

Immigrant's Troubles Continue; Mentally Disabled Guinean Man Held in Limbo for 3 Years

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Body

Malik Jarno, a mildly mentally retarded teenager, has tried for more than three years to immigrate to the United States. Instead, he has become an orphan of the world.

In 1998, when he was 13, Jarno fled his native Guinea after his brother went missing and his father was imprisoned and killed by government forces for belonging to a political opposition group, human rights workers say. His mother died of an illness when he was young.

Jarno sought a home with relatives, first in other parts of West Africa, then in Europe. But none of them wanted to raise a mentally disabled boy, his attorneys say. So they put him on a plane and sent him to the United States -- alone, and with a fake passport.

The U.S. government does not want him here, either. Immigration officials have been trying to deport him since he arrived at Dulles International Airport in early 2001, saying his false papers raise questions about his story. Now 19, Jarno has spent most of the last three years detained in Virginia jails.

Jarno's case highlights the problems faced by an estimated 5,000 children who arrive in the United States every year, without proper papers and unaccompanied by any adult. All are promptly detained in juvenile facilities by federal immigration officials. After Congress became aware of Jarno's situation and that of others, it shifted care of those youths to the U.S. Department of Health and Human Services.

His advocates say his story also shows the flaws of the immigration system. After he was detained, for instance, federal immigration officials lost track of his case, leaving him in Piedmont Regional Jail in Virginia for nine months without the opportunity for a hearing.

During his detention and subsequent publicity, Jarno picked up powerful allies, including 70 members of Congress who wrote to Homeland Security in support of his case, dozens of human rights organizations, and 30 attorneys from four law firms, who say they have donated at least \$3 million worth of services to his cause.

But for all of that attention, Jarno has yet to achieve his goal: asylum in the United States.

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"It's been terrible the things that happened," Jarno said in an interview. "Why does [the U.S. immigration agency] hate me?"

Rep. Chris Van Hollen (D-Md.) introduced a private bill in the House to grant Jarno a green card, an unusual act for a federal legislator.

"I think Homeland Security would acknowledge that their early treatment of Malik was wrong," Van Hollen said. "His deportation, if it came to that, would be a miscarriage of justice."

At a preliminary hearing yesterday, federal immigration attorneys said they would press forward with a deportation proceeding, scheduled for Aug. 12-13, despite Van Hollen's bill. Normally such proceedings take a few hours. But Jarno's case is being handled with unusual care. Lawyers for Jarno and the government traveled to Guinea to investigate Jarno's story. At least 30 witnesses will be called; others will testify via satellite phone from Guinea.

Asa Hutchinson, undersecretary for Border and Transportation Security at Homeland Security, denied that his agency has been unusually rigorous in Jarno's case, calling the effort by immigration attorneys "routine." He added that if the judge rules that Jarno should be deported, his department will hold off sending him back to Guinea "for a reasonable time" to give Van Hollen's bill a chance to pass.

Homeland Security officials have concerns about whether Jarno is telling the truth, spokesman Bill Strassberger said. They believe, for instance, that Jarno's birth certificate was forged and that he may not be who he claims to be, Strassberger said.

"One of the most important things that an individual comes into an asylum hearing with is their credibility," he said. "As soon as issues of credibility arise, it becomes much more difficult to claim asylum."

Questions about the birth certificate also led to confusion over where Jarno should be detained. Initially, he was put in an adult jail. Then, the Guinean Embassy said the birth certificate, which showed him to be younger than 18, was authentic, so Jarno was put in protective solitary confinement for several weeks before being transferred to a juvenile facility. Finally, after a federal investigation in Guinea renewed doubts about the document, he was returned to an adult jail.

Jarno remained there until last Christmas Eve, when Hutchinson personally ordered his release, citing "humanitarian concerns" about keeping a mentally disabled teenager behind bars for so long. Jarno is now at International Friendship House, a sanctuary for asylum seekers in York, Pa.

While in the juvenile facility, Jarno tested three times at an IQ of 65 or lower. But immigration officials say those scores may be misleading because the exam may not have been "culturally sensitive." Strassberger said authorities are not sure Jarno is as mentally disabled as he claimed.

But Denise Gilman, director of immigrant and refugee rights at the Washington Lawyers Committee, said the evidence backing Jarno's story is beyond "what any reasonable person could be expected to produce" for asylum.

Asylum seekers usually need to produce evidence showing they have a reasonable fear of returning to their native country, she said. In Jarno's case, human rights workers in Guinea have written affidavits verifying his family's persecution.

"I honestly think what Homeland Security is doing in continuing to pursue this case despite the pile of evidence in his favor is, in a word, cruel," Gilman said.

Jarno said one of the worst experiences of his life came inside the Piedmont jail, where he said guards beat him and once used pepper spray on him. The incidents, he said, which were the subject of a failed civil suit, tainted his view of the United States.

But he still dreams of being able to stay in this country, largely because he has no other options.

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"I have nowhere else to go," he said.

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