

## July 19, 2005; USCIRF welcomes Secretary Chertoff's creation of a Senior Refugee and Asylum Advisor

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WASHINGTON - The United States Commission on International Religious Freedom (USCIRF) welcomes the announcement by Secretary Michael Chertoff that he will appoint a Senior Refugee and Asylum Advisor within the newly established Directorate of Policy as part of a re-organization at the Department of Homeland Security (DHS).

The Senior Refugee and Asylum Advisor position was the lead policy recommendation made by USCIRF in its Report on Asylum Seekers in Expedited Removal, which was released in February. The Study recommended that the Secretary of Homeland Security establish "an office headed by a high level Refugee Coordinator, with authority to coordinate DHS policy and regulations, and to monitor the implementation of procedures affecting refugees or asylum seekers."

"The appointment of a Senior Refugee and Asylum Advisor is an essential first step for DHS to resolve the problems that this bipartisan, independent federal commission identified and to ensure that legitimate asylum seekers will be treated with the dignity, fairness, and consistency which they expect from the United States. We urge that the Advisor be named promptly, and be given the necessary authority and resources to get the job done," said USCIRF Chair Michael Cromartie.

The USCIRF's 500+ pages Study found that Expedited Removal - a process implemented in 1997 to "expeditiously remove" certain improperly documented aliens without a hearing - was intended by Congress to protect the integrity of U.S. borders while also providing protection to bona fide asylum seekers. In practice, however, the Study identified a number of problems which placed legitimate asylum seekers at risk of being returned to countries where they may face persecution. The study also found that bona fide asylum seekers were almost certain to be detained in jail or under jail-like conditions.

The Study concluded that there was no official within Homeland Security - other than the Secretary and the Deputy Secretary - authorized to resolve such problems which arise in the treatment of asylum seekers, particularly those requiring inter-bureau or inter-agency cooperation. The three DHS bureaus involved in Expedited Removal - Immigration and Customs Enforcement, Customs and Border Protection, and Citizenship and Immigration Services - have different roles in the process and sometimes have conflicting interpretations of the same laws, regulations, and policies. The Commission recommended that the Secretary appoint a high ranking refugee and asylum coordinator within the Department to address such issues and - among other duties - to facilitate consideration of the findings and recommendations of the Study.

"The Commission met recently with Secretary Chertoff and appreciated the opportunity to raise these issues. We are pleased that he was responsive to the issue of appointing a Senior Refugee and Asylum Advisor to coordinate refugee and asylum issues, and we look forward to continuing a dialogue about the Commission's Study and additional recommendations. We believe we all share the same goal - a system for asylum seekers which is secure, fair, and humane," said Cromartie.

Among other recommendations in the Study, the Report recommended that:

- asylum officers should - in clearly approvable cases - be authorized to grant asylum applications during the expedited removal process, rather than waiting for months for a hearing before an immigration judge;
- the Department of Homeland Security (DHS) should establish detention standards which are more appropriate for asylum seekers than the current jail-like conditions under which most asylum seekers are currently detained;
- DHS should promulgate regulations to promote more consistent implementation of established release criteria to ensure that asylum seekers with a credible fear of persecution - and who pose neither a flight nor a security risk - are released from detention;
- the Departments of Homeland Security and Justice should expand existing public-private partnerships to facilitate legal assistance for asylum seekers subject to Expedited Removal, and improve administrative review and quality assurance procedures to improve consistency in asylum determinations by immigration judges; and
- DHS should implement and monitor quality assurance procedures - such as videotaping secondary inspections at ports of entry - to ensure more reliable information for homeland security purposes, and to ensure that legitimate asylum seekers are not turned away in error.

The International Religious Freedom Act of 1998 authorized the USCIRF to appoint experts to study if the Expedited Removal process is sufficiently protecting legitimate asylum seekers. Congress asked for the Study to examine whether asylum seekers subject to Expedited Removal are being detained improperly or under inappropriate conditions and whether they are being returned to countries where they might face persecution.

The Report on Asylum Seekers in Expedited Removal , including its findings and recommendations, can be found on USCIRF's web site at [www.uscirf.gov](http://www.uscirf.gov).

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