

November 25, 2009

Senator Patrick J. Leahy  
Russell Senate Office Building, SR-433  
Washington, DC 20510-4502  
Fax: (202) 224-3479

**Re: Asylum Seekers and Detention**

Dear Senator Leahy:

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

**Individuals**

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