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HEADLINE: IMPRISONED BY POLICY CONVICTS DEPORTED BY US LANGUISH IN
HAITIAN JAILS

BYLINE: By Richard Chacon, Globe staff

BODY: CARREFOUR, Haiti - Frantz Voyard is no angel. The menacing tattoos on his shirtless body, and the five years he spent in prisons in the United States, are constant reminders of his tough and checkered past.

But it's hard to imagine that lawmakers in Washington intended to put the 24-year-old Hyde Park resident where he is today: crammed into a 16-foot-wide jail cell with at least a dozen other inmates, trapped in one of Latin America's most overcrowded and poorly run prison systems.

Voyard is one of hundreds of Haitian immigrants in the United States who have been sent back here, after Congress passed a get-tough measure four years ago to deport immigrants convicted of serious crimes.

But in Haiti, the US law has taken on a different, and even deadly, twist: Despite having served their sentences in US prisons, most deportees are being led from the airport directly to a Haitian jail, with little or no explanation of why. Many of them say they had been told they would be freed only when they or their families could come up with anywhere from \$1,000 to \$20,000. "They told me my family would come for me," Voyard, an aspiring rap singer who goes by the nickname "Gold," said in excellent English from behind the bars of his cell. "But they won't let me out, and I know it's because I'm from the US."

The 1996 law, known as the Illegal Immigration Reform and Responsibility Act, removed decisions about deportation of convicted immigrants from judges, and required the US Immigration and Naturalization Service to deport almost all immigrants who had been convicted of aggravated felonies and drug charges.

Supporters say the measure is necessary to reduce the threat of crime in the United States. But critics argue that the law unfairly penalizes immigrants, some of them longtime US residents, and burdens small countries that have to take the immigrants back.

Caribbean countries, which have taken back nearly 1,500 deportees since 1996, have had an especially tough time with the tougher US law. Residents fear they will bring their US-influenced criminal behavior back home, and the countries themselves have no institutions designed to help them to rehabilitate or adjust to being back in their native country.

Rather than release the deportees into the population, Haiti has put many of them into jail, a practice that one advocate argued is a violation of the deportees' human rights.

"There is no grounds for detaining them," said Michelle Karshan, director of Alternative Chance, a Haitian prisoner advocacy group. Karshan, a New York native who has lived in Haiti for four years, is also a spokeswoman for the government of President Rene Preval.

"This is a case of the government detaining people illegally and extorting money from their families simply because they come from the United States," she added.

Voyard, who was born in Haiti but who moved to Boston at 7 years old, said officials have demanded money for his freedom. He refuses to pay. After serving five years in US prisons for assault and battery and possession of drugs, he said, it is unfair to be kept in jail in Haiti, where he has no criminal record.

"I've done time for my mistakes," Voyard said in a soft voice "I've done nothing wrong here, so I've told my family not to pay anything."

More than 460 native Haitians, many of them from southern New England, have been sent back here since the US Immigration and Naturalization Service began enforcing the stricter law in 1996. Officials in Haiti, as in other Caribbean countries, complain that the practice unfairly burdens them with the problem of what to do with convicts when they return.

One Haitian prison official, who spoke on the condition of anonymity, denied efforts to extort money from deportees in exchange for their freedom.

"It's not logical to release hundreds of violent people into the public," the official said. "If they were criminals in the US, they'll probably be criminals here."

But prisoner advocates like Karshan argue that prison officials are locking up the deportees because of election-year politics in Haiti or because they are eager to cash in on the belief that US deportees come from "families with money."

Conditions border on the inhumane in the jails where the deportees are held. The holding cell at the Anti-Gang headquarters in central Port-au-Prince, where Voyard is, has no toilet or bunks. The pungent mix of sweat and heat fills the cell and escapes only through the iron door or a small, rectangular window.

At times, as many as 40 men are kept in this cell at one time. There is no light. Citing a lack of funds, prison guards don't provide meals for the deportees, who must thus rely on visiting relatives or friends. One at a time, once a day, inmates are taken out of the cell for a shower or a visit.

Inside the jails, the tension between deportees and inmates is as thick as the hot, humid air. The immigrants are resented for having left the country. The deportees, most of whom speak little or no Creole, the country's dominant language, hate being back.

Two weeks ago, riots broke out at the country's National Penitentiary between detainees and inmates, Haitian press reported.

"The Haitians think either we're all killers or that we're snobs with lots of money because we speak English and have been living in the United States," said Gerard Nelson, a 27-year-old deportee from Brockton, who is being held at the Carrefour jail, a large, white detention center on the outskirts of the capital.

The walls of Nelson's cell are stained with blood. Mosquitoes buzz and bite all but constantly. Nelson recently developed a staph infection from a bite that never healed, and that required medical attention. The medical visit was the first he had had since he arrived in Haiti in June.

Advocates said the deportees often arrive from the United States with little or no medical information on them. Once in Haiti, they get only minimal health assistance, and sometimes it's too late.

Last month, Claudette Etienne, a 44-year-old deportee from Miami and a mother of two children, who was deported to Haiti after serving a one-year probation sentence for wielding a broken bottle during an argument with her husband, died while being held in a Port-au-Prince jail.

Forced by necessity to drink Haitian tap water, Etienne suffered severe diarrhea, fever, and vomiting. Prison officials transferred her to a hospital only hours before she died.

Patricia Mancha, an INS spokeswoman in Miami, said all deportees in the US prison system undergo a health screening for contagious diseases, such as HIV, tuberculosis, or hepatitis. Foreign governments are notified of repatriated criminals at least three days in advance, she said.

US officials say there is little they can do to keep deportees from being detained. But there is hope among immigrant advocates that the 1996 law might be softened a bit. A new measure that would abolish a retroactive clause in the law and exempt certain, less-violent criminals passed the House of Representatives and is now waiting action in the Senate.

"Congress is more the problem than the INS in this matter," said Representative Barney Frank, the Newton Democrat who is one of the bill's chief sponsors. "We didn't allow the INS to have more discretion to determine who should be deported and who should stay. My hope is that we don't have as many people deported."

For deportees like Voyard, such changes, if they happen, would happen too late. So he's spending his time reading paperback novels borrowed from a friend and writing new lyrics about the country he no longer calls home.

"I'm just going to hold on and hope that they let me go soon," he said. "I don't see myself staying here in Haiti. I'll go anywhere else."

GRAPHIC: PHOTO, 1. Hyde Park resident Frantz Vyard (left) in his crowded cell in Haiti. / GLOBE PHOTO / LEAH GORDON 2. Frantz Vyard, 24, has been held at a police station in Port-au-Prince, Haiti, since the United States deported him. / GLOBE PHOTO / LEAH GORDON

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