

## Discrimination, Detention, and Deportation: Immigration & Refugees

**<https://www.acluohio.org/en/cases/ansly-damus-v-director-bureau-immigration-and-customs-enforcement-et-al>**

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This case grew out of the class action for asylum seekers discussed in detail in the [previous entry](#). As explained in that entry, we filed a class action in the U.S. District Court for the District of Columbia on March 15, 2018, to challenge the U.S. Immigration and Customs Enforcement (ICE) policy of arbitrarily denying parole to the majority (94-98%) of asylum seekers in five specific ICE Field House Districts, including the ICE district that covers Ohio. ICE's no parole policy had resulted in the arbitrary detention of approximately 1,000 asylum seekers, despite the lack of determination that any posed a flight risk or danger to the community.

The class action suit named nine individual plaintiffs as representatives for the class. The first-named plaintiff, Ansly Damus, had fled his native Haiti after being physically assaulted by gang members who accused him of not supporting a local government official, and he credibly fears for his life if he returns. He has been detained for two years in the Geauga County jail, which also serves as an ICE detention facility, awaiting his grant of asylum. He and other asylum seekers detained there are held in windowless rooms, not allowed to go outdoors, and are allowed little contact with the outside world.

Although his immigration lawyer applied several times for Mr. Damus parole and demonstrated that Mr. Damus clearly meets all parole criteria, he was never paroled.

The evidence strongly suggests that immigration officials employ unjust denial of parole as a tactic to encourage asylum seekers to abandon their asylum applications and return to their home countries, regardless of the fate that awaits them upon return.

On July 2, the district court granted both our Motion for Class Certification and Motion for a Preliminary Injunction in our related asylum case pending in the District of Columbia. The court ordered the Defendants to locate and promptly provide notice of the decision to every class member held in detention, to conduct a parole determination within seven days of the date each class member was advised of their right to seek parole, and to make individualized parole determinations within seven days of each parole interview.

Subsequently, substantial numbers of the class were released on parole, including seven of the nine named plaintiffs. But Mr. Damus is one of the two named plaintiffs who was not released. His parole application was summarily denied with a box checked, flight risk. No individualized determination was made, and no reasoning or detail provided.

We sent a letter to ICE and Department of Justice officials complaining of Mr. Damus prolonged imprisonment, stating the legal and factual grounds requiring his release, and advising that we would take all necessary action if he were not released by September 5. He was not released, and this habeas action was therefore filed.

ICE's ongoing detention of Mr. Damus is not reasonably related to the government's interests in preventing flight or protecting the community from harm. Furthermore, ICE lacks even a facially legitimate and bona fide reason for his ongoing detention.

On September 11 we filed a petition for writ of habeas corpus on behalf of Mr. Damus in the U.S. District Court for the Eastern District of Michigan. Respondents were the Director of the Detroit Field Office for ICE, Secretary of the Department of Homeland Security (DHS), Acting Director for ICE, Director of the Executive Office for Immigration Review, U.S. Attorney General Jeff Sessions, and the Lieutenant for the Geauga County Sheriffs Office, where Damus was being detained.

On October 9 Respondents filed a Motion to Dismiss. Kathy Rose, Lieutenant of Corrections with Geauga County Sheriffs Office, filed a separate Motion to Dismiss, arguing she was not a proper Respondent. A hearing on both Motions to Dismiss was set for January 24, 2019, but following entry of a stipulation by the parties on October 29, the Court scheduled a hearing date of November 28, 2018. On November 20, the Court granted Respondent Rose's dismissal from the case. Following the hearing on the 28th, Respondents stipulated to Mr. Damus parole. On November 30, 2018 he was released to his sponsors under electronic monitoring.

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