

Haitian asylum seeker Daphy Michel's death ruled a homicide after ICE release in Pittsburgh

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Daphy Michel, a 31-year-old Haitian asylum seeker released by Immigration and Customs Enforcement (ICE) into winter weather without adequate support, froze to death in a Pittsburgh bus shelter on March 2. The Allegheny County Medical Examiner's Office has ruled her death a homicide.

Michel died of hypothermia three days after ICE released her from federal custody. The ruling confirms what was already clear from the known facts of the case: her death was not an accident or an inexplicable personal tragedy, but the outcome of official decisions made by the courts, Washington County Jail, ICE and the political establishment that oversees them.

According to the medical examiner's statement, "Ms. Michel was a vulnerable adult, suffering from untreated severe mental health issues and a significant language barrier when she was released from federal custody."

The medical examiner concluded: "Based on all available information during the investigation, the pathologist ruled Ms. Michel's death a homicide." The ruling does not by itself assign criminal guilt, but it does establish that Michel's death was caused by the action or inaction of others.

Michel, who fled Haiti and arrived at the southern border in 2022, had been paroled into the United States on humanitarian grounds. At the time of her death, she had a pending immigration hearing scheduled for later in March.

Before her death, Michel had been jailed for nearly six months in Washington County on misdemeanor charges stemming from an apparent psychiatric crisis. A neighbor reportedly saw her outside her home yelling at imaginary people and called 911 for assistance. No one had been injured, no property had been damaged,

and Michel clearly needed medical care, not jail.

Instead of taking Michel to a hospital, police arrested her on charges including terroristic threats. Unable to post the \$10,000 bond, she was jailed for nearly six months. When she was finally brought before a judge on February 26, the charges were dismissed because there was no identifiable victim and no crime.

Michel's case is part of a national pattern in which poverty and mental illness are used to turn minor charges into prolonged detention. Poor defendants, legally presumed innocent, are jailed because they cannot afford bond, lack legal and medical support and are forced to wait for psychiatric evaluations or treatment that never comes. What begins as a medical crisis is transformed into a criminal case.

The dismissal of the criminal charges should have ended Michel's imprisonment. Instead, ICE used a civil immigration detainer to seize her from Washington County Jail and transport her roughly 25 miles away to Pittsburgh.

Michel's seizure by ICE was itself a fundamental violation of her right to due process. Immigration detainers are not criminal warrants issued by a judge, but administrative requests based on ICE's own claim that it has probable cause to believe a person is removable. Although Michel appeared before a judge on February 26 and had the criminal charges dismissed, she was not brought before a judge on the ICE detainer, appointed a lawyer for that proceeding or given any meaningful opportunity to defend herself before being taken into ICE custody.

ICE's own defense only underscores the agency's culpability. The Department of Homeland Security claimed that Michel was released with her possessions,

a charged phone and access to public transportation. But these were no substitutes for shelter, medical care, translation assistance or a handoff to family or social services. To abandon a non-English-speaking asylum seeker in winter without such support, following an untreated mental health crisis, is precisely the conduct now implicated in her homicide.

ICE also sought to deflect responsibility by raising the issue of Michel's ankle monitor. DHS spokesperson Lauren Bis claimed that ICE learned the day after Michel died that the monitor "had been tampered with." Earlier reporting indicates that ICE's Enforcement and Removal Operations office in Philadelphia was notified on March 3 of a strap-tamper alert, after Michel had already been found unresponsive on March 2. The alert was triggered only when medical examiner staff removed the device from Michel's body, making ICE's claim an attempt to smear her after death.

Michel's death is not an isolated incident. Just days earlier, Nurul Amin Shah Alam, a nearly blind Rohingya refugee in Buffalo, New York, died after his release from the Erie County jail. Border Patrol took him to an ICE facility that reportedly refused to accept him, then dropped him off at a Tim Hortons, even though he did not speak English and his family was waiting elsewhere. He was later found dead, with hypothermia and dehydration cited as contributing factors. The two cases expose a broader pattern in which immigration authorities dump vulnerable people into dangerous conditions, then deny responsibility once they are no longer formally in custody.

That cover-up has now been made easier by ICE's rescission of a 2021 requirement that the agency report and review deaths occurring within 30 days of release. The rule was adopted because ICE had a documented practice of releasing gravely ill detainees to keep their deaths off its official books. Its rescission means that people like Michel and Alam can be erased from the agency's official death count, even when their deaths flow directly from detention, neglect and abandonment.

The homicide ruling also exposes the emptiness of statements issued by local Democratic officials. Allegheny County Executive Sara Innamorato called Michel's death a tragedy that "with a little humanity" could have been avoided, while U.S. Representative Summer Lee said Michel deserved "care, shelter,

language access, and medical support." But both statements present her death as the result of individual cruelty or bureaucratic failure, not as the outcome of policies enforced by the Democratic and Republican parties alike.

Neither Innamorato nor Lee has demanded a criminal investigation into Michel's death, let alone the prosecution of the officials whose actions or omissions led to it. Their hollow calls for "accountability" remain safely within the framework of appeals to the same institutions that produced the killing.

Both Innamorato and Lee are products of the DSA-backed "progressive" wing of the Democratic Party. The Democratic Socialists of America endorsed both in their successful 2018 campaigns for the Pennsylvania state House. Lee later entered Congress as part of the "Squad," the group of nominally left Democratic representatives that includes Alexandria Ocasio-Cortez of New York and Ilhan Omar of Minnesota.

This is the essential function of the so-called progressives within the Democratic Party in the face of state violence against immigrants: to issue statements of sorrow after the fact, denounce Trump's cruelty and call for "accountability," while preserving the framework of immigration repression.

In Washington, Congress has moved to provide nearly \$70 billion in new immigration enforcement funding, including tens of billions for ICE and Customs and Border Protection. Michel's death was not the result of individual indifference alone. It flowed from a capitalist system that scapegoats and terrorizes immigrants to divide the working class and create a super-exploited layer of workers.

The Socialist Equality Party fights to unite workers of all nationalities against this system. It calls for the abolition of ICE, CBP and the entire detention and deportation apparatus, the closure of all detention camps and the immediate freeing of all detainees. All those who agree with this perspective should contact the SEP and join the fight to build a socialist movement in the working class.



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