during his hearing. He told the judge: "there are many things that the asylum officer wrote that...I didn't say... [She] seems to have misunderstood... the phone [network] that day was very poor... she was also fast... I had to plead with her to slow down."³⁸⁰

³⁷⁶ USCIS, "Record of Determination / Credible Fear Worksheet," November 26, 2019, on file with Human Rights Watch (hereafter "CFI record, Alphonsus").

³⁷⁷ Human Rights Watch interviews with Alphonsus, deportee, February 9, 2021.

³⁷⁸ USCIS, "Record of Determination / Credible Fear Worksheet," January 3, 2019, on file with Human Rights Watch (hereafter, "CFI record, Robert").

³⁷⁹ Human Rights Watch interview with Robert, deportee, February 20, 2021.

³⁸⁰ US Immigration Court, Otay Mesa, California, "Transcript of Hearing, Credible Fear Review Proceedings," January 18, 2019, on file with Human Rights Watch (hereafter, "hearing transcript, Robert"), pp. 14-17.

George said, “The officer interviewing me, we had accent differences. What I said, he went and wrote a different thing... I kept saying, ‘I am not getting you’... I looked at the document later, and it was totally different from what I told him... For example, I told him...they smuggled me out of the Douala airport without doing biometrics, and he wrote it that I left with biometrics.”³⁸¹ Richard similarly alleged that what his interviewing officer wrote down differed from what he said.³⁸²

Yannick cited an error by his asylum officer which may or may not have been linked to communication issues: “[US] immigration law states that if you are being part of a violent group, you can be denied asylum... The officer concluded I had [possibly] served the separatist fighters...[by] gathering firewood. But I told him...when the separatist fighters kidnapped me, they gave me an option, either be killed or accept to join them... nobody will accept to be killed, so I just said ‘all right.’ I didn’t bring them any wood. My statement was that I was sent to gather firewood, and in the process I ran away.”³⁸³ Human Rights Watch verified that Yannick’s credible fear interview transcript shows him stating to the asylum officer: “they asked me to choose either to join them or they kill me... I promised to join them...because I was afraid to die. ...I did not fight alongside them, because three days after I made that promise I escaped...when they sent us...to fetch firewood. So while fetching firewood...I escaped to the forest.”³⁸⁴

Immigration attorney Angela Trehan said that in 2020, she assisted 20 Cameroonians with negative credible fear determinations in Mississippi and Louisiana, successfully reversing all but three through USCIS redetermination requests. She said her clients had all done credible fear interviews by phone, with communication barriers or officer errors contributing to all the negative determinations. “I feel like [many] officers are ignorant when it comes to Pidgin English and American English, not understanding that some vocabulary words really mean something else,” she stated. “[S]ome of the officers are extremely impatient and pushy. It scares the client... They want to please the officer, so they just...say yes or no to something they really don’t understand.” She also noted that

³⁸¹ Human Rights Watch interview with George, deportee, March 10, 2021.

³⁸² Human Rights Watch interview with Richard, deportee, April 5, 2021.

³⁸³ Human Rights Watch interview with Yannick, deportee, May 12, 2021.

³⁸⁴ On the form, “Possible Bars: Terrorist” is marked, with the note: “Applicant agreed to join militant separatist group and may have provided material support in the form of services such as gathering firewood before escaping.” USCIS, “Record of Determination/ Credible Fear Worksheet,” June 10, 2019 (on file).

accents, either on the part of her clients, asylum officers, or both, also contributed to comprehension difficulties in some cases.³⁸⁵

Limited Country Knowledge

Negative determinations by some asylum officers appeared to stem from inaccurate country information or inadequate understanding of the context in Cameroon. One example is officers erroneously checking the “terrorist” box as a potential asylum bar for two Cameroonians – Yannick, as noted above, and Alphonsus.³⁸⁶ Not only did neither say they had joined the separatists, but both had claimed arbitrary detention by government forces and simply referenced the well-known practice of security forces calling suspected separatists “terrorists.”³⁸⁷

Another example is Marie’s November 2019 credible fear interview. Finding her claims of past persecution credible, the asylum officer nonetheless alleged she had not established “a reasonable fear of [future] persecution” because “there is substantial evidence [she] could internally relocate” to avoid persecution, and “that it would be reasonable for her to do so.” However, the transcript shows Marie stated she had lived in hiding for a year after she was attacked by military men.³⁸⁸ As noted earlier in this chapter, international standards indicate that internal relocation is unreasonable when the persecutor is the central government. UNHCR standards require that an internal relocation alternative have “no risk of a well-founded fear of persecution” and that the individual be able to “live a normal life,” “without facing undue hardship.”³⁸⁹

In Amos’s October 2019 interview, the asylum officer found him credible, with a persecution nexus to political opinion, but with “no fear of [future] persecution or torture established,” due to (inaccurate) information that country conditions had improved.³⁹⁰ “[The officer] said it was safe for me to go back, since the president made a political

³⁸⁵ Human Rights Watch interview with Angela Trehan, associate attorney, Chhabra & Gibbs P.A., Jackson, Mississippi, December 18, 2020, and email correspondence, January 26, 2021.

³⁸⁶ CFI record, Yannick, p. 13; CFI record, Alphonsus, pp. 5-6.

³⁸⁷ Ibid.; Human Rights Watch interviews with Yannick, May 12, 2021, and Alphonsus, February 9 and 21, 2021.

³⁸⁸ USCIS, “Record of Negative Credible/Reasonable Fear Finding and Request for Review by Immigration Judge for Aliens Barred from Asylum Pursuant to 8 CFR 208.13(c)(4),” October 31, 2019, and “Record of Determination / Credible Fear Worksheet” (Marie), October 23, 2019, on file with Human Rights Watch.

³⁸⁹ UNHCR, *Guidelines on International Protection: “Internal Flight or Relocation Alternative,”* pp. 4 and 6.

³⁹⁰ CFI record, Amos.

speech that he was forgiving SCNC members. ...But that is just nonsense, saying that [and] meanwhile SCNC members are still behind bars,” said Amos.³⁹¹

Harsh and Intimidating Treatment

According to deported people and Human Rights Watch analysis of interview transcripts, in at least eight cases of negative credible fear determinations, asylum officers demonstrated unprofessional, harsh, or intimidating conduct during interviews, detrimentally impacting asylum seekers’ mental and emotional state and ability to express themselves. Behaviors included rudeness, interruption, intimidation through aggressive questioning, alleged “shouting,” or “pressuring” them to hurry, rather than encouraging them to fully explain.³⁹² Below are several allegations of possible misconduct (others gave similar accounts)

from interviews:

- **Amos:** “[The officer’s] personal disdain for immigrants [was] tangible... if I mispronounced words, she mocked me... She told me to stay on the phone, while she went to eat... She kept threatening me that if I play [around], she will stop the interview.”³⁹³
- **Pierre:** “When I tried to speak, [the officer] said, ‘Shut up, be quiet.’... I was not able to express myself, I was intimidated...[S]he was always telling me to stop... All she wanted was yes or no answers. She didn’t want me to...express details. I was really confused.”³⁹⁴
- **Richard:** “When you’re trying to give an explanation of what happened, [the officer] wouldn’t give you an opportunity. He would just say, ‘OK, OK’... Sometimes he would speak so fast that I didn’t understand, and he would threaten, ‘This is the last time I’m repeating myself,’ and if I don’t give him answers...he will not interview me anymore. I was so tense.”³⁹⁵

³⁹¹ Human Rights Watch interview with Amos, deportee, February 9, 2021.

³⁹² Human Rights Watch interviews with Cameroonian deportees, January – June 2021; deportees’ CFI records, on file with Human Rights Watch.

³⁹³ Human Rights Watch interview with Amos, February 9, 2021

³⁹⁴ Human Rights Watch interviews with Pierre, deportee, January 18-20 and March 23, 2021.

³⁹⁵ Human Rights Watch interview with Richard, deportee, April 5, 2021.

- **Isaiah:** “When you asked something...to understand, [the officer] would shout at you. ...I was really scared, I was just confused, and I mixed up everything.” ³⁹⁶

Analysis of transcripts revealed other examples. Alphonsus’s transcript shows unnecessarily aggressive questioning, with the officer repeating questions already asked and answered. ³⁹⁷ Yannick’s transcript shows the officer rudely interrupting multiple times, not allowing him to finish critical explanations, which would have, for example, illustrated the nexus to political opinion. “Stop. Remember, you are not here to tell your story the way you want it told. You are here to answer my questions,” the officer said. He also interrupted with: “That sounds like a memorized talking point.” ³⁹⁸

These behaviors displayed by asylum officers indicate intolerance and impatience unsuitable to their training and standards of professional conduct. ³⁹⁹ It also indicates a failure to understand trauma asylum seekers may be coping with, and the impacts this can have on memory and communication. For instance, during his credible fear interview, Robert grew confused about dates and time periods of his detention in Cameroon, but explained to the officer: “I know I was there for maybe two or three months.... I get confused about the time... I was thinking about how they tortured me,” which he also described: “They beat me and I fell and my tooth came out and I vomited blood.” ⁴⁰⁰ Nonetheless, his asylum officer fixated on the date and time discrepancies to find him not credible. ⁴⁰¹

Third Country Transit Rule

Between July 2019 and early 2020, some Cameroonian asylum seekers who entered the US from the southern border were subject to a Trump administration regulation known as the

³⁹⁶ Human Rights Watch interview with Isaiah, deportee, April 5, 2021.

³⁹⁷ CFI record, Alphonsus.

³⁹⁸ CFI record, Yannick.

³⁹⁹ “The Code of Federal Regulations, 8 C.F.R. § 208.9(b), requires that Asylum Officers conduct interviews in a non-adversarial manner.” USCIS, Refugee, Asylum, and International Operations (RAIO) Directorate, “Officer Training,” December 20, 2019, https://www.uscis.gov/sites/default/files/document/foia/Interviewing_-_Eliciting_Testimony_LP_RAIO.pdf (accessed September 6, 2021), p. 39. See also p. 10 (“Give the Interviewee the Opportunity to Be Heard”), p. 12 (“Eliciting Testimony = Fully Exploring Issues”), p. 25 (“Establish Rapport,” “Be an Active Listener,” “Listen Carefully”), p. 26 (“Be Patient and Flexible”), p. 37 (“Consider Past Trauma”), p. 38 (“Avoid Making Assumptions”).

⁴⁰⁰ CFI record, Robert.

⁴⁰¹ Ibid.

“Third Country Transit Rule.”⁴⁰² The rule barred anyone from asylum eligibility who had transited through other countries without seeking asylum, restricting them to limited forms of relief: “withholding of removal” under the Immigration and Nationality Act, or protection under the Convention against Torture. Individuals to which the rule was applied underwent “reasonable” rather than “credible” fear screenings, and before immigration courts they faced a higher “more likely than not” burden of proof (a greater than 50 percent chance of future persecution) than the asylum standard of “well-founded fear” of persecution (interpreted as a 10 percent chance).⁴⁰³ Issued July 16, 2019, the interim rule was intermittently in effect and blocked due to legal challenges for various periods, until it was partially blocked by an appellate court in March 2020 and vacated by another federal court in June 2020.⁴⁰⁴

At least 21 Cameroonians we interviewed had entered the US between July 2019 and January 2020, when the transit rule was in effect. For some, the rule seemingly did not impact case outcomes: several immigration judges affirmed the rule’s applicability, but reviewed the case under asylum standards anyway; for a few, the immigration judges or BIA disregarded the rule; and in one case, an immigration judge rejected an asylum application for another reason (missing a court deadline).⁴⁰⁵ However, for Theodore, the transit rule partially impacted the immigration judge’s decision, as he used the tougher standard – “more likely than not,” which applies to withholding of removal – and found Theodore had “not met his burden to show that he *would be* persecuted” if returned.⁴⁰⁶

⁴⁰² Human Rights Watch interviews with Cameroonian deportees and US immigration lawyers and activists, December 2020 – October 2021; Executive Office for Immigration Review (EOIR), “Asylum Eligibility and Procedural Modification,” Docket No. 19-0504, A.G. Order No. 4488-2019, Federal Register, Vol. 84, No. 136, July 16, 2019, <https://www.govinfo.gov/content/pkg/FR-2019-07-16/pdf/2019-15246.pdf> (accessed September 12, 2021), pp. 33, 829-830.

⁴⁰³ Ibid.; Human Rights First, “Asylum Denied, Families Divided: Trump Administration’s Illegal Third-Country Transit Ban,” July 2020, <https://www.humanrightsfirst.org/sites/default/files/AsylumDeniedFamiliesDivided.pdf> (accessed December 20, 2020); American Immigration Council, “The Difference Between Asylum and Withholding of Removal,” Fact Sheet, October 6, 2020, <https://www.americanimmigrationcouncil.org/research/asylum-withholding-of-removal> (accessed May 5, 2021).

⁴⁰⁴ *Al Otro Lado v. Wolf*, No. 3:17-cv-02366-BAS-KSC (S.D. Cal.); *CAIR Coalition v. Trump*, No. 19-2117 (D.D.C. Jun. 30, 2020); Immigrant Legal Resource Center, “The Asylum Transit Ban After *CAIR Coalition v. Trump*,” October 2020, https://www.ilrc.org/sites/default/files/resources/asylum_transit_ban_after_cair_v_trump_10.2020.pdf (accessed June 27, 2021).

⁴⁰⁵ Human Rights Watch interviews with Cameroonian deportees, December 2020 – October 2021; deportees’ asylum documents, 2018-2020 (on file).

⁴⁰⁶ US Immigration Court, Jonesboro, Louisiana, “Oral Decision and Order of the Immigration Judge,” March 16, 2020, on file with Human Rights Watch (hereafter “IJ decision, Theodore”), p. 10-11. Emphasis added by Human Rights Watch.

For 10 people who arrived during the period of the transit rule’s applicability but had negative credible fear determinations reviewed and affirmed by immigration judges, it is unclear if the rule had a substantive impact on the burden of proof standard that was applied. However, it is possible that asylum officers held them to a higher bar in screenings for “reasonable” instead of “credible” fear, and some of the judges reviewing the officers’ determinations asked no substantive questions related to the merits of the claims, focusing on countries of transit rather than country of origin. For example, Alphonsus said, “[The judge] asked me why I could not seek asylum in Mexico. I said because of the language barrier and insecurity. He said, ‘What about Panama and Ecuador?’ I said the same thing. He said he stood on the decision of the asylum officer and ordered me removed...without giving [me] an opportunity to explain anything.”⁴⁰⁷

Due Process Barriers in Detention

Detained throughout their asylum proceedings, Cameroonian deportees interviewed by Human Rights Watch faced daunting challenges in presenting their cases due to their limited access to legal counsel and information, as well as barriers to collecting evidence from the outside.

Inaccessible or Ineffective Legal Counsel

Unlike in criminal court, individuals in US immigration court do not have a right to court-appointed legal counsel, but only to legal representation they can find “at no expense to the government.”⁴⁰⁸ As noted in the previous chapter, ICE increasingly detained Cameroonian asylum seekers between FY17 and FY20.⁴⁰⁹ According to Human Rights First analysis of government data provided by TRAC, in FY20, detained Cameroonian asylum seekers were 24 percent less likely to have a lawyer and 39 percent less likely to receive asylum in immigration court than non-detained Cameroonians.⁴¹⁰ ICE had detained Cameroonian deportees we interviewed in 9 of their top 10 detention centers with the

⁴⁰⁷ Human Rights Watch interview with Alphonsus, deportee, February 9, 2021.

⁴⁰⁸ “In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as he shall choose.” 8 U.S.C. § 1362 (Right to counsel).

⁴⁰⁹ See Chapter IV (“Abuses During US Immigration Detention”), “Prolonged Detention Without Parole” section.

⁴¹⁰ Human Rights First, “Cameroonian Asylum Seekers Increasingly Detained, Denied Asylum.”

lowest immigration attorney availability – all located in Louisiana, Texas, or Georgia ⁴¹¹ – often for prolonged periods. Even by late October 2020, ICE still held significant numbers of Cameroonians in these facilities, particularly in three among the top five with the worst access to lawyers (all in Louisiana): Winn Correctional Center, LaSalle ICE Processing Center, and Jackson Parish Correctional Center. ⁴¹²

Twenty deported people told Human Rights Watch they had no lawyer at the time of their key court hearings. ⁴¹³ “I was defending myself... I hadn’t been there before or had that type of experience,” said Michael. ⁴¹⁴

Even those who managed to get lawyers had limited options, and several said their lawyers’ conduct resulted in ineffective assistance of counsel. “I started my case on my own... A lawyer came in and promised to help me [pro bono], but she didn’t show up to the final hearing,” said Walter. “She didn’t help me get evidence from Cameroon, she just went silent.” ⁴¹⁵ Henry’s first lawyer filed his asylum application late, leading the immigration judge to declare his application “abandoned.” ⁴¹⁶

Limited Information and Inability to Collect Evidence

Accessing information from detention was also a problem. Several deported people said ICE failed to provide important legal documents, preventing them from successfully appealing. Pierre, who never received a copy of his negative credible fear interview prior to his hearing, wrote to ICE that he “request[ed] the transcript many times so that I may... prepare... but I have never seen the transcript... [until] I went to see the honorable judge who...gave me a negative result for my review.” ⁴¹⁷ Solomon, whose BIA appeal was dismissed in January 2020, ⁴¹⁸ never received a copy of the decision. “I couldn’t appeal at the circuit court without knowing why my BIA appeal was denied,” he said. ⁴¹⁹ Paul’s

⁴¹¹ As of January 2020. Human Rights Watch, ACLU, and NIJC, *Justice-Free Zones*, p. 20.

⁴¹² *Ibid.*; Letter from ICE to Rep. Ilhan Omar, November 18, 2020.

⁴¹³ Human Rights Watch interviews with deportees, December 2020 – October 2021.

⁴¹⁴ Human Rights Watch interview with Michael, deportee, December 23, 2020.

⁴¹⁵ Human Rights Watch interview with Walter, deportee, March 30, 2021.

⁴¹⁶ Immigration Court, Jena, Louisiana, “Transcript of Hearing” and “Oral Decision of the Immigration Judge,” February 28, 2020, on file with Human Rights Watch (hereafter, “hearing transcript and IJ decision, Henry”); [Counsel for respondent], “Respondent’s Brief in Support of Appeal,” May 21, 2020, on file (hereafter, “BIA appeal brief, Henry”); Human Rights Watch interviews with Henry, deportee, March 13, 2021, and Henry’s immigration lawyer, Louisiana, April 9, 2021.

⁴¹⁷ Pierre, “Request Letter” to ICE, February/March 2020 (on file).

⁴¹⁸ EOIR, “Automated Case Information” portal (accessed August 17, 2021).

⁴¹⁹ Human Rights Watch interview with Solomon, deportee, February 18, 2021.

immigration judge issued an oral decision the day of his hearing,⁴²⁰ but he said the “the written decision came a month and a half later, when I’d already filed an appeal... so I didn’t see what the judge’s decision was.”⁴²¹

Getting evidence to support their cases while in detention was difficult for all the deported people, particularly those without lawyers, and even more so for some who could not make overseas calls to Cameroon. Paul’s June 2019 immigration judge decision reveals that though he was found “credible,” one reason for his asylum denial was the lack of documentary evidence.⁴²² However, Paul, detained at River Correctional in Louisiana with no lawyer, was unable to call anyone in Cameroon in the months before his hearing. “I didn’t have any access to family back home to get supporting documents... You could make calls in the US, but my [Cameroon] country code was not working at that time,” he said. “On the first day of court, we... complained to the judge [Brent Landis] that we can’t reach our family back home to get evidence... The judge called the [facility] security officer, who said they are working on it... But the situation didn’t change until I finished my court. I pleaded to the judge...but he just took his decision.”⁴²³ This issue, acknowledged by the judge during the hearing⁴²⁴ and in his decision,⁴²⁵ should have been rectified prior to the hearing.

Martin, also detained at River Correctional, with no lawyer and with a May 2019 decision from Judge Landis,⁴²⁶ described the same problem, saying he raised the problems he was having with reaching Cameroon by phone, but that the judge proceeded to a final decision without the issue being resolved.⁴²⁷ Judge Landis’s oral decision shows he found Martin’s

⁴²⁰ US Immigration Court, Jena, Louisiana, “Oral Decision of the Immigration Judge,” June 21, 2019, on file with Human Rights Watch (hereafter, “IJ decision, Paul”).

⁴²¹ Human Rights Watch interview with Paul, deportee, March 11, 2021.

⁴²² IJ decision, Paul, pp. 5-6.

⁴²³ Human Rights Watch interview with Paul, March 11, 2021.

⁴²⁴ US Immigration Court, Jena, Louisiana, “Transcript of Hearing,” June 21, 2019, on file with Human Rights Watch (hereafter, “hearing transcript, Paul”), p. 53: “Judge...: Did you ask for any documents to be sent to you? [Paul]...: Sir, I can’t get through. I can’t get to them.”

⁴²⁵ IJ decision, Paul, p. 5: “Respondent stated he cannot get documents to support his claim because he cannot reach his family.”

⁴²⁶ US Immigration Court, Jena, Louisiana, “Oral Decision of the Immigration Judge,” May 21, 2019 (hereafter “IJ decision, Martin”), on file with Human Rights Watch; Human Rights Watch interview with Martin, deportee, September 4, 2021; EOIR, “Automated Case Information” portal (accessed September 4, 2021).

⁴²⁷ Human Rights Watch interview with Martin, deportee, September 4, 2021. The Court of Appeals for the Fifth Circuit, in rejecting Martin’s appeal, stated agreement with the immigration judge that Martin had “failed to present sufficient

“testimony to be unpersuasive because he lacked sufficient corroborating evidence,” adding that “respondent simply stated that he does not have access to” certain individuals in Cameroon who could corroborate elements of his testimony.⁴²⁸ Etienne, who did have a lawyer, nonetheless described similar difficulties getting evidence from Cameroon while detained at River Correctional, alleging “the phone [was] not working to collect evidence.”⁴²⁹ His hearing transcript and an immigration judge order show that Judge Steven Fuller in June 2019 denied Etienne’s “request for more time to receive corroborative evidence,”⁴³⁰ only postponing the final hearing when Etienne could not appear for medical reasons.⁴³¹

Immigration Judges: Fairness and Due Process Concerns

US immigration courts function as part of the Department of Justice, part of the executive branch rather than the independent judiciary. Immigration judges, appointed by the US Attorney General to act as “delegates,”⁴³² are not insulated from changing political priorities and executive branch interference.⁴³³

The Trump administration’s priorities broadly included tightening immigration controls and narrowing access to and eligibility for asylum. In addition to increasingly severe measures aimed at preventing asylum seekers from reaching the US, the national asylum denial rate

corroborative evidence,” and “that [he] proceeded pro se and was detained did not excuse him from the requirement to provide reasonably available corroborative evidence.” *[Name withheld] v. Robert M. Wilkinson, Acting U.S. Attorney General*, US Court of Appeals for the Fifth Circuit, “Petition for Review of an Order of the Board of Immigration Appeals,” February 15, 2021, case no. withheld, on file with Human Rights Watch.

⁴²⁸ IJ decision, Martin, pp. 10-11.

⁴²⁹ Human Rights Watch interviews with Etienne, January 2021.

⁴³⁰ US Immigration Court, Jena, Louisiana, “Order of the Immigration Judge” (“consideration of the Respondent’s Emergency Motion to Continue Proceedings”), June 3, 2019, on file with Human Rights Watch.

⁴³¹ US Immigration Court, Jena, Louisiana, “Transcript of Hearing,” June 5, 2019, on file with Human Rights Watch (hereafter, “hearing transcript, Etienne”), pp. 16-18.

⁴³² 8 C.F.R. § 1003.10

⁴³³ Marissa Esthimer, “Crisis in the Courts: Is the Backlogged U.S. Immigration Court System at Its Breaking Point?,” Migration Policy Institute, October 3, 2019, <https://www.migrationpolicy.org/article/backlogged-us-immigration-courts-breaking-point> (accessed April 20, 2021); American Immigration Lawyers Association, “Featured Issue: Immigration Courts,” June 2, 2021, <https://www.aiala.org/advo-media/issues/all/immigration-courts> (accessed July 20, 2021); Camille Mackler, “To Fix the Immigration System, We Need To Start With Immigration Courts,” *Just Security*, April 6, 2021, <https://www.justsecurity.org/75675/to-fix-the-immigration-system-we-need-to-start-with-immigration-courts/> (accessed October 14, 2021).

in courts increased by approximately 16 percentage points during Trump’s tenure.⁴³⁴ The asylum denial rate for Cameroonians increased by 20 percentage points from FY19 to FY20,⁴³⁵ suggesting tougher adjudications in the year when most of the cases of deportees reviewed by Human Rights Watch occurred.⁴³⁶

The growing backlog of immigration court cases – 900,000 in mid-2019, 1.4 million by mid-2021 – compounded the problem.⁴³⁷ The Trump administration pushed immigration judges to close cases quickly, undermining due process to accelerate deportations.⁴³⁸ This made mistakes more likely, despite the potentially disastrous consequences for asylum seekers; one immigration judge equated her work to “doing death penalty cases in a traffic court setting.”⁴³⁹ President Trump’s racist and derogatory rhetoric towards immigrants,⁴⁴⁰ and notably towards African countries and Black people,⁴⁴¹ also set a tone that pointed to

⁴³⁴ From 54.6 percent in FY16 to 70.9 percent in FY20, according to TRAC, “Asylum Decisions” (accessed November 14, 2021); or a shift of 17.5 percent, according to EOIR: from 21.4 percent in FY16 (adjusted to 57.5 percent if “other” is excluded) to 54.5 percent in FY20 (adjusted to 75 percent). EOIR, “Adjudication Statistics: Asylum Decision Rates,” October 19, 2021, <https://www.justice.gov/eoir/page/file/1248491/download> (accessed November 14, 2021).

⁴³⁵ According to analysis of data provided in a December 2021 letter from EOIR, for Cameroonians, the FY19 denial rate for asylum or other relief was 186 out of 897 immigration judge decisions, or 21 percent; the FY20 denial rate was 657 out of 1,606, or 41 percent. EOIR letter to Human Rights Watch, December 23, 2021, on file (see Annex). According to TRAC data, the FY19 denial rate was 156 out of 862, or 18 percent; the FY20 denial rate was 608 out of 1,612, or 38 percent. TRAC, “Asylum Decisions” (accessed January 14, 2022). See Chapter I of this report, section on “Cameroonians in the US: Asylum and Deportations,” regarding issues and discrepancies with government data.

⁴³⁶ Information collected by Human Rights Watch on 80 Cameroonians confirmed or reported to have been deported between October 2020 and January 2021 indicates that at least 48 had immigration judge decisions in FY20 (including 23 deportees interviewed by Human Rights Watch and 25 not interviewed). Human Rights Watch interviews with deportees, December 2020 – October 2021; deportees’ asylum documents, 2018-2020 (on file); data collected from US immigration lawyers, rights groups, and activists, December 2020 – April 2021, and from EOIR’s “Automated Case Information” portal.

⁴³⁷ TRAC, “Immigration Court Backlog Tool,” July 2021, https://trac.syr.edu/phptools/immigration/court_backlog/ (accessed September 12, 2021); Beth Fertig, “American Bar Association Says Immigration Courts Are ‘On The Brink Of Collapse,’” NPR, June 4, 2019, <https://www.npr.org/2019/06/04/729737514/american-bar-association-says-immigration-courts-are-on-the-brink-of-collapse> (accessed July 20, 2021).

⁴³⁸ See “Over 50 Rights Groups Call on Congress to Establish an Independent Immigration Court,” Human Rights Watch news release, February 18, 2020, <https://www.hrw.org/news/2020/02/18/over-50-rights-groups-call-congress-establish-independent-immigration-court>.

⁴³⁹ Lena Wilson, “Let John Oliver (and Some Adorable Toddlers) Teach You About Immigration Courts,” *Slate*, April 2, 2018, <https://slate.com/culture/2018/04/john-oliver-breaks-down-american-immigration-courts-on-last-week-tonight-video.html> (accessed June 27, 2021).

⁴⁴⁰ See “Trump’s Racist Language Serves Abusive Immigration Policies,” Human Rights Watch news release, May 22, 2018, <https://www.hrw.org/news/2018/05/22/trumps-racist-language-serves-abusive-immigration-policies>.

⁴⁴¹ See German Lopez, “Donald Trump’s long history of racism, from the 1970s to 2020,” *Vox*, August 13, 2020, <https://www.vox.com/2016/7/25/12270880/donald-trump-racist-racism-history> (accessed July 9, 2021); John Campbell, “African Anger Builds Over President Trump’s Racist Comments,” CFR, <https://www.cfr.org/blog/african-anger-builds-over-president-trumps-racist-comments> (accessed July 9, 2021); NBC News, “Trump referred to Haiti and African nations as ‘shithole’ countries,” January 11, 2018, <https://www.nbcnews.com/politics/white-house/trump-referred-haiti-african-countries-shithole-nations-n836946> (accessed September 1, 2021).

“underlying racial objectives of his tough immigration measures,”⁴⁴² and may have allowed biases to surface in more overt ways than in the recent past. This was the context in which Cameroonians seeking asylum in the US during Trump’s presidency found themselves, as their numbers increased every year from 2016, surpassing all other African nationalities in asylum adjudications by 2019.⁴⁴³ As we show below, data suggests the US government increasingly assigned Cameroonians to courts in states where they were more likely to be denied asylum.

Additionally, our analysis of legal documents and interviews with deported people, lawyers, and activists indicates that many deported Cameroonians were unfairly denied asylum by immigration judges, with adjudications marred by due process concerns, apparent inaccuracies, and a lack of impartiality by judges.

Several immigration lawyers and activists said they observed harsh treatment and tough adjudications for Cameroonians and other Black and African respondents compared to non-Black respondents in immigration courts, attributing this to racism and “rampant anti-Blackness in the court system.”⁴⁴⁴ However, due to the fact that many asylum seekers (notably those detained during their asylum proceedings) do not have legal counsel present to take note of the manner in which hearings are conducted, as well as the lack of government-published data about individual immigration judges’ decisions disaggregated by nationality and race/ethnicity, it is difficult to confirm the extent to which Black, African, or specifically Cameroonian immigrants may have been treated differently during hearings or disproportionately impacted by asylum denials.

Human Rights Watch identified the following recurring issues, in which judges:

- Aggressively interrogated Cameroonian asylum seekers in a manner inconsistent with judicial impartiality, cherry-picking small inconsistencies or omissions to find them “not credible,” and in doing so also disregarded the impacts of trauma on asylum seekers;

⁴⁴² Kevin R. Johnson, “Bringing Racial Justice to Immigration Law,” *Northwestern University Law Review*, Vol. 116, 2021, https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1308&context=nulr_online (accessed October 14, 2021), pp. 16-17.

⁴⁴³ TRAC, “Asylum Decisions.”

⁴⁴⁴ Human Rights Watch interview with Katrina Huber, project coordinator, SPLC, Louisiana, December 4, 2020; interviews with immigration lawyers, Mississippi and Louisiana, March 14 and April 9, 2021; interview with Ettowah immigration detention visitation volunteer, Alabama, December 8, 2020.

- Dismissed errors in screening interviews by asylum officers or Customs and Border Protection (CBP) officers;
- Gave asylum seekers (“respondents”) no opportunity to respond;
- Mishandled, discounted, or excluded evidence;
- Failed to prevent or remedy communication problems and language barriers;
- Selectively relied on incomplete or outdated country information to draw conclusions related to “internal relocation” and “changing country conditions”;
- Made apparent fact-finding errors that influenced adverse credibility or level-of-harm findings;
- Focused excessively on the level of physical harm and injuries to determine persecution, against established legal guidance;
- Found no persecution “nexus” to political opinion or particular social group, despite clear links.

Recent appellate court decisions on Anglophone Cameroonians’ cases are consistent with this report’s findings of patterns of due process concerns and other issues involving immigration judges, citing several of the same issues we identified above:

- **August 2021:** The US Court of Appeals for the Ninth Circuit overturned a judge’s asylum denial to Mirabel Munyuh, a Cameroonian woman, stating that the immigration judge “cherry-picked” tiny discrepancies to determine adverse credibility; “badger[ed] [the respondent] instead of seeking the truth”; demonstrated “flawed reasoning” and failure to understand trauma; and discounted evidence that “strongly supported” the respondent’s account. The Court also highlighted the impact of the language barrier.⁴⁴⁵
- **September 2021:** The US Court of Appeals for the Third Circuit overturned a judge’s asylum denial to B.C., a Cameroonian man, ruling that the judge had violated due process in failing to address the language barrier, and had erred in “ignoring corroborative evidence.”⁴⁴⁶

⁴⁴⁵ *Mirabel Endam Munyuh v. Merrick B. Garland (Attorney General)*, US Court of Appeals for the Ninth Circuit, Case No. 19-72890, Opinion by Judge Danny J. Boggs, August 25, 2021, <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/08/25/19-72890.pdf> (accessed August 26, 2021), p. 21-23, 25.

⁴⁴⁶ *B.C. v. Attorney General United States of America*, US Court of Appeals for the Third Circuit, Case Nos. 19-1408, 20-2078, September 1, 2021, <https://www2.ca3.uscourts.gov/opinarch/191408p.pdf> (accessed September 12, 2021), pp. 6, 30-31.

- **March 2021:** The BIA overturned a judge’s asylum denial to a Cameroonian man, rejecting the judge’s negative determinations for “level of harm” and nexus to political opinion. The BIA ruled the harm experienced did constitute persecution by military who “imputed a separatist political opinion to the respondent.” ⁴⁴⁷

Impartiality Concerns

Data illustrates that during the last few years of the Trump administration, Cameroonians’ asylum cases were increasingly adjudicated in states and courts that were least likely to grant them asylum. ⁴⁴⁸ This may also possibly indicate, given ICE’s practices of transferring detainees between facilities and states, that ICE increasingly sent Cameroonians to detention facilities in these states. Human Rights Watch wrote to DHS in November 2021 to ask about decision-making policies on where asylum seekers are detained or their cases adjudicated, but had not received a written response by time of publication.

According to TRAC data, between FY18 and FY20, immigration courts denied asylum at rates ranging from 86 to 90 percent in Louisiana and 84 to 88 percent in Texas, far higher than the national average those years (65 to 71 percent). ⁴⁴⁹ TRAC data also shows that, for FY15 to FY20, Texas had 13 percent of all judges nationally but 27 percent of judges with the highest (90 to 100 percent) asylum denial rates. Louisiana had 3 percent of all judges, but 8 percent of those with the highest denial rates. ⁴⁵⁰ The national asylum denial rate by all immigration judges for FY15-FY20 was 68 percent, according to TRAC. ⁴⁵¹

See also Daniel Wiessner, “Speakers of English dialects have right to interpreter - 3rd Circ.,” Reuters, September 1, 2021, <https://www.reuters.com/legal/litigation/speakers-english-dialects-have-right-interpreter-3rd-circ-2021-09-01/> (accessed September 2, 2021).

⁴⁴⁷ EOIR, “Decision of the Board of Immigration Appeals,” March 29, 2021, Los Fresnos, TX (on file with Human Rights Watch), pp. 2-3.

⁴⁴⁸ Human Rights Watch interviews with US immigration lawyers and activists, December 2020 – April 2021. See also: Bobbi-Jeanne Misick, “Cameroonian Immigrants Say They Were Beaten, Pepper-sprayed”; Eli Cahan, “The United States Has Failed Cameroonian Asylum-Seekers,” *Foreign Policy*, December 13, 2020, <https://foreignpolicy.com/2020/12/13/united-states-cameroon-asylum-seekers-ice-deportation/> (accessed January 20, 2021).

⁴⁴⁹ TRAC, “Asylum Decisions” (data accessed September 2021).

⁴⁵⁰ TRAC, “Judge-by-Judge Asylum Decisions in Immigration Courts, FY 2015-2020,” not dated, <https://trac.syr.edu/immigration/reports/judge2020/denialrates.html> (accessed June 2021).

⁴⁵¹ TRAC, “Judge Brent H. Landis: FY 2015 - 2020, Jena Immigration Court,” 2020, <https://trac.syr.edu/immigration/reports/judgereports/00672JNA/index.html> (accessed September 8, 2021).

By state, the location of Cameroonians' asylum adjudications in FY20 roughly paralleled the distribution for all nationalities – with two key exceptions: Texas adjudicated 18 percent of Cameroonians' asylum cases but 14.6 percent of all cases, while Louisiana had 8 percent of Cameroonians' cases but 2.6 percent of all cases. In Louisiana, described by lawyers as “the kiss of death” and “a black hole” for asylum and parole,⁴⁵² the number of Cameroonian asylum adjudications shot from two to 123 between FY18 and FY20, a shift from 0.4 percent to 7.7 percent of all Cameroonians' cases.⁴⁵³

Among the 41 deported Cameroonians we interviewed, over half (23) were assigned immigration judges with 90 to 99.5 percent asylum denial rates. Nearly all (35) had judges with denial rates of 80 percent or higher.

The immigration judge who adjudicated the most cases (six) among Cameroonian deportees we interviewed was Judge Brent Landis in Jena, Louisiana.⁴⁵⁴ Judge Landis has a 96 percent asylum denial rate for all nationalities, Cameroonians representing his third highest caseload (12.4 percent).⁴⁵⁵ “Lots of us that were deported had him,” said Solomon.⁴⁵⁶

Most interviewees' cases were adjudicated in the states where they were detained – the majority in Louisiana (22) or Texas (12)⁴⁵⁷ – with many at courts with denial rates of over 90 percent. Among the few with cases adjudicated in other states (mostly California, Georgia, and Florida), nearly all were assigned to immigration courts or specific judges with denial rates of 80 percent and above.⁴⁵⁸ At least half of the 39 other Cameroonians

⁴⁵² Human Rights Watch interview with two immigration lawyers in California, December 3, 2020 and January 20, 2021.

⁴⁵³ TRAC, “Asylum Decisions” (accessed November 14, 2021).

⁴⁵⁴ Human Rights Watch interviews with Cameroonian deportees, December 2020 – February 2021; TRAC, “Judge-by-Judge Asylum Decisions in Immigration Courts, FY 2015-2020.”

⁴⁵⁵ Judge Landis's caseload for FY15-20: 15.4 percent Cubans, 13.1 percent Honduras, 12.4 percent Cameroonians, 12.1 percent Indians, 7.8 percent Nicaraguans. TRAC, “Judge Brent H. Landis: FY 2015 - 2020, Jena Immigration Court”; TRAC, “Judge-by-Judge Asylum Decisions.”

⁴⁵⁶ Human Rights Watch interview with Solomon, February 18, 2021.

⁴⁵⁷ Ibid.; EOIR, “Asylum Completions Grants and Denials,” FY18, https://cdn.muckrock.com/outbound_composer_attachments/JeremyJong/78095/20-217.pdf (accessed July 1, 2021); Human Rights Watch interviews with deportees, December 2020 – October 2021.

⁴⁵⁸ Human Rights Watch interviews with deportees, December 2020 – October 2021; deportees' asylum documents, 2018-2020 (on file); EOIR, “FY 2021 Asylum Grant Rates by Court,” April 19, 2021, <https://www.justice.gov/eoir/page/file/1160866/download>.

known to have been deported in October and November 2020 (not interviewed) also had cases adjudicated in Louisiana or Texas.⁴⁵⁹

The right to an impartial tribunal has been established in international law and judicial standards, which include the requirement that judges not “harbour preconceptions about the particular case before them.”⁴⁶⁰ The US Court of Appeals for the Ninth Circuit has held that the right to a neutral judge under US constitutional law is “one of the most basic due process protections,”⁴⁶¹ as other federal circuit courts have held similarly.⁴⁶² The Ninth Circuit previously found a due process violation where “the IJ behaved not as a neutral fact-finder interested in hearing the petitioner’s evidence, but as a partisan adjudicator seeking to intimidate” the asylum seeker.⁴⁶³ The US Justice Department’s *Professionalism Guide for Immigration Judges* states, “Judges...should observe high standards of ethical conduct, act in a manner that promotes public confidence in their impartiality, and avoid impropriety and the appearance of impropriety,” and “avoid behavior, including inappropriate demeanor, which may be perceived as biased.” It states that judges “shall

⁴⁵⁹ Data collected from US immigration lawyers, rights groups, and activists, December 2020 – April 2021, and from EOIR’s “Automated Case Information” portal, <https://portal.eoir.justice.gov/InfoSystem/Form?Language=EN>.

⁴⁶⁰ ICCPR, art. 14 (right to a fair trial); International Commission of Jurists, *International Principles on the Judicial Independence and Accountability of Judges, Lawyers and Prosecutors: Practitioners Guide No. 1*, 2007, <https://www.refworld.org/pd/4a7837af2.pdf> (accessed November 11, 2021), pp. 28-30. ICCPR Article 14 guarantees that “In the determination of any criminal charge against him, or of his rights and obligations in a suit at law [i.e., civil cases], everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” The Human Rights Committee’s General Comment No. 32, interpreting article 14, makes clear that the reference to a “suit at law” includes administrative proceedings aimed at determining rights and obligations. Human Rights Committee, General Comment No. 32, “Article 14: Right to equality before courts and tribunals and to a fair trial,” U.N. Doc. CCPR/C/GC/32, July 2007, <http://hrlibrary.umn.edu/gencomm/hrcom32.html> (accessed December 6, 2021), para. 16. In that same document, the Human Rights Committee also states, in paragraphs 19 and 21, “The requirement of competence, independence and impartiality of a tribunal in the sense of article 14, paragraph 1, is an absolute right that is not subject to any exception... The requirement of impartiality has two aspects. First, judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other. Second, the tribunal must also appear to a reasonable observer to be impartial. For instance, a trial substantially affected by the participation of a judge who, under domestic statutes, should have been disqualified cannot normally be considered to be impartial.”

⁴⁶¹ US Courts for the Ninth Circuit, “Due Process in Immigration Proceedings,” February 2021, https://cdn.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/E.pdf (accessed May 2, 2021), p. 14, citing *Reyes-Melendez v. INS*, 342 F.3d 1001, 1006 (9th Cir. 2003).

⁴⁶² See *Vasha v. Gonzales*, 410 F.3d 863, 873 (6th Cir. 2005), citing *Abdulrahman v. Ashcroft*, 330 F.3d 587, 596 (3rd Cir. 2003) (“As judicial officers, IJs have the responsibility to function as neutral and impartial arbiters and must assiduously refrain from becoming advocates for either party.”) In *Abulashvili v. AG of the US*, the Third Circuit found that a due process violation occurred when “a supposedly neutral fact finder interject[ed] herself into the proceedings to the extent of assuming the role of opposing counsel and taking over cross-examination for the government.” *Abulashvili v. AG of the US*, 663 F.3d 197, 207 (3rd Cir. 2011).

⁴⁶³ *Ibid.*, citing *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000).

act impartially,” “should not be swayed by partisan interests,” and “should be patient, dignified, and courteous, and should act in a professional manner.”⁴⁶⁴

Several of the immigration judges who heard the cases of Cameroonian deportees had adjudicated scores or hundreds of cases but had almost never granted anyone asylum.⁴⁶⁵

The US Court of Appeals for the Fifth Circuit has held:

There can be no “right” [asylum] denial rate. Denial rates vary: from 2014 to 2019, the nationwide denial rate ranged from 25% to 50%. ...Still, a consistent and near total denial rate can engender the appearance of bias...[and] “...doubts about the judge's impartiality.”⁴⁶⁶

Some hearing transcripts indicated, and some interviewees (deported Cameroonians, immigration lawyers representing Cameroonians, and Cameroonians in the US) described, based on their experiences in immigration court, how some judges may have conducted hearings in a manner inconsistent with judicial impartiality. Interviewees described judges engaged in problematic behavior that they believed negatively impacted case outcomes, such as interrogating Cameroonians in the manner of criminal prosecutors, asking questions or issuing findings that appeared unreasonable, treating Cameroonians dismissively or with lack of empathy, “intimidating” them or speaking “harshly,” interrupting, or not letting them talk, explain, or respond to key issues.⁴⁶⁷ In such cases, judges appeared to have disregarded the impacts of trauma on asylum seekers, both in their manner during hearings and in failing to consider that trauma can affect memory and recall.

⁴⁶⁴ EOIR (Department of Justice) and National Association of Immigration Judges, “Ethics and Professionalism Guide for Immigration Judges,” January 26, 2011, preamble, sections V (citing 5 C.F.R. section 2635.101(b)(8) - “basic obligation of public service”), section VII (“Acting in a Neutral and Detached Manner”), and section IX (“Acting with Judicial Temperament and Profession”), <https://www.justice.gov/sites/default/files/eoir/legacy/2013/05/23/EthicsandProfessionalismGuideforIJs.pdf> (accessed November 15, 2021), pp. 1-3.

⁴⁶⁵ Immigration judges identified through Human Rights Watch interviews with Cameroonian deportees, December 2020 – October 2021, and analysis of their hearing transcripts and IJ decisions (on file with Human Rights Watch); judge asylum grant and denial rates drawn from TRAC, “Judge-by-Judge Asylum Decisions in Immigration Courts, FY 2015-2020.”

⁴⁶⁶ *Singh v. Garland*, US Court of Appeals for the Fifth Circuit, “Opinion by Patrick E. Higginbotham, Circuit Judge,” July 12, 2021, Case No. 19-60937, on file with Human Rights Watch, p. 6, citing *United States v. Avilez-Reyes*, 160 F.3d 258, 259 (5th Cir. 1998) (quoting *Health Servs. Acquisition Corp. v. Liljeberg*, 796 F.2d 796, 800 [5th Cir. 1986], *aff’d* 486 U.S. 847, 108 S. Ct. 2194, 100 L. Ed. 2d 855 [1988]).

⁴⁶⁷ Human Rights Watch interviews with deportees, December 2020 – October 2021; interviews with immigration lawyers, activists, and two asylum seekers, US, December 2020 – October 2021; and analysis of deportees’ hearing transcripts and IJ decisions (on file).

For example, Michael told Human Rights Watch: “Both the judge and the government lawyer intimidated me... if they asked any questions and I said, ‘I don’t know’...they’d say, ‘Just give us a number...!’ They spoke very harsh to me, but I wasn’t a criminal, just an asylum seeker.”⁴⁶⁸ Michael’s hearing transcript corroborates that both the judge and DHS lawyer interrogated Michael (who had no lawyer) in an excessively harsh manner, repeating questions he had already answered, interrupting, and demanding approximations (such as number of people in crowds) when he said he had not counted or could not estimate.⁴⁶⁹ At one point, when the DHS lawyer unfairly accused Michael of lying, the judge did not intervene.⁴⁷⁰

While Human Rights Watch could not obtain transcripts for all cases, and in some cases transcripts cannot reflect certain allegations, the fact that several Cameroonians similarly complained raises concerns. Another deported Cameroonian said, “[In court,] [the judge] was rude and mean. I’d be explaining an incident [of persecution] that happened to me, and he’d be smiling, as if it was not me that it happened to.”⁴⁷¹ Two Cameroonians (both denied asylum; one deported, one not) said their judges were “not even looking” at them,⁴⁷² and one of the two said the judge was also disbelieving: “One time he asked me the same question over and over, and said I was lying.”⁴⁷³ A Cameroonian asylum seeker in the US alleged to Human Rights Watch that during his court hearing, when he tried to object to a mistranslation by his Pidgin English interpreter, his judge “said if I continue trying to object, he will send me out of his office [courtroom].”⁴⁷⁴

Judge Scott Laragy, with a 90 percent denial rate,⁴⁷⁵ adjudicated asylum cases from Oakdale, Louisiana for four Cameroonians we interviewed (three of whom were deported), at least two deportees we did not interview, and reportedly for many other

⁴⁶⁸ Human Rights Watch interview with Cameroonian deportee, December 2020.

⁴⁶⁹ US Immigration Court, Jena, Louisiana, “Transcript of Hearing,” January 3, 2019, on file with Human Rights Watch (hereafter “hearing transcript, Michael”).

⁴⁷⁰ Hearing transcript, Michael, p. 123-124.

⁴⁷¹ Human Rights Watch interview with Cameroonian deportee, September 2021.

⁴⁷² Human Rights Watch interview with Cameroonian deportee, March 2021; interview with Cameroonian asylum seeker (not deported), US, October 7, 2021.

⁴⁷³ Human Rights Watch interview with Cameroonian asylum seeker (not deported), US, October 7, 2021.

⁴⁷⁴ Human Rights Watch interview with Cameroonian asylum seeker (not deported), US, November 13, 2021.

⁴⁷⁵ TRAC, “Judge W. Scott Laragy: FY 2015 - 2020, Oakdale Immigration Court,” 2020, <https://trac.syr.edu/immigration/reports/judgereports/00581OAK/index.html> (accessed September 8, 2021).

Cameroonians.⁴⁷⁶ Cameroonians represented his second highest caseload by nationality (9.9 percent).⁴⁷⁷ Rose Murray, immigration and civil rights attorney in Louisiana who has worked on the appeals of two Cameroonian asylum seekers who had Judge Laragy, wrote in an August 2021 declaration to the BIA: “During my time practicing before the Oakdale Immigration Court... [Judge] Laragy... denied the applications for asylum, withholding of removal, or CAT in all of the cases initially referred to me.” She stated that Judge Laragy “did not find any applicants credible” and believed the judge had repeatedly “question[ed] applicants in a hostile and confusing manner.”⁴⁷⁸

Four men previously detained at Pine Prairie ICE Processing Center – two deported Cameroonians denied asylum by Judge Laragy, and two asylum seekers in the US who had not been deported – alleged to Human Rights Watch that most Cameroonians detained with them at Pine Prairie were assigned to and denied asylum by Judge Laragy.⁴⁷⁹ A June 2020 letter sent to immigrant rights organizations and signed by 30 Cameroonians at Pine Prairie, and a similar December 2020 version of the letter signed by 11 Cameroonians, alleged that 28 of 34 Cameroonians detained there were assigned to Laragy, who denied them asylum. The Cameroonians wrote, “We suffer the problem of intimidation from Judge Scott Laragy during our hearing[s],” alleging that the judge “plays the role of the prosecutor.”⁴⁸⁰

Another (now-retired) Louisiana immigration judge who adjudicated Cameroonians’ cases, Agnelis Reese, was known for her 99.5 percent asylum denial rate⁴⁸¹ and for “act[ing] like the federal immigration prosecutor she [previously] was.”⁴⁸² The hearing transcript for

⁴⁷⁶ Human Rights Watch interviews with three Cameroonian deportees, January-February 2021; interview with Cameroonian asylum seeker (not deported), US, October 7, 2021; interview with Kenyan asylum seeker, US, December 23, 2020; deportees’ asylum documents, 2018-2020 (on file); data collected from US immigration lawyers, rights groups, and activists, December 2020 – April 2021, and from EOIR’s “Automated Case Information” portal.

⁴⁷⁷ TRAC, “Judge W. Scott Laragy.”

⁴⁷⁸ “Declaration of Rose Murray,” submitted to the BIA, August 26, 2021, p. 1-2 (on file with Human Rights Watch). Rose Murray is an immigration and civil rights attorney with SPLC Southeast Immigrant Freedom Initiative, Louisiana.

⁴⁷⁹ Human Rights Watch interviews with two Cameroonian deportees, January-February 2021; interview with Cameroonian asylum seeker (not deported), US, October 7, 2021; interview with Kenyan asylum seeker, US, December 23, 2020.

⁴⁸⁰ Letter from 11 Cameroonian asylum seeker detainees at Pine Prairie ICE Processing Center, Louisiana, to advocate (name withheld), RE: “A Cry For Help,” December 14, 2020, on file with Human Rights Watch; letter from 33 Cameroonians detained at Pine Prairie (33 names listed, 30 with signatures), no addressee, June 8, 2020, on file.

⁴⁸¹ TRAC, “Judge-by-Judge Asylum Decisions.”

⁴⁸² A “review of transcripts from six asylum hearings and a visit to her courtroom showed that Reese often acts like the federal immigration prosecutor she was before she was named an immigration judge in 1997.” Noah Lanard, “Inside the

Donard, an asylum seeker assigned to Judge Reese's court, reveals Judge Reese interrupting his lawyer to take over questioning several times, grilling Donard like a prosecutor.⁴⁸³ In July 2021, the US Court of Appeals for the Fifth Circuit held that Judge Reese's "near total denial rate" demonstrated "bias [which] affected the outcome of...asylum proceedings" in a (non-Cameroonian) case she adjudicated, leading the Court to grant a petition for review.⁴⁸⁴ In an article exploring Reese's record, journalist Gabriel Thompson wrote:

Asylum seekers at Pine Prairie...face one of the toughest immigration judges in the country: Agnelis L. Reese...[who] presided over more than 200 asylum hearings...[and] rejected every single case. ...N., a 51-year-old from Cameroon...tells me that "everyone here who has gone before [Reese] comes back in tears..." ...At times Reese simply appears to be especially thorough... Other times she seems blind to the possibility that human beings...who might have suffered unimaginable trauma, sometimes forget things, or get confused, and don't always have the ability to acquire original affidavits or medical records from the countries they have fled.⁴⁸⁵

Adverse Credibility Determinations

For at least 19 of the deported people we interviewed, immigration judges denied asylum because the judge found they were "not credible,"⁴⁸⁶ a subjective determination and discretionary power easily abused. "Of the three dozen Cameroonians we've represented [before different immigration judges since mid-2020], I can only think of one who was found credible... That honestly sounds like prejudice to me," said a Louisiana-based immigration lawyer. He said his clients were detained primarily in Louisiana, with a few in

Courtroom Where Every Asylum Seeker Gets Rejected," *Mother Jones*, July 2019, <https://www.motherjones.com/crime-justice/2019/07/inside-the-courtroom-where-every-asylum-seeker-gets-rejected/> (accessed August 16, 2021).

⁴⁸³ US Immigration Court, Oakdale, Louisiana, "Transcript of Hearing," October 22, 2018, on file with Human Rights Watch (hereafter, "hearing transcript, Donard.").

⁴⁸⁴ *Singh v. Garland*, US Court of Appeals for the Fifth Circuit, "Opinion by Patrick E. Higginbotham, Circuit Judge," July 12, 2021, Case No. 19-60937 (on file), pp. 6 and 8.

⁴⁸⁵ Gabriel Thompson, "Your Judge Is Your Destiny," *Topic*, July 2019, <https://www.topic.com/your-judge-is-your-destiny> (accessed June 27, 2021).

⁴⁸⁶ Human Rights Watch interviews with deportees, December 2020 – October 2021; deportees' US asylum case documents, 2018-2020 (on file).

Mississippi; their hearings, by videoconference, were before judges in those two states and a few in Georgia, California, and elsewhere.⁴⁸⁷

An attorney at Advocates for Immigrant Rights said: “Judges in Louisiana with minuscule [asylum] approval rates...tend to latch on to elements of asylum that are super discretionary... They find [adverse credibility] even in cases where [asylum seekers] mention one detail in their asylum application or CFI, and they leave that detail out in their hearing.”⁴⁸⁸ Court documents Human Rights Watch reviewed showed immigration judges did cite omissions as reasons to find deported people “not credible.” For example, Joseph was found not credible in part because he mentioned details of his treatment in detention in Cameroon during his hearing, but not in his credible fear interview or application.⁴⁸⁹ Charles was found not credible in part because he did not mention an injury his daughter experienced.⁴⁹⁰ However, as stated in Joseph’s appeal, “It is well established that ‘the mere omission of details is insufficient to uphold an adverse credibility finding,’” with “additional details” brought up in hearings being “supplemental rather than contradictory.”⁴⁹¹

A California-based immigration lawyer, who said he had handled hundreds of Cameroonians’ asylum cases, told Human Rights Watch that adverse credibility findings for Cameroonians were “a key issue,” especially in Louisiana. “Some judges, I know exactly what’s going to come out of their mouths, because they’ve done it before... Those judges are basically extensions of the government [DHS] lawyers...and carry the same bias,” he said.⁴⁹²

In at least 14 deportees’ cases reviewed by Human Rights Watch, immigration judges appeared to nitpick discrepancies and based adverse credibility findings on small or

⁴⁸⁷ Human Rights Watch interview with immigration lawyer, Louisiana, April 9, 2021.

⁴⁸⁸ Human Rights Watch interview with immigration lawyer, Advocates for Immigrant Rights, Tennessee, US, February 10, 2021.

⁴⁸⁹ US Immigration Court, Houston, Texas, “Oral Decision of the Immigration Judge,” April 22, 2020, on file with Human Rights Watch (hereafter, “IJ decision, Joseph”).

⁴⁹⁰ US Immigration Court, Napanoch, NY, “Oral Decision of the Immigration Judge,” February 7, 2020, on file with Human Rights Watch (hereafter, “IJ decision, Charles”).

⁴⁹¹ Counsel for respondent, “Board of Immigration Appeals: Respondent’s Opening Brief,” June 26, 2020, on file with Human Rights Watch (hereafter, “BIA appeal brief, Joseph”).

⁴⁹² Human Rights Watch interview with immigration lawyer, California, January 20, 2021.

explainable inconsistencies, mostly regarding dates and time.⁴⁹³ By doing so, they failed to consider that trauma can impact memory – as for two individuals diagnosed with PTSD⁴⁹⁴ – or that some border (CBP) or asylum officer screening interviews contained errors.⁴⁹⁵ As one dissenting BIA judge pointed out in the BIA’s rejection of a deportee’s appeal of a judge’s decision, “...it does not appear that the Immigration Judge considered the accuracy or reliability of the record of the border interview.”⁴⁹⁶ In an August 2021 Ninth Circuit ruling overturning a judge’s asylum denial to a Cameroonian woman, the panel pointed to similar issues Human Rights Watch identified in certain deportees’ cases, observing that “the IJ seemed determined to pick every nit she could find” and had “cherry-pick[ed] from – or misconstrue[d] – the record” to reach her adverse credibility finding. This included nitpicking the woman’s recollection of distance, as the panel noted: “any distance given would necessarily be an estimate...as Ms. Munyuh was presumably not sitting in front of an odometer during the trip.”⁴⁹⁷

As part of their adverse credibility findings, some judges appeared to unfairly label elements of Cameroonian deportees’ stories “implausible,” based on statements in the judges’ decisions. For instance, Maxwell’s judge called his testimony “rehearsed and inherently impossible,” and specifically found his story about an armed group asking him to participate in a blood ritual for invulnerability in war “highly implausible and odd – beyond truth to me,” demonstrating a lack of understanding of cultural context.⁴⁹⁸ Solomon’s judge found his decision to return to work after three weeks of detention “implausible and beyond common sense,” indicating lack of understanding of contextual

⁴⁹³ IJ decisions and/or hearing transcripts for Cameroonian deportees, on file with Human Rights Watch.

⁴⁹⁴ ICE medical records for two Cameroonian deportees, on file with Human Rights Watch.

⁴⁹⁵ For instance, Charles’s immigration judge pointed to the different number of days in detention cited in his border interview compared to his CFI and hearing, even though Charles explained this was a mistake by the border patrol officer. US Immigration Court, Napanoch, NY, hearing transcript and immigration judge decision, February 7, 2020, on file with Human Rights Watch.

⁴⁹⁶ EOIR, “Decision of the Board of Immigration Appeals: Dissenting Opinion: Charles K. Adkins-Blanch, Board Member,” August 1, 2019, on file with Human Rights Watch (hereafter “BIA decision and dissenting opinion, Donard”).

⁴⁹⁷ *Munyuh v. Garland*, p. 18.

⁴⁹⁸ US Immigration Court, Jena, Louisiana, “Oral Decision and Order of the Immigration Judge,” June 11, 2019, on file with Human Rights Watch (hereafter “IJ decision, Maxwell”).

social-cultural norms and socio-economic needs.⁴⁹⁹ Human Rights Watch identified at least three other cases of seemingly unreasonable findings of “implausibility.”⁵⁰⁰

Justice Department Response: Judges with Disproportionate Asylum Denial Rates

In its December 2021 letter to Human Rights Watch, responding to our query about policies in place regarding immigration judges with disproportionate asylum denial rates, EOIR stated:

Immigration Judges exercise their independent judgment while deciding cases based on the record before them and the law applicable to each respondent’s unique circumstances. Given the complexity of the immigration laws, Immigration Judges will vary in their interpretation and application of those laws. Further, any given Immigration Judge’s asylum grant or denial rate will depend in part on the type of cases that are on the judge’s docket, including the demographics of the cases before the judge, the percentage of respondents they see with a criminal history, and whether that judge hears a detained or non-detained docket. Therefore, some degree of variation in outcomes is expected, even in cases presenting similar facts.

While Immigration Judges do possess wide discretion in deciding cases, they must be faithful to the law and decide cases without bias. We take very seriously any allegations of unprofessional behavior, such as those raised in your letter, and we will investigate them and take appropriate action.⁵⁰¹

Allowing Little or No Opportunity to Respond

⁴⁹⁹ US Immigration Court, Jena, Louisiana, “Oral Decision and Order of the Immigration Judge,” August 1, 2019, on file with Human Rights Watch (“IJ decision, Solomon”), p. 7.

⁵⁰⁰ IJ decision, Theodore, p. 8; US Immigration Court, Jena, LA, “Oral Decision of the Immigration Judge,” September 5, 2019, on file with Human Rights Watch (“IJ decision, Cornelius”), pp. 10-11; US Immigration Court, Port Isabel, TX, “Oral Decision of the Immigration Judge,” December 7, 2018, on file (“IJ decision, Fanya”).

⁵⁰¹ EOIR letter to Human Rights Watch, December 23, 2021, on file (see Annex), pp. 1-2.

Several immigration judges gave Cameroonians no chance to explain or respond to alleged inconsistencies or other issues during their hearings.

Particularly during reviews of negative credible fear determinations, some deported people recalled that certain judges did not allow them to speak at all or did not ask any questions related to the substance of the negative finding. Alphonsus said during his credible fear review hearing, his judge “just...said, ‘You have been ordered removed,’ without giving us an opportunity to explain anything... He said he stood on the decision of the asylum officer.”⁵⁰² Victor said he had a similar experience,⁵⁰³ while Marie said the judge she was assigned “asked a few basic questions” that “lasted six to seven minutes.”⁵⁰⁴ George said his judge “never asked me any question,” just “read the [CFI] summary, that the [asylum] officer wrote wrongly, and...affirmed the decision.”⁵⁰⁵ Richard said, “I struggled to make the judge understand what happened [officer mistakes] in the [screening] interview, but she wouldn’t even give me the opportunity to explain.”⁵⁰⁶ Yannick, said his judge asked him if he had anything to say or add, but did not ask any questions related to why the asylum officer’s determination was negative.⁵⁰⁷

In Robert’s case, the immigration judge reviewing his credible fear determination gave him a bit more time to talk, allowing him to list errors the asylum officer had made. However, the judge did not bring up what he saw as key credibility issues until the end, giving Robert no chance to respond to this specifically.⁵⁰⁸

In at least four cases where deported people had positive credible fears and full hearings, immigration judges still apparently failed to allow them to respond to alleged credibility issues, according to deportees or their asylum documents. Cornelius stated that Judge Landis made an error with dates in his decision, but “did not give [me] a chance to explain

⁵⁰² Human Rights Watch interview with Alphonsus, deportee, February 9, 2021.

⁵⁰³ Human Rights Watch interview with Victor, deportee, January 14, 2021.

⁵⁰⁴ Human Rights Watch interview with Marie, deportee, March 10, 2021.

⁵⁰⁵ Human Rights Watch interview with George, deportee, March 10, 2021.

⁵⁰⁶ Human Rights Watch interview with Richard, deportee, April 5, 2021.

⁵⁰⁷ Human Rights Watch interview with Yannick, deportee, May 12, 2021.

⁵⁰⁸ Human Rights Watch interview with Robert, deportee, February 20, 2021; hearing transcript, Robert; US Immigration Court, San Diego, CA, “Order of the Immigration Judge in the matter of [Robert], in: Credible Fear Review Proceedings,” January 18, 2019, on file with Human Rights Watch.

before his conclusions,” which we corroborated in his asylum documents.⁵⁰⁹ Judge Crooks stated during Maxwell’s hearing that it was “implausible” that he had “no significant injuries” from his reported six months of abuse in detention, but the transcript shows he had never asked Maxwell about injuries resulting from abuse in detention; he had only asked about injuries related to a prior incident (an attack by soldiers at his house).⁵¹⁰ In the other two deportees’ cases, arguments in appeal documents said judges had erred by not affording them the opportunity to explain alleged inconsistencies or omissions.⁵¹¹

In one case, Judge Landis denied any hearing at all to a man who was subsequently deported, Henry. He ruled Henry’s asylum claim “abandoned” because his lawyer had mailed his application slightly late.⁵¹² While this is within the immigration judge’s discretion, such discretion is abused if deadlines are not weighed against due process concerns and risks of serious harm to asylum seekers if deported. “The judge did not even give me the chance to say my own part of the story, that’s the saddest part,” said Henry. “He did not even...shift the court date... I believe the judge was not fair on me.”⁵¹³ The consequences were grave: the Cameroonian military detained Henry for months in abusive conditions post-deportation.⁵¹⁴

Communication and Language Barriers

Just as in numerous credible fear interviews, communication barriers created due process concerns during court hearings. Nearly all deportees’ hearings were conducted via videoconference, with frequent audio problems. Other issues were lack of Pidgin English interpreters, misunderstandings due to accent differences (compounded by audio issues), and problems with French interpreters.⁵¹⁵ In any hearings where Cameroonians

⁵⁰⁹ Human Rights Watch interview with Cornelius, deportee, February 23, 2021. Human Rights Watch confirmed that Judge Landis in his oral decision at the end of the hearing cited two alleged (but inaccurate) discrepancies between Cornelius’s credible fear interview and his hearing testimony related to a date and a time period, but he had not raised these alleged discrepancies during the hearing. IJ decision, Cornelius; USCIS, “Credible Fear Interview” (hereafter “CFI, Cornelius”), March 22, 2019, on file; US Immigration Court, Jena, Louisiana, “Transcript of Hearing,” September 5, 2019, on file.

⁵¹⁰ US Immigration Court, Jena, Louisiana, “Transcript of Hearing,” June 11, 2019, on file (hereafter, “hearing transcript, Maxwell”), pp. 44 and 67.

⁵¹¹ BIA decision and dissenting opinion, Donard; BIA appeal brief, Joseph.

⁵¹² Hearing transcript, IJ decision, and BIA appeal brief, Henry; Human Rights Watch interviews with Henry, deportee, March 13, 2021, and Henry’s lawyer, Louisiana, US, April 9, 2021.

⁵¹³ Human Rights Watch interview with Henry, March 13, 2021. Corroborated in hearing transcript, Henry.

⁵¹⁴ See chapter II, “Return to Harm and Hardship in Cameroon.”

⁵¹⁵ Human Rights Watch interviews with deportees, December 2020 – October 2021.

demonstrated confusion or trouble understanding, or where immigration judges or DHS lawyers had difficulty understanding their responses, judges should have halted the proceedings to rectify the problem – whether by finding an interpreter, replacing the interpreter, or remedying the technology issues.

Deportees’ hearing transcripts and appeal documents reveal recurrent communication difficulties, including: respondents asking for questions to be repeated, or stating they did not understand; “indiscernible” written repeatedly on transcripts; and immigration judges or DHS lawyers seemingly not understanding or misunderstanding Cameroonians’ responses.⁵¹⁶ Anglophone Cameroonians, who predominantly speak Pidgin English and English to varying degrees, often had difficulty due to the parallels to English – whether because they did not request an interpreter or agreed to go without one, thinking they would be able to understand, or because immigration judges did not clearly ask or adequately assess if they needed an interpreter. Most of those who had communication difficulties during hearings lacked lawyers to advise them.⁵¹⁷

Marie, who had communication difficulties during her hearing, said no one asked her if she needed a Pidgin English interpreter.⁵¹⁸ Denis, also Anglophone, said, “I asked for [an interpreter], but on the hotline they couldn’t find anyone, and we were already above time,” so he felt compelled to proceed without one. “[The judge] gave me my decision the same day. I was confused,” he said.⁵¹⁹

Michael said, “I wasn’t understanding the judge or government lawyer sometimes, and sometimes they didn’t understand me... They would say ‘speak louder,’ and if I said I didn’t understand..., they thought maybe I wanted to escape from the question.”⁵²⁰

According to his appeal brief, the hearing transcript shows “multiple, obvious communication difficulties between [Michael] and the Immigration Judge,” in which the

⁵¹⁶ Deportees’ asylum hearing transcripts and BIA appeal briefs, 2018-2020, on file with Human Rights Watch.

⁵¹⁷ Ibid.

⁵¹⁸ Human Rights Watch interview with Marie, deportee, March 10, 2021.

⁵¹⁹ Human Rights Watch interviews with Denis, deportee, February 1 and March 22, 2021.

⁵²⁰ Human Rights Watch interview with Michael, deportee, December 23, 2020.

“Judge, DHS counsel, or transcriber did not understand [Michael’s] accent, or vice versa, and/or could not hear clearly because of the video equipment.”⁵²¹

Certain judges asked leading questions in English, easily misconstrued by Pidgin English speakers, such as: “Is English your best language?” (to Robert),⁵²² and “English is your first, is your best language, correct?” (to Joseph),⁵²³ without assessing respondents’ language capabilities or explicitly offering an interpreter. Both Robert and Joseph answered yes, and subsequently had communication problems.⁵²⁴ “They had trouble to understand me, and...[many] questions I was unable to understand,” Joseph said.⁵²⁵ His transcript also reveals videoconference audio issues.⁵²⁶ Another deportee’s judge asked him and two other Cameroonians in a group hearing, “Did you want your hearing in the English language?” One replied, in apparent confusion, “Sorry, sir?” All three respondents, including the man subsequently deported, said “yes” to proceed in English. However, the man’s transcript later shows him saying “I’m not getting you” repeatedly.⁵²⁷ Fanya recounted another similar experience: “They asked if I can speak English, and I said yes... if I knew, I would have asked for a Pidgin interpreter, because the government lawyer was speaking so fast, I could not understand.”⁵²⁸ Her hearing transcript corroborates this.⁵²⁹

Job said, “[The DHS attorney] was saying some things I didn’t understand, so I would ask again... [and] he was not understanding me... So, I was always repeating. It really got me confused. If I had known, I would have used a Pidgin interpreter.”⁵³⁰

In September 2021, a Third Circuit decision set an important precedent for addressing language barriers in Anglophone Cameroonians’ cases. The ruling found the immigration

⁵²¹ Counsel for Petitioner, “U.S. Court of Appeals for the Fifth Circuit: Appeal from the Board of Immigration Appeals: Petitioner’s Opening Brief,” January 7, 2020, on file with Human Rights Watch (hereafter, “Fifth Circuit appeal brief, Michael”).

⁵²² Hearing transcript, Robert.

⁵²³ US Immigration Court, Houston, TX, “Transcript of Hearing,” April 22, 2020, on file with Human Rights Watch (hereafter “hearing transcript, Joseph”), p. 28.

⁵²⁴ Hearing transcript, Robert; hearing transcript, Joseph.

⁵²⁵ Human Rights Watch interview with Joseph, deportee, January 28, 2021.

⁵²⁶ Hearing transcript, Joseph.

⁵²⁷ Hearing transcripts, [name withheld], April 19, 2019, pp. 1-2, and June 21, 2019, pp. 20 and 35.

⁵²⁸ Human Rights Watch interviews with Fanya, deportee, February 26 and April 26, 2021.

⁵²⁹ US Immigration Court, Port Isabel, TX, “Transcript of Hearing” (Fanya), December 7, 2018, on file with Human Rights Watch.

⁵³⁰ Human Rights Watch interview with Job, February 23, 2021, and WhatsApp correspondence, April 19, 2021.

judge had violated due process by neglecting to adequately evaluate the woman's need for an interpreter, taking "no action even after the language barrier became apparent," which "resulted in confusion and misunderstanding." They noted that immigration officials had "presumed [she] spoke 'Standard' English," but that "Cameroonian Pidgin English," while related, is a "distinctly separate language."⁵³¹

A French-speaking Cameroonian also said he had difficulties with his interpreters: "I had a translator from Haiti... the Haitian French is different than the French we speak in Cameroon," said Thierry. "Sometimes he didn't translate well what I said...and...when the judge asked me some questions and he translated, [sometimes] I did not understand the meaning of the question."⁵³² In his decision, the judge pointed to the fact that Thierry "had trouble answering simple questions" that were asked multiple times as part of his adverse credibility finding.⁵³³

Problematic Handling and Exclusion of Evidence

Several cases were or may have been unfair due to immigration judges discounting, not receiving, or not reviewing evidence, or relying on evidence that asylum seekers had not seen. People facing deportation are "entitled to a...reasonable opportunity to present evidence," and the exclusion of proffered evidence may render an immigration hearing "fundamentally unfair," as the Ninth Circuit has held.⁵³⁴ According to UNHCR guidelines for refugee status determination, "while the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner... in some cases, it may be for the examiner to use all the means at his disposal to produce the necessary evidence in support of the application," and examiners should "ensure that the applicant presents his case as fully as possible and with all available evidence."⁵³⁵

⁵³¹ *B.C. v. Attorney General United States of America*, pp. 6-7.

⁵³² Human Rights Watch interview with Thierry, deportee, May 9, 2021.

⁵³³ Immigration Court, Broward Transitional Center, Pompano Beach, Florida, "Written Decision and Order of the Immigration Judge" (for Thierry), August 29, 2018.

⁵³⁴ *Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000) and *Ladha v. INS*, 215 F.3d 889, 904 (9th Cir. 2000), cited in US Courts for the Ninth Circuit, "Due Process in Immigration Proceedings," pp. 18-20.

⁵³⁵ UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status*, paras. 196 and 205.

In Donard’s case, after he appealed Judge Reese’s denial of his asylum claim, the BIA denied his appeal. However, a dissenting BIA judge issued the following opinion:

[T]he Immigration Judge erred in relying on the records of the respondent’s border interview and credible fear interview. These documents were never introduced into the evidentiary record or served on the respondent’s counsel. ...Neither of the interviews was mentioned during the merits hearing, and thus the respondent was not provided with an opportunity to explain any alleged inconsistencies. ... I would find that a remand is warranted... ⁵³⁶

In Maxwell’s case, his hearing transcript reveals Judge Crooks had not received a Human Rights Watch report Maxwell said he submitted, but admitted other evidence (a country report submitted by DHS) that Maxwell had not seen or reviewed, and still issued his decision the same day. ⁵³⁷

Richard alleged that prior to his judge’s review of his negative credible fear, he submitted evidence which she did not review or discounted. “I sent my complete story to her...even...some supporting documents, a medical report that shows after the military beat me, I had to seek medical attention...but she just didn’t want to look at that.” ⁵³⁸

Michael’s Fifth Circuit appeal brief, submitted by pro bono counsel, claimed that the immigration judge and BIA both “ignore[d] critical evidence – including an arrest warrant...and country conditions reports,” and notes that though “country conditions documentation and a language map of Cameroon, were not in [his] file on the date of the hearing... the Immigration Judge proceeded without them.” ⁵³⁹ Human Rights Watch corroborated in the hearing transcript that the judge indeed did not have the country conditions documents. ⁵⁴⁰ The judge’s questions throughout the hearing demonstrated a

⁵³⁶ BIA decision and dissenting opinion, Donard.

⁵³⁷ Hearing transcript, Maxwell, pp. 49-52; IJ decision, Maxwell.

⁵³⁸ Human Rights Watch interview with Richard, deportee, April 5, 2021.

⁵³⁹ Fifth Circuit appeal brief, Michael, p. 9.

⁵⁴⁰ “[DHS ATTORNEY] TO JUDGE: Excuse me. There is a DHS notice of filing or submission of documents, judge, with country conditions, language map of Cameroon, filed on December 27th. Could that part of the removal proceedings? JUDGE TO [DHS ATTORNEY]: Okay, I don't - I don't know, I don't have them, they are not in the respondent's file. ...So, I don't - I do not have

lack of understanding of the context in Cameroon, and he issued his decision the same day.⁵⁴¹ The judge's oral decision further illustrates that he dismissed the arrest warrant (as "suspicious at best" due to it containing both English and French) and did not mention the Anglophone-Francophone dynamics of Cameroon, again indicating he was not familiar with the language and country information.⁵⁴² Michael told Human Rights Watch, "They didn't have the country report... but they still went ahead and judged me... I [thought], 'How can you believe me when you don't even...know the situation of my country?'"⁵⁴³

In Cornelius's case, Judge Landis found the "two summons" provided as evidence to not be credible⁵⁴⁴ (though, according to Cornelius, the documents were legitimate),⁵⁴⁵ leading him to unreasonably disregard all other evidence: "the implication is that none of the respondent's documents are therefore credible," Landis stated.⁵⁴⁶ Theodore's judge in Louisiana, George Ward, appeared to give almost no weight to crucial evidence – a wanted notice – because he had already determined adverse credibility,⁵⁴⁷ stating: "it looks like it is his picture on it that says he is wanted. It is not clear who took that picture [of the wanted notice] and how the picture got to the United States... But in light of the respondent not being a credible witness, the Court finds [he] has not met his burden of proof to show eligibility for asylum."⁵⁴⁸

Fact-Finding Inaccuracies and Concerns

Several immigration judges appeared to reach conclusions that contained inaccuracies, in some cases based on incomplete or inaccurate understandings of the context in Cameroon or the experiences of the asylum seekers, that contributed to their adverse credibility or level-of-harm determinations, and to asylum denials.

those to court, so I can't even mark them as an exhibit. ...they apparently have not made it to me in the file, or they were misfiled over in Oakdale." Hearing transcript, Michael, pp. 39-40.

⁵⁴¹ Hearing transcript, Michael; US Immigration Court, Jena, Louisiana, "Oral Decision and Order of the Immigration Judge," January 3, 2019, on file with Human Rights Watch (hereafter, "IJ decision, Michael").

⁵⁴² IJ decision, Michael.

⁵⁴³ Human Rights Watch interview with Michael, deportee, December 23, 2020.

⁵⁴⁴ IJ decision, Cornelius.

⁵⁴⁵ Human Rights Watch interview with Cornelius, deportee, February 23, 2021.

⁵⁴⁶ IJ decision, Cornelius.

⁵⁴⁷ Primarily due to small discrepancies with dates and chronology, even though Theodore had PTSD and other mental health issues which impacted his memory (see sections of this chapter on adverse credibility and on 'insufficient' harm). IJ decision, Theodore.

⁵⁴⁸ IJ decision, Theodore, p. 8.

Judge Ward found Benedict not credible mainly because his “testimony seemed to change over time as to his injuries.” Judge Ward said Benedict “testified that his injuries were mainly on the bottom of his feet. However, he went for medication for injuries all over his body.”⁵⁴⁹ But Benedict stated during his hearing that he had “pains” – not injuries – all over his body, and he took medication “for the pain,” consistent with his account of the beatings.⁵⁵⁰ Judge Ward also alleged Benedict gave “inconsistent testimony regarding whether he was actually electrocuted,” and that “it was not until cross-examination he said he was electrocuted and...indicated that he had burns on the bottom of his feet.”⁵⁵¹ However, not mentioning electrocution earlier was an omission, not an inconsistency. The hearing transcript shows that Benedict explained he had been shocked with a cable “on my skin” (not feet), causing burns that “cleared up,” while his blisters were “from the beating underneath my foot.”⁵⁵²

Human Rights Watch identified at least three apparent inaccuracies in Judge’s Landis’s decision for Cornelius, some of which contributed to his finding Cornelius “not to be... credible,” including an alleged (inaccurate) discrepancy in Cornelius’s testimony about a date and a time period.⁵⁵³ Similarly, Bernard’s immigration judge, Lisa de Cardona, issued an adverse credibility finding, citing alleged lack of detail and inconsistencies.⁵⁵⁴ Bernard said, “In her judgment she made an error, mixing up things that I said.”⁵⁵⁵ Our analysis corroborates that the judge’s decision contains inaccuracies when referencing what Bernard said in his credible fear interview about his arrest, detention, and torture; it also omits part of what he said in his interview and asylum application about the torture.⁵⁵⁶ In another case, for Donard, a BIA judge included his dissenting opinion after the BIA’s

⁵⁴⁹ US Immigration Court, Jonesboro, Louisiana, “Oral Decision and Order of the Immigration Judge,” March 16, 2020, on file with Human Rights Watch (hereafter “IJ decision, Benedict”).

⁵⁵⁰ US Immigration Court, Fort Snelling, Minnesota, “Transcript of Hearing,” February 13, 2020, on file with Human Rights Watch (hereafter “hearing transcript, Benedict”), p. 85.

⁵⁵¹ IJ decision, Benedict.

⁵⁵² Hearing transcript, Benedict, pp. 126-127.

⁵⁵³ Ibid.; IJ decision, Cornelius; USCIS, “Credible Fear Interview” (Cornelius), March 22, 2019, on file with Human Rights Watch.

⁵⁵⁴ US Immigration Court, Jonesboro, LA, “Oral Decision and Order of the Immigration Judge,” February 21, 2020, on file with Human Rights Watch (hereafter “IJ decision, Bernard”).

⁵⁵⁵ Human Rights Watch interview with Bernard, deportee, January 17, 2021.

⁵⁵⁶ IJ decision, Bernard, pp. 7 and 14; USCIS, “Record of Determination/ Credible Fear Worksheet” (Bernard), August 23, 2019, on file with Human Rights Watch; Bernard, I-589 asylum application, November 16, 2019, on file with Human Rights Watch.

appeal rejection, citing in detail several inaccuracies (where Judge Reese’s “findings...are not supported by the record”) within the judge’s adverse credibility finding related to alleged inconsistencies.⁵⁵⁷

In Paul’s case, Judge Landis’s inaccurate and incomplete factual analysis contributed to his legal determination that the harm Paul suffered was not “sufficient” to establish his asylum claim. Judge Landis referred to Paul’s experience as a “brief, isolated one-time incident that does not rise to the level of extreme conduct,” noting “the Fifth Circuit has held that one beating alone would likely not rise to the level of persecution.”⁵⁵⁸ However, Paul testified he was detained for a week, beaten three times a day, and subjected to electric shocks.⁵⁵⁹ Judge Landis also said that since Paul did not get medical treatment and just went to a pharmacy, the harm “was apparently not so serious.”⁵⁶⁰ Paul, in fact, did get medical treatment, as he explained to Human Rights Watch: “We normally call a ‘clinic’ a ‘pharmacy’ in South-West region. I went and someone, I don’t know if he was a doctor or what, he stitched my leg.”⁵⁶¹ The transcript shows that during his hearing, in which Paul had no lawyer or interpreter, the judge asked only a few questions about his wound treatment, moving on despite confusion with Paul’s response.⁵⁶²

The US Immigration and Nationality Act establishes that immigration judges “shall... interrogate, examine, and cross-examine the alien [asylum seeker].”⁵⁶³ The US Court of Appeals for the Ninth Circuit has stated that due process requires immigration judges to ask probing questions to “explore for all relevant facts” and “develop the record.”⁵⁶⁴ This is particularly important given the lack of a right to appointed legal counsel for people in US immigration court proceedings, in which asylum seekers face attorneys representing the government in adversarial hearings. UNHCR guidance states that “In view of the particularities of a refugee’s situation, the adjudicator shares the duty to ascertain and evaluate all the relevant facts” by “being familiar with the objective situation in the

⁵⁵⁷ BIA decision and dissenting opinion, Donard.

⁵⁵⁸ IJ decision, Paul.

⁵⁵⁹ Hearing transcript, Paul.

⁵⁶⁰ IJ decision, Paul.

⁵⁶¹ Human Rights Watch interview with Paul, deportee, May 2, 2021.

⁵⁶² Hearing transcript, Paul.

⁵⁶³ US Immigration and Nationality Act, 8 U.S.C 1229a(b)(1).

⁵⁶⁴ US Courts for the Ninth Circuit, “Due Process in Immigration Proceedings,” pp. 38-39 (referencing *Pangilinan v. Holder*, 568 F.3d 708, 709 (9th Cir. 2009) and *Agyeman v. INS*, 296 F.3d 871, 877 (9th Cir. 2002)).

country of origin concerned” and “guiding the applicant in providing the relevant information,”⁵⁶⁵ which it does not appear the judge did thoroughly in Paul’s case above.

Inaccurate Understandings of Internal Relocation and “Changing” Country Conditions

Some immigration judges cited country information to find, incorrectly, that conditions in Cameroon had improved, or that in-country relocation was feasible, concluding that fears of persecution were therefore not well-founded. Given the widespread human rights violations documented across Cameroon in recent years,⁵⁶⁶ and the harm against returnees documented in this report, the country-of-origin information relied upon by immigration judges appears to have been inaccurate, out of date, or cherry-picked.

At least two judges failed to recognize the inapplicability of internal relocation in situations like Cameroon, where the central government is the persecutor and the threat to the asylum seeker is not localized.⁵⁶⁷ Michael’s judge claimed he “did not establish relocation would be unreasonable.”⁵⁶⁸ The judge also referenced Michael’s statement that he “lived in the bush country” for several months, as if hiding in the bush were a reasonable possibility for relocation.⁵⁶⁹ As previously noted, UNHCR standards require that individuals be able to “live a normal life,” “without facing undue hardship” if relocating.⁵⁷⁰

Brandon’s judge, Laragy, claimed he “submitted little evidence he cannot relocate,” noting he “still has several siblings safely living in Cameroon.”⁵⁷¹ These findings disregard the fact that the national authorities being the feared persecutor automatically makes internal relocation unreasonable, regardless of where family members live.

In Martin’s case, Judge Landis stated in his decision: “the respondent has family members still living in Cameroon: his mother and at least two siblings... [who] have apparently

⁵⁶⁵ UNHCR, “Note on Burden and Standard of Proof in Refugee Claims,” December 16, 1998, <https://www.refworld.org/pdfid/3ae6b3338.pdf> (accessed November 15, 2021), para. 6.

⁵⁶⁶ See Chapter I of this report.

⁵⁶⁷ “National authorities are presumed to act throughout the country. If they are the feared persecutors, there is a presumption in principle that an internal flight or relocation alternative is not available.” UNHCR, *Guidelines on International Protection: “Internal Flight or Relocation Alternative,”* para. 13, p. 4.

⁵⁶⁸ IJ decision, Michael.

⁵⁶⁹ Ibid.

⁵⁷⁰ UNHCR, *Guidelines on International Protection: “Internal Flight or Relocation Alternative,”* pp. 3 and 6.

⁵⁷¹ US Immigration Court, Oakdale, LA, “Decision and Order of the Immigration Judge” (for Brandon), September 9, 2019, on file with Human Rights Watch.

suffered no harm... The Court notes that this...takes away from the respondent’s well-founded fear of future persecution.”⁵⁷²

Regarding Cameroon’s crisis in the Anglophone regions, immigration judges inaccurately found that “changing” conditions,⁵⁷³ such as a 2019 “national dialogue to address the crisis” and “peace and reconciliation efforts,”⁵⁷⁴ had decreased the likelihood of future persecution for at least four deported people we interviewed: Theodore, Benedict, Amos, and Pierre.⁵⁷⁵ We verified this in three written decisions by judges.⁵⁷⁶ (In one case, the immigration judge, George Ward, also stated that “the [US] Government provided evidence that indicated that there were asylum seekers and refugees who were able to return to Cameroon.”)⁵⁷⁷ In the fourth case, Pierre – whose negative credible fear determination was affirmed by his immigration judge – alleged the judge “said from what [the judge] knows the Cameroonian government had already arranged the problem with the Ambazonians, so there is no more problem.”⁵⁷⁸ However, Human Rights Watch documented ongoing violence and human rights violations by both the government and armed separatists in relation to the crisis in the Anglophone regions even after the national dialogue, which did not bring any viable solution.⁵⁷⁹

Determinations of “Insufficient” Harm to Establish Persecution Claim

To successfully claim refugee status under the Refugee Convention and US law, asylum seekers must show they have a well-founded fear of persecution, which can in some cases be determined by establishing past persecution – which may encompass “serious harm” or other serious human rights violations the government caused or was unwilling or unable to prevent.⁵⁸⁰ USCIS guidance material on “whether the harm amounts to persecution”

⁵⁷² IJ decision, Martin, p. 14; Human Rights Watch interview with Martin, deportee, September 4, 2021.

⁵⁷³ IJ decision, Theodore.

⁵⁷⁴ IJ decision, Amos.

⁵⁷⁵ IJ decisions, Theodore, Benedict, and Amos; Human Rights Watch interview with Pierre, deportee, January 20, 2021.

⁵⁷⁶ IJ decisions, Theodore, Benedict, and Amos.

⁵⁷⁷ IJ decision, Benedict, p. 11.

⁵⁷⁸ Human Rights Watch interviews with Pierre, January 20, 2021.

⁵⁷⁹ See Chapter I (Background).

⁵⁸⁰ “There is no universally accepted definition of ‘persecution’... a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Other serious violations of human rights...would also constitute persecution. Whether other prejudicial actions or threats would amount to persecution will depend on the circumstances of each case... an applicant may have been subjected to various measures not in

cites US case law that comes to differing conclusions on the definition of persecution. However, USCIS states that “persecution encompasses more than just physical harm,” noting that the US Supreme Court “held that persecution is a broader concept than threats to ‘life or freedom,’”⁵⁸¹ as UNHCR has noted in its guidance material.⁵⁸² USCIS guidance also states that “serious threats made against an applicant may constitute persecution even if the applicant was never physically harmed,” citing the Ninth Circuit. USCIS further states (citing US case law from the BIA, Ninth Circuit, Second Circuit, and First Circuit): “there is no requirement that the applicant be harmed in the past... The fact that an applicant has not been harmed in the past is not determinative of whether his or her fear of future persecution is well founded. However, the evidence must show that the threat is serious and that there is a reasonable possibility the threat will be carried out.”⁵⁸³

Some immigration judges adjudicating the Cameroonians’ cases ignored the above guidance by requiring high levels of injury to establish past “persecution,” to qualify for asylum.⁵⁸⁴ In eight cases Human Rights Watch reviewed, judges said the harm the Cameroonians had experienced did not rise to the level of persecution, focusing almost exclusively on severity of physical harm and injuries.⁵⁸⁵ As refugee law expert James Hathaway has noted, the “subjective approach” used in the US to assess the severity of harm “tends to a near-fixation with physical harm, with assessments often reading like a ‘grim exercise... in measuring the precise extent of human cruelty and misery.’”⁵⁸⁶ This was the situation in multiple cases we reviewed, to a ludicrous extent – as one deportee

themselves amounting to persecution (e.g., discrimination in different forms), in some cases combined with other adverse factors (e.g., general atmosphere of insecurity in the country of origin). In such situations, the various elements involved may, if taken together, produce an effect on the mind of the applicant that can reasonably justify a claim to well-founded fear of persecution on ‘cumulative grounds.’” UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (2019), paras. 51-53, p. 21.

⁵⁸¹ USCIS, RAO Directorate, “Officer Training: Definition of Persecution and Eligibility Based on Past Persecution,” Training Module, December 20, 2019, https://www.uscis.gov/sites/default/files/document/foia/Persecution_LP_RAO.pdf (accessed November 9, 2021), citing US Supreme Court, *INS v. Stevic*, 467 U.S. 407, 428 fn. 22 (1984).

⁵⁸² UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (2019), paras. 51-53, p. 21.

⁵⁸³ USCIS, “Officer Training: Definition of Persecution and Eligibility Based on Past Persecution,” citing *Salazar-Paucar v. INS*, 281 F.3d 1069, 1074 (9th Cir. 2002) [amended by *Salazar-Paucar v. INS*, 290 F.3d 964 (9th Cir. 2002)], *Matter of Villalta*, 20 I&N Dec. 142 (BIA 1990); *Kaiser v. Ashcroft*, 390 F.3d 653, 658 (9th Cir. 2004); *Arteaga v. INS*, 836 F.2d 1227 (9th Cir. 1988); *Sotelo-Aquije v. Slattery*, 17 F.3d 33 (2d Cir. 1994); *Cordero-Trejo v. INS*, 40 F.3d 482 (1st Cir. 1994).

⁵⁸⁴ Human Rights Watch interviews with deportees, December 2020 – October 2021; deportees’ US asylum case documents, 2018-2020 (on file).

⁵⁸⁵ Deportees’ US asylum documents, 2018-2020 (on file).

⁵⁸⁶ James Hathaway and Michelle Foster, “Serious Harm,” in *The Law of Refugee Status*, 2nd ed. (New York: Cambridge University Press, 2014), pp. 188-189.

who said he was tortured put it: “[The judge] said the [harm] wasn’t enough.”⁵⁸⁷ Some judges also ignored key parts of Cameroonians’ testimonies or cited inaccurate information in these assessments.

Many of the Cameroonians who immigration judges claimed “did not suffer enough harm”⁵⁸⁸ had been arbitrarily detained by Cameroonian authorities, some for lengthy periods, and beaten or tortured repeatedly. Maxwell testified he had “eye problems,” “back pain,” and scars due to an abusive arrest and six months of detention, during which he was repeatedly beaten and abused, including by electric shocks.⁵⁸⁹ Judge Crooks claimed this did not rise to the level of persecution or torture.⁵⁹⁰

Amos testified during his hearing that military personnel in Cameroon had repeatedly beaten him with belts and kicked him in detention, causing “injuries all over my leg” and “pains[,] even, internal pains[,] and [at] times I feel as though there was a wound on my bone because it was really painful...even when I came to the...U.S. ...The scars[,] they’re on both legs.”⁵⁹¹ He had also described the beatings in his asylum application declaration, noting he suffered “severe pains for about 45 days” afterwards.⁵⁹² Yet Judge Paul Hable, finding the harm not “enough,” stated, “Respondent’s detention appears to be lengthy in duration, but Respondent was not subjected to severe beatings[...].”⁵⁹³

We identified four cases in which Judge Landis appeared to unreasonably find that respondents had not established past persecution due to insufficient harm, even though they testified to serious abuse or arbitrary, prolonged detention.⁵⁹⁴ In one example, Martin had testified to, as Judge Landis summarized, beatings during arrest (“the police beat him with a hard...object in the head and leg...an unknown number of times... his right leg was broken”) and detention (beaten with a machete “on the soles of his feet”). Yet Judge

⁵⁸⁷ Human Rights Watch interview with Amos, deportee, February 9, 2021.

⁵⁸⁸ IJ decision, Amos.

⁵⁸⁹ USCIS, “Record of Determination / Credible Fear Worksheet” (Maxwell), February 13, 2019, on file with Human Rights Watch; hearing transcript, Maxwell.

⁵⁹⁰ IJ decision, Maxwell.

⁵⁹¹ Hearing transcript, Amos, pp. 64 and 118.

⁵⁹² [Amos], “Declaration,” January 21, 2020, on file with Human Rights Watch.

⁵⁹³ IJ decision, Amos.

⁵⁹⁴ IJ decisions for Martin, [deportee name withheld], Solomon, and Paul.

Landis proceeded to determine “although the respondent suffered a broken leg, it does not appear he was otherwise seriously injured.” ⁵⁹⁵

In Benedict’s case, after he testified to being detained for 10 weeks, beaten repeatedly, and “shocked with a cable” by authorities, the DHS lawyer stated in apparent seriousness, “Your Honor, I don’t believe that the respondent’s two-month detention with only five beatings on the bottom of his feet...rises to the level of past persecution.” ⁵⁹⁶ Judge Ward adopted this stance in his decision. ⁵⁹⁷

In Theodore’s case, Judge Ward described and assessed his level of harm as follows:

Respondent testified he was detained [by military] for two months. He said he was beaten every morning to try and get information from him about the Amba Boys... [and] he was hung by his feet and... forced to stand on stones. Respondent testified that his injuries involved a swollen body, swollen face, and he had pain all over and bruises. ...He testified he was afraid to go to the hospital. ...

While the respondent was detained for several months, [and] he says he was beaten regularly, there is no evidence the respondent suffered any kind of physical injury that required any medical attention. ... [T]he Court finds the respondent has not suffered past persecution. ⁵⁹⁸

Immigration judges also evaluated the Cameroonians’ claims for withholding of removal pursuant to the Convention against Torture. ⁵⁹⁹ Judge Ward ruled that Theodore had “not shown that he has been tortured.” ⁶⁰⁰ Yet this is contradicted by months of medical and psychiatric evaluations during his time in ICE detention. Medical reports cited his “PTSD, with flashbacks,” anxiety, fear, nightmares, insomnia and hallucinations, with a note

⁵⁹⁵ IJ decision, Martin, pp. 13-14.

⁵⁹⁶ Hearing transcript, Benedict, p. 184.

⁵⁹⁷ IJ decision, Benedict.

⁵⁹⁸ IJ decision, Theodore, pp. 3-4 and 10.

⁵⁹⁹ As integrated in US law, which [8 C.F.R. 1208.18(a)(1)] defines torture as “any act by which severe pain or suffering, whether mental or physical, is intentionally inflicted” for purposes of punishing, intimidating, coercing, or obtaining information or a confession, or due to discrimination, by a public official or someone acting with their consent or acquiescence.

⁶⁰⁰ IJ decision, Theodore, p. 12.

(dated January 2020, prior to the judge’s May 2020 decision) stating: “antecedent factors of the presenting problem: was tortured in prison.”⁶⁰¹

Problematic Analysis of Nexus to Political Opinion or Social Group

To successfully claim refugee status under the Refugee Convention, an asylum seeker’s well-founded fear of persecution must have a nexus to race, religion, nationality, political opinion, or membership of a particular social group.⁶⁰² In at least seven cases where immigration judges denied asylum to Cameroonians (subsequently deported) either primarily or in part due to alleged lack of nexus, the individuals had testified to past experiences of persecution clearly connected to their actual or imputed political opinion, membership in a particular social group, or both, according to Human Rights Watch review of their asylum documents.⁶⁰³

For example, while immigration judges found no nexus in Amos’s and Michael’s cases, both had cited political opinions that played a role in their persecution. Amos was an active SCNC member, with an affidavit attesting to this,⁶⁰⁴ and he testified that the military arrested him and had him on their list of “Amba boys” because of his SCNC activities.⁶⁰⁵ Michael’s judge found no nexus because he “testified he was not a member of any political party, only stating he disagreed with the government.”⁶⁰⁶ However, Michael testified that he had participated in a protest in the Anglophone regions and that the military accused him of being a separatist.⁶⁰⁷

In four of the cases where immigration judges found no nexus, deported people were not involved in any protests or activism but were persecuted, according to their testimonies, for a political opinion *imputed* to them by authorities, who accused them of being,

⁶⁰¹ ICE medical records for Theodore, Jackson Parish Correctional Center, Louisiana, January-July 2020, on file with Human Rights Watch, specifically: “Mental Health Assessment,” January 20, 2020.

⁶⁰² Refugee Convention, art. 1(a)(2).

⁶⁰³ Human Rights Watch interviews with Cameroonian deportees, December 2020 – October 2021; IJ decisions for seven deportees (Michael, Amos, Andre, Solomon, Brandon, Paul, Benjamin), 2018-2020 (on file with Human Rights Watch); CFI, Yannick. See also Chapter I (Background) for an overview of deportees’ past persecution claims.

⁶⁰⁴ [Name withheld], SCNC Chairman [location withheld], “Affidavit to Support the Application for Political Asylum in USA Submitted by [Amos],” January 18, 2020, on file with Human Rights Watch.

⁶⁰⁵ IJ decision, Amos.

⁶⁰⁶ IJ decision, Michael.

⁶⁰⁷ Ibid.; USCIS, “Record of Determination / Credible Fear Worksheet” (Michael), October 9, 2018; Human Rights Watch interview with Michael, December 23, 2020.

“supporting,” “financing,” “sponsoring,” or “collaborating with” separatists.⁶⁰⁸ US courts have established that “persecution for *imputed grounds*, where a persecutor erroneously thinks someone possesses a characteristic that is an enumerated protected ground, can satisfy the refugee definition.”⁶⁰⁹ For instance, in a March 2021 ruling overturning a judge’s finding of no nexus in an Anglophone Cameroonian’s case (not one of the deportees), the BIA stated:

[T]hough the respondent was not politically active...military personnel accused the respondent of being a separatist before beating him and interrogat[ing] him... [W]e are persuaded that...the military...*imputed a separatist political opinion to the respondent*, and therefore the Immigration Judge’s determination that the respondent’s political opinion was not one central reason for harm is clearly erroneous.⁶¹⁰

Human Rights Watch documentation of abuses by Cameroonian security forces, as well as our analysis of dozens of Cameroonians’ asylum applications, testimonies, and evidence, also indicates that Anglophones, as a minority language group in Cameroon, may be considered a “particular social group” whose members are at risk of persecution by the central government in predominantly-Francophone Cameroon, whether or not they are politically active, given that security forces frequently impute Anglophones to be separatists. However, in at least one case of a deported (Anglophone) Cameroonian we reviewed, a judge found there to be no nexus to a particular social group, stating: “Respondent, through counsel, stated his particular social group was ‘Anglophone Cameroonians who are protesting against government’. ...While Respondent’s particular social group would meet the standard of a cognizable group, Respondent did not provide evidence he was member of this social group. Respondent submitted a photocopy of his membership identification card, however this document could not be authenticated by the Department.”⁶¹¹

⁶⁰⁸ Human Rights Watch interviews with deportees (Solomon, Brandon, Benjamin, Paul), January-June 2021; IJ decisions for Brandon, Paul; US Immigration Court, Jena, Louisiana, “Oral Decision and Order of the Immigration Judge” (for Solomon), August 1, 2019, on file with Human Rights Watch.

⁶⁰⁹ IJ decision, Paul, p. 8, emphasis added.

⁶¹⁰ EOIR, “Decision of the Board of Immigration Appeals,” March 29, 2021, Los Fresnos, TX (on file), p. 3, emphasis added.

⁶¹¹ IJ decision for Cameroonian deportee [name withheld], p. 7.

VI. International Human Rights Law

Protections against Refoulement or Return to Torture or Ill-Treatment

The United States is obligated to uphold the central provisions of the 1951 Refugee Convention by its accession to the Refugee Convention's 1967 Protocol.⁶¹² The US government passed the Refugee Act of 1980 in order to bring the country's laws into conformity with the Refugee Convention and Protocol, by incorporating into US law the convention's definition of a "refugee" as a person with a well-founded fear of being persecuted on account of race, religion, nationality, membership of a particular social group, or political opinion, and by incorporating the principle of non-return (also called "nonrefoulement"), which prohibits the return of people whose lives or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion.⁶¹³

In addition, the Convention against Torture and the International Covenant on Civil and Political Rights (ICCPR) prohibit returns in circumstances where people would face a substantial risk of torture or, in the case of the ICCPR, exposure to other ill-treatment.⁶¹⁴

⁶¹² Convention Relating to the Status of Refugees; UN Protocol Relating to the Status of Refugees. The United States acceded to the 1967 Protocol in 1968.

⁶¹³ Refugee Act of 1980, Pub. L. No. 96- 212, 94 Stat. 102 (1980), <https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg102.pdf> (accessed September 15, 2020). As the Supreme Court has confirmed, a primary purpose of Congress in passing the Refugee Act "was to bring United States refugee law into conformance with the 1967 United Nations Protocol." *INS v. Cardoza-Fonseca*, 480 U.S. 421, 426 (1987), <https://supreme.justia.com/cases/federal/us/480/421/> (accessed September 15, 2020). See also, *INS v. Stevic*, 467 U.S. 407, 416-24 (1984) (providing a history of the incorporation of the Refugee Convention standards into US law through the Refugee Protocol and the Refugee Act of 1980), <https://supreme.justia.com/cases/federal/us/467/407/> (accessed September 15, 2020).

⁶¹⁴ Convention against Torture, art. 3; ICCPR, art. 7; Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment), March 10, 1992, para. 9 ("States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement."). The Human Rights Committee provides authoritative interpretations of the ICCPR.

Due Process in Immigration Proceedings

Human rights law guarantees that all persons appearing before a judicial proceeding receive “a fair and public hearing by a competent, independent, and impartial tribunal” in a determination of rights.⁶¹⁵

Specific to the deportation context, the International Covenant on Civil and Political Rights (ICCPR), which the United States ratified in 1992, states in Article 13 that an alien “lawfully in the territory” may only be deported:

....in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.⁶¹⁶

The UN Human Rights Committee, which monitors state compliance with the ICCPR, has interpreted the phrase “lawfully in the territory” to include non-citizens who wish to challenge the validity of the deportation order against them. In addition, the Human Rights Committee has made this clarifying statement: “if the legality of an alien’s entry or stay is in dispute, any decision on this point leading to his expulsion or deportation ought to be taken in accordance with article 13. ... An alien must be given full facilities for pursuing his remedy against expulsion so that this right will in all the circumstances of his case be an effective one.”⁶¹⁷ Similarly, Article 8(1) of the American Convention on Human Rights, which the United States signed in 1977, states:

Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal,

⁶¹⁵ ICCPR, art. 14. According to the Human Rights Committee, the requirement of a competent, independent, and impartial tribunal “is an absolute right that is not subject to any exception.” Human Rights Committee, General Comment No. 32 (Right to equality before courts and tribunals and to a fair trial), para. 19.

⁶¹⁶ ICCPR, art. 13.

⁶¹⁷ UN Human Rights Committee, CCPR General Comment No. 15: The Position of Aliens Under the Covenant, April 11, 1986, U.N. Doc. A/41/40, <https://www.refworld.org/docid/45139acfc.html> (accessed January 19, 2022), paras. 9 and 10.

previously established by law...for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature. ⁶¹⁸

Prohibition on Arbitrary Detention

The right to be free from arbitrary detention appears in multiple international human rights instruments. The International Covenant on Civil and Political Rights (ICCPR), which all countries featured in this report have signed and ratified, recognizes the prohibition on arbitrary detention in Article 9(1).

The Human Rights Committee has not found migrant detention to be arbitrary per se, but has stated that:

...detention must be justified as reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time. Asylum seekers who unlawfully enter a State party's territory may be detained for a brief initial period in order to document their entry, record their claims and determine their identity if it is in doubt. To detain them further while their claims are being resolved would be arbitrary in the absence of particular reasons specific to the individual, such as an individualized likelihood of absconding, a danger of crimes against others or a risk of acts against national security. ⁶¹⁹

The UN Working Group on Arbitrary Detention has stated that “immigration detention should gradually be abolished” and that “[i]f there has to be administrative detention, the principle of proportionality requires it to be the last resort.” ⁶²⁰

⁶¹⁸ American Convention on Human Rights (“Pact of San José, Costa Rica”), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992), <http://www.oas.org/juridico/english/Sigs/b-32.html> (accessed January 19, 2022), art. 8(1).

⁶¹⁹ UN Human Rights Committee, General Comment No. 35: Article 9 (Liberty and security of person), December 16, 2014, U.N. Doc. CCPR/C/GC/35, <https://www.refworld.org/docid/553e0f984.html> (accessed July 26, 2021), para. 18.

⁶²⁰ Human Rights Council, Report of the Working Group on Arbitrary Detention, “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,” January 15, 2010, https://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30_AEV.pdf (accessed October 15, 2021), paras. 58-59.

Conditions of Detention

As stressed by the UN Special Rapporteur on the Human Rights of Migrant Workers as well as the Inter-American Commission on Human Rights, “irregular migrants are not criminals” and so “detention of migrants on the ground of their irregular status should under no circumstance be of a punitive nature.”⁶²¹

In addition, the ICCPR obligates states to respect the rights to life and to humane treatment in detention.⁶²² The United Nations Rights Committee, the independent expert body that interprets the ICCPR, has stated that states have:

[A] heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility....The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health.⁶²³

The right to life under the ICCPR also requires states to take appropriate measures to address the prevalence of life-threatening diseases.⁶²⁴

The Human Rights Committee has noted with regard to medical care, “Decisions regarding the detention of migrants must also take into account the effect of the detention on their physical or mental health.”⁶²⁵

⁶²¹ Report of the United Nations Special Rapporteur on the Human Rights of Migrant Workers, Gabriela Rodríguez Pizarro, December 30, 2002, E/CN.4/2003/85, <https://digitallibrary.un.org/record/485997?ln=en> (accessed January 19, 2022), para. 73; Inter-American Commission on Human Rights, “Report on Immigration in the United States: Detention and Due Process,” December 30, 2010, OEA/Ser.L/V/II. Doc. 78/10, <https://www.oas.org/en/iachr/migrants/docs/pdf/migrants2011.pdf> (accessed January 19, 2022), para. 68.

⁶²² ICCPR, arts. 6 and 10.

⁶²³ UN Human Rights Committee, General Comment No. 36, para. 25.

⁶²⁴ *Ibid.*, para. 26.

⁶²⁵ UN Human Rights Committee, General Comment No. 35: Article 9 (Liberty and security of person), para. 18.

Both the ICCPR and the Convention against Torture prohibit the use of torture or other cruel, inhuman or degrading treatment or punishment, including against people in immigration detention.⁶²⁶ Other standards, including the UN Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”), provide non-binding, but authoritative, interpretation of fundamental human rights standards for all persons, including immigrants, in detention, including with respect to food, clothing, health care, discipline and sanctions.⁶²⁷

The Mandela Rules specifically provide that indefinite or prolonged solitary confinement should be prohibited.⁶²⁸ They also provide that “instruments of restraint which are inherently degrading or painful shall be prohibited.”⁶²⁹ While other instruments of restraint may be used for purposes of a transfer, they may be imposed “only when no lesser form of control would be effective to address the risks posed by unrestricted movement,” and the method of restraint must “be the least intrusive method that is necessary and reasonably available to control the prisoner’s movement, based on the level and nature of the risks posed.”⁶³⁰

⁶²⁶ ICCPR, art. 7; Convention against Torture, arts. 2 and 16.

⁶²⁷ UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): resolution / adopted by the General Assembly*, January 8, 2016, UN Doc. A/RES/70/175, <https://www.refworld.org/docid/5698a3a44.html> (accessed December 1, 2021).

⁶²⁸ *Ibid.*, Rule 43.

⁶²⁹ *Ibid.*, Rule 47.

⁶³⁰ *Ibid.*, Rule 48.

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The report was translated into French by Danielle Serres and Sarah Leblais, and vetted by Lauren Seibert and Peter Huvos.

Annex: Responses from the US Department of Justice

Below is a December 23, 2021 letter from the US Justice Department's Executive Office for Immigration Review (EOIR), responding to a December 6 letter sent by Human Rights Watch. In response to Human Rights Watch's follow-up request for clarification, EOIR replied by email on January 25, 2022 to clarify elements of the data provided, attaching charts with additional data. Excerpt from that email, and the additional data provided, are included in this Annex following the December 23 EOIR letter. Some of the data (for fiscal years 2019-2021) provided in January differs slightly from the data provided in December.



U.S. Department of Justice
Executive Office for Immigration Review
Office of Policy

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December 23, 2021

Bill Frelick
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Researcher, Refugee and Migrant Rights Division
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Dear Mr. Frelick and Ms. Seibert:

Thank you for your letter of December 6, 2021, and for the opportunity to comment on your upcoming report concerning asylum adjudications for Cameroonian nationals. Please see our answers to your questions below.

- 1. Please outline any steps the DOJ/EOIR has taken, or will take, to investigate and address the issues identified above and in the attached Annex that impacted the adjudications of deported Cameroonians' asylum cases.**

EOIR's Judicial Conduct and Professionalism Unit has made efforts to investigate the allegations of unprofessional behavior raised in your letter and its Annex. Although we understand the confidentiality concerns you raised in your letter, it is challenging to find specific cases without associated A-numbers and hearing dates. We will continue to investigate the allegations, but if you are able to provide A-numbers or hearing dates, we will safeguard that information as carefully as we can and use it to conduct a more thorough investigation.

2. What are EOIR's policies in place with regard to immigration judges with disproportionate (e.g. 90 percent and higher) asylum denial rates?

Immigration Judges exercise their independent judgment while deciding cases based on the record before them and the law applicable to each respondent's unique circumstances. Given the complexity of the immigration laws, Immigration Judges will vary in their interpretation and application of those laws. Further, any given Immigration Judge's asylum grant or denial rate will depend in part on the type of cases that are on the judge's docket, including the demographics of the cases before the judge, the percentage of respondents they see with a criminal history, and whether that judge hears a detained or non-detained docket. Therefore, some degree of variation in outcomes is expected, even in cases presenting similar facts.

While Immigration Judges do possess wide discretion in deciding cases, they must be faithful to the law and decide cases without bias. We take very seriously any allegations of unprofessional behavior, such as those raised in your letter, and we will investigate them and take appropriate action.

3. Are people in removal proceedings required to sign/fingerprint Form I-229(a), "Warning for Failure to Depart," or any other documents, in order to be lawfully deported?

The Form I-229(a) is administered by DHS and is used outside of removal proceedings. EOIR cannot opine on whether DHS requires signature or fingerprints on the form for lawful removal.

4. Requests for data on Cameroonians in removal proceedings:

a. How many Cameroonians were denied asylum or other relief and ordered removed from the United States in FY 2019, FY 2020, and FY 2021?

The following data table relates to Cameroonians in removal proceedings with an Immigration Judge decision on asylum, withholding of removal, or protection under the Convention Against Torture.

IJ Decisions with an Asylum, Asylum Withholding or WCAT Decision by FY

Decision	FY 2019	FY 2020	FY 2021	Total
Dismissed by IJ	0	0	7	7
Relief Granted	710	944	283	1,937
Remove	186	657	59	902
Remove-CAT Deferral Granted	0	0	8	8
Remove-CAT Withholding Granted	1	1	4	6
Remove-INA Withholding Granted	0	4	1	5
Terminated	17	21	22	60
Voluntary Departure	5	0	0	5
Withdrawn	0	1	0	1
TOTAL	919	1,628	384	2,931

b. How many Cameroonians are currently in removal proceedings? Of these, how many are currently detained?

As of December 14, 2021, there were 3,082 Cameroonians in removal proceedings before EOIR. Of these, 16 are detained and 3,066 are non-detained.

Thank you again for the opportunity to comment, and I hope you find this information to be helpful. If you have additional questions, please do not hesitate to contact EOIR's Communications and Legislative Affairs Division at 703-305-0289 or PAO.EOIR@usdoj.gov.

Sincerely yours,



Sean D. Foster
Deputy Assistant Director

From: [EOIR – email withheld]

Sent: Tuesday, January 25, 2022

To: [Human Rights Watch – email withheld]

Subject: RE: Letter from HRW - upcoming report on Cameroonian asylum seekers deported from the US

...[P]lease see our answers to your questions below.

...A “terminated” entry in the chart we provided in our December 23 letter means that the IJ terminated (i.e., permanently closed) the immigration proceedings.

...“Relief Granted” in the chart in the letter does **not** only refer to asylum grants. The “Relief Granted” data is a per-case flag, and it includes grants of asylum plus grants of other applications such as cancellation of removal. The attached spreadsheets contain additional tables that may help you, including a table that is limited to decisions on asylum applications.

[Q:] How should the "total" number of decisions on asylum relief or other relief (CAT/withholding etc.) for Cameroonians in each fiscal year be calculated, from the chart data provided? Should categories such as "terminated," "voluntary departure," "withdrawn," and "dismissed by IJ" be excluded? [...]

Unfortunately, given the complexity of immigration law and immigration court practice, there is no “one size fits all” answer to what should be included/excluded from the denominator when calculating grant or denial rates for asylum or other forms of relief. ...you may wish to review EOIR’s [Workload and Adjudication Statistics](https://www.justice.gov/eoir/workload-and-adjudication-statistics) webpage [https://www.justice.gov/eoir/workload-and-adjudication-statistics], especially the “Asylum Decision Rates” file, for more context.

[Q:] We would like to request if EOIR could provide us the same data for Cameroonians in FYs 16, 17 and 18

The requested data is attached. (Please note that, per EOIR policy, we’ve replaced numbers less than four—and associated totals—with asterisks.)

[Q: ...Regarding EOIR's response stating that 16 of 3,082 Cameroonians in removal proceedings before EOIR were in detention as of December 14... could you provide any clarity on who is / isn't included in the “in removal proceedings” category?]

Concerning your question about the number of detained Cameroonians with pending removal cases, the data we provided is for individuals in removal (and deportation and exclusion) proceedings who do not yet have a decision at the immigration court. It therefore does not include (a) individuals who have a removal order, (b) those with a direct appeal before the BIA, or (c) those appealing to the circuit courts. It also does not include those with negative credible fear determinations who are in expedited removal, as those are separate from removal (and deportation and exclusion) proceedings.

[For additional / updated data provided by EOIR on January 25, 2022, see next page.]

The Executive Office for Immigration Review

Cameroon Pending & IJ Decisions with an Asylum, Asylum Withholding or WCAT Decision (I-862 Cases Only)

Pending Cameroon Cases (as of December 14, 2021)

Custody	Total
Detained	16
Non-Detained	3,066
TOTAL	3,082

Pending Cameroon Cases (as of January 13, 2022)

Custody	Total
Detained	17
Non-Detained	3,059
TOTAL	3,076

Date Range of IJ Decisions: October 1, 2018 Through September 30, 2021

IJ Decisions with an Asylum, Asylum Withholding or WCAT Decision by FY

Decision	FY 2019	FY 2020	FY 2021	Total
Dismissed by IJ	*	*	7	*
Relief Granted	710	944	283	1,937
Remove	186	657	59	902
Remove-CAT Deferral Granted	*	*	8	*
Remove-CAT Withholding Granted	*	*	4	*
Remove-INA Withholding Granted	*	4	*	*
Terminated	17	21	22	60
Voluntary Departure	5	*	*	*
Withdrawn	*	*	*	*
TOTAL	918	1,626	383	2,927

Asylum Decisions by FY

Decision	FY 2019	FY 2020	FY 2021	Total
ABANDONMENT	21	11	*	*
DENY	166	690	62	918
FULL GRANT	15	*	*	*
GRANT	679	851	268	1,798
NOT ADJUDICATED	7	44	31	82
OTHER	20	*	*	*
WITHDRAWN	16	18	16	50
TOTAL	924	1,614	377	2,915

* 3 or fewer

Asylum Withholding Decisions by FY

Decision	FY 2019	FY 2020	FY 2021	Total
ABANDONMENT	10	6	*	*
DENY	180	399	87	666
FULL GRANT	*	*	*	*
GRANT	45	446	13	504
NOT ADJUDICATED	270	393	109	772
OTHER	128	*	*	*
WITHDRAWN	227	144	59	430
TOTAL	860	1,388	268	2,516

WCAT Decisions by FY

Decision	FY 2019	FY 2020	FY 2021	Total
ABANDONMENT	9	6	*	*
DENY	177	428	82	687
GRANT	33	47	10	90
GRANT WCAT	*	6	5	*
NOT ADJUDICATED	282	629	107	1,018
OTHER	121	*	*	*
WITHDRAWN	230	327	52	609
TOTAL	852	1,443	256	2,551

Date Range of IJ Decisions: October 1, 2015 Through September 30, 2018

IJ Decisions with an Asylum, Asylum Withholding or WCAT Decision by FY

Decision	FY 2016	FY 2017	FY 2018	Total
Other	*	*	*	*
Relief Granted	138	240	346	724
Remove	61	104	153	318
Terminated	36	24	17	77
Voluntary Departure	*	*	4	8
TOTAL	235	368	520	1,123

Asylum Decisions by FY

Decision	FY 2016	FY 2017	FY 2018	Total
ABANDONMENT	6	8	14	28
DENY	42	95	135	272
FULL GRANT	*	*	7	10
GRANT	122	230	328	680
NOT ADJUDICATED	*	*	4	4
OTHER	43	25	27	95
WITHDRAWN	19	11	9	39
TOTAL	232	369	524	1,125

Asylum Withholding Decisions by FY

Decision	FY 2016	FY 2017	FY 2018	Total
ABANDONMENT	4	4	11	19
DENY	49	113	154	316
FULL GRANT	*	*	*	*
GRANT	17	19	34	70
GRANT WCAT	*	*	*	*
NOT ADJUDICATED	*	*	67	67
OTHER	53	129	121	303
RESERVED	*	*	*	*
WITHDRAWN	37	44	86	167
TOTAL	160	309	473	942

WCAT Decisions by FY

Decision	FY 2016	FY 2017	FY 2018	Total
ABANDONMENT	4	4	11	19
DENY	48	110	166	324
FULL GRANT	*	*	*	*
GRANT	*	11	21	34
GRANT WCAT	*	*	*	*
NOT ADJUDICATED	*	*	66	66
OTHER	51	115	111	277
RESERVED	*	*	*	*
WITHDRAWN	44	45	98	187
TOTAL	147	285	473	905

* 3 or fewer



(left) Protesters in Washington, DC, call for a halt to deportations to Cameroon; for Temporary Protected Status (TPS) for Cameroonians in the United States, due to the widespread safety risks in Cameroon; and for the release of Cameroonian asylum seekers from US immigration detention.

October 19, 2021.

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(front cover) The hand of a man deported from the United States, covered in insect bites, rests on the bars of a jail cell during two weeks of detention at a police station in Douala, Cameroon, November 2020. He and two other deported men held in the same cell described squalid conditions of detention: they slept on the floor, exposed to biting insects and sewage running from the toilet area.

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“How Can You Throw Us Back?”

Asylum Seekers Abused in the US and Deported to Harm in Cameroon

Armed conflict, violence, and humanitarian crises in several regions of Cameroon had internally displaced nearly one million people by late 2021. This included nearly 600,000 displaced by the crisis in the Anglophone North-West and South-West regions, ongoing since late 2016. Tens of thousands have fled the country, including several thousand who sought asylum in the United States. Yet in 2020, the US asylum grant rate to Cameroonians dropped, followed by a surge of deportations in October and November 2020.

“*How Can You Throw Us Back?*” traces what happened to dozens of Cameroonians deported from the US. Through interviews with 99 people, including 39 Cameroonian asylum seekers deported in 2020 and two deported in 2021 and 2019, the report documents the serious human rights violations and persecution many faced in Cameroon after return – arbitrary arrest and detention, rape, torture and other abuse, extortion, unfair prosecutions, confiscation of national identity documents, and abuses against family members.

The report further documents excessive use of force, prolonged detention, and other mistreatment Cameroonians experienced in US Immigration and Customs Enforcement (ICE) custody before deportation. It shows how due process concerns, fact-finding inaccuracies, and other issues contributed to unfair denials of asylum claims, and how ICE failed to protect confidential asylum documents during deportations.

Human Rights Watch calls on the Cameroonian government to end and investigate all abuses against people deported back to Cameroon and recommends that the US government offer Cameroonian asylum seekers humanitarian parole to return, allow them to reapply for asylum, and ensure effective remedies for harms suffered. The US should implement broader reforms to improve fairness in asylum procedures and eliminate unnecessary immigration detention.