

## **POLITICAL REFUGEE PREVAILS IN SUIT;**

### **\$87,000 SETTLEMENT WITH GOVERNMENT**

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### **Body**

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A **political refugee** from Kenya who was refused entry by immigration officials at San Francisco International Airport, then forced to return to the country she fled in fear for her life, will be paid **\$87,000** by the federal **government** for alleged mistreatment she received in 2001.

Lawyers described the **settlement** as a first of its kind, a strong message to the U.S. **government** that "there are consequences" when the **government** denies **refugees** their legal rights to seek refuge. The terms of the **settlement** were filed Wednesday in federal court in San Francisco.

Rosebell Munyua and her 2-year-old daughter arrived at San Francisco Airport in March 2001 seeking **political** asylum. In Kenya, Munyua and her husband were members of an opposition **political** party and at different times were beaten and stripped by Kenyan police. Munyua said she has not heard from her husband since he went into hiding in Tanzania.

In statements to lawyers, Munyua, 35, of Santa Rosa, said, "When we left Kenya, I felt as if we had escaped a burning house and our lives had been saved."

But at the airport, immigration officers interrogated Munyua, ignored her pleas to apply for asylum and threatened to put her in jail, according to court documents. She was forced to board the next plane to Kenya, where she went into hiding for more than six months. Later that year, she escaped Kenya a second time, returned to the United States through Houston, and in 2002 was granted asylum.

"When a woman and child arrive on your doorstep begging for help, you don't slam the door shut, and tell them to go somewhere else," said Philip Hwang, a staff attorney with the Lawyer's Committee for Civil Rights, which represented Munyua.

With Hwang's and the committee's help, Munyua sued the U.S. **government** and immigration service in 2003.

The **government** sought to dismiss the case, but early this year, a federal judge in San Francisco ruled that Munyua had a right to sue.

"There are some within our **government** who want to abandon our tradition of protecting immigrants and **refugees** in need," Hwang said. "It's important that the **government** understands there's a legal responsibility and, perhaps more importantly, there's a moral responsibility."

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Luke Macaulay, a spokesman for the U.S. Attorney's Office, which represented the government, declined comment. He referred to language in the settlement document that says that the agreement did not mean an admission of liability or fault.

Hwang and other lawyers who work on asylum cases said Munyua's case of abusive treatment is not isolated. He cited a February 2005 report from the U.S. Commission on International Religious Freedom, a presidential advisory commission, which details cases where asylum seekers were routinely jailed by immigration inspectors and sent back.

In a telephone interview Wednesday, Munyua, a certified nursing assistant, said she was "happy to see that justice was done."

"For a long time I felt isolated and felt that nobody cared," she said. "I'm just hoping this will make a big change so it doesn't happen to anybody else."

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