

## **Asylum Seekers Treated Poorly, U.S. Panel Says**

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### **Body**

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Thousands of people who come to the United States saying they are seeking refuge from persecution are treated like criminals while their claims are evaluated -- strip-searched, shackled and often thrown into solitary confinement in local jails and federal detention centers -- a bipartisan federal commission found in a report to be released today.

The report, by the United States Commission on International Religious Freedom, an agency created by Congress in 1998, describes an ad hoc system run by the Department of Homeland Security that has extreme disparities in who is released or granted asylum, depending on whether someone seeks refuge in Texas or New York, comes from Iraq or Haiti, or is represented by a lawyer.

The New York metropolitan region ranks among the harshest in terms of the conditions of detention centers, with constant surveillance, stark quarters and degrading treatment. Those awaiting a court decision on asylum are also less likely to be freed. For example, 3.8 percent of asylum seekers were freed from the detention center in Elizabeth, N.J., compared with 94 percent in San Antonio. There were 8.4 percent released from the detention center in Queens, while in Chicago 81 percent were let go.

One of the experts who examined the centers for the commission, Craig Haney, a psychologist who briefed the Senate Judiciary Committee on the subject yesterday, said he was shocked by what he found.

"I was taken aback by the severity of conditions, the severity of deprivations and, frankly, the expense," he said in an interview. He said that one of 19 centers examined handled asylum seekers differently from criminals -- in Broward County, Fla., where many seeking refuge are from Cuba and where former Cuban refugees form a potent political force. At \$83 a day, the Florida center costs less than half the \$200 per detainee of the Queens detention center, though both are run by the same company.

The report said that women and children seeking asylum, "whose trauma histories and emotional needs may be more severe and require more specialized training," were at greater risk of harm.

Among other recommendations, the commission urged that a high-level protector of refugees be appointed to monitor the system and correct inequities.

Manny Van Pelt, a spokesman for Immigration and Customs Enforcement, an agency within Homeland Security that oversees the detention of asylum seekers, defended the system.

"We have a robust inspections program that conducts audits of our detention facilities nationwide, and our detention facilities are accredited and subjected to regular inspection by the U.N. High Commission for Refugees," he said in an interview. "They are clean and they are safe environments. Even better, the detention system protects the public."

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The commission had been asked by Congress to examine the effectiveness of the nation's asylum regulations, created in part as a response to the 1993 World Trade Center bombings, in an effort to balance the country's desire to shelter those suffering from persecution abroad with its need to keep out criminals and terrorists.

The system, known as expedited removal, requires those seeking asylum at airports and borders to be sent back immediately unless they are found to have a "credible fear" of persecution when questioned by immigration officers. Those who pass the test -- a vast majority -- are then detained until an immigration judge decides the validity of their claim. Unless they are released pending a decision, the average detainee is held for 64 days and a third stay more than 90 days -- some even years, the report found.

The number of asylum seekers, and the rate at which they are freed, have both dropped sharply since the terrorist attacks of 2001, the study showed. But rates of asylum also differed sharply by national groups between 2000 and 2004, with more than 80 percent of Cubans given a permanent right to stay, along with more than 60 percent of Iraqis. By contrast, just more than 10 percent of those from Haiti and fewer than 5 percent of those from El Salvador were granted asylum. Detainees represented by lawyers were up to 30 times more likely to gain asylum, but in some places fewer than half the detainees had lawyers.

With the exception of the operation at George Bush Intercontinental Airport in Houston, the report found that asylum seekers were not pressed to withdraw their asylum claims before the interview, nor were claims summarily denied. But it found that judges often wrongly used airport statements to deny asylum later.

Before the change in the law, only asylum seekers with criminal records were detained. Now, nearly all are locked up with ordinary criminals. In 2003, 5,585 men and 1,015 women seeking asylum were jailed. To cut down on that number, the commission recommended that the airport interviewers, and not just immigration judges, be given the authority to grant asylum on the spot when warranted.

Severe psychological damage is among the effects of throwing people seeking refuge together with criminals in "stark conditions," the report said, describing 24-hour lights, chained walks to go eat, no privacy even to use the toilet and little chance to exercise outdoors. Detainees are allowed to work but paid \$1 a day.

Five of the 19 detention centers examined had mental health staff, and none had guards trained to work with victims of torture or repression. In most places the treatment for those considered suicidal was solitary confinement. A footnote pointed out that isolation was "likely to exacerbate depression," not prevent suicide.

"The whole detention system is there to break you down further," one former detainee told interviewers in the report. "You are not even allowed to cry. If you do, they take you to isolation."

Cut off from the outside world and not allowed incoming calls, even from a lawyer, the detainees are at high risk for depression, the commission said, and some even said they gave up their quest for asylum because of the unbearable conditions.

Since the 1996 change in immigration law, critics have complained that the system is subjecting those fleeing torture and repression to harsh conditions in detention that can drag on for years. But this is the first bipartisan examination based on an inside view.

One of the Republican commission members, Michael K. Young, the president of the University of Utah and an adviser to President George H.W. Bush, said great pains were taken to make the two-year effort politically balanced. "That is one of the things that gives this report real strength," he said.

Preeta D. Bansal, a Democrat who chaired the commission, said more research is needed, especially on the reasons for the sharp drop in asylum seekers. "We have been told that in foreign countries the Department of Homeland Security is being employed to prevent people from even getting on board airplanes," said Ms. Bansal, a former solicitor general of New York State. "We think further follow-up needs to be done."

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The report comes the same week that asylum legislation is to be introduced in the House by Representative F. James Sensenbrenner Jr., a Wisconsin Republican and chairman of the Judiciary Committee. Among other provisions, the bill, known as the Real ID Act, would make it harder for refugees to get asylum.

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## Graphic

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Chart: "Taking Refuge" Asylum is granted at widely divergent rates among the largest groups of applicants. Data are from the 2000 to 2004 fiscal years. PERCENTAGE OF APPLICANTS GRANTED ASYLUM\* Cuba: 82% Iraq: 61% Albania: 31% China: 25% Other: 24% Sri Lanka: 22% India: 15% Colombia: 13% Haiti: 11% Guyana: 3% El Salvador: 3% \*Includes other ways in which applicants can stay in the country permanently, including withholding of deportation and adjustment of immigration status. (Source by U.S. Commission on International Religious Freedom) (pg. B9)

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