

May 10, 2006: Refugee Protection: USCIRF Chair Cromartie testifies on Capitol Hill

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Contact:

Anne Johnson, Director of Communications, (202) 523-3240, ext. 27 WASHINGTON - U. S. Commission on International Religious Freedom (USCIRF) Chair Michael Cromartie will testify on Wednesday, May 10, before the House International Relations (HIRC) Subcommittee on Africa, Human Rights, and International Organizations at a hearing on "Current Issues in U.S. Refugee Protection and Resettlement." The hearing will be held at 2:00 p.m. in 2172 Rayburn House Office Building. Last year, the Commission released a major Congressionally authorized study, Report on Asylum Seekers in Expedited Removal, an examination of the process that authorizes immigration officials to summarily return people arriving in the United States without proper documentation to their country of origin. Congress asked the Commission to study whether asylum seekers subject to Expedited Removal are being detained under inappropriate conditions and whether they are being returned to countries where they might face persecution. The study found that while the International Religious Freedom Act of 1998 (IRFA) included provisions to protect asylum seekers, refugees and immigrants, including those who have fled severe violations of religious freedom, and the Department of Homeland Security had established sound procedures for asylum seekers in Expedited Removal, there are serious and systemic problems in the implementation of the process. These shortcomings put legitimate asylum seekers at risk of being returned to countries where they may face persecution. The Commission also last year raised concerns with Attorney General Alberto Gonzales about the decision by the U.S. Court of Appeals for the Fifth Circuit in the case *Li v. Gonzales*, which involved an asylum claim by a Chinese Christian who organized an unregistered house church in China. Justice Department attorneys had argued that China had a "sovereign right" to criminalize unregistered religious activity, but following the Commission's statement of concern that this position undermined well-settled U.S. foreign policy to promote religious freedom in China, the Justice Department reversed its position and the Fifth Circuit Court vacated its ruling. The Commission subsequently was invited to train attorneys at the Board of Immigration Appeals and the Justice Department's Office of Immigration Litigation. "While we welcome these efforts, the Commission continues to be concerned by positions taken by DOJ and DHS attorneys concerning religious freedom conditions, particularly in China and Iraq," said USCIRF chair Michael Cromartie. The Commission has recommended that both the Board and the Office of Immigration Litigation should be subject to mandatory training under IRFA. Border Patrol agents, despite IRFA requirements, receive no training on religious persecution. The Commission is also concerned that training of State Department consular officers in the Refugee Program continues to fall far short of IRFA requirements. In addition, the Commission is concerned that some who are fleeing religious prosecution do not have adequate access to the U.S. Refugee Program. A statutory bar on admissibility for anyone who has provided "material support" to terrorists applies even to those who have been forced to provide such support against their will. The full text of USCIRF Chair Cromartie's testimony will be available after 2:00 p.m. on May 10 on the Commission's web site at www.uscirf.gov.

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