



Tony H. Pham
Acting Director, Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536
Via e-mail to tony.h.pham@ice.dhs.gov

September 4, 2020

RE: Case of Pastor Steven Tendo, A# 201-520-012

Dear Acting Director Pham:

On behalf of Amnesty International USA, I write to urge you to immediately halt the imminent deportation of Pastor Steven Tendo (A# 201-520-012), an asylum-seeker and Ugandan national. Pastor Tendo was tortured in Uganda because of his political activism, and he has received credible threats that he will be killed if he is returned. His health has rapidly deteriorated for the 20 months he has been detained by Immigration and Customs Enforcement (ICE). His deportation would constitute a grave injustice and a clear breach of U.S. obligations not to return a person to possible persecution or torture.

Amnesty International is the world's largest grassroots human rights organization, comprising a global support base of millions of individual members, supporters, and activists in more than 150 countries and territories. Our organization works to uphold human rights – including the right to seek asylum – in the United States and around the world and to halt abuses of those human rights. Deporting Pastor Tendo to possible torture and death, in his serious medical state, would constitute such a grave abuse. Thousands of our members, supporters, and activists have written to and called your agency on behalf of Pastor Tendo just this week to urge ICE to put a stop to this injustice.

Pastor Tendo came to the United States in search of safety. A church leader, he organized community support projects, providing food, health services, and educational assistance to the needy. Dismayed by growing government repression and corruption, Pastor Tendo began a human rights campaign, assisting political prisoners and leading a voting rights effort. For this, he was apprehended and severely tortured, and two of his fingers were amputated. As the attacks worsened, he was forced to flee Uganda.

Pastor Tendo arrived in the United States in December 2018 and presented himself to agents at the Brownsville, Texas, port of entry to seek asylum. Since his arrival, he has been detained: until this week, he was in the Port Isabel Detention Center in Los Fresnos, Texas, when he was transferred to the Alexandria Staging Facility in Louisiana and then to a detention facility in Florence, Arizona, where he is now at imminent risk of deportation. In the 20 months Pastor Tendo has been in detention, inadequate medical attention has caused his health to deteriorate rapidly: he has lost vision in one eye and is losing vision in the other, and periodically suffers numbness in his extremities. His immune system has been damaged. He was scheduled for a desperately needed eye surgery this week, when ICE instead transferred him to Alexandria.

Despite Pastor Tendo's well-founded fear of persecution upon return and his past torture at the hands of Ugandan government officials, an immigration judge denied his case in a decision rife with procedural irregularities, and the Board of Immigration Appeals (BIA) failed to make a critical legal determination before rubber-stamping the denial. Pastor Tendo is currently challenging these procedural and legal errors in a petition for review pending before the U.S. Court of Appeals for the Fifth Circuit. As of this writing, that petition for review is still pending.

Deporting Pastor Tendo would violate U.S. obligations not to return people to a situation in which they would be at risk of torture or other serious human rights abuses. A Ugandan official has risked her own safety to confirm that "as soon as [Pastor Steven] steps off the plane in Uganda, he will be taken away by security officers and killed." Indeed, even after his asylum application was initially denied, government agents have been attacking and intimidating Pastor Tendo's supporters.

Considering both the harm he will face if he is returned to Uganda and his grave medical condition, we are shocked and alarmed that ICE is now on the verge of deporting him. And we are not alone: thousands of our members, supporters, activists, and partners; a coalition of human rights, civil rights, and faith-based organizations; and dozens of lawmakers have all implored you to halt the Pastor's deportation.

In a letter to the Acting Department of Homeland Security (DHS) Secretary last month, 44 Members of Congress wrote to express their grave concern about the possible deportation of the Pastor, noting that "[r]emoving Pastor Tendo under these circumstances would constitute a clear breach" of U.S. obligations towards asylum-seekers and torture survivors under domestic and international law.¹

We urge you to exercise the ample discretion you have, as acting head of ICE, to prevent this clear breach of U.S. obligations. We ask you to halt Pastor Tendo's deportation and release him from detention on humanitarian parole under INA § 212(d)(5) to his sponsor who is ready and able to shelter and care for him.

We would welcome the opportunity to discuss Pastor Tendo's case with you or your staff. For further information or questions, please do not hesitate to contact me at ckrishna@aiusa.org or (214) 228-7157.

Sincerely,



Charanya Krishnaswami
Americas Advocacy Director
Amnesty International USA

¹ "44 Members of Congress Urge DHS to Free Pastor Steven," <https://www.amnestyusa.org/44-members-of-congress-urge-dhs-to-free-pastor-steven/> (August 18, 2020).