

November 25, 2009

Senator Daniel K. Akaka
Hart Senate Office Building, SH-141
Washington, DC 20510-1103
Fax: (202) 224-2126

Re: Asylum Seekers and Detention

Dear Senator Akaka:

The pilgrims arrived on these shores almost 400 years ago in search of religious freedom. Centuries later, the Thanksgiving holiday reminds us to honor the core freedoms that continue to make the United States a place of hope and safety for refugees fleeing religious, political and other forms of persecution. The undersigned represent 43 faith-based, human rights, refugee assistance and other organizations and individuals that provide legal counsel or social services to, or advocate on behalf of, asylum seekers who are detained in U.S. immigration detention facilities. During this Thanksgiving season, we write to thank you for your leadership in promoting key principles of detention reform through your co-sponsorship of the Secure and Safe Detention and Asylum Act (S. 1594), introduced in August 2009.

The Department of Homeland Security's recent announcements of its planned reforms to the immigration detention system are promising signs, but they omit crucial due process and accountability measures. Such measures would help ensure that asylum seekers are not held in detention if they do not pose a risk of flight or danger to others. We believe that reforms to the United States' unjust immigration detention system must be mandated by law.

The Secure and Safe Detention and Asylum Act establishes a number of procedural protections for immigrants in detention with special provisions for "vulnerable populations," including asylum seekers. Of particular significance to asylum seekers, it would:

- Provide asylum seekers access to immigration court custody hearings to review DHS detention decisions, and require DHS officers and immigration judges to take into account flight risk, danger to others, and humanitarian factors in considering whether to detain asylum seekers and other immigrants.
- Expand nationwide the Legal Orientation Program (LOP) for detained immigrants to provide basic information about their legal rights and the availability of relief, if any. LOP saves money and increases the efficiency of the immigration courts.

- Establish statutory mandates for each of the areas where detention conditions must be improved, and require DHS to conduct a negotiated rulemaking before promulgating regulations implementing the mandates.
- Expand secure alternatives to detention programs, such as release on recognizance, supervised release, or programs run by private, faith-based or other non-governmental groups. Allow for electronic monitoring in limited cases. These secure alternatives have proven to be successful and cost-effective.

We encourage you to continue to support key principles of detention reform so that this country lives up to the commitments it has made to protect the persecuted – rather than greeting them with handcuffs and prisons. Not only are basic due process safeguards – like providing court review of a decision to detain a person – called for under international human rights and refugee protection standards, but they are also consistent with core American values. Congress has a responsibility to bring U.S. practice in line with human rights standards and this country’s best values – and to uphold the United States’ historic commitment to protection of asylum seekers and other vulnerable groups.

Thank you for leading the way. Wishing you a peaceful and safe Thanksgiving holiday.

Sincerely,

ACLU-Vermont
Montpelier, VT

Advocates for Human Rights
Minneapolis, MN

American Association of Jews from the Former USSR, Inc.
New York, NY

American Immigration Lawyers Association
Washington, DC

American Jewish Committee
Washington, DC

Asian Law Caucus
San Francisco, CA

Bellevue/NYU Program for Survivors of Torture
New York, NY

Catholic Charities Community Services
New York, NY

Catholic Charities Hawaii
Honolulu, HI
Center for Gender and Refugee Studies
Hastings College of the Law
San Francisco, CA

Center for Social Justice
Seton Hall University School of Law
Newark, NJ

Center for Victims of Torture
Minneapolis, MN

Chinatown Manpower Project, Inc.
Refugee/Asylee Program
New York, NY

The Episcopal Church
Washington, DC

Friends Committee on National Legislation
Washington, DC

Georgia Latino Alliance for Human Rights
Atlanta, GA

Hawaii Immigrant Justice Center
Honolulu, HI

Hawaii Interpreter Action Network
Honolulu, HI

Hebrew Immigrant Aid Society
New York, NY

Human Rights First
New York, NY
Washington, DC

Immigration Equality
New York, NY

Institute for Redress and Recovery
Santa Clara, CA

Institute for the Study of Psychosocial Trauma
Palo Alto, CA

Interfaith Refugee Action Team & First Friends
Elizabeth, NJ

International Institute of Connecticut, Inc.
Bridgeport, CT

Jubilee Campaign USA
Fairfax, VA

Lutheran Immigration and Refugee Service
Baltimore, MD

National Immigrant Justice Center
Chicago, IL

National Immigration Forum
Washington, DC

New York Immigration Coalition
New York, NY

Northwest Immigrant Rights Project
Seattle, WA

Riverside Church Sojourners Immigration Detention Visitor Project
New York, NY

Sanctuary for Families
New York, NY

South Asian Americans Leading Together
Takoma Park, MD

Survivors International
San Francisco, CA

Survivors of Torture, International
San Diego, CA

Tahirih Justice Center
Falls Church, VA
Houston, TX

United Methodist Church, General Board of Church and Society
Washington, DC

Women's Refugee Commission
New York, NY

World Relief
Baltimore, MD

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Penn State Dickinson School of Law
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Cc: Senator Cornyn
Senator Durbin
Senator Feinstein
Senator Gillibrand
Senator Grassley
Senator Kyl
Senator Leahy
Senator Lieberman
Senator Menendez
Senator Sessions
Senator Schumer
Senator Whitehouse