

April 22, 2005

Honorable Michael Chertoff
Secretary of Homeland Security
Department of Homeland Security
Naval Security Station
3801 Nebraska Avenue, N.W.
Washington, D.C. 20393

Re: Recommendations of the U.S. Commission on International Religious Freedom

Dear Mr. Secretary:

We are writing to introduce ourselves and to urge that the Department of Homeland Security take immediate steps to implement the recommendations of the bi-partisan U.S. Commission on International Religious Freedom (USCIRF). Our 54 organizations are faith-based and secular organizations, across the country, that work on behalf of refugees and asylum seekers. We look forward to working with you as you assume responsibility for ensuring the safety of the United States as well as the safety of those who seek the protection of this country.

On February 8, 2005, the USCIRF issued a comprehensive report that documents a number of serious failings relating to the treatment of asylum seekers in expedited removal and subsequent detention. The Commission found that there are significant problems in implementing and maintaining safeguards for asylum seekers in the expedited removal process. These many problems are detailed in the Commission's extensive report.

The Commission also found that asylum seekers are detained in jails and jail-like facilities that are inappropriate for them and that these detention conditions create a serious risk of psychological harm. The Commission's statistical analysis revealed that about 32% of asylum seekers are jailed for 90 days or more, and that release rates vary widely across the country, with parole rates as low as 0.5 % in New Orleans, 8.4% in New York and 3.8% in Newark, New Jersey.

We urge the Department to implement the many important recommendations made by the Commission and its experts. Many of our organizations have recommended similar reforms over the years. Among the Commission's critical recommendations are the following:

- DHS should create an office, headed by a high-level official, to address cross-cutting asylum issues.
- DHS should not detain asylum seekers in inappropriate jail-like facilities but instead, when they are detained, in "non-jail like" facilities like that in Broward County, Florida.
- DHS should promulgate regulations to ensure the release on parole of asylum seekers who meet the relevant standards, including identity and no security risk.

- DHS should make essential improvements and implement quality control measures to ensure that asylum seekers are not turned away in error under the expedited removal process and to make clear that airport statements are not transcripts.
- DHS should work with the Executive Office for Immigration Review to expand legal orientation programs, know your rights presentations and other access to counsel.

Nearly two years ago, 90 of our organizations wrote to the Department to urge that the Department create mechanisms to address asylum issues that cut across DHS bureaus and to ensure the appropriate treatment of asylum seekers who interact with the immigration enforcement bureaus (CBP and ICE) or with the Coast Guard during immigration inspection, expedited removal, immigration detention or interdiction. Since that time, some of our organizations have specifically urged that the Department create a high-level refugee protection director with authority over these cross-cutting asylum matters.

With its new leadership, we understand that the Department will be assessing the need to make significant structural changes. We urge that the creation, in the Office of the Secretary of the Department, of a refugee protection office headed by a high-level official be at the top of the Department's list. The urgent need for this position is confirmed by the fact that the creation of a refugee office was the number one recommendation made by the Commission. In fact the Commission stressed that the creation of this office was necessary to address the problems it identified in its study and noted that its recommendations would be difficult to implement without this mechanism.

We realize that the many tasks that face your Department are indeed staggering and we recognize the challenges that you face as you take steps to protect this country's security. We firmly believe that the U.S. can both protect itself and protect the victims of human rights abuses who flee to this country in search of refuge.

We look forward to working with you and others within the Department. We suggest that the Department convene a meeting soon with organizations that work with asylum seekers to discuss its plans to review the Commission's findings and implement its recommendations. Your attention to these important issues is deeply appreciated.

Respectfully,

Karen L. Hanscom Ph.D., Executive Director
Advocates for Survivors of Torture and Trauma
431 East Belvedere Avenue
Baltimore, MD 21212

Nikki Tesfai, Executive Director
The African Community Resource Center, Inc.
532 S. Vermont Avenue, Suite 104
Los Angeles, CA 90020

Carol Khawly, M.A., J.D. Director, Legal Advocacy
American-Arab Anti-Discrimination Committee
4201 Connecticut Avenue, NW, Suite 300
Washington, DC 20008

Amy Gottlieb, Director, Immigrant Rights Program
American Friends Service Committee
89 Market Street, 6th Floor
Newark, NJ 07102

Marshall Fitz, Esq., Associate Director, Advocacy
American Immigration Lawyers Association
918 F Street, NW
Washington, DC 20004

Carlina Tapia- Ruano
American Immigration Lawyers Association, 1st Vice President*
Minsky, McCormick & Hallagan, PC, Principal
IIT- Kent College of Law, Adjunct Professor
565 W. Adams, Suite 310
Chicago, IL 60661

Richard T. Foltin, Legislative Director and Counsel
The American Jewish Committee
Office of Government and International Affairs
1156 15th St., NW, Suite 1201
Washington, DC 20005

Bill Frelick, Director, Refugee Program
Amnesty International USA
600 Pennsylvania Ave., SE, #300
Washington, DC 20003

Rashida Tlaib, Immigration Advocacy Coordinator
Arab Community Center for Economic and Social Services
2601 Saulino Court
Dearborn, MI 48120

Tim A. Janes, Executive Director
Asylum Program of Southern Arizona
1036 N 1st Avenue
Tucson, AZ 85719

Joren Lyons, Immigrant Rights Attorney
Asian Law Caucus
939 Market Street, Suite 201
San Francisco, CA 94103

Allen Keller, M.D., Director
Bellevue/NYU Program for Survivors of Torture
462 First Avenue, Bellevue Hospital Center
C& D 7th Floor, Rm 710
New York, NY 10016

Michael Grodin M.D., Director
Boston Center for Refugee Health and Human Rights
Boston University School of Public Health
715 Albany Street, T3W
Boston, MA 02118

Stacy Caplow
Professor of Law and Director of Clinical Education
Brooklyn Law School*
250 Joralemon Street
Brooklyn, NY 11201

Paromita Shah, Detention Project Director
Capital Area Immigrants' Rights Coalition
415 Michigan Avenue, NE, Suite 40
Washington, D.C. 20017

Stephen Knight, Coordinating Attorney
Center for Gender & Refugee Studies
University of California, Hastings College of the Law
200 McAllister Street
San Francisco, CA 94102-4978 USA

Alice Tsoi, PhD, Vice President and Director of Behavioral Health
Center for Survivors of Torture
2400 Moorpark Avenue, Suite 308
San Jose, CA 95128

Douglas A. Johnson, Executive Director
Center for Victims of Torture
717 East River Road
Minneapolis, MN 55455

Episcopal Migration Ministries
815 Second Ave.
New York, NY 10017

Cheryl Little, Executive Director
Florida Immigrant Advocacy Center, Inc.
3000 Biscayne Blvd., Suite 400

Miami, FL 33137

Jaya Ramji
Advocacy Fellow
Center for Applied Legal Studies
Georgetown University Law Center*
111 F Street, NW, Suite 332
Washington, D.C. 20001

Sarah Rose Weinman
Heartland Alliance for Human Needs & Human Rights
208 S. LaSalle Street, Suite 1818
Chicago, Illinois 60604

Gideon Aronoff, Vice President for Government Relations and Public Policy
Hebrew Immigrant Aid Society
2020 K St., NW, Suite 7700
Washington, DC 20006-1806

Eleanor Acer, Director, Asylum Program
Human Rights First
333 Seventh Avenue
New York, NY 10001

Alison Parker, Senior Researcher, U.S. Program
Human Rights Watch
350 Fifth Avenue, 34th floor
New York, NY 10118-3299

Lory Diana Rosenberg
IDEA- Immigration Defense & Expert Assistance *
Columnist, *Bender's Immigration Bulletin*
Legal Consultation and Training
200-A Monroe Street, Suite 305
Rockville, MD 20850

Lenore Millibergity, Executive Director
Immigrant Law Center of Minnesota
450 N. Syndicate St., Ste. 175
St. Paul, MN 55104

Mark Silverman
Director of Immigration Policy
Immigrant Legal Resource Center
1664 Mission Street, Suite 602
San Francisco, CA 94103

Adam Francoeur, Program Coordinator
Immigration Equality
350 West 31st Street, Suite 505
New York, NY 10009

Carlos J. Gonsalves, Ph.D., Executive Director,
Institute for the Study of Psychosocial Trauma
380 Edlee Avenue
Palo Alto, CA 94396

Joseph K. Grieboski, President
Institute on Religion and Public Policy
1101 15th Street, NW, Suite 115
Washington, DC 20005

Paula Ettelbrick, Executive Director
International Gay and Lesbian Human Rights Commission
350 Fifth Avenue, 34th Floor
New York, NY 10118

West Egmont, Executive Director
International Institute of Boston
One Milk Street
Boston, MA 02109

Arnold H. Leibowitz, President
International Refugee Research Institute
1875 Eye Street, NW 12th floor
Washington, DC 20006

Eamonn Dornan, National Human Rights Chair
Irish American Unity Conference
611 Pennsylvania Ave, SE # 4150
Washington, D.C. 20003

Ann J. Buwalda, Director
Jubilee Campaign USA
9689-C Main Street
Fairfax, VA 22031

Melanie Spillane, Program Developer
Kurdish Human Rights Watch, Inc.
10560 Main Street
Suite 207 Fairfax, VA 22030

Philip Hwang, Staff Attorney
Lawyers' Committee for Civil Rights –San Francisco Bay Area

131 Steuart St., #400
San Francisco, CA 94105

Ralston H. Deffenbaugh Jr., President
Lutheran Immigration and Refugee Services
700 Light Street
Baltimore, Maryland 21230

Michele Garnett McKenzie, Refugee and Immigrant Program Director
Minnesota Advocates for Human Rights
650 Third Ave. S., Suite 550
Minneapolis, MN 55402

Sarah Rose Weinman, Policy and Program Liaison
Midwest Immigrant & Human Rights Center
208 S. LaSalle Street, Suite 1818
Chicago, Illinois 60604

J. Traci Hong
Director of Immigration Program
National Asian Pacific American Legal Consortium
1140 Connecticut Avenue, NW, Suite 1200
Washington, DC 20036

Maurice Belanger, Director of Public Information
National Immigration Forum
50 F Street NW, Suite 300
Washington, DC 20001

Margie McHugh, Executive Director
The New York Immigration Coalition
275 Seventh Avenue, 9th Floor
New York, NY 10001

Samantha Morse, Asylum Network Coordinator
Physicians for Human Rights
Two Arrow Street, Suite 301
Cambridge, MA 02138

Sarah Ignatius, Executive Director
Political Asylum/Immigration Representation Project
14 Beacon Street Room 804A
Boston, MA, 02108

Allison Pennington, Director
Pennsylvania Immigrant Resource Center
3214 East Market Street

York, PA 17402

Janet Hinshaw-Thomas, Founder
PRIME - Ecumenical Commitment to Refugees
360 N. Oak Avenue
Clifton Heights, PA 19018

Regina Germain, Legal Director
Rocky Mountain Survivors Center
1547 Gaylord Street
Denver, CO 80206

Layli Miller-Muro, Executive Director
Tahirih Justice Center
6066 Leesburg Pike, Suite 220
Falls Church, VA 22041

Javier N. Maldonado, Executive Director
Texas Lawyers' Committee for Civil Rights
118 Broadway, Ste. 502
San Antonio, TX 78205

Charlie Clements, President and CEO
Unitarian Universalist Service Committee
130 Prospect Street
Cambridge, MA 02139

Lavinia Limon, President & CEO
US Committee for Refugees and Immigrants
1717 Massachusetts Ave. NW, 2nd Fl
Washington, DC 20036-2003

John Bauer
Clinical Professor of Law
University of Connecticut School of Law*
65 Elizabeth Street
Hartford, CT 06105-2290

Patrick Giantonio, Director
Vermont Refugee Assistance
73 Main Street, Box 19
Montpelier, VT 05602

Denise Gilman, Director, Immigrant and Refugee Rights Project
Washington Lawyers' Committee for Civil Rights and Urban Affairs
11 Dupont Circle, Suite 400
Washington, DC 20036

Wendy Young, Director of External Relations
The Women's Commission for Refugee Women and Children
1730 M Street, Suite 807
Washington, DC 20006

R. Timothy Ziemer, Rear Admiral, USN (ret), Executive Director
World Relief
7 East Baltimore Street
Baltimore, MD 21202

Mary Day Kent, Executive Director
Women's International League for Peace and Freedom
United States Section
1213 Race St.
Philadelphia, PA. 19107-1691

Karla Harr, Esq.
Law Offices of Karla Harr
2007 N. 15th St., Ste. 100
Arlington, VA 22201

Jillian N. Kong-Sivert, Attorney at Law
Becker, Hadeed, Kellog & Berry, P.C
5501 Backlick Road, Ste. 220,
Springfield, VA 22151

Erik W. Kvam
Dwyer Schraff Meyer Grant & Green
900 Fort Street Mall, Suite 1800
Honolulu, Hawaii 96813

Jonathan R. Nelson, Esq.*
Attorney at Law
20 Exchange Place, 43rd Floor
New York, NY 10005

Edward Neufville, Esq.*
The Morais Neufville Law Firm
111 South Calvert St., Suite 2700
Baltimore, Maryland 21202

cc:

Michael P. Jackson, Deputy Secretary, Department of Homeland Security
Randy Beardsworth, Acting Under Secretary, Border and Transportation Security
Eduardo Aguirre, Jr., Director, Office of US Citizenship and Immigration Services
John Wood, Chief of Staff, Department of Homeland Security

Joe D. Whitley, General Counsel, Department of Homeland Security
Daniel Sutherland, Officer for Civil Rights and Civil Liberties, Department of Homeland Security

* Institutions listed with an asterick are for informational purposes only and the endorsers are the individuals. In all cases the signers represent institutional endorsements.