

# Asylum-seekers treated like criminals

Part 4 in a series of articles on Amnesty International's report on human rights abuses in the US

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*Amnesty International released its report 'United States of America--Rights for All' on October 6. The report paints a chilling picture of American society, including police brutality, abuse of children, prisoners, asylum-seekers and others, and the use of high-tech tools of repression and torture. Numerous violations of international standards of human rights are cited, as well as the role of the US in exporting weapons to governments known to carry out torture, and training the personnel to use these weapons. The report is the basis of a year-long campaign planned by the human rights group to bring US human rights violations to worldwide attention.*

*As part of a detailed examination of the Amnesty International report by the World Socialist Web Site, today's installment deals with the fifth chapter: 'Treated as criminals: Asylum-seekers in the USA.'*

'Everyone says America is the place for human rights. I thought maybe I had arrived in the wrong country.' These are the words of a refugee detained in the US for 14 months, as quoted by Amnesty International in the chapter of their report on human rights abuses in the US that deals with the treatment of asylum-seekers.

Those seeking refuge in the United States have committed no crime, yet they are often placed in jails and other detention centers upon arrival in the country. They are held in inhuman and degrading conditions, many alongside criminal prisoners. They are often denied bail and are given no information as to when they will be released. According to AI: 'Asylum-seekers in the USA are liable to be treated like criminals: stripped and searched; shackled and chained; sometimes verbally or physically abused. They are often denied access to their families; lawyers and non-

governmental organizations (NGOs) who could help them.'

Such treatment is in express violation of international standards to protect refugees, such as those set out by the Office of the UN High Commissioner for Refugees (UNHCR). The Executive Committee of UNHCR states that the detention of asylum-seekers 'should normally be avoided,' and that it should be allowed under only very specific conditions, including cases where refugees have used 'fraudulent documents in order to mislead the authorities of the State in which they intend to claim asylum,' or when there is a threat to 'national security or public order.'

According to international law, the burden of proof rests with government authorities. The over-all circumstances of the asylum-seeker must be taken into account, including the fact that for many refugees the only way to escape from the repression of their country of origin is to falsify documents or obtain travel documentation under false pretences. However, the US Immigration and Naturalization Service routinely detains refugees while it appeals court rulings granting their asylum.

For instance, Sai Qing Jiang, a Chinese woman, arrived in the US without valid documents in March 1997. She was granted asylum in August 1997, but the INS refused to release her while they appealed the decision. The INS letter denying her release stated: 'By denying parole, I will discourage aliens from attempting to enter the United States through unlawful means as this applicant has done.'

In another case in Pennsylvania, an asylum-seeker with a heart condition was refused parole, despite the fact that his wife lived in Canada and his attorney had

organized to transport him to the Canadian border. After being held in detention for more than a year, he collapsed and died of a heart attack.

Asylum seekers often receive appalling treatment including shackling, solitary confinement and body searches. The Amnesty report cites instances of overcrowding, verbal and physical abuse, and lack of access to daylight and exercise facilities. Asylum-seekers can be incarcerated in state and county jails, INS 'service processing centers,' private contract facilities and Federal Bureau of Prisons prisons. Although the INS has recently proposed new detention standards, these standards do not apply to jails, where half of the detainees are currently held. Present monitoring of INS facilities is woefully inadequate, even according to INS officials.

Once incarcerated, detained asylum-seekers are routinely denied access to outside assistance. The lawyer for a Somali refugee commented: 'It was easier to have access to my client on death row than to an asylum-seeker in the New Orleans jail.'

The report poses the question: 'How can asylum-seekers find legal or other assistance when held in remote detention facilities, with little or no English, no money, limited access to a telephone and no useful information about who can help them with their asylum case?' Anastasia, a Liberian refugee detained in a county jail in Texas, recounted that following a visit by her lawyer she was left in an interview room for four hours, constantly taunted by prison guards.

In breach of international standards, child refugees in the US are often separated from their family and held in prison-like conditions. Thirteen-year-old Rajakumar arrived in the US in March 1998 with his mother after fleeing from Sri Lanka, where his father had been seized and 'disappeared' by government forces. He was locked up in a hotel room in New York with strangers for more than a month, and was then moved to a juvenile INS facility in Florida without his mother's knowledge. She was granted asylum, but was held by the INS while they appealed the decision. The mother and son were finally released following persistent efforts of attorneys.

The case of Somali refugee Hawa Abdi Jama exposes the treatment given to many asylum-seekers, and the degrading treatment of women refugees in particular. She recounted the following story to Amnesty

International of her detention in New Jersey in 1994:

'They took me to Esmor. Esmor was a terrible place.... All day long we were locked inside. It was cold in the winter, there was no heat. The snow and rain came inside the room. Day and night I cried, because it seems no one cares what is happening to me.

'The guards treated us like we were big criminals. They were always telling us to shut up. There was no door to the shower. Sometimes when the girls were taking showers, the men guards would walk into the office next to the room and look inside.

'One day the guards were doing a search. They took us into a big room and began to check all our things, the sheets and blankets. We were there for a long time and I was sick that day. I asked for some water. Then the guard grabbed my hair and she kicked me in the stomach and in the legs and on the head. After she beat me, she took me to the isolation room for a day and [a] half.'

The full text of the Amnesty International report can be accessed at: <http://www.rightsforall-usa.org/info/report/index.htm>

See Also:

US cited for widespread human rights abuses:

First in a series of articles on Amnesty International report

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