

Questions arise after US frees asylum-seeker on life support

By AMY TAXIN and KRISTA LARSON
Associated Press



AP Photo/Amy Taxin
Attorney Carrye Washington stands in front of the Arrowhead Regional Medical Center in Colton, Calif. where her client Saliou Ndiaye remains on life support.

'I don't want to tell them to take him off a machine and die. The doctor said only the machine is keeping him alive, and if it were turned off he would die within minutes.'

Mor Diagne

uncle of Saliou Ndiaye

COLTON, Calif. — As the eldest son among 15 children, Senegalese tailor Saliou Ndiaye was his family's greatest hope for a better life in a city rife with unemployment where many still travel by horse-drawn cart.

He learned to sew as a child, and for years sent money to his parents — first, from his country's capital and later from a factory job in Brazil.

But after Ndiaye embarked on a lengthy journey to the United States, their dreams were dashed. A U.S. immigration judge denied Ndiaye's asylum application in July, and after a year locked up in California, Ndiaye reportedly tried to kill himself.

Now, the 33-year-old lies in an American hospital bed, hooked up to tubes keeping him alive. Immigration authorities recently stopped efforts to deport Ndiaye and released him from custody in a decision that under normal circumstances would be cause for celebration but in this case has drawn criticism from his supporters.

Ndiaye's story is tragic and exceptionally rare but raises questions about the U.S. government's responsibility for detainees' medical care in an immense immigration system, where more than 300,000 people cycle through detention centers each year.

In an ironic twist, Ndiaye's volunteer lawyer is asking an immigration judge to find the government can't properly release an unconscious person, and order Ndiaye back into custody. She wants the U.S. government to remain responsible for his care and potentially his return to Senegal, where Ndiaye's parents pray for a miracle.

"He is our great hope," said his father, Mor Ndiaye, clutching Muslim prayer beads during an interview at the family's home in Touba, Senegal's second-largest city. "Everything he has done, he did it to support his family."

U.S. Immigration and Customs Enforcement is responsible for detainees' care of regardless of where they're held.

Financial sense

It can make financial sense for the government to release ailing immigrants to avoid providing security for them and paying costly medical bills that hospitals would cover anyway for poor patients, said Dr. Marc Stern, a former medical expert for the Department of Homeland Security's Office for Civil Rights and Liberties, which investigates detention complaints.

But in some cases, the government also may have an incentive to free gravely ill immigrants because deaths in detention must be investi-

gated and reported to Congress and the media. "It may count against them if he dies in custody," Stern said.

Immigration and Customs Enforcement spokeswoman Lauren Mack said Ndiaye was freed for humanitarian reasons and so his family and doctors could make medical decisions for him.

She declined to discuss how immigration authorities handle suicide attempts in detention, but said a report was completed on Ndiaye's case in line with agency standards.

It isn't the first time immigrant advocates have raised concerns about the release of ill detainees. In 2015, Ethiopian immigrant Teka Gulema was hospitalized for an infection while in detention in Alabama. He was guarded

by authorities for nearly a year but freed less than two months before his death in a hospital bed, said Christina Mansfield, co-founder of Community Initiatives for Visiting Immigrants in Confinement.

As of last week, Ndiaye lay in a hospital bed at Arrowhead Regional Medical Center, in the Southern California city of Colton, with a tube through his neck to help him breathe and another one for feeding. His eyes gazed into the distance, then closed, as his chest rose and fell. He didn't respond to visitors.

Arrowhead declined to provide information about Ndiaye. But Ron Boatman, its associate administrator, said the hospital covers medical costs for indigent patients when no one else can pay.

Family grieves

Back in Senegal, Ndiaye's family grieves for a son they can't help. Why he ended up so far away is a mystery.

Ndiaye grew up in Touba and attended a Muslim school. By age 10, he would bring his mother whatever coins he earned sewing.

Eventually, Ndiaye moved to the capital of Dakar to work as a tailor, sending home money each month.

In 2013, he told his parents he had a visa for Brazil and asked them to pray for him. He traveled to the South American country and stayed there for two years, working in a factory and continuing to send home monthly contributions and forwarding grainy cellphone selfies of his new life.

Without telling his parents, he left Brazil and traveled through nine Latin American countries by car, bus and foot to reach a U.S. border crossing in 2016. It is a lengthy trek often undertaken by African migrants, who upon reaching the United States tell border authorities they are afraid to return home.

Ndiaye told officials he left Senegal over economic troubles and religious differences with his family, and was sent to a California detention facility.

The family learned of his whereabouts when Ndiaye called a younger brother and told him he was detained.

Ndiaye's relatives could only speculate why he went to America. His uncle, Mor Diagne, has lived here for 35 years, and they thought maybe he hoped to join him.

At an asylum hearing, Ndiaye told an immigration judge he actually fled his country because he is gay and feared he could be killed over his sexuality if returned. The judge, however, cited inconsistencies in Ndiaye's testimony, denied his application and ordered him deported.

Ndiaye appealed and lost. He was due back in court for an October hearing but never made it.

Suicide attempt

Immigration officials called Diagne, a Connecticut

street vendor, to say Ndiaye tried to kill himself using a sock and a towel. Diagne flew to California, and Ndiaye's immigration lawyer, Carrye Washington, took him to the hospital to see his nephew.

Two detention guards stood watch over Ndiaye, Washington said. Diagne signed papers for doctors to insert a feeding tube.

"I don't want to tell them to take him off a machine and die," Diagne said. "The doctor said only the machine is keeping him alive, and if it were turned off he would die within minutes."

A week later, Immigration and Customs Enforcement stopped trying to deport Ndiaye and released him from custody. A box with his belongings was sent to Diagne's home.

Diagne said he was afraid he'd be asked to pay for his nephew's medical care, which he can't afford.

Mor Ndiaye is so grief-stricken he hasn't told his wife the full extent of their son's condition. The couple said they knew nothing of assertions in his asylum petition that he was gay, which is illegal in Senegal. Other relatives speculated he said as much to bolster his claim.

Since Ndiaye was detained, the family has been under increased financial strain. His father went to Dakar to find work, and the family delayed baptizing Ndiaye's niece and nephew because they can't afford the customary party to feed friends and neighbors, which can cost \$150 or more.

It is unclear whether Ndiaye has any possibility of recovery or what will happen to him. Washington has a December hearing before an immigration judge and hopes U.S. authorities eventually deport Ndiaye.

"My dream is that he wakes up and goes to Senegal," Diagne said. "If he is to die, I want him to die at home with his parents."

Larson reported from Touba, Senegal. Associated Press writer Ndeye Sene Mbengue in Touba, Senegal, contributed to this report.

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