



August 10, 2009

Please Support Improving Due Process Safeguards for Detained Asylum Seekers

Dear Senator ----,

We write to express our strong support of the efforts of your colleagues in the Senate to address a serious injustice in the U.S. immigration detention system: prolonged and unnecessary detention of refugees seeking asylum. Two new bills introduced during the past two weeks—the Secure and Safe Detention and Asylum Act (S. 1594) and the Protect Citizens and Residents from Unlawful Detention Act (S. 1549)—would provide much-needed safeguards to help ensure that refugees who seek protection in the United States are not unnecessarily detained for long periods of time.

Human Rights First operates one of the country's largest pro bono asylum representation programs. Our volunteer lawyers have helped victims of political, religious, and other persecution from over 55 countries—including Burma, China, Colombia, Congo (DRC), Iraq, Zimbabwe—gain asylum and protection from persecution in this country. Because of inadequate due process protections in the immigration detention system, many of these refugees have been held in U.S. immigration detention centers for months—some for years—even after they were found by the government to have a credible fear of persecution and when there is no reason to believe they pose a risk of flight or danger to others.

On August 6, 2009 the Department of Homeland Security (DHS) announced a plan to overhaul the nation's flawed immigration detention system. This is a welcome step. We believe, however, that this important effort must be supplemented by legislative reform of policies and processes governing decisions to detain, parole, and release individuals from immigration detention. These two bills—S. 1594 and S. 1549—would provide asylum seekers with access to immigration court custody determinations, increase oversight of DHS, require codification of detention standards, and promote cost-saving alternatives to detention.

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Enhancement of these basic protections is long overdue. In February 2005, the bipartisan United States Commission on International Religious Freedom (USCIRF) issued a comprehensive “Report on Asylum Seekers in Expedited Removal.” The USCIRF Report found that asylum seekers were being detained in inappropriate jail-like facilities and that guidelines relating to the release of asylum seekers on parole were not being followed. More than four years later, many of USCIRF’s key recommendations have not been implemented and the immigration detention system has continued to expand. In April 2009, Human Rights First released a report, *U.S. Detention of Asylum Seekers: Seeking Protection, Finding Prison*, in which we found that since 2003, DHS has detained thousands of asylum seekers at an estimated cost of over \$300 million. Refugees who were detained for months or years by DHS before being granted asylum in the United States include:

- A Burmese school teacher, who supports democracy and was jailed for two years by the Burmese military regime, was detained for seven months in a Texas immigration jail. Other Burmese refugees have also been detained for extended periods of time, including one Baptist Chin woman who was detained by ICE for two years—at a cost to U.S. taxpayers of more than \$90,000—before being granted asylum.
- A Tibetan man, who was tortured by Chinese authorities and detained for more than a year after putting up pro-Tibetan independence posters, was held for 11 months at a New Jersey facility—at a cost of over \$53,000—before being granted asylum by the U.S. immigration court.

The critical safeguards contained in S. 1549 and S. 1594 would help ensure that asylum seekers and other vulnerable populations are not detained unnecessarily for lengthy periods of time. For this reason, we urge you to demonstrate your commitment to positive detention reform by co-sponsoring S. 1594 and S. 1549 and supporting the efforts of Senators Joseph Lieberman (I-CT), Robert Menendez (D-NJ), Edward Kennedy (D-MA), Kirsten Gillibrand (D-NY), and Daniel Akaka (D-HI) to add important due process protections to the immigration detention system.

Please do not hesitate to contact Annie Sovcik, Human Rights First’s Advocacy Counsel in Washington DC, by email at sovcika@humanrightsfirst.org or by phone at 202-370-3318 with any questions you may have. I appreciate your attention to this important matter.

Sincerely,



Eleanor Acer
Director of Refugee Protection Program
Human Rights First