

### **Selected Timeline re: Hiu Lui (Hiu Lui) Ng**

- August 3, 1974 -- Hiu Lui [Jason] Ng was born in Wenzhou city, Zhejiang Province in China.
- February 6, 1992 -- Hiu Lui entered the United States lawfully with his parents on a B-2 visa. He was seventeen years old at the time.
- November 2, 2000 -- A Notice to Appear was issued to Hiu Lui, ordering him to appear at an immigration hearing on February 2, 2001. Since the notice was erroneously mailed to a nonexistent address, Hiu Lui did not receive the notice and did not appear at the hearing.
- February 2, 2001 -- In Hiu Lui's absence and without his knowledge, an immigration judge ordered Hiu Lui removed from the United States.
- February 9, 2001 -- Hiu Lui married his wife Lin Li Qu [Michelle], who was a legal permanent resident at the time (and is now a naturalized citizen).
- April 20, 2001 -- Lin Li Qu filed an Immigrant Petition on behalf of her husband Hiu Lui.
- December 13, 2006 – Lin Li Qu re-submitted a Petition because over five years had passed since she filed the form without a response.
- In response, U.S. Citizenship and Immigration Services scheduled an interview for adjustment of status on July 19, 2007.
- July 19, 2007 -- Hiu Lui and Lin Li Qu appeared for their interview. Hiu Lui was arrested there and detained by Department of Homeland Security officers, based on the faulty 2001 immigration court order that had been issued in his absence.
- January 10, 2008 – Hiu Lui was transferred from the Wyatt Detention Facility, where he had been held for 175 days, to the Franklin County House of Corrections in Greenfield, Massachusetts.
- Hiu Lui began to experience medical problems at this time. When he learned he was going to be transferred to the Franklin County Jail in St. Albans, Vermont, which had no medical facilities, he objected.
- April 17, 2008 -- Hiu Lui was transferred to Franklin County Jail (VT).
- July 3, 2008 -- Hiu Lui was transferred back to Wyatt. His back pain became so severe that he could not stand up straight such that he was permanently in a hunched position.

- July 5, 2008 – Hiu Lui was given Motrin for his back pain.
- July 14, 2008 – Hiu Lui’s attorney writes ICE Boston Field Office Director requesting emergency medical treatment for Hiu Lui.
- July 18, 2008 – Hiu Lui was given Motrin and prescribed a cane.
- July 26, 2008 – Hiu Lui’s legal counsel traveled from New York to the detention facility to talk to him. Hiu Lui could not walk from his cell to the visitation area, and requested a wheelchair. He was denied a wheelchair or any other assistance. As a result, the visit was cancelled.
- July 26, 2008 – Hiu Lui was transported to Pawtucket Memorial Hospital for an x-ray and MRI, but was told by the doctor that it could not be performed on a Saturday. The doctor scheduled an MRI scan for July 28 but no attempt was made to transport Hiu Lui to the hospital on that day.
- July 29, 2008 – Facility planned to transport Hiu Lui to the hospital for a MRI scan but would not give Hiu Lui a wheelchair so he was unable to go to the hospital.
- July 29, 2008 – Petition for writ of habeas corpus was filed.
- July 30, 2008 – Despite Hiu Lui’s serious medical condition, ICE officials ordered him to travel to Hartford, Connecticut.
- July 30, 2008 – Guards dragged Hiu Lui from his bed, carried him in shackles to a car and drove him two hours to a federal lockup in Hartford where an immigration officer pressured him to withdraw all pending appeals of his case and accept deportation.
- July 31, 2008 – In response to the petition filed by his attorneys, a judge insisted that Hiu Lui get the care he needed.
- August 1, 2008 – Hiu Lui was taken to Pawtucket Memorial Hospital where doctors found he had terminal liver cancer and a fractured spine. He was ordered transferred to Rhode Island Hospital.
- August 2, 2008 – Hospital records documented multiple bruises on Hiu Lui’s body, purportedly obtained while being dragged from his cell.
- August 6, 2008 – Hiu Lui dies at 1:22 am, attended by Wyatt Detention Facility Correctional Officers.

## **PARTIES IN QU V. CENTRAL FALLS DETENTION FACILITY CORPORATION**

### ***Plaintiff***

Lin Li Qu (a/k/a/ Lin Li Qu Ng) is the surviving spouse of Hiu Lui Ng. She is bringing the lawsuit individually and as guardian of their minor children, Raymond Ng and Johnny Ng, who are four and two years old, respectively.

### ***Defendants***

Central Falls Detention Facility Corporation (CFDFC) owns and operates the Donald W. Wyatt Detention Facility in Central Falls, Rhode Island.

Wayne T. Salisbury, Jr. is the warden of Wyatt, where Mr. Ng was detained.

Timothy E. Tapley was employed at Wyatt as associate warden.

AVCORR Management, LLC provided overall administrative oversight and contract monitoring and assumed the role of Chief Executive Officer for CFDFC.

Anthony Ventetuolo, Jr. was the president of AVCORR and had management and supervisory responsibilities at Wyatt, and served as Wyatt's executive director.

Ben Candelaria, Jr. was employed at Wyatt as Director of Nursing.

Dean Mougnot was employed at Wyatt as a correctional officer.

Maureen Medeiros was employed within the medical department at Wyatt.

"John Doe" Benaducci was employed at Wyatt as a correctional officer.

"John Doe" Sanchez was employed at Wyatt as a correctional officer.

Frank J. Botelho was employed at Wyatt as a correctional officer.

Patrick R. Levesque provided medical services at Wyatt, including to Mr. Ng.

John L. Riedel provided medical services at Wyatt, including to Mr. Ng.

Franklin County Jail (FCJ) is in St. Albans Vermont, operated and managed by the Franklin County Sheriff's Office, under contract with the federal government to hold immigrant detainees.

Franklin County Sheriff's Office (FCSO) is located in St. Albans, Vermont, and operates the FCJ.

Robert W. Norris was the Sheriff of Franklin County, and had legal custody of Mr. Ng during his detention at FCJ.

U.S. Immigration and Customs Enforcement is the federal agency responsible over non-citizens detained and/or placed in removal proceedings, including Mr. Ng.

Unknown U.S. Immigration and Customs Enforcement Officials are officials whose identities are currently unknown, but with responsibility over non-citizens detained and/or placed in removal proceedings, including Mr. Ng.

Bruce Chadbourne is the District Director for the Boston District of ICE, Office of Detention and Removal Operations. The Hartford, Connecticut sub-office of ICE, which had day-to-day control over Mr. Ng's detention, falls within the territorial jurisdiction of the Boston District Office.

George Sullivan is the Field Office Director and Officer in Charge of Detention and Removal Operations in the Hartford, Connecticut ICE office. This office had day-to-day control over Mr. Ng's detention.

Larry Smith is an ICE officer assigned to the Hartford ICE facility.

"Unknown Wyatt Correctional Officers" are wardens, superintendents, captains, sergeants, lieutenants, sheriffs, shift commanders, correctional officers and/or other employees at Wyatt whose identities are currently unknown but who had interaction with Mr. Ng during his detention and participated in the violation of Mr. Ng's constitutional rights.

"Unknown Wyatt Medical Staff" are medical personnel inclusive of but not limited to registered nurses, licensed practical nurses, physician assistants, physicians, psychologists, psychiatrists, and other medical staff who provided inadequate medical care or failed to provide adequate medical care for Mr. Ng at Wyatt.

"Unknown Wyatt Administrators" are administrative workers at Wyatt with day-to-day administrative and supervisory duties who were responsible for the staffing, care, supervision, policy setting and implementation, facility operations, filing reports, and safety of Mr. Ng under their authority.

"Unknown FCJ Staff" are employees at the FCJ or FCSO with day-to-day administrative and supervisory duties who were responsible for the staffing, care, supervision, policy setting, facility operations, filing reports, and safety of Mr. Ng under their authority.

## **Immigration Detention and Medical Care**

Approximately 300,000 men, women, and children are detained by U.S. Immigration and Customs Enforcement (ICE) each year, the majority of whom have no criminal history whatsoever. Thousands arrived on our shores fleeing persecution and torture, only to be locked up like criminals in one of over 400 detention facilities around the country. We must ensure that detained immigrants receive treatment that reflects America's fundamental values.

**Detained Immigrants Are Uniquely Vulnerable to Abuse and Poor Treatment.** Survivors of torture, asylum-seekers, families with small children and individuals with serious mental health and medical conditions such as HIV/AIDS, are routinely locked up in jails or under jail-like conditions. Studies conducted by the bipartisan Commission on International Religious Freedom, New York University's Bellevue Program, and Physicians for Human Rights have demonstrated that, even in well-run jails, detention itself poses a serious threat to the psychological health of the detainees. Without the right to appointed counsel and often detained in remote locations, detainees are unable to exercise fully what rights they do have. There are safer, and more cost-effective alternatives to detention for *most* immigrants ICE currently detains.

**America Shouldn't Treat People This Way.** There are no binding uniform detention standards that ensure the humane treatment of detainees. Detainees, including children, are often subjected to arbitrary punishment, including strip-searching; shackling; solitary confinement; neglect of basic medical and hygienic needs; denial of outdoor recreation; lack of access to phones, mail and legal resources; and verbal, physical and even sexual abuse. Reports by the Department of Homeland Security's Office of Inspector General (OIG) have repeatedly found violations of the non-binding ICE National Detention Standards and, more disturbing still, criticize the thoroughness of ICE's own inspections of detention facilities. In addition, there is no legal requirement that deaths in immigration detention be reported to any oversight body, including the OIG, and therefore, there are no guarantees that all such deaths are properly investigated.

**Inadequate Medical Care Leads to Unnecessary Suffering and Death.** Over 80 people have died in ICE custody since 2004, according various recent news reports. Deficient medical care has led to numerous avoidable deaths, and has caused unnecessary suffering for many thousands of people in immigration detention. Immigrant detainees routinely experience long delays before treatment, are frequently denied necessary medication for chronic illnesses, and are often refused essential referrals prescribed by medical staff.

Health care in immigration detention is provided in accordance with the deeply flawed Division of Immigration Health Services (DIHS) Covered Services Package. On-site medical staff must get approval from DIHS to provide medically necessary referrals before treating detainees. Medical staff at facilities that are responsible for examining patients and determining necessary treatment too often have their recommendations for treatment overruled by DIHS staff in Washington D.C. due to limitations of the DIHS package.

Additional information on immigration detention, including 2008 testimony to Congress by ACLU attorneys, medical and mental health experts, and former detainees and their loved ones is available online at: [www.aclu.org/immigrants/detention](http://www.aclu.org/immigrants/detention)