

November 16, 2005

The Honorable Michael Chertoff  
Secretary  
Department of Homeland Security  
Naval Security Station  
3801 Nebraska Avenue, NW  
Washington, DC 20393

**Re: Senior Refugee Policy Position at the Department**

Dear Secretary Chertoff:

We are writing to express our deep appreciation and strong support for your recent decision to create a senior refugee policy position within the new Directorate of Policy at the Department of Homeland Security. The 71 signatories are faith-based, human rights, refugee assistance, and legal organizations that work on behalf of refugees and asylum seekers, as well as academic experts working in the field of refugee and asylum law.

We firmly believe that having a senior official dedicated to asylum and refugee policy is essential to help the Department deal efficiently and effectively with the many issues that cut across different parts of the Department – and to ensure the appropriate treatment of those who seek the protection of this country. Many of our organizations joined in requesting that you create such a position, and, as you know, this was the primary recommendation of the U.S. Commission on International Religious Freedom in its February 2005 report on asylum seekers in expedited removal and detention.

In order for this new official to be effective in this position, he or she will need to have adequate authority, expertise, and resources. We support the Department's decision to make this a senior position that will report directly to the Under Secretary for Policy. Whether filled by a political or career official, the position will need to be viewed both externally and within the Department as one of senior authority, with the capacity to ensure that officials across the various bureaus consistently follow and apply the official's instructions regarding the Department's asylum policies. It is also critical that this position be filled by an experienced refugee protection expert with both a strong background in asylum and refugee law and an understanding of how the different bureaus can work together to fulfill this country's obligations and commitment to refugees. We also urge that this official have the staff support necessary to both formulate policy and ensure compliance across the Department.

The official who fills this position will be faced with a variety of complex issues, some of which will need to be addressed immediately. Key problems, and the changes necessary to fix them, were identified in the Commission on International Religious

Freedom's February 2005 report. We believe that this official's top priorities should include:

- Improving the treatment of detained asylum seekers and making the other reforms outlined by the Commission, including:
  - Issuing regulations codifying the asylum parole criteria to ensure that asylum seekers are released from detention when they pose no risk and meet the other release criteria; and
  - When asylum seekers are detained, housing them in non-jail like facilities instead of in prisons and prison-like detention facilities;
- Complying with U.S. law and Department policy and guidance relating to asylum – a need most recently underscored by the troubling positions initially taken by attorneys in the Department's Bureau of Immigration and Customs Enforcement and at the Justice Department with respect to religious persecution in China (*see Li v. Gonzales*, No. 03-60670, 2005 WL 1870773 (5<sup>th</sup> Cir. Aug. 9, 2005)); and
- Ensuring that women who flee from horrendous violence receive protection in appropriate cases, consistent with the legal position set out by the Department in its brief in the leading case of Rodi Alvarado, a woman who fled severe domestic violence in Guatemala.

We recognize the many challenges that you and the Department face as you work to protect this country's security and address recent catastrophes such as Hurricane Katrina. We firmly believe that the United States can protect both its national security and the victims of human rights abuses who flee to this country in search of refuge.

As you and your staff prepare to bring this new refugee policy official on board, we would welcome the opportunity to meet with you and your staff to discuss these recommendations. Our lead contact to arrange such a meeting is Eleanor Acer, Director of the Asylum Program at Human Rights First, who can be reached at 212-845-5227 or [acere@humanrightsfirst.org](mailto:acere@humanrightsfirst.org). Thank you again for your leadership in creating this important new position.

Sincerely,

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 6<sup>th</sup> Floor  
Newark, NJ 07102

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

Jean Blum, CEO  
**American Liberty and Freedom for All**  
21 Hoxey Street  
Paterson, NJ 07501

Timothy H. Edgar  
National Security Policy Counsel  
**American Civil Liberties Union**  
915 15th Street, NW  
Washington, DC 20005

Muneer I. Ahmad, Associate Professor of Law  
**American University Washington College of Law\***  
4801 Massachusetts Ave., NW  
Washington, DC 20016

Susan Benesch, Acting Director  
Refugee Program  
**Amnesty International USA**  
600 Pennsylvania Avenue, SE, 5<sup>th</sup> Fl.  
Washington, DC 20003

Nancy K. Ota, Professor of Law  
**Albany Law School\***  
80 New Scotland Avenue  
Albany, NY 12208

J. Traci Hong, Director of Immigration Programs  
**Asian American Justice Center**  
1140 Connecticut Avenue, NW, Suite 1200  
Washington, DC 20036

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

Mauricio Vivero, Executive Director  
**Ayuda, Inc.**  
1736 Columbia Road, NW  
Washington, DC 20009

Dona M. Abbott, Branch Director  
**Bethany Christian Services**  
Bethany Christian Services  
901 Eastern Avenue NE  
Grand Rapids, MI 49503

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

Deborah Sanders, Executive Director  
**Capital Area Immigrants' Rights Coalition**  
Asylum Project Director  
1612 K Street, NW, Suite 204  
Washington, DC 20006

Steve Bogus, Executive Director  
**Catholic Charities of Louisville Inc.**  
2911 S. Fourth Street  
Louisville, KY 40208

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

Jennifer Guilfoyle, Legal Programs Supervisor  
**Church World Service**  
Immigration and Refugee Program  
475 Riverside Drive, Suite 700  
New York, NY 10115

Estelle McKee and Stephen Yale-Loehr, Co-Directors  
Asylum & Convention Against Torture Appellate Clinic  
**Cornell Law School**  
Myron Taylor Hall  
Ithaca, NY 14853-4901

C. Richard Parkins, Director  
**Episcopal Migration Ministries**  
815 Second Avenue  
New York, NY 10017

Tsehaye Teferra, President  
**Ethiopian Community Development Council, Inc.**  
901 S. Highland Street  
Arlington, VA 22204

Stephen R. Crane, Executive Director  
**Exodus Refugee/Immigration, Inc.**  
4550 Central Avenue  
Indianapolis, IN 46205

Cheryl Little, Executive Director  
**Florida Immigrant Advocacy Center**  
3000 Biscayne Boulevard, Suite 400  
Miami, FL 33137

Jaya Ramji-Nogales, Adjunct Professor  
Teaching Fellow, Center for Applied Legal Studies  
**Georgetown University Law Center\***  
600 New Jersey Avenue, NW  
Washington, DC 20001

Philip G. Schrag, Professor of Law  
**Georgetown University\***  
600 New Jersey Avenue, NW  
Washington, DC 20001

Deborah Anker, Lecturer on Law, Director  
**Harvard Immigration and Refugee Clinical Program**  
**Harvard Law School \***  
Cambridge, MA 02138

Sid L. Mohn, President  
**Heartland Alliance for Human Needs & Human Rights**  
208 S. LaSalle Street, Suite 1818  
Chicago, IL 60604

Shankar Narayan, Policy Director  
**Hate Free Zone-Washington**  
1227 S. Weller Street. Suite A  
Seattle, WA 98144

Neil Greenbaum, President and CEO  
**Hebrew Immigrant Aid Society**  
2020 K Street, NW, Suite 7700  
Washington, DC 20006-1806

Cha Lee, Executive Director  
**Hmong National Development**  
1112 16th Street NW, Suite 110  
Washington, DC 20036

Eleanor Acer, Director, Asylum Program  
**Human Rights First**  
333 7<sup>th</sup> Avenue, 13<sup>th</sup> Floor  
New York, NY 10001

Adam Francoeur, Program Coordinator  
**Immigration Equality**  
350 West 31st Street, Suite 505  
New York, NY 10001

John C. Keller, Senior Staff Attorney  
**Immigrant Law Center of MN**  
450 North Syndicate Street, #450  
St. Paul, MN 55104

Beth Stickney, Esq., Executive Director  
**Immigrant Legal Advocacy Project**  
309 Cumberland Avenue, Suite 201  
PO Box 17917,  
Portland, ME 04112

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

George Rupp, President  
**International Rescue Committee**  
1730 M Street, NW, Suite 807  
Washington, DC 20036

Johan Ketelers  
Secretary General  
**International Catholic Migration Commission**  
37 - 39, rue de Vermont  
Case Postale 96

CH - 1211 Geneva 20

Rev. Kenneth Gavin, S.J.  
National Director  
**Jesuit Refugee Service/ USA**  
1616 P Street, NW, Suite 300  
Washington, DC 20036

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

Mary Scully, Program Director  
**Khmer Health Advocates Inc.**  
29 Shadow Lane  
West Hartford, CT 06110

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

Kathryn Cameron Porter, President  
Leadership Council for Human Rights  
444 North Capitol Street, NW Suite 841  
Washington, DC 20001

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

Mary Meg McCarthy, Director  
**Midwest Immigrant & Human Rights Center**  
208 S. LaSalle Street, Suite 1818  
Chicago, IL 60604

Michele Garnett McKenzie, Attorney at Law  
Refugee & Immigrant Program Director

**Minnesota Advocates for Human Rights**

650 South Third Avenue, Suite 550  
Minneapolis, MN 55402-1940

Sister Janet Yurkanin, Director

**Migration and Refugee Services, Diocese of Trenton**

33 West Front Street  
Trenton, NJ 08608-2015

Frank Sharry, Executive Director

**National Immigration Forum**

50 F Street NW, Suite 300  
Washington, DC 20001

Magdeleno Rose Avila, Executive Director,

**Northwest Immigrant Rights Project**

909 8th Avenue  
Seattle, WA 98104

Karen Popowski, Executive Director

**Polish American Association**

3834 N. Cicero Avenue  
Chicago, IL 60641

Janet Hinshaw- Thomas, Director

**PRIME - Ecumenical Commitment to Refugees**

360 N. Oak Avenue, Suite B  
Clifton Heights, PA 19018

Samantha Morse, Asylum Network Coordinator

**Physicians for Human Rights**

2 Arrow Street, Suite 301  
Cambridge, MA 02138

Regina Germain, Legal Director

**Rocky Mountain Survivors Center\***

1547 Gaylord Street  
Denver CO 80206

Joel Lieberman, Immigration Program Supervisor

**Sponsors Organized to Assist Refugees**

2906 NE Glisan Street  
Portland, OR 97232

Layli Miller-Muro, Esq., Executive Director

**Tahirih Justice Center**

6066 Leesburg Pike, Suite 220  
Falls Church, VA 22041

Lisa Johnson-Firth, Esq., President  
**True Empowerment Now\***  
9937 Hawthorn Hill Court  
Manassas, VA 20110

Richard A. Boswell, Professor of Law  
**University of California, Hastings College of the Law\***  
200 McAllister Street  
San Francisco, CA 94102

David C. Koelsch, Director and Professor  
Immigration Law Clinic  
**University of Detroit Mercy School of Law\***  
651 East Jefferson  
Detroit, MI 48226

Lavinia Limon, President & CEO  
**United States Committee for Refugees and Immigrants**  
1717 Massachusetts Avenue, NW, 2 Fl.  
Washington, DC 20036- 2003

Helen M. Harnett, Esq., Clinical Fellow  
Immigrant Rights Project/Civil Advocacy Clinic  
**University of Baltimore School of Law\***  
40 W. Chase Street  
Baltimore, MD 21201

Kate Jastram, Lecturer in Residence  
Boalt Hall School of Law  
455 Boalt Hall  
**University of California, Berkeley\***  
Berkeley, CA 94720

Jennifer M. Chacon, Acting Professor of Law  
**U.C. Davis School of Law\***  
400 Mrak Hall Drive  
Davis, CA 95616-5201

**United States Conference of Catholic Bishops**  
3211 4<sup>th</sup> Street, NE  
Washington, DC 20017-1194

Michael A. Olivas  
William B. Bates Distinguished Chair in Law  
**University of Houston Law Center\***  
100 Law Center  
Houston, TX 77204

John C. Keller  
Adjunct Professor of Law, Immigration Clinic  
**University of Minnesota\***  
190 Walter F. Mondale Hall  
229- 19th Avenue South  
Minneapolis, MN 55455

Deborah M. Weissman  
Professor of Law and Director of Clinical Programs  
**University of North Carolina at Chapel Hill\***  
102 Rocky Ridge Road  
Chapel Hill, NC 27514

Elizabeth McCormick  
Assistant Clinical Professor of Law,  
**University of Tulsa College of Law\***  
3120 East Fourth Place  
Tulsa, OK 74104

Michele Pistone, Professor and Director  
Clinical Program & CARES Clinic  
**Villanova University School of Law\***  
299 N. Spring Mill Road  
Villanova, PA 19085

Joanne Kelsey, Director  
Detention and Asylum Program  
**Women's Commission for Refugee Women and Children**  
1730 M Street, NW, Suite 807  
Washington, DC 20009

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

R. Timothy Ziemer, Executive Director of Programs  
**World Relief**  
7 East Baltimore Street

Baltimore, MD 21202-1602

Monique Beadle, Refugee Program Director  
**World Organization for Human Rights USA**  
1725 K Street NW, Suite 610  
Washington, DC 20006

**Individuals (no organizational affiliation):**

Jonathan Robert Nelson, Esq.  
Attorney at Law  
20 Exchange Place, 43<sup>rd</sup> Floor  
New York, NY 10005

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

Clare Cherkasky, Attorney at Law  
5622 Columbia Pike, Suite 206  
Falls Church, VA 22041

cc: Michael P. Jackson  
Deputy Secretary

Stewart Baker  
Assistant Secretary for Policy

Robert Divine  
Acting Director, U.S. Citizenship and Immigration Services

John Clark  
Acting Assistant Secretary, U.S. Immigration and Customs Enforcement

John Wood  
Chief of Staff

Phillip J. Perry  
General Counsel

Daniel Sutherland  
Civil Rights Officer, Office of Civil Rights and Civil Liberties

\*Institutions listed with an asterisk are for informational purposes only and the endorsers are the individuals.