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The U.S. Commission on International Religious Freedom (USCIRF) welcomes the new parole guidelines for asylum seekers in Expedited Removal just issued by the Immigration and Customs Enforcement (ICE) agency. USCIRF will closely monitor the directive's implementation to ensure that bona fide asylum seekers are not unduly detained.

"Asylum seekers fleeing persecution should not be confined like criminals in prison-like conditions simply for seeking freedom in the United States," said USCIRF chair Leonard Leo. "We welcome the new directive and encourage ICE to ensure consistent and fair implementation so that the maximum number of asylum seekers are released. In our 2005 congressionally authorized *Report on Asylum Seekers in Expedited Removal*, USCIRF called for such a policy. We are pleased that ICE's guidelines begin to address some of our recommendations. "

Under the new directive, parole may be granted once asylum seekers establish credible fear, identity, community ties, and that they are not security risks. However, ICE also will consider "exceptional, overriding factors" in their parole determinations. The directive also establishes procedures for informing all asylum seekers of their right to request parole, documenting parole decisions, and reviewing and reporting on adjudications.

"USCIRF welcomes these revised procedures and urges that they be implemented thoroughly and consistently nationwide, as well as that the 'overriding factors' be narrowly construed so as not to detain asylum seekers wrongly," said commissioner Felice Gaer. "Consistent implementation is a key to success here. USCIRF's 2005 study found that parole guidelines then being used were inconsistently applied nationwide and never issued as regulations."

For example, New Orleans released only 0.5 percent of asylum seekers, New Jersey less than four percent, and New York eight percent. Yet San Antonio released 94 percent of asylum seekers and Chicago 81 percent. USCIRF recommended to the Department of Homeland Security that the 1997 parole guidelines be codified into regulations. In 2007, ICE issued a parole directive which contradicted USCIRF's recommendation. The new directive supersedes the 2007 directive.

"These new guidelines are an important first step in overhauling the United States' deeply flawed detention system. But more needs to be done both by the agency and in Congress. A bill pending in Congress, the Secure and Safe Detention and Asylum Act (S. 1594) is still needed to help ensure that asylum seekers are not detained for long periods of time and are treated in accordance with U.S. law," said commissioner Michael Cromartie.

The Report on Asylum Seekers in Expedited Removal identified serious flaws in the implementation of Expedited Removal that placed asylum seekers at risk of being returned to countries where they may face persecution, as well as in the treatment of refugees and asylum seekers in detention.

USCIRF is an independent, bipartisan U.S. federal government commission. USCIRF Commissioners are appointed by the President and the leadership of both political parties in the Senate and the House of Representatives. USCIRF's principal responsibilities are to review the facts and circumstances of violations of religious freedom internationally and to make policy recommendations to the President, the Secretary of State and Congress.

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