February 19, 2007: Asylum from the Asylum Process - The Washington Post

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February 19, 2007TWO YEARS AGO, the U.S. Commission on International Religious Freedom released a report detailing the upsetting inconsistency with which immigration agents and judges treat foreigners seeking asylum in the United States. The study's conclusion: Asylum seekers are often not given a fair chance to argue their cases, putting legitimate claimants -- especially those who can't contact a lawyer -- at risk of being sent back to their countries of origin, where they face retribution from their governments. This month, the commission issued a follow-up that included a report card on the government's progress since the original study. Both the Department of Homeland Security and the Justice Department earned a fair number of D's and F's from the bipartisan group.In the 2005 report, the commission found that statements taken by immigration officers early in the process were often incomplete and that claimants were often not given the chance to correct them. Yet immigration judges heavily relied on the statements to make their determinations. Access to legal counsel was also found to be inconsistent, a major problem when, according to the commission, asylum seekers with lawyers are about 11 times as likely to have their applications approved.The commission has not conducted an exhaustive study examining the scale of these problems since its 2005 report. Rather, the panel used the government's sins of omission as evidence that the situation has not improved over the past two years. It noted that the Department of Homeland Security in particular has released little information on the progress, if any, it has made on implementing many of the recommendations in the 2005 report.Leaving aside some of the more controversial recommendations the commission offered in its previous report -- such as giving front-line officers the power to grant asylum at an early stage -- there is no good reason that, after two years, Homeland Security has not been able to adopt much of the commission's advice. This includes expanding video monitoring systems at border stations, improving training and instruction of federal immigration agents, and ensuring consistent access to pro bono legal services. If the government has made progress, it should get credit. If it hasn't, the U.S. Commission on International Religious Freedom, and Americans in general, should know.