



August 27, 2014

The Honorable Jeh Johnson  
Secretary  
Department of Homeland Security  
Washington, D.C. 20024

The Honorable Daniel Ragsdale  
Deputy Director  
U.S. Immigration and Customs Enforcement  
500 12th St., SW  
Washington, D.C. 20536

**Re: Headquarters Review of Prosecutorial Discretion to Release Touch Hak on Probation and Grant 18-Month Humanitarian Stay to Save His Brother's Life**

Dear Secretary Johnson and Director Ragsdale:

We join the 40 undersigned immigrant and refugee rights, criminal justice, racial justice, and faith-based organizations to urge that the DHS Headquarters review the case of Touch Hak (#A027750644) and grant him a temporary humanitarian stay of removal and release from ICE custody so that he may undergo medical procedures to donate a kidney to his brother Puthy Hak. Hak's parents and brother, all of whom are U.S. citizens, ask that Touch's deportation be delayed until he is able to undergo a blood test to determine if he is a match with his brother Puthy. If so, they will ask for an 18-month humanitarian stay of removal to allow Touch to donate his kidney before he is deported to Cambodia.

Touch's immediate deportation would cause extreme hardship and suffering to his entire family. His brother Puthy has suffered from kidney disease for 14 years, and has struggled the last 18 months with total kidney failure, requiring him to receive dialysis treatment three times a week. Puthy has been approved for a transplant at UCLA Medical Center, but has been on the waiting list since last October, and has no other potential donor within his family. Doctors are unsure how long he will live without a successful transplant.

Touch was convicted of a drug crime in 2006, and served eight years in prison. But Touch's criminal record makes his family and him no less deserving of compassion and humane treatment. He and his family are not asking for his deportation case to be closed -- only for enough time so that Touch can give his brother Puthy the ultimate gift of life before he is deported.

Touch came to the United States in 1985 from a Thai refugee camp when he was six years old after fleeing the Cambodian genocide with his family. He then survived a mass school shooting in 1989

when a lone gunman entered the playground at Cleveland Elementary School in Stockton, CA, specifically targeting Southeast Asian refugee children. Touch was severely traumatized by the incident, and it troubled him throughout his adolescence and adulthood.

Touch found himself on a self-destructive path by the time he was in his 20s, and ended up in jail. But he worked hard while he was incarcerated to rehabilitate himself and turn his life around. He attained his GED and completed a substance abuse program, a parenting program, and all the certificate programs he could find to improve his life and become a better role model for his U.S. citizen daughter. He and Puthy remained close, writing letters and talking on the phone throughout the duration of his incarceration.

In June, the Chief Office Director of the San Antonio ICE field office informed Touch and his family that ICE would allow Touch to complete a blood test to determine if Touch is a match for his brother, but his continued detention made it impossible to receive the proper authorization to complete the test. He has now been informed that his deportation may be imminent.

We urge DHS Headquarters to review Touch's case, to release him on parole so that he can complete the blood test to see if he is a match with his brother. If he is a match, we ask that he be granted an 18-month stay of removal to complete the transplant and recovery. At that point, he and the family are resigned to his removal. Touch is not a flight risk; nor is he a threat to the community, after serving his sentence and turning his life around.

The Hak family's case illustrates the need to evaluate each case on the basis of its unique factors. The Hak family deserves compassion, and Touch deserves the chance to make this sacrifice on behalf of his brother.

Signed,



Quyen Dinh, Executive Director  
Southeast Asia Resource Action Center

## **Signing organizations:**

### **National**

Advancing Justice - Asian Law Caucus  
Asian & Pacific Islander American Health Forum  
Asian Americans Advancing Justice-AAJC  
Asian Americans Advancing Justice-Chicago  
Asian Americans Advancing Justice-LA  
Asian Pacific American Institute for Congressional Studies  
Asian Pacific American Labor Alliance, AFL-CIO (APALA)  
Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL)  
Association of Asian Pacific Community Health Organizations  
The Center for APA Women  
Detention Watch Network  
Dream Action Coalition  
Immigrant Legal Resource Center  
Jobs With Justice  
National Asian Pacific American Bar Association (NAPABA)  
National Asian Pacific American Women's Forum  
National CAPACD  
National Day Laborer Organizing Project  
National Immigration Law Center  
National Immigration Project of the National Lawyers Guild  
National Korean American Service and Education Consortium  
National Queer Asian Pacific Islander Alliance (NQAPIA)  
OCA - Asian Pacific American Advocates  
Samoan National Nurses Association

### **State/Local**

APSARA  
Arizona Dream Act Coalition  
Asian Pacific American Labor Alliance - Los Angeles  
Asian Pacific Policy and Planning Council  
Cambodian Association of Illinois  
Conversations With Friends - Ending Isolation by visiting and supporting detained immigrants  
Fathers and Families of San Joaquin County  
Friends of Broward Detainees  
Healthy House Within a MATCH Coalition  
Immigrant Youth Justice League  
Immigration Taskforce. SWPA Synod, ELCA.  
Khmer Girls in Action  
Korean American Resource and Cultural Center  
Korean Resource Center

New Orleans Workers' Center for Racial Justice  
RGV Call to Action  
Undocumented Illinois