

# U. S. Citizenship and Immigration Services

[TEXT ONLY](#) [HOME](#) [WHAT'S NEW](#) [FAQS](#) [SEARCH](#) [GLOSSARY](#) [FEEDBACK](#) [TRANSLATE](#) [PRINTPAGE](#)

## Immigration Services and Benefits Programs

### Overview

[National Customer Service Center \(NCSC\)](#)

[Emergency Travel](#)

[Naturalization](#)

[Citizenship](#)

[Green Cards \(LPR\)](#)

[Temporary Visitors](#)

[Employer Information](#)

[Inter-Country Adoptions](#)

[Temporary Protected Status](#)

[Trafficking in Persons](#)

### Asylum

[Overview](#)

[History](#)

[Asylum FAQ](#)

[Two Paths to Asylum](#)

[Affirmative Asylum at a Glance](#)

[Affirmative Asylum Process](#)

[Types of Asylum Decisions](#)

[Coercive Family Planning](#)

## Guyana

<b>Response to Information Request Number:</b>	GUY04001.WAS
<b>Date:</b>	February 12, 2004
<b>Subject:</b>	Guyana: Information on the Treatment of Criminal Deportees
<b>From:</b>	CIS Resource Information Center
<b>Keywords:</b>	Guyana / Deportees / Torture

### Query:

How are criminal deportees to Guyana treated? Is there evidence that criminal deportees are tortured?

### Response:

Information on the treatment of criminal deportees in Guyana is provided below. Sources available to the RIC did not include any record of torture of criminals deported to Guyana.

#### BACKGROUND ON GUYANA'S ACCEPTANCE OF CRIMINAL DEPORTEES

The issue of criminal deportees has been a source of tension between the United States and Guyana. Guyana's refusal to accept criminal deportees led the United States to ban the issuance of visas to Guyanese government officials and their families in late 2001. That ban was lifted once Guyana agreed to accept 100 deportees (STABROEK NEWS 5 Jan 2004).

Since the United States began returning criminal aliens, 600 have been returned to Guyana (SEATTLE TIMES 17 Nov 2003). In 2003, the United States deported 379 Guyanese to Guyana. Of these individuals, 38 were refused entry at the border; 135 had been convicted for drug-related and other serious offences. The remaining deportees were

[Reasonable Fear Screenings](#)

[Asylee Adjustment](#)

[Resource Information Center](#)

[Training Materials](#)

[Refugees](#)

[Humanitarian Parole](#)

[SAVE \(Verification Program\)](#)

charged with the following crimes: use of false documents (37), illegal entry (28), and visa overstay (6) (STABROEK NEWS 5 Jan 2004).

The United States and Guyana were due to sign a Memorandum of Understanding (MOU) outlining the procedures for the deportation of Guyanese on February 6, 2004. In addition to procedures, the MOU addresses the rights of individuals who are deported to Guyana, including property rights and social benefits. The MOU permits deportees to access legal services regarding the protection of their rights (STABROEK NEWS 5 Feb 2004).

#### PERCEIVED IMPACT OF CRIMINAL DEPORTEES IN GUYANA

A review of Guyanese press articles, reveals that criminal deportees are believed to have triggered a crime wave. Guyana is concerned about the return of criminal deportees, "many of whom the police believe have introduced new levels of violence in the commission of crimes such as kidnapping in which there has been an alarming increase over the past twelve months" (STABROEK NEWS 5 Jan 2004). In response to questions about the crime wave following a February 23, 2002 jailbreak, Home Affairs Minister Gajraj indicated that although he did not have statistics on the involvement of criminal deportees in these crimes, "there is evidence that supports the contention that they have been involved in some of these criminal activities" (STABROEK NEWS 17 Dec 2003).

In a separate article, Mr. Gajraj said that "Some deportees have become criminal kingpins, corrupting government officials and organizing native Guyanese into gangs that are smuggling drugs into the United States and firearms into Guyana....Before the deportees began arriving...Guyanese police officers were killed at a rate of two or fewer every five years, but 23 were killed" in 2003 (SEATTLE TIMES 17 Nov 2003).

#### TREATMENT OF CRIMINAL DEPORTEES

In 2002, Guyana passed a series of laws to combat the increase in crime. These laws have been criticized "as being draconian and as infringing the fundamental rights guaranteed by the constitution, both by the opposition political parties and non-governmental organizations and their legality has been challenged in the courts. Amnesty International has also criticized them, especially the law which provides for a deportee to be put under surveillance and the Criminal Law (Offences) (Amendment) Act 2002, which creates the offence of the commission of a terrorist act" (STABROEK NEWS 17 Dec 2003).

Under the Prevention of Crimes Act of 2002, a deportee can be placed under police surveillance due to his conduct following return to Guyana or if he is "a person whose conduct and activities are of such a nature that he may reasonably be regarded as constituting a threat to public safety and public order" (STABROEK NEWS 17 Dec 2003). The extent to which this provision of the act has been implemented is not clear, as different

government sources seem to contradict each other.

In December 2003, Home Affairs Minister Ronald Gajraj indicated that the implementation of this section of the act has been delayed and was being considered by the police administration. Mr. Gajraj attributed the delay in implementing this portion of the act to the "police's concern not to subject an individual to any sort of victimization" (STABROEK NEWS 17 Dec 2003). As of May 2003, the police had not applied to the court to place a deportee under surveillance (STABROEK NEWS 27 May 2003).

A June 30, 2003 feature on the website of Guyana's Government Information Agency (GINA) provides further detail on implementation of the Prevention of Crimes Act. According to GINA, the Guyana Police Force (GPF) "usually" interviews the deportees as they arrive at the international airport to gather "relevant information." Manpower shortages, as well as incorrect address information, have been hindering the monitoring, or surveillance, process. GINA indicated that when police officers go to an address that is incorrect, it is noted in the file (GINA 30 Jun 2003).

#### OTHER HUMAN RIGHTS CONCERNS

In 2004, the Government of Guyana came under pressure from the United Kingdom, Canada, and the United States concerning allegations that the Home Affairs Minister, Ronald Gajraj, had hired a hit squad connected to the killing of 40 escaped convicts and suspected criminals in 2003. Both Canada and the United States revoked Mr. Gajraj's travel visas (CARIBBEAN NET NEWS 6 Feb 2004). The Minister of Home Affairs oversees the police force. Mr. Gajraj denied the allegations, claiming that his contacts with criminal figures were part of "his efforts to gather police intelligence" (CARIBBEAN NET NEWS 30 Jan 2004). A program coordinator at the Guyana Human Rights Association (GHRA) commented that while the GHRA has not seen any evidence of systematic torture of criminal deportees, it is plausible that the hit squad would target them (Phone interview 12 Feb 2004).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

#### References:

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