

February 8, 2007: USCIRF Finds Disappointing Response from Departments of Justice and Homeland Security to its Recommendations on Expedited Removal Process

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WASHINGTON—Two years after the U.S. Commission on International Religious Freedom (USCIRF) published the congressionally authorized Report on Asylum Seekers in Expedited Removal, the problems it identified remain and the majority of its recommendations have not been implemented. Congress intended Expedited Removal, written into law in 1996, to protect U.S. borders and bona fide asylum seekers. As this policy is being implemented, though, it has put asylum seekers at risk of being returned to countries where they face persecution. That has helped turn the United States, a nation founded by people fleeing repression, into a country of bureaucratic walls and mazes where victims are sent back to their tormentors or thrown into U.S. jails alongside criminals pending a judgment on asylum. On Feb. 8, 2005, USCIRF made 18 recommendations to the agencies responsible for implementing the Expedited Removal program, all designed to further both the aims of protecting U.S. borders and ensuring fair and humane treatment for bona fide asylum seekers. Today USCIRF issued a report card assessing how well the Departments of Homeland Security (DHS) and Justice (DOJ) have implemented the recommendations, to assure that Congressional safeguards for bona fide asylum seekers are translated into practice. USCIRF chair Felice D. Gaer noted that "we see no significant difference between the situations of then and now—with the exception that Expedited Removal was expanded in spite of our explicit recommendation to hold off on that." DHS has widened Expedited Removal from a port-of-entry program to one that covers the entire land and sea border of the United States. Customs and Border Protection did not institute any of the five recommendations USCIRF made to improve oversight, including measures as simple as adding videotape monitoring systems to all border patrol stations and ports of entry or employing so-called testers to verify that procedures are followed correctly. As a result, Customs and Border Protection earned the lowest grade, with an overall score of "F." Immigration and Customs Enforcement (ICE) has taken no steps to improve the prison-like conditions under which asylum seekers are detained or ensure that release criteria are applied uniformly. ICE earned an overall grade of "D." However, the picture isn't entirely bleak. The Justice Department's Executive Office of Immigration Review has taken steps to reinstate judicial training and expand its legal orientation program for detained asylum seekers, earning an overall grade of "C+." The report card summary and the full report of USCIRF's two-year review of its recommendations on expedited removal are posted on its web site, www.uscirf.gov.

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