



YOU CAN'T GO HOME AGAIN

A local immigration lawyer and a 65-year-old grandmother risk their freedom and more to save Haitians from the desperation of poverty and violence.

by [Jeffrey Barg](#)



When wild pigs and dogs eat a human corpse, they leave the feet.

The photo is too gruesome to print here. The torso and head are missing. The pelvic bone, thighs and legs have been licked clean of all skin and muscle, leaving just bones that, without size perspective, could easily be mistaken for well-devoured chicken wings. Except for the left foot, still intact, and the right foot, still wearing a sock.

Local immigration lawyer Tom Griffin took the photograph of the dismembered corpse in 2004 on the road leading out of Cité Soleil, the Haitian neighborhood sometimes called the “Calcutta of the Caribbean.” New victims appeared on that road and many others in the Port-au-Prince slum almost every morning.

You can’t blame anyone for not wanting to go back there. But the very notion of helping someone avoid returning was enough for Canada to want to imprison a local 65-year-old grandmother for the rest of her life.

Mickey and Minnie Mouse don’t look entirely out of place on Janet Hinshaw-Thomas’ Lansdowne office walls. The office—the third floor of a church parish house—used to be a kid’s bedroom. The soft-spoken Hinshaw-Thomas wraps a sweater snugly around her shoulders while she tells the story of how she was arrested in September at the Canadian border while trying to help 12 Haitian immigrants leave America for a safer and more welcoming haven.

“I approached the border, as I thought I was allowed to, and I gave them my documents—my expired passport, birth certificate, driver’s license,” she says. “About an hour and a half later I was arrested.”



Hinshaw-Thomas—born and raised on the Upper East Side of Manhattan—was charged by Canadian authorities with immigrant trafficking, and released on \$5,000 bail. The maximum sentence: life in prison.

Janet Hinshaw-Thomas

“I’m not really looking forward to spending the rest of my life in Canada,” she says on this balmy Halloween afternoon, a month before she’s scheduled to return to Canada for her preliminary hearing. “I figure I’ll learn a lot more French. And I’ll probably have to find some yoga book or something. I hope my friends are going to be sending me books to read, because it’s very boring in prison.”

Her voice, gentle to begin with, shakes a little as she talks about what awaits her.

It was this country’s broken immigration system that started up this modern-day Underground Railroad.

Tom Griffin, a Philadelphia immigration lawyer who has concentrated on Haiti, explains it like this: The U.S. has what’s known as temporary protected status (TPS) for natives of seven countries: Burundi, El Salvador, Honduras, Nicaragua, Somalia, Sudan and Liberia. All have TPS because of “ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions,” according to U.S. Citizenship and Immigration Services. If you’re from one of those seven countries but you’re here, legally or illegally, the U.S. government won’t force you to go back.



Tom Griffin

If you’re not from one of those countries but you’re scared to return home, you can apply for asylum. Good luck.

“If you’re Cuban and you reach the American border, you get a green card basically with no questions,” says Griffin. “If you’re Haitian, you get arrested. That’s just for political and racist reasons.”

Generally, he explains, a Haitian will apply for asylum because of the turmoil. “A lot want out because it’s so poor and so desperate. But you can’t get asylum for escaping poverty—you can only get it for human rights.” After a failed asylum case, some are deported directly from detention.

The equivalent of TPS in Canada is its list of “moratorium countries”: Afghanistan, Burundi, the Democratic Republic of Congo, Iraq, Liberia, Rwanda, Zimbabwe and Haiti. The fact that Haiti is a “moratorium country” means that even if your asylum case fails, they won’t send you back to Haiti. The Canadian government will even set you up with basic social services, including housing and healthcare.

“I respect the Canadians enormously,” Hinshaw-Thomas says of the government that, possibly under pressure from American officials wanting to crack down on illegal immigration, threw her in jail. “They’ve had the courage to make their asylum process more fair. They understand there are countries people should not be returned to, not because they qualify for asylum, but because no human being should be sent back there.”

But for illegal Haitians who've made it to the United States, the options on the road to legal status are limited at best.

"They'd either been denied political asylum in the U.S. or had no chance of applying for one reason or another. She was doing what was the humane and kind thing to do for people who were in a difficult situation and could not return to Haiti. And she's being punished for it," says Ira Kurzban, a Miami-based lawyer whose *Immigration Law Sourcebook* is considered the bible for immigration attorneys and judges nationwide. "It's shameful that any immigration authorities—whether Canadians alone or in cooperation with U.S. Immigration and Customs Enforcement—would victimize a person like her simply because she's involved in humanitarian assistance to people who've left their country in fear for their life."

In 2000 Tom Griffin went to Haiti on a religious retreat. It was to be 10 days living with the poor, working in a rural hospital and on local rural projects.

"A 10-year-old boy was brought on a donkey by his grandmother from 10 miles away, and he weighed 20 pounds," Griffin says. "It was deep, deep malnutrition. No matter how much food you have, you can't do anything to save a kid like that. So you just sit and watch.

"All his internal organs had dried up, shriveled up. So I just sat. I just sat on his bed, trying to make him smile until he died. So at that point I said I will commit my life to making sure that I'm always working so that this never happens again.

"Sitting there, you could see all the connections—all the political, the power, the economic connections that would ultimately result in this exact thing happening," he continues. "Some mother along the way had to actually pick which kid won't eat and which kids will survive 'cause you don't have enough food."

The experience brought him back to Haiti in 2004, following the U.S.- and Canadian-backed coup overthrowing democratically elected President Jean-Bertrand Aristide. The 10-day study and subsequent report Griffin produced detailed the monstrous conditions in Haiti's poorest slums, with government-sponsored violence, the disbanded Haitian army ruling the streets, the jailing and execution of dissidents, and the dangerous isolation from resources faced by those with the most need.

"It's like going to another planet," he says. "The people you see are different—you have a completely black country, an overwhelmingly poor country. The sounds are different, the music, the smells, the air is different, the rhythm of life, everything. Added to this with the coup, you have this eerie sense like a massive bomb has just exploded, and if you step in the wrong place, there's going to be another one."

Immediately following the 2004 coup, Griffin scoured U.S. news reports for information on Haitians he'd met on previous visits. He found none.



Corporal punishment: On a 10-day trip in 2004, Tom Griffin documented the unspeakable conditions in Haiti following the U.S.-backed coup.

“I kept looking in the papers and on the radio every day, saying, ‘How come this isn’t up here? How come nobody knows the story about how *we did this*, and no one’s screaming out that these people are dying?’”

So he grabbed a camera himself and snapped photos of the horrific conditions, many too graphic to print here:

The charred body of a suspected police informant lies on the ground, his feet bound, after he was tortured, killed and left in the street.

A skinny 12-year-old lies naked in a pool of his own blood, pouring from the wound where he’d been shot in the back by Haitian police six hours earlier.

Maggots devour decomposing corpses at the morgue, where they lie in puddles of unidentifiable bodily fluids.

“There’s no electricity,” Griffin says of the morgue. “The smell was overwhelmingly horrible, and somehow I conjured up muscles to keep from vomiting. I stepped deeper and deeper into the tunnel of the morgue, ’cause I knew what was in there and I had to take a picture of it. I felt someone else pushing my leg off the ground to take the next step, and then I started to slop through whatever fluids had, I don’t know ... bodies start to disintegrate, and the moisture just goes onto the floor. I was trying to keep myself from slipping, hold the camera, and then thinking at any point someone could fire a gun at me ’cause they told me not to go in the morgue. There’s something that said I just gotta keep going and that ultimately I was doing a good thing.”



Innocents lost: “Before mine, I had never seen a human rights report with photos,” says Griffin. “Imagine the lesser impact of just the text—how much easier it would have been to push aside the report.”

It’s these unspeakable conditions that partly enabled the Haitian coups in 1991 and 2004, Griffin says, and that allowed corrupt leaders to come to power.

“Existence is day-to-day in the most literal sense. You don’t know if you’re going to be there tomorrow,” he says. “That’s where the corruption comes from. Sure, there’s the evil, selfish corruption, but there’s also the sense that I have to eat tomorrow and my kids have to eat tomorrow. If someone is going to feed me today, guess whose poster I’m going to be carrying in the street?”

A trip to the Canadian border was hardly supposed to be exotic for Janet Hinshaw-Thomas. After all, here’s a woman who lived through the communist revolution in Afghanistan.

She met her first husband, an Afghan, in 1964, while studying abroad her junior year of college. She ended up living in Germany for eight years followed by eight years living in Afghanistan, which she and her husband escaped after the 1978 communist takeover.

“The kind of terror living under repression sits very hard, like a stone in the bottom of your stomach.

It's not like a thief is in the house—that's when you're fluttering and the fear is way up here," she says motioning to her chest, "but the other fear just sinks down."

She made it out of Afghanistan and arrived in Swarthmore by 1979. In 1983 she started Prime: Ecumenical Commitment to Refugees, which to this day helps refugees resettle in safe places. Though it's almost 25 years old, Prime is still run on a shoestring budget.

"To be honest, I'm not sure how much longer we can keep this office open," she says. "Unless donations pick up enormously, we're out, because we do too many things for free and too many things very cheaply."

Today Hinshaw-Thomas lives in a \$15,000 home in Chester with her second husband, an Iraqi Christian who was tortured under Saddam Hussein.

This trip to the Canadian border was Prime's 19th and Hinshaw-Thomas' second. She'd often call ahead to the border guards to let them know she'd be bringing up a group that needed to be processed. In accompanying these 12 Haitians to Canada, Hinshaw-Thomas, who describes American foreign policy as "extremely rude and impolite," says she was punished for trying to go what she thought was the legal route.

"It wasn't sneaking people in—in fact, that would be detrimental," says Griffin of Hinshaw-Thomas' case. "You *want* to get stopped to fill out paperwork and begin the process of getting yourself lawful status in Canada as a moratorium country refugee."

"She openly worked with Canadian authorities in taking the actions she was taking," says Ira Kurzban, a Miami-based immigration lawyer. "It's apparent to them, as it is to everyone, that she was not a professional smuggler."

Some have succeeded in helping Haitians stuck in the grind of poverty—notably Dr. Albert Schweitzer and anthropologist Paul Farmer, both of whom set up medical clinics to help those in the Haitian countryside. But Tom Griffin—along with his partner Dr. Jim Morgan—went to the slums, where poverty meets explosiveness, to open their clinic.

"In rural areas you don't have to deal with the politics and volatility of an inner-city slum," he says. "So Jim and I dedicated ourselves to using those models, but let it happen in the city."

Last week Griffin returned to Haiti to check on his clinic. He and Morgan alternate monthly visits to deliver medicine and money to pay staff salaries. They also check how things are going, as the entire staff is Haitian.

"We treat just poor-people diseases—diarrhea, malaria, respiratory infections, parasites," Griffin says. "To give someone malaria medicine and then send them back to live near stagnant sludge water, where mosquitoes are, is stupid. So we teach them to ask, 'Why am I sick?' In other words, 'Why is my water dirty? Why do I have to sleep where there's a leaky roof? Why am I hungry?' Those kinds of things that are a little bit edgy because it causes trouble."

Griffin grew up Catholic in Boston, where he attended a Jesuit high school before enrolling at Georgetown. After 10 years as a federal parole officer, he got his law degree at night and started practicing in '99, running a pro bono political asylum program for a big Boston law firm before starting his own small firm in Philadelphia in 2003.

Part of the motivation to open a clinic in Haiti, he says, comes from the huge role sickness plays in a community.

“If you read the Bible, someone being sick is a massive event, and healers are this huge thing,” says Griffin. “In Haiti, whether someone’s sick is a huge issue. You have palm trees and donkeys and people wondering where food is, and people welcoming you into their house with this incredible formality. And I’m like, ‘Oh my God, I’m living in the Bible.’”

Combine that with an extreme social consciousness and sense of responsibility, and Griffin’s motivations grow clearer.

“I think a lot of people have that religious thing, but I think I’m in a slightly different group because I also have a massive sense of injustice,” he says. “I have huge sensitive feelers when something’s wrong inherently. I remember being little—5, 6 years old—if my dad yelled at one of my brothers or someone got a spanking, I’d cry more than the person who was the direct victim. There’s always the sense that something’s really wrong here. That’s why I became a lawyer—instead of just being a pundit about it, I could actually do something about it.

“I have a real view of the world through a paradigm of the powerful and the weak, the rich and the very poor. I’m probably a bit more of a vengeful-justice kind of person than Jesus was. Someone else can forgive these bad guys. I want to expose them.”

For the Haitians who do get to Philadelphia, it’s not so surprising that they aren’t particularly keen on being sent back. Of the 60,000 or so Haitians and Haitian-Americans in the Philadelphia area, an estimated 10 to 20 percent are here illegally, according to Emmanuel Polecion, executive director of the Haitian Community Help Center in Germantown, which provides legal, educational and social services to Philly’s Haitian community.

“No one wants to go back to Haiti,” Polecion says. “People will do whatever they can to survive.”

In America, though, Haitians face discrimination on all sides, both for the color of their skin and for the language barriers they face.

“Within the black community there’s a lot of racism,” says Polecion. “Black Americans tend to underestimate or have problems dealing with Haitians because they fear we’re different. They can’t understand Haitians, or they feel Haitians are taking their jobs.”

Canada, he says, is a much more welcoming place to Haitians, since they both speak French, which is



Swine of trouble: Stagnant sludge water and wild animals make poor Haitian slums breeding grounds for disease.

also close to Haitian Creole.

“Haitians have been subjected to institutionalized racism within the immigration bureaucracy for as long as I’ve been involved, and that’s more than 30 years,” says immigration lawyer Ira Kurzban. “The fact that now the immigration authorities have more tools to be more repressive in general means only that that’s selectively enforced against Haitians more often.”

Those sharper tools came not after 9/11, as conventional wisdom often suggests, but rather back in 1996, when the Republican-controlled Congress passed comprehensive immigration “reform” that ended up tying the hands of judges who wanted to help out immigrants who deserved help.

“Under the old law, judges had a lot more power in granting a remedy where appropriate,” says Joe Vail, director of an immigration clinic at the University of Houston Law Center. “After the changes, if a person came in with a certain record, it meant automatic deportation. They could have children who are American citizens, they could be a permanent resident, they could have steady work, and we were mandated in many cases to come to a certain result just because of the changes in the law.”

Vail, a Seton Hall and Widener Law grad who was born and raised in Havertown, started as an immigration judge in ’95, but left the bench in ’99 “when I realized with the new law in effect this was not the job I signed up for.” After 1996, he says, “the law just became extremely unrealistic to people’s real-life situations.”

For one person, the story ends well. Following an outcry in the Canadian press (and, other than one September *New York Times* article, virtual silence from the American press), Janet Hinshaw-Thomas got the call from her lawyer Nov. 8: Canada dropped the charges. Without any explanation, the Canadian attorney general ordered a stay of the prosecution, and returned Hinshaw-Thomas’ \$5,000 bail.

“I think they thought they caught a big fish,” Hinshaw-Thomas says with a laugh. “I guess I turned out not to be so big. As a fish, anyway.”

She returned to Canada two weeks ago—the day before her preliminary court hearing had been scheduled—this time to speak to a meeting of the Canadian Council for Refugees.

“Everybody needs a bit of closure, and it was so nice to be able to thank all those people,” she says.

But there are plenty for whom the story is far from over.

“Fewer Haitians have gotten asylum [since I went to prison], and the American people aren’t concerned about that,” she says. When refugees seeking asylum come to her for help now, “I try to find out whether they’ve exhausted all their possibilities in this country, and then I try to get them up to Canada. I would like to get permission from Canadians to approach the border, but I realize this is an



Road to perdition: Haitian police and U.N. peacekeepers make their way down a normally bustling street, deserted following coup-related violence.

issue that's going to take a while to sort out.”

Her arrest may have been a deterrent, but as Hinshaw-Thomas says, “Lives should be saved here, and that's what compels me.

“The *Times* reporter was upset I didn't call her as soon as they threw out the charges,” she laughs. “So I put her number in my cell phone, because I'm the kind of person who's likely to get in trouble again.”

Jeffrey Barg (jbarg@philadelphiaweekly.com) is PW's managing editor.