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## Haitian National with Valid TPS and Pending Asylum Application Arrested at Cyril E. King Airport

**Federal agents detained Haitian national Enel Charles on St. Thomas for entering without inspection in December 2023. The arrest reflects a new federal push to prosecute unlawful entries despite later immigration authorizations.**

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**ST. THOMAS** – On Saturday, a Haitian citizen was arrested at the Cyril E. King airport on St. Thomas and charged with entering the United States illegally.

The affidavit from the Homeland Security Investigations Special Agent that provided details of the arrest stated that Enel Charles “presented himself for inspection” at the airport. Unlike the overwhelming majority of these affidavits, this statement did not indicate whether Charles was an

incoming or outgoing passenger, nor did it state his destination or where he came from.

The affidavit does state, however, that Charles acknowledged being a citizen and national of Haiti, and that he presented “no documents evidencing being a citizen or national of the United States.” Charles declined to speak to Homeland Security officials in the absence of an attorney.

Records checks, however, revealed that Charles reportedly landed in St. John on December 29, 2023, “however, there are no records indicating that he was inspected by Customs and Border Protection officers in St. John or St. Thomas during that time frame,” the affidavit says.

Homeland Security personnel did, however, find a pending asylum application in the system, dated January 8, 2024 – 10 days after his arrival in the territory. Charles was also assigned an alien registration number by Citizen and Immigration Services. In August 2024, he was approved for Temporary Protective Status, which will not expire until February 3, 2026.

The arrest of Charles exemplifies a new policy approach by the current administration to use illegal border crossings as a pretext for the prosecution and removal from the country, despite any subsequent regularization of status by other arms of government.

In mid-March, the coalition of federal law enforcement agencies in the U.S. Virgin Islands [pledged their commitment](#) to fully enforcing the president's January 20, 2025 executive order directing the prosecution of individuals who have unlawfully entered the United States. The comments from the U.S. Attorney's Office, the FBI DEA, ATF, DHS, and U.S. Marshals were followed by a statement provided to the Consortium from the Customs and Border Protection Agency about a week later, reiterating the commitment to detaining and removing anyone found to have committed immigration violations.

Thus far, this commitment has included the arrest of a Haitian national last week with [federal work authorization](#), along with this most recent arrest of someone with a valid TPS status and pending asylum application.

In an exclusive interview with the Consortium, an immigration attorney based in Miami [warned asylum seekers](#) that travel or departure from the United States may jeopardize their claims. In Charles's case, it is not clear that he was seeking to travel outside of the United States, however the territory's status as a separate customs zone from the mainland means that all travelers are subject to the scrutiny of CBP officials.

Those who entered the country without authorization prior to applying for asylum are therefore at risk of arrest and subsequent expulsion should they attempt to travel to the mainland.

Charles made his first appearance before Magistrate Emile Henderson III on Monday, however whatever determination was made on his continuing detention has not yet been filed on the court's public docketing system as of press time.