



6. On March 22, 1981, the Republic of Evaristo was devastated by Hurricane Sandy, which caused major flooding and landslides, mainly on the country's west coast. It is estimated that the hurricane resulted in over 2800 deaths and caused more than 300 million dollars in property damage—a figure that represents 7% of the GNP of the Republic of Evaristo. Inflation climbed to over 100% that year.

### **C. The Republic of Tynalandia**

7. Tynalandia is a democratic republic whose official language is Spanish. It has been a member of the Organization of American States since 1948, and has ratified the main human rights instruments of the United Nations and the OAS, including the American Convention on Human Rights<sup>ii</sup>.

8. Tynalandia has been able to combine free market activity and state intervention in a manner that has resulted in the well-being of its population. It has the largest national GDP in the Americas. Its economy benefits from its great wealth and variety of natural resources, a population with a good level of education, and an agricultural system and an industrial base that are among the most advanced in the world. Currently, the largest industry is the services sector, in which three-fourths of the residents are employed. The average human development indices, *per capita* income, economic growth levels and quality of life of its inhabitants are among the highest in the Americas.

9. In 2007, the Tynalandia Census Bureau estimated that the country's population had reached 200,000,000. This figure included 7 million illegal immigrants. Approximately 90% of the population of Tynalandia is of European descent—mainly Spaniards and then Italians—while 56% hav

24,000 jobs were lost in the retail sector. In 1992 and 1993 some violent events took place in two cities in western Tynalandia, in which 42 Evaristans lost their lives. Investigations were initiated to determine whether racial hatred was the motive in some of these acts of violence.

13. In response to the economic crisis and the increase in illegal immigration, Tynalandia's legislative body passed Law 24.326, the "Immigration Legalization Act", in March of 1994. This Act prescribed severe financial penalties for the employers of illegal immigrants. In addition, Law 24.326 classified the offenses of prostitution, theft, murder, rape, sexual abuse of minors, espionage, tax evasion and other offenses as aggravated federal offenses. Under the Act, those immigrants who commit or have committed aggravated federal offenses are subject, without exception, to mandatory deportation and are prohibited from returning. It is estimated that some 1.1 million immigrants, 65% of whom are Evaristans, have been deported pursuant to Law 24.326.

#### **D. Situation of Rosalie Fournier**

14. Rosalie Fournier, a citizen of the Republic of Evaristo, was 17 years old when her parents, both of African descent, died as a result of Hurricane Sandy in 1981. Rosalie stayed for two and a half months at a shelter together with thousands of people who had lost their homes and were displaced. Her city lacked the basic infrastructure necessary to get rid of the mud and contaminated waters from the floods, and the economy came to a virtual standstill. Famine began to spread, with no response from the international community. Rosalie Fournier made several attempts to find a job, but the opportunities for women were scarce and she had no work experience.

15. One morning a foreign couple visited the shelter where the displaced people were located. They approached several young women, including Rosalie Fournier, and offered to take them to Tynalandia, telling them they could find better employment opportunities there. The couple assured them that they would take care of the arrangements for the trip from Evaristo to Tynalandia, give them work for one year on a broccoli plantation, and get them legal papers while they worked. Rosalie Fournier had heard stories of Evaristans who earned a lot of money in Tynalandia, so she accepted the offer without a second thought.

16. On June 17, 1981, Rosalie Fournier and ten other women arrived in Tynalandia aboard a small boat, and walked for 12 days until they arrived to a small town in search of a better life. They were transported daily from the town with a group of approximately 80 people to a nearby plantation where they worked excessively long days in the broccoli harvest. They were not allowed to take breaks during the hours they were at the plantation, nor did they receive pay. They worked in exchange for food and a place to sleep. They were told

plantation under conditions of semi-slavery. Some of the people had been there for more than three years without having been given papers to legalize their immigration status in Tynalandia.

17. Rosalie Fournier managed to escape on January 1, 1982 by taking advantage of the fact that some of the guards failed to show up for work at the plantation. Undocumented, unable to speak Spanish, and with no other work experience, Rosalie began working at a bar as a prostitute. She worked there until April 22, 1982, when area police carried out a raid on the bar that resulted in the detention of 23 people.

18. Rosalie remained in custody overnight, and was brought before a judge on April 23. The judge took into account her lack of any criminal record and the short period of time she was engaged in prostitution, and released her with a \$500 fine and six months of probation. Rosalie Fournier found work at a poultry plant located in the same town, paid the fine within the established time period, and never committed any offenses during the time she was on probation.

19. In November of 1989 Rosalie Fournier gave birth to her son Bruno. The child's father was Marco Tamba, a citizen of Tynalandia with whom she had an open relationship that ended shortly after Bruno's birth. The relationship ended mainly due to communication problems, since Rosalie still had difficulty with the Spanish language. In 1992 Rosalie decided to move to one of the big cities on the coast so her son could get a better education. The child's father continued to live two and a half hours away, and because of this his visits became increasingly sporadic.

20. During the years she lived in the city, Rosalie Fournier worked mornings as a housekeeper at a hotel and cleaned offices at night in order to pay her expenses and her son Bruno's. Rosalie always paid her taxes and had no more trouble with the law. Every weekend, Rosalie Fournier went to the main square downtown, where she and other Evaristan women gave performances of traditional Evaristan dance in order to promote their culture in Tynalandia and try to change Tynalandian citizens' negative perception of immigrants from the Republic of Evaristo. Her dance partners practically became her family in Tynalandia.

21. On May 27, 2003, when Rosalie Fournier arrived to her job at the hotel, her supervisor took her to an office where she was told that the police were questioning some people from the cleaning service in connection with the theft of two computers the previous day. While Rosalie was waiting, she noticed that all o4.-salie

22. Rosalie Fournier was immediately taken to the nearest police station, where she was informed that she would remain in custody until the immigration authorities made a determination with regard to the possible enforcement of Law 24.326 in her case. Rosalie explained to them that it was getting late, that her son was waiting for her to pick him up from school, and that she was expected to go to work that night at the Bancosox offices. The officer told her that she could make some phone calls to resolve these situations, and that she should bear in mind that she would probably have to spend the night at the police station.

23. The next morning an immigration official went to the police station to question Rosalie Fournier about the months during which she worked as a prostitute, and also about her entry into the country and her current immigration status. At no time did they question her again about the theft of the computers at the hotel. In spite of her nervousness and limited Spanish, Rosalie Fournier was cooperative and answered all of the questions truthfully. The interview lasted four and a half hours. When it was over, the immigration official explained to Rosalie that, under Law 24.326, prostitution is an aggravated offense and that she would have to be taken to an immigrant detention center to wait for a deportation hearing. She was also told that, because her son was a citizen of Tynalandia, efforts had already been made to locate his father, who would take Bruno until a judge could make a decision in her case.

24. That same night, Rosalie Fournier was transported in a patrol car to the Gándara immigrant detention center, located 13 hours away from the city. At that point Rosalie understood that neither her son nor her friends would have the means to visit her, and that she might not see them again. Rosalie was placed in a small room with six other female detainees, four of whom were from Evaristo. Rosalie Fournier was allowed to make a phone call three times a week, and would take that opportunity to speak with her son Bruno. More than 300 people were at Gándara waiting for immigration hearings.

25. Rosalie asked to speak with an attorney when she arrived at the Gándara immigrant detention center. The authorities at the detention center informed her that the State would not give her a court-appointed lawyer for a deportation case, but th

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the robbery but rather to her immigration status. As such, his questions to Rosalie centered on her family situation and her conduct during the years she lived in Tynalandia.

28. Rosalie met with her attorney on three more occasions before appearing at a public hearing. The hearing took place on November 28, 2003, before the 3<sup>rd</sup> Immigration Judge of the Republic of Tynalandia. The entire hearing was conducted in Spanish, with the assistance of an interpreter.

29. During the hearing, the representative from the Census and Immigration Office of Tynalandia requested that the Judge proceed with Rosalie Fournier's deportation, considering that under Law 24.326, any person who commits crimes classified as aggravated federal offenses shall be subject to mandatory deportation and barred from returning to the country. In addition, he noted that Rosalie Fournier had entered the country illegally and to date had not legalized her status.

30. Rosalie Fournier's defense attorney high



