



May 3, 2018

The Honorable Kirstjen M. Nielsen
Secretary U.S. Department of Homeland Security
3801 Nebraska Avenue NW Washington, DC 20528

Re: DHS continued detention of Mexican journalist

Dear Secretary Nielsen:

On World Press Freedom Day, I write to express deep concern about the U.S. Department of Homeland Security's continued detention of Emilio Gutiérrez Soto, an award-winning journalist who is seeking asylum in the United States, and his son Oscar.

Mr. Gutiérrez's work as a journalist, and the dangers he faces if returned to Mexico, have been documented by the National Press Club, the Committee to Protect Journalists, and Reporters Without Borders. In October 2017, the National Press Club selected Mr. Gutiérrez to accept the John Aubuchon Press Freedom Award on behalf of Mexico's journalists. Just this week, the University of Michigan's Knight-Wallace House announced it is awarding Mr. Gutiérrez the prestigious Knight-Wallace Fellowship for Journalism. Today, to mark World Press Freedom Day, the National Press Club will highlight the cases of three at risk journalists globally, including Mr. Gutiérrez.

Mr. Gutiérrez has been detained for far too long. He sought asylum at a U.S. port of entry on June 16, 2008, fleeing grave dangers after exposing military corruption. Although his son Oscar arrived with him, the boy—then a minor—was separated from his father, treated as an unaccompanied minor, and transferred to the custody of the Office of Refugee Resettlement. Mr. Gutiérrez was held in U.S. immigration detention for seven months. After being paroled, he complied with the requirement that he check in regularly with ICE, never missing an appointment. ICE took Mr. Gutiérrez and his son into custody at a December 07, 2017 check-in appointment. Although the immigration judge denied their asylum claim, that decision is on appeal with the Board of Immigration Appeals, which has stayed their deportation.

Despite Mr. Gutierrez's compliance with prior ICE check-ins and extensive community support—from church and community members, and from leading organizations that work to promote press freedom and protect journalists—ICE has refused to release Mr. Gutierrez and his son from detention. They pose no danger to the community and are not a flight risk. Mr. Gutierrez has already spent eleven months in U.S. immigration jail, wearing prison uniforms and enduring conditions essentially identical to those in criminal correctional facilities. Although he and his son have filed a petition for habeas corpus contesting the reasons for their detention, the Department of Homeland Security has the authority to release them.

The United States has ratified the International Covenant on Civil and Political Rights, which prohibits the imposition of arbitrary detention, and the Refugee Protocol, which prohibits this

country from returning the persecuted back to harm. Congress enacted asylum laws to protect those at risk of persecution.

In 2017, only Syria and Iraq had a higher rate of journalist killings than Mexico. The U.S. State Department submitted a letter in connection with Mr. Gutiérrez's case, explaining that, aside from war zones, Mexico is the most dangerous country in the world for journalists. Amnesty International also wrote a letter on behalf of Mr. Gutiérrez, providing detailed information on the persecution of journalists in Mexico, which the organization called the "most dangerous place in the Americas to be a journalist." As the president of the National Press Club has warned, the return of Mr. Gutiérrez to Mexico could be "tantamount to a death sentence."

We urge DHS to release Mr. Gutiérrez and his son from detention on humanitarian parole and stipulate that Mr. Gutiérrez merits a grant of asylum.

Sincerely,

Elisa Massimino,
President and CEO
Human Rights First