

June 27, 2005: Don't treat asylum seekers like criminals - The Herald News

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The inscription on the Statue of Liberty reads: "Give me your tired, your poor, your huddled masses yearning to breathe free..." These words ring false in light of a report issued last February by the United States Commission on International Religious Freedom, a bipartisan agency created by Congress in 1998. The report condemned the conditions in which asylum seekers are held in this country. Since then, things haven't improved. Last Monday, a coalition of immigration-rights advocates gathered in front of the federal building in Newark to demand changes at the Elizabeth Detention Center, where conditions are among the worst in the nation. Change can't come soon enough. Along with the commission's report, negative publicity about abuses at the Guantanamo Bay detention center and Abu Ghraib prison have raised the public's consciousness about the treatment of detainees and put pressure on lawmakers to act. The commission's report called for the creation of a senior-level Department of Homeland Security position to coordinate detention policies around the country. Conditions - and chances of securing asylum - vary widely among centers and states. Last week, the Senate Appropriations Committee instructed the Department of Homeland Security to come up with a plan responding to the commission's report by Feb. 18, 2006. In the meantime, there are asylum seekers fleeing war-torn countries, political persecution and torture who are being held for up to four years, in conditions worse than those in most prisons: 24-hour lights, shackles, strip searches, no exercise or privacy, solitary confinement. Though they aren't suspected of committing a crime, they often are housed side by side with criminals. In the arbitrary asylum process, refugees with a lawyer are up to 30 times more likely to be granted asylum than those without one. The outcome also can be influenced by the refugees' country of origin, the state where they landed and the judge who heard their case. Since the 1993 bombing of the World Trade Center, refugees also have been subject to "expedited removal," which means they can be summarily sent back to their country of origin if a single airport inspector deems their asylum claim lacks merit. Before the regulations were changed, only asylum seekers with criminal records were detained. Now the detention center makes that call. Refugees' chances of being released while their asylum claim is being reviewed are 94 percent in San Antonio, but just 3.8 percent at the Elizabeth Detention Center. "We liken it to a board game - everything depends on where you land and whom you see," said Mark Hetfield, immigration counsel for the commission. It comes as no surprise that since the Sept. 11 terrorist attacks, asylum claims have dropped sharply. In fiscal year 2003, the number of people seeking asylum was 5,376, less than half the 12,320 who sought asylum in fiscal year 2001. The Real ID Act, signed last month by President Bush, will only fuel this trend. The law makes it harder to prove an asylum claim and easier to be deported. While heightened safeguards against terrorism are necessary, we must balance them against the need to treat those who come to these shores seeking refuge with respect and dignity. Nothing less than America's standing as a symbol of freedom is at stake.