

# Center for Constitutional Rights

## Discrimination, Detention, and Deportation: Immigration & Refugees

**<https://ccrjustice.org/home/what-we-do/our-cases/american-baptist-churches-v-thornburgh>**

### Policy Issue Resources

*American Baptist Churches v. Thornburgh* is a case filed against the U.S. Attorney General and the head of the INS that alleged they violated domestic and international laws when they denied asylum to Salvadorans and Guatemalans fleeing political repression in the 1980s.

In the 1980s, approximately 500,000 Salvadorans and Guatemalans fled political repression and violence condoned by their governments and applied for refugee status in the U.S. the vast majority were denied.

The lawsuit was filed by the Center for Constitutional Rights (CCR) on behalf of eight religious organizations, including the American Baptist Churches in the U.S.A., the Presbyterian Church, U.S.A., the Unitarian Universalist Association, and the General Board of Church and Society of the United Methodist Church, against the U.S. Attorney General and the head of the INS. Plaintiffs alleged that defendants violated domestic and international laws which require that asylum determinations be made on a non-discriminatory basis without regard to the ideology of the country from which the refugee has fled, and that federal officers protect refugees fleeing conditions of war, persecution and widespread human rights violations. The lawsuit also charged U.S. government officials with interfering with the First Amendment religious rights of sanctuary workers, who have participated in individual and collective acts of resistance by providing sanctuary to refugees from those countries. It sought a court declaration that sanctuary is legal under international law and the 1980 Refugee Act.

In October 1988, the court rejected the governments attempt to dismiss the case and granted CCR the right to litigate the issue of a pattern and practice of discrimination carried out by the INS by denying the asylum claims and refusing extended voluntary departure to these refugees. The court, however, held that international law does not provide a basis for refugee status in the U.S. and that only the domestic 1980 Refugee Act provides a basis for such relief. It also rejected the religious claim, stating that churches do not have standing to sue, and rejected the issue of religious harassment.

Extensive discovery took place in the summer and fall of 1990, but a settlement was reached in 1991 before trial.

As a result, many of the refugees who were denied asylum now had the opportunity to seek legal asylum in the United States because of the settlement, in which the INS agreed to readjudicate claims for refugee status which had been denied after 1980.

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