

# Haiti may bar former citizen

**A Haitian-born man stripped of U.S. citizenship may not be taken back by his native country, the consulate said.**

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Lionel Jean-Baptiste may not be deported after all.

The first naturalized American in recent times stripped of citizenship after being convicted in a drug case will not be allowed to return to his native country because he renounced Haitian citizenship when he swore allegiance to the United States, a senior Haitian official said.

Ralph Latortue, the Haitian consul general in Miami, said he will not issue a travel document to Jean-Baptiste if and when the immigration service requests it.

Latortue said a clause in the 19-year-old Haitian Constitution prohibits issuance of travel documents to Haitians who have renounced citizenship.

"Article 13, related to nationality, says any Haitian that chooses to be a citizen of another country loses automatically the Haitian nationality," Latortue said. "Since he lost the Haitian nationality, he cannot be deported to Haiti."

Latortue's statement raised a roadblock to U.S. Immigration and Customs Enforcement's plans to deport Jean-Baptiste. But immigration officials said the consul's statement may not be the last word.

"It's premature to discuss the country of removal as proceedings are pending," said Barbara Gonzalez, an ICE spokeswoman in Miami.

Though Gonzalez did not elaborate, in the past, when a foreign national is refused reentry by his country, immigration authorities try to deport him to another country.

Immigration experts say finding another country to take high-profile cases is often a problem. That's because other countries don't want to take on the burden of publicity and security that high-profile cases carry with them. Third countries also tend to shy away from accepting foreign nationals with criminal records.

## **DRUG CONVICTION**

Jean-Baptiste, 58, was convicted on drug-trafficking charges. Though he denied the charges, he was convicted by a federal jury in Miami.

Five years after conviction, in 2002, immigration authorities began citizenship revocation proceedings against Jean-Baptiste. He challenged those efforts all the way to the Supreme Court, and lost.

Jean-Baptiste made immigration law history as the first naturalized citizen in recent times to be stripped of American citizenship and put in deportation proceedings after being convicted of a crime.

Foreign nationals are put in deportation proceedings when convicted -- but naturalized citizens have generally been allowed to stay, unless they lied during the citizenship application process. Jean-Baptiste did not lie, his lawyer said, because he had yet to be indicted, arrested or convicted when he applied.

Authorities revoked Jean-Baptiste's citizenship because the crime he was later convicted of committing occurred in March 1995, while he was awaiting citizenship. ICE attorneys maintained that by helping to arrange two crack cocaine sales for an undercover officer, Jean-Baptiste violated the immigration law requirement to remain a person of "good moral character" before becoming a citizen.

Of the charges, Jean-Baptiste maintains he simply pointed across the street from his restaurant when he was asked where drugs could be obtained.

The ICE charge departed from typical citizenship-revocation cases, which are generally based on evidence a citizenship applicant concealed a criminal record. Nevertheless, an appellate court agreed that the commission of a crime violated the "good moral character" rule. Therefore, the appeals court said, ICE was justified in taking away Jean-Baptiste's naturalization certificate. The Supreme Court concurred in October 2005 when it refused to hear the case.

ICE officers picked up Jean-Baptiste June 14, locked him up at Krome detention center in West Miami-Dade County and put him in deportation proceedings.

An immigration judge can issue a deportation order -- which Jean-Baptiste can challenge, first before the Board of Immigration Appeals and then before the 11th U.S. Circuit Court of Appeals in Atlanta, which backed ICE's effort to strip him of citizenship. Ultimately, Jean-Baptiste can ask the Supreme Court to hear the matter.

## **LONG ROAD AHEAD**

The process could take months, if not years. ICE has discretion to keep Jean-Baptiste in detention until after the immigration judge's deportation order becomes final -- that is, after all legal proceedings end. ICE also has the discretion to release Jean-Baptiste under supervision.

André Pierre, Jean-Baptiste's attorney, said Thursday he plans to move for release on bond at his client's first hearing, tentatively scheduled for Tuesday.

Pierre said he eventually will try to convince the immigration judge to stop removal proceedings on the grounds his client cannot be deported to Haiti.

Keeping Jean-Baptiste in detention, Pierre said, would be a 'waste of taxpayers' money' since he cannot be deported and is not a flight risk.

ICE generally spends about \$95 a day -- or almost \$35,000 a year -- keeping a detainee in custody.

"Most taxpayers would want the government to keep a convicted drug trafficker out of their neighborhood and in detention," said Dean Boyd, an ICE spokesman in Washington. Boyd added that, by law, ICE was "obligated" to detain Jean-Baptiste because his crime was an aggravated felony.

The Supreme Court has prohibited indefinite detention for foreign nationals who cannot be deported -- but ICE generally interprets the high court's ruling to mean a detainee can be held until at least six months after all legal proceedings have ended.

The reason for the six-month delay is to give ICE time to secure travel documents for the person being deported, either to his home country or another country.