

Iranian Cyclist Detained at Border Wins Political Asylum

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Byline: By NICK MADIGAN

Body

An **Iranian** man who cycled 46,000 miles around the world for six years on a personal peace mission only to be arrested in the Arizona desert for entering the United States illegally was granted **political asylum** yesterday by an immigration judge.

But the **cyclist**, Reza K. Baluchi, 30, remains in custody in Florence, Ariz., while the Immigration and Naturalization Service decides whether to appeal the decision of the judge, LaMonte Freerks, to allow Mr. Baluchi to remain in the United States.

"I have been four months in jail," Mr. Baluchi said in a telephone interview from the immigration service's **detention** center. "Two days more no problem."

It is uncertain whether Mr. Baluchi will be released that quickly. The federal immigration lawyer who prosecuted him, Virginia Vasquez, said she had 30 days to file a notice of appeal. "It's under advisement," she said.

Ms. Vasquez argued that Mr. Baluchi had not been persecuted for his **political** beliefs in Iran, but rather had simply been prosecuted for breaking the law there. The **Iranian** government, she said, has a right to impose whatever laws it sees fit, and the United States has no obligation to protect someone who violates them.

Mr. Baluchi said that after his arrest on Nov. 10 he received hundreds of letters of support from around the country, as well as dozens of e-mail messages sent to a Web site set up on his behalf by a fellow **cyclist**. What seemed to have appealed to his supporters was the account of his odyssey, which he said took him from a life of persecution in Iran for associating with "counterrevolutionaries" to a life on the road, visiting places like China, South Africa, France, New Zealand and Panama -- 54 countries in all. Everywhere he went, Mr. Baluchi said, he spread his message of love and peace.

In Monterrey, Mexico, Mr. Baluchi applied for a visa to enter the United States. After waiting three months with no sign of the document, he said, he got lost while riding near the **border** and set up camp on the United States side, where **Border** Patrol agents picked him up.

In the climate after the attacks of Sept. 11, 2001, in which thousands of men from Muslim nations have been forced to register with immigration authorities, an **Iranian** riding solo in the desert raised suspicions.

During his **asylum** hearing, which began Monday, Mr. Baluchi was nervous, said his lawyer, Suzannah Maclay of the Florence Immigrant and Refugee Rights Project.

"He was clearly very anxious," Ms. Maclay said. "He had expected to get a final decision, and instead he's taken back to **detention**."

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Ms. Maclay argued that her client should not be returned to Iran because he faced persecution there. In 1994, she said, Mr. Baluchi was arrested in Tehran by what she called "Islamic extremist security forces" for wearing a Michael Jackson T-shirt and for carrying a "banned prerevolutionary videotape" of a movie, a love story showing women in bathing suits. With no notice of the charges against him, Mr. Baluchi was beaten, hung by his cuffed wrists from a tree and interrogated about his **political** associations, she said.

A month later, Ms. Maclay told the judge, Mr. Baluchi was arrested again, for eating a sandwich during Ramadan, the monthlong period in which Muslims fast during the day. She said Mr. Baluchi had been taken to jail and beaten unconscious. Several days later, a judge sentenced him to 70 lashes in public. In a third arrest, police dislocated Mr. Baluchi's shoulder, she said, and he was later sentenced to two years in jail for being part of what the police said was a dissident organization. He served 18 months.

Fearful of remaining in Iran, Mr. Baluchi said, he left the country with his bicycle. In his travels, he unsuccessfully applied for **political asylum** in Germany.

Ms. Maclay argued that because Mr. Baluchi has now spoken out against **Iranian** leaders, he would face even more danger if he returned to Iran.

"Today I'm happy," Mr. Baluchi said with his customary optimism after the hearing. Once he gets out, he said, he plans to ride to Los Angeles. From there, he will run across the country, eight hours a day, to New York City -- and ground zero. Shortly after the Sept. 11 attacks, Mr. Baluchi wrote that he would conclude his voyage at the site of the World Trade Center, "so that my message of peace and love can reach the whole American people."

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Graphic

Photo: Reza K. Baluchi last month in a federal **detention** center in Florence, Ariz. (Jeff Topping for The New York Times)

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