

Romeo Sekou Konneh was born in Liberia but fled to Guinea as a child with his family. He is currently detained by ICE at the Batavia Processing Center. He has been in detention and separated from his family since August of 2019. ICE continues to consider him a priority for removal yet according to the latest [guidelines for prosecutorial discretion](#) he should instead be released and granted a stay of deportation on humanitarian grounds.

The mitigating factors in Romeo's case include:

- his long presence in the United States
- the impact of his removal on his family in the United States
- his eligibility for immigration relief
- his not being guilty of any "serious criminal conduct"

Romeo has lived in the United States for over 10 years.

Romeo entered the US as a legal permanent resident in 2007 and has built a life here. His wife, Fanta Donzo, entered the US with refugee status. Romeo and Fanta have 4 children together, all of whom are US citizens. Fanta is in the process of obtaining her citizenship.

The impact of detention on this family has been considerable, however the impact of the removal of Romeo on the family would be dramatically more detrimental particularly to the welfare of the US citizen children and in particular on Romeo's and Fanta's second born child and eldest son.

Romeo and Fanta's second child and eldest son is now 8 ½ . He does not speak. Romeo also reports that his eldest son acts younger than his younger brother who is 4. Romeo reports that his eldest son has issues with self-care in that he does not shower or dress on his own. Romeo believes that his disability extends beyond speech.

The child was evaluated for special services by the school district when the family was living together in Philadelphia prior to Romeo's detention. The child was placed at a Head Start program where he received related services, reportedly speech therapy. Romeo was responsible for taking him to and from school. He would also use this opportunity to speak with staff at the school to inquire about the child's progress and advocate for him.

However, after Romeo was detained, Fanta, who was then pregnant with the couple's fourth child, struggled to pick up their children from daycare, the Head Start program, school and get to her job on time. Fanta made the decision to remove her eldest son from the program where he was receiving services. She did so in part because she was overwhelmed with the increased demands of providing for the family financially and picking up the children, without Romeo's help and in part because she believed that the child was not making progress.

When the family was evicted from their apartment after Romeo was detained and shortly after Romeo's hearing in October of 2019, Fanta and the children relocated to Darby. They moved into a single bedroom in small attached home that Fanta and the children share with other family members. As a result, the children changed school districts. The current district is just now, in the winter of 2022, considering placing Romeo's son in a special classroom for speech.

A reading of the transcript from the October 21, 2019 hearing with Judge Tamar Wilson shows that while Romeo was not familiar with the term IEP (individualized education plan) he understood that his son was

evaluated for special education services. He also had a basic understanding of the process, his son's right to an education and was aware of the importance of parental participation.

To the contrary Fanta seems to have a much more limited understanding of the process and the benefits of special education for their son who is disabled. By the fall of 2019 she had removed her son from the school setting where he was receiving therapy because she saw no improvement. It is possible that the placement was simply not appropriate which is the reason for why the child did not make progress however, Fanta opted to remove the child as opposed to advocating for changes which might have provided a different outcome.

Without Romeo's presence, due to his detention, the child spent two years in kindergarten instead of a specialized program. The new district in Darby is just now talking about placing the child in a specialized classroom setting because of his inability to attend to the work. This delay seems to indicate a loss of information in the transfer from one district to the other, a gap that parents in normal circumstances often need to fill. However, being a working single parent with no formal education, extremely limited literacy skills and three other children makes it virtually impossible for her to even attempt to meet the specialized needs of her eldest son. Romeo's role in the family as not only a second breadwinner, but as an advocate for his eldest son is crucial.

Romeo also provides a critical role in assisting the other children with school work, something that Fanta is unable to do as she has no education herself having never attended school. Romeo on the other hand, was able to attend school through high school after his family fled to Guinea. ICE's detention of Romeo abruptly ended Fanta's attempt to attend adult school to gain the literacy skills she was denied as an child refugee in Liberia.

If Romeo is deported and Fanta were to choose to return to Liberia with the US citizen children, it is very reasonable to expect an even worse outcome for their children particularly their eldest son.

According to [UNESCO](#) most Liberian children with disabilities do not attend school. While the Liberian Ministry of Education is aware of this deficiency it has yet to adopt a policy of inclusion for students with disabilities.

Further there simply are no schools for developmentally disabled children in Liberia. "There is one government school for the blind and a small number of nongovernment schools - which are subsidized by [the Ministry of Education] - specifically for physically disabled children." [page 126 "Getting to Best Education Sector Plan 2017-2021" Ministry of Education Republic of Liberia](#)

The Ministry of Education also admits that a barrier to education for non-disabled students exists in the way of school fees and other associated costs. Therefore, there is no guarantee that Fanta and Romeo's three other children will be able to attend school if Romeo is forced to return to Liberia and Fanta decides to follow with the children.

Romeo is potentially eligible for relief.

Romeo's wife Fanta is in the process of applying for citizenship once she becomes a citizen she will be able to apply for a waiver and an immediate relative visa petition.

Romeo was not found guilty of any serious criminal conduct.

Since 2016 Romeo has pled guilty to aggravated assault, fraudulent use of credit cards, possession of a forged instrument, and resisting arrest **for which his punishment was nothing more than fines and probation.** None of his crimes show any of the aggravating factors that are listed in the September 30, 2021 memo from Secy. Mayorkas, nor did the judge who had in front of him the entire criminal record see any aggravating factors. If the judge had seen evidence of serious criminal conduct, it would have been reflected in his sentencing and Romeo would have been jailed, but he was not.

This quote from the memo itself seems indicative that not only has Romeo's case not been reviewed in light of the new guidelines, but ICE also did not engage in the investigative work required to make a just and reasoned decision in Romeo's case

"The decision how to exercise prosecutorial discretion can be complicated and requires investigative work. Our personnel should not rely on the fact of conviction or the result of a database search alone. Rather, our personnel should, to the fullest extent possible, obtain and review the entire criminal and administrative record and other investigative information to learn of the totality of the facts and circumstances of the conduct at issue. The gravity of an apprehension and removal on a noncitizen's life, and potentially the life of family members and the community, warrants the dedication of investigative and evaluative effort."

Had ICE given this case more than a cursory look they would have found that the sentencing for these crimes indicated that the criminal justice system did not deem Romeo to be a risk to public safety. It is exceedingly unfortunate and entirely unjust that Romeo has effectively been sentenced to years of imprisonment by ICE for such minor infractions. However, they have an opportunity to correct their errors and release Romeo to his family and issue a stay of deportation on humanitarian grounds.