



# The **CHASING FREEDOM** Campaign

A public awareness effort about asylum and detention—launched in conjunction with the original Court TV movie, *Chasing Freedom*

## ACTION GUIDE

### CONTENTS

- 1 Seven Things You Can Do
- 2 Groups to Connect With/  
National Partners
- 4 Discussion Questions
- 5 Frequently Asked Questions
- 7 Terms & Definitions
- 8 Other Resources



# The CHASING FREEDOM Campaign

The *Chasing Freedom* Campaign uses the January 19, 2004 premiere of the original Court TV movie *Chasing Freedom* to focus public attention on what goes on in the hidden and neglected world of immigration detention, and the obstacles detained asylum seekers face in their quest for freedom in the United States. Active Voice is spearheading this campaign in collaboration with a wide range of prominent national and local organizations. The Campaign offers resources that will do the following:

- Make it easy for inspired viewers of *Chasing Freedom* to learn more about and become involved in asylum and human rights issues.
- Enable a host of community-based organizations to sponsor their own screenings of *Chasing Freedom*.
- Help law schools, law firms and legal clinics generate interest in asylum law and recruit *pro bono* attorneys—one of the most crucial needs of detained asylum seekers.

## CHASING FREEDOM— THE MOVIE

Inspired by true events, *Chasing Freedom* is the story of Libby Brock (played by Juliette Lewis), an ambitious, young securities lawyer who reluctantly takes on a *pro bono* case through the Lawyers Committee for Human Rights (LCHR). Her client is Meena (played by Layla Alizada), a young Afghan woman who, fearing for her life, has fled the oppressive Taliban regime to request asylum in the United States.

Although she has committed no crime, Meena is detained by the U.S. immigration authorities and suffers for months in a prison-like detention center while she and Libby navigate the circuitous route of the political asylum process and Immigration and Naturalization Service (now the Department of Homeland Security) bureaucracy. As Libby becomes more involved in the case, she discovers not only the obstacles her client survived prior to arriving in the U.S., but also the grueling process one must endure to obtain asylum once here.

Even before September 11, 2001, asylum seekers faced many challenges in seeking safe haven in the U.S. *Chasing Freedom* casts the promise of the United States against the post September 11 backdrop of fear. As a result of Libby's tireless efforts, Meena is eventually granted asylum, and her freedom.

To learn more about Active Voice's *Chasing Freedom* Campaign, please contact [projects@activevoice.net](mailto:projects@activevoice.net)

## GETTING INVOLVED—SEVEN THINGS YOU CAN DO FOR ASYLUM SEEKERS

The United States has a responsibility under domestic and international law to provide asylum seekers with access to a fair determination process. (See “Frequently Asked Questions” on page 5 to learn more about the asylum process.) You can personally participate in actions to help vulnerable asylum seekers find protection from persecution and to support asylees and refugees building new lives in the U.S. Many of the *Chasing Freedom* Campaign’s partners can connect you to the following opportunities:

**Make a financial contribution or donation** of material goods to a non-profit organization that works with refugees or asylum seekers of your choice. All of the *Chasing Freedom* Campaign’s national partners (page 2) and community partners (inside back cover) rely on private donations to serve vulnerable asylum seekers.

**Volunteer** your time at the local chapter of a national organization, refugee resettlement house, detention visitation program or other organization that works with vulnerable asylum seekers. Special skills often needed include *pro bono* legal representation, legal services, medical services, translation services, office support, etc.

**Educate** yourself and others about asylum issues by discovering refugee- and asylee-serving groups in your area, doing online research, joining discussion groups and listservs and attending human rights events. Include your friends, family and co-workers in your activities. Using this Action Guide, host a *Chasing Freedom* gathering at your home when it is broadcast on Court TV. Also, whenever possible, talk with refugees and asylees in your community and listen to their stories.

**Advocate** for better asylum policies by contacting your elected officials and U.S. immigration officials, writing opinion pieces and letters to the editor and participating in actions

organized by human rights organizations. If there are any detention centers in your area, find out how you can become involved by working with local organizations to monitor and improve conditions of the facility. Consider appealing to administrators (such as immigration district directors or deportation officers) who have the power to release detainees with compelling cases.

**Join** a national group or local chapter of a human rights, advocacy, community or faith-based organization that works with asylum seekers or refugees—or start your own!

**Welcome** a refugee into your community. You can do this by inviting a refugee to speak at your church, synagogue, mosque, or other religious or social institution; providing mentoring; offering English tutoring; helping them find a job; interpreting important communications to them; or helping them with basic tasks, like grocery shopping or navigating the public transportation system.

**Sponsor** a refugee or a refugee family by helping them transition into their new lives. Individual or group sponsors provide cultural orientation as well as financial and emotional support to individual refugees or refugee families for up to six months.

### ABOUT ACTIVE VOICE

Active Voice is a team of strategic communication specialists who put powerful film to work for personal and institutional change in communities and workplaces and on campuses across America. Through our practical guides, hands-on workshops, public events and key nationwide partnerships, Active Voice moves people from thought to action. We highlight compelling personal stories and perspectives seldom found in mainstream media, offering a much-needed outlet for people across America to speak out, listen up and take the initiative for positive change. Active Voice is a division of the non-profit independent media innovator, American Documentary Inc. [www.activevoice.net](http://www.activevoice.net)



## GROUPS TO CONNECT WITH/NATIONAL PARTNERS

The *Chasing Freedom* Campaign's national partners offer many resources to learn more about the issues depicted in this film.

### LAWYERS COMMITTEE FOR HUMAN RIGHTS (LCHR) [WWW.LCHR.ORG](http://WWW.LCHR.ORG)

LCHR is the lead national partner of the *Chasing Freedom* Campaign. Their Asylum Program is committed to advancing the rights of refugees by ensuring that refugees have access to asylum, by advocating for fair asylum procedures, by pressing for U.S. compliance with international refugee and human rights law, and by helping individual refugees to win asylum through a *pro bono* Asylum Legal Representation Program.

The Lawyers Committee, which is changing its name to Human Rights First, issues a regular email newsletter informing those who are interested about developments that affect asylum seekers. To sign up for the newsletter, you can email [FernandezL@lchr.org](mailto:FernandezL@lchr.org). The Lawyers Committee has released a series of comprehensive reports on the detention of asylum seekers in the U.S. Their newest report describes the changes to the U.S. immigration system since September 11 that have negatively affected detained asylum seekers.

### American Friends Service Committee (AFSC)

[www.afsc.org](http://www.afsc.org)

AFSC's work with immigrant communities reflects a commitment to support the rights and dignity of all people, regardless of legal status. Inside the United States, this work includes community organizing and education, leadership development, economic development, legal services and more.

### Amnesty International USA (AIUSA)

[www.aiusa.org](http://www.aiusa.org)

The Refugee Program of AIUSA provides research to help document political asylum claims and letters of support for particularly compelling cases, develops membership activities, and does policy work to ensure that a fair and adequate system is maintained.

### Catholic Legal Immigration Network (CLINIC)

[www.cliniclegal.org](http://www.cliniclegal.org)

Beyond its menu of trainings and technical support services to member agencies, CLINIC organizes national programs for particularly needy populations and directly represents

vulnerable groups. It currently serves Department of Homeland Security detainees in eight sites. CLINIC also coordinates a *pro bono* project to increase *pro bono* representation to immigrants; please contact Molly McKenna at CLINIC at 202-635-2567 or [mmckenna@cliniclegal.org](mailto:mmckenna@cliniclegal.org). In addition, asylees can call CLINIC's toll free hotline 1-800-354-0365 for information on their eligibility for and how to access federal benefits.

### Center for Gender and Refugee Studies (CGRS)

[www.uchastings.edu/cgrs](http://www.uchastings.edu/cgrs)

CGRS provides legal expertise and resources to attorneys representing women asylum seekers fleeing gender-related harm, coordinates legal and public policy advocacy efforts and engages in public education efforts. To join "Rodi Watch," the free gender-based asylum e-newsletter sponsored by FVPR and CGRS, visit [www.endabuse.org/action](http://www.endabuse.org/action).

### Family Violence Prevention Fund (FVPPF)

[www.endabuse.org](http://www.endabuse.org)

For more than two decades, the Family Violence Prevention

Fund (FVPPF) has worked to end violence against women and children around the world, because everyone has the right to live free of violence.

Instrumental in developing the landmark Violence Against Women Act passed by Congress in 1994, the FVPPF has continued to break new ground by reaching new audiences including men and youth, promoting leadership within communities to ensure that violence prevention efforts become self-sustaining, and transforming the way health care providers, police, judges, employers and others respond to violence. FVPPF supports initiatives such as "Rodi Watch" to protect gender-based asylum.

### Lutheran Immigration and Refugee Service (LIRS)

[www.lirs.org](http://www.lirs.org)

LIRS's Asylum and Immigration Concerns program works with national grassroots coalitions to reform policies and improve services for asylum seekers, immigrants in detention, and other vulnerable populations. This program convenes the Detention Watch Network (DWN), a national network of

over 100 organizations and 1,500 individuals. To join the DWN listserv, email [dwn@lirs.org](mailto:dwn@lirs.org). LIRS also coordinates the Forgotten Refugees Campaign, a public outreach and advocacy initiative. Write to [frc@lirs.org](mailto:frc@lirs.org) for more information.

### **Heartland Alliance's Midwest Immigrant & Human Rights Center (MIHRC)**

**[www.heartland-alliance.org](http://www.heartland-alliance.org)**

The Midwest Immigrant & Human Rights Center (MIHRC), a program of Heartland Alliance for Human Needs & Human Rights, provides direct legal services and advocates for low-income and impoverished immigrants, refugees and asylum seekers. MIHRC strives to advance rights and protections for these populations and empower them to participate fully in public life by monitoring and responding to human rights conditions and abuses at the local, regional, national and international levels, and leveraging its expertise to influence public policy and effect legislative and regulatory change. Heartland Alliance is an anti-poverty, human rights organization that provides housing, health care and human services to improve the lives of the impoverished. To volunteer as a *pro bono* attorney, call 312-660-1370.

### **National Network to End Violence Against Immigrant Women**

**[www.endabuse.org](http://www.endabuse.org)**

Founded in 1992, the Network is a broad-based coalition of more than 400 organizations and individuals that advocate and provide services for immigrant victims of domestic violence. The Network also offers technical assistance and training to advocates, attorneys, social services and health care providers, justice system personnel and other

professionals who encounter battered immigrant women, immigrant victims of crimes, sexual assault or trafficking in their work.

### **NOW Legal Defense and Education Fund**

**[www.nowldef.org](http://www.nowldef.org)**

The Immigrant Women Program of NOW Legal Defense strives to protect and expand the rights of immigrant women and their children, focusing particularly on issues of domestic violence, access to legal immigration status, access to the justice system and family courts, and economic empowerment.

### **Physicians for Human Rights (PHR)**

**[www.phrusa.org](http://www.phrusa.org)**

PHR's Asylum Network conducts *pro bono* medical and psychological evaluations of asylum seekers, provides expert testimony at their hearings, and monitors U.S. policy on asylum and refugee issues. Composed of over 400 health professionals nationwide, the Asylum Network conducts *pro bono* examinations of asylum applicants, provides expert testimony based on the exams and monitors U.S. policy on asylum and refugee health issues.

### **Southeast Asia Resource Action Center (SEARAC)**

**[www.searac.org](http://www.searac.org)**

SEARAC works to advance the interests of Cambodians, Laotians and Vietnamese Americans through leadership development, capacity-building and community empowerment.

## **NATIONAL PARTNERS RESOURCES**

### **Catholic Legal Immigration Network (CLINIC)**

**<http://www.cliniclegal.org/>**

"The Needless Detention of Immigrants in the United States: Why Are We Locking Up Asylum-Seekers, Children, Stateless Persons, Long-Term Permanent Residents and Petty Offenders?" and other reports on "at risk" immigrants in the United States.

### **Lutheran Immigration and Refugee Service**

**[www.lirs.org](http://www.lirs.org)**

*America: A Freedom Country*—A 44-page book, full of compelling stories and photographs that highlights 10 asylum seekers. The stories explore many aspects of the negative impact of the U.S. immigration detention system and offers possible alternatives to detention.

### **NOW Legal Defense and Education Fund (NOW LDEF)**

**[www.nowldef.org](http://www.nowldef.org)**

Publications from the Immigrant Women Program on domestic violence, gender-based asylum, public benefits, and health. Electronic versions available at no cost. Contact [iwp@nowldef.org](mailto:iwp@nowldef.org) for the publications list.

### **Physicians for Human Rights (PHR)**

**[www.phrusa.org](http://www.phrusa.org)**

*From Persecution to Prison: The Health Consequences of Detention for Asylum Seekers*. Co-authored by the Bellevue/NYU Program for Survivors of Torture [www.phrusa.org/campaigns/asylum\\_network/detention\\_execSummary/](http://www.phrusa.org/campaigns/asylum_network/detention_execSummary/)

*Examining Asylum Seekers: A Health Professional's Guide to Medical and Psychological Evaluations of Torture* [www.phrusa.org/campaigns/asylum\\_network/manual.html](http://www.phrusa.org/campaigns/asylum_network/manual.html)

*Stories of Survival: Asylum Seekers in America* (a compendium of stories) [www.phrusa.org/compendium](http://www.phrusa.org/compendium)

## DISCUSSION QUESTIONS FOR *CHASING FREEDOM*

This section offers questions and issues you might use to guide a discussion regarding the Court TV movie. You may also refer to the “Frequently Asked Questions” section on page 5 to aid your discussion.

- Why do you think Libby eventually dropped everything to become more involved in Meena’s case?
- In addition to guiding Meena through the legal system, how does Libby help Meena? What do Meena and Libby teach one another?
- Who in your life is/was an immigrant to the U.S.? Under what circumstances did they come to this country? How were they received by their new neighbors and community members?
- Whose interests are involved in U.S. policies towards asylum seekers? What do we as global/American citizens have to gain or lose by providing asylum seekers with a fair system for gaining protection from their persecutors? Do you think asylum seekers are given special treatment among immigrants to this country? Should they be?
- What are the arguments for detaining asylum seekers in high-security, prison-like conditions? How did you feel about the detention guard’s point, which weighed national security interests against the treatment of asylum seekers? How can these interests be reconciled?
- In the movie, when Eric tells Libby that she cannot appeal to a judge the decision by U.S. immigration authorities to deny her client’s request to be released on parole, Libby asks, “What about due process?” A basic principle of international law and of the U.S. criminal justice system is that, when detained, people have the right to have a judge promptly review the need for their detention. Asylum seekers like Meena, unlike some other immigration detainees, do not even have the right to have an immigration judge review the need for their custody. Do you think asylum seekers should be entitled to have a judge decide if they can be released from detention? Why or why not?



## FREQUENTLY ASKED QUESTIONS

### ABOUT ASYLUM

**What is the difference between a refugee and an asylum seeker?** Refugees and asylum seekers are both people seeking protection in the United States because they fear persecution in their homeland. The difference is that a refugee applies for protection from *outside* the United States, and an asylum seeker applies for protection once *inside* the United States. The film *Chasing Freedom* is about an asylum seeker.

**What does a person need to prove in order to be granted asylum?** Applicants for asylum must prove to an asylum officer or immigration judge that they have a “well-founded fear of persecution” based on their:

- race
- religion
- nationality
- membership in a particular social group
- political opinion

Once granted asylum, a person is called an “asylee.”

**How does someone apply for asylum?** Individuals can apply for asylum in several different ways. For those who are already here in the U.S., they can submit an asylum application with U.S. immigration authorities. They will then be interviewed by a trained asylum officer. For asylum seekers (like Meena) who arrive at our airports and border without proper travel documents or with false documents, they can only apply for asylum if they first pass a screening interview. Once they pass this interview, they can then file their applications for asylum in proceedings before a U.S. immigration judge.

**Beyond airports and crossing borders, how do asylum seekers arrive in the U.S.?** In 2002, the Coast Guard interdicted 4,100 migrants and asylum seekers arriving by sea. Among these were Haitians (1,500), Cubans (670), Dominicans (180) and Chinese (80). These interdicted migrants were not entitled to apply for asylum, regardless of whether they were found in international or U.S. territorial waters. The Department of Homeland Security does, however, provide a minimal level of asylum screening to interdicted persons on an *ad hoc* basis, particularly to Chinese and Cubans, but not to Haitians or others. Interdicted Cubans who are found to merit asylum are not brought to the U.S.—they are resettled in other countries. With the exception of Cubans, those who make it to U.S. soil are detained.<sup>1</sup>

### ABOUT ASYLUM SEEKERS

**How many people apply for asylum? How many applications are granted?** In 2002, 52,000 applications for asylum were filed by those already in the U.S. to be adjudicated by the U.S. asylum office. In addition, 10,000 people arrived at U.S. ports of entry requesting asylum. Out of these applicants, 19,000 people received asylum from the asylum office and many cases were still pending.<sup>2,3</sup>

**Where do most asylum seekers come from?** Globally, the leading country of origin for asylum applicants in 2001 was Afghanistan.<sup>4</sup> That year, many other asylum seekers came from China, Colombia, Guatemala, Haiti, India, El Salvador, Somalia, etc.

**Do some countries have higher approval rates than others?** Yes. Among the nationalities with the highest asylum approval rates in 2001 were Afghans (89.5%), Burmese (89%), Iraqis (82%), Somalis (81%), and Iranians, Ethiopians, and Sudanese (72-76% each).<sup>5</sup> These rates can vary from year to year, as the human rights situation in each country changes.

**Do men’s and women’s claims for asylum protection differ?** The claims of women asylum seekers often differ from those of men in several respects. First, women often suffer harms which are either unique to their gender, such as female genital mutilation or forcible abortion, or are more commonly inflicted upon women than men, such as rape or domestic violence. Second, women’s claims differ from those of men in that they may suffer harms solely or exclusively because they are women, i.e., as a result of their gender (such as the policies of the Taliban in Afghanistan that prevent females from going to school). Finally, women often suffer harm at the hands of private individuals (such as family members who threaten them with “honor killings” or abusive spouses who batter them). Traditionally, asylum claims were often made by men and did not involve gender-based persecution. As a result, women asylum seekers have faced many challenges to gaining asylum protection, and are still fighting for recognition of their gender-specific claims.<sup>6</sup>

**Do children ever seek asylum? What happens to them?** Several thousand children seek asylum in the United States each year. Some arrive unaccompanied by an adult and can be subject to detention. No attorneys or legal guardians are appointed to represent children in immigration proceedings, and children with asylum claims often bear the burden of proving their claims in court without assistance. Many children are detained during their proceedings, either in private shelters, juvenile detention centers or local jails. With the Homeland Security Act of 2002, Congress transferred the care, custody and placement of unaccompanied alien children from the Department of Justice (DOJ) to the Office of Refugee Resettlement (ORR) within the Department of Health and Human Services (HHS), in order to improve the treatment of children. The Unaccompanied Alien Child Protection Act of 2003, if passed, would go farther to ensure further protection for these children.<sup>7</sup>

## ABOUT THE CHALLENGES ASYLUM SEEKERS FACE IN PROVING THEIR CLAIM

**What if the asylum seeker does not speak English?** The government will provide an interpreter in immigration court, but not at other times, including during most of their detention or while filling out an asylum application.

**Do asylum seekers have the right to counsel?** Asylum seekers are entitled to representation by counsel, but not at the government's expense. In reality, because many asylum seekers cannot afford to pay for legal representation, many detained asylum seekers are not represented by counsel during their proceedings.

**Does having a lawyer make a difference?** According to a Georgetown Center for Migration study analyzing DOJ data, an immigrant who receives legal representation is up to six times more likely to be granted asylum than someone who is un-represented.<sup>8</sup>

**Does a physician's evaluation increase the likelihood of receiving asylum?** Medical evidence of the effects of a person's physical or psychological abuse may be sought to corroborate a person's story. Asylum applicants evaluated by a Physicians for Human Rights Asylum Network member have been granted asylum at the extraordinarily high rate of 93% compared to a national average of less than 30%.<sup>9</sup>

**Does the immigration judge to whom a case is assigned affect the outcome?** Yes. According to an analysis of DOJ statistics, there are extreme differentials in immigration judge asylum approval rates. At one end of the spectrum, there are judges who granted asylum in more than half the cases they heard from 1995 to 1999. At the other end, some judges granted asylum in less than five percent of the cases they heard, some in even less than two percent. Cases are assigned to immigration judges on a random basis.<sup>10</sup>



## ABOUT DETENTION

**Can detained asylum seekers seek release from detention?** Under a 1996 immigration law, immigration inspectors at U.S. airports and borders have the power to order the immediate deportation of people who arrive in the U.S. without proper travel documents—a situation facing many genuine refugees. The law calls for “mandatory detention” of asylum seekers who are subject to this expedited deportation process. While asylum seekers can request release from detention on parole after they pass a screening interview and can satisfy the asylum parole criteria, the parole criteria are in immigration service “guidelines,” rather than more formal regulations, and are regularly ignored. It has become increasingly difficult for asylum seekers in many parts of the country to be released from detention on parole. A decision by U.S. immigration authorities to deny release on parole cannot be appealed to a judge.<sup>11</sup>

**What happens to applicants who are denied asylum?** Detained asylum seekers (like Meena in the film) who are denied asylum, can appeal that decision to the Board of Immigration Appeals (an administrative appellate board that is part of the Department of Justice), and then to a Federal Court of Appeals, if necessary.

**How many asylum seekers are currently being detained in the U.S.?** The Department of Homeland Security does not publicly release these records, but it is estimated that of the 20,000 individuals in immigration service custody each day in 2002, several thousand were asylum seekers. Based on the number of credible fear interviews, it is estimated that in the last two years at least 16,000 new asylum seekers have been subject to mandatory detention upon their arrival in the United States.<sup>12</sup>

**Why are some asylum seekers held in jails and private prisons?** The vast majority of detainees are held in penal institutions, such as private prisons and county and city jails due to limited bed space in U.S. immigration-owned and operated detention centers. In these facilities, detainees are sometimes commingled with criminal inmates even though they are merely “civil” detainees, held for non-criminal immigration proceedings.

**Are there any regulations for detention conditions?** In 2000, immigration officials issued a set of 36 detention standards negotiated with the American Bar Association that were intended to establish uniform requirements for various aspects of detention. The guidelines—which are not regulations and therefore not legally enforceable—create standards for treatment of immigration detainees, including access to telephones, legal counsel, group rights presentations, legal materials and copiers, medical treatment, recreation and religious observance. The new standards were phased in at all facilities run directly by U.S. immigration officials or through private contractors throughout 2001. The immigration service indicated that it planned to have all facilities holding immigrants and asylum seekers—including all state and local jails—in compliance with the standards by the end of 2002. However, implementation of these standards requires vigorous oversight by independent monitors and standards have still not been implemented in many jails.<sup>13</sup>

## TERMS AND DEFINITIONS

**What is the emotional impact of detention on asylum seekers?** Detained asylum seekers suffer extremely high levels of anxiety, depression and Post Traumatic Stress Disorder. In a recent survey, 86% of the interviewed asylum seekers suffered significant depression, 77% suffered anxiety and 50% suffered from Post Traumatic Stress Disorder.<sup>14</sup> Advocates who work closely with asylum seekers note that many detainees are psychologically distressed when they flee to the U.S. and that detention often exacerbates emotional problems.

### DID THE EVENTS OF SEPTEMBER 11 AFFECT THE ASYLUM PROCESS?

In the time since the attacks of September 11, the difficulties faced by asylum seekers who are detained in the United States have increased significantly. According to the Lawyers Committee for Human Rights, a barrage of changes in U.S. law, regulations, policies and practices—many initiated in the name of advancing security—are affecting asylum seekers who are detained in U.S. jails and detention facilities. These changes include:

- the Attorney General's expansion of immigration detention authority by regulation shortly after the attacks;
- the transfer of the functions of the former Immigration and Naturalization Service, including immigration detention authority, to the new Department of Homeland Security in March 2003;
- the launching of nationality-based detention policies targeting Haitian asylum seekers and asylum seekers from Iraq and other "terrorist" producing nations—33 mostly Arab and Muslim countries;
- the changes, also initiated by Attorney General Ashcroft, to the immigration appeals process that have undermined the fairness of the asylum adjudication system;
- more restrictive release practices for asylum seekers held in many parts of the country.

Lawyers Committee for Human Rights, *In Liberty's Shadow: U.S. Detention of Asylum Seekers in the Era of Homeland Security*, January 2004.

### Footnotes

- <sup>1</sup> US Committee for Refugees
- <sup>2</sup> Department of Homeland Security, 2002 Yearbook of Immigration Statistics, October 2003
- <sup>3</sup> Department of Justice, Executive Office for Immigration Review, *Asylum Statistics*, 2002
- <sup>4</sup> UNHCR
- <sup>5</sup> US Committee for Refugees, U.S. Country Report, 2001
- <sup>6</sup> Center for Gender and Refugee Studies <http://www.uchastings.edu/cgrs/documents/background.htm>
- <sup>7</sup> USCR/LIRS
- <sup>8</sup> Executive Office for Immigration Review, *Immigration Court Asylum Decisions: FY1999 and Martin and Schoenholz, "Asylum in Practice: Successes, Failures, and the Challenges Ahead,"* 14 Geo. Immigr. L.J. 589, 595 n. 34 (2000)
- <sup>9</sup> Physicians for Human Rights
- <sup>10</sup> DOJ statistics. As reported by Fredric N. Tulskey, *Judges Who Grant Asylum Show Extreme Differences in Rulings*, *San Jose Mercury News*, Oct. 18, 2000.
- <sup>11</sup> Lawyers Committee for Human Rights
- <sup>12</sup> Meeting with BCIS Asylum Division, on November 12, 2003, copy of minutes on file with LCHR.
- <sup>13</sup> [www.abanet.org/immigration/probono](http://www.abanet.org/immigration/probono)
- <sup>14</sup> *Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture*. The report, "From Persecution to Prison: The Health Consequences of Detention for Asylum Seekers"

**alien** (n.): A person who is not a citizen of the country in which he or she lives.

**asylee** (n.): A person who has been granted asylum.

**asylum** (n.): Legal permission to live in a non-native country, which is given to people fleeing danger of persecution in their original homelands.

**asylum seeker** (n.): A person located in the U.S. who is seeking legal protection in order to remain here and prevent return to their home country. To be successful, this person must prove that they meet the legal definition of refugee under the Immigration and Nationality Act, that they are "unable or unwilling to return to his or her country of origin because of past persecution or a well-founded fear of persecution, based on the person's race, religion, nationality, membership in a particular social group, or political opinion."

**detainee** (n.): A non-citizen being held in the civil custody of government authorities while waiting for officials to decide whether he or she may stay in the country or will be forced to leave.

**Department of Homeland Security** (n.): As of March 2003, the former Immigration and Naturalization Service (INS) was abolished and its functions and units incorporated into the new Department of Homeland Security (DHS). The DHS now handles immigration enforcement, services and benefits.

**displaced person** (n.): A person who has been forced by dangerous circumstances to leave home for a place of safety within their home country. If that person flees to another country, he or she is called a refugee.

**emigrate** (v.): To leave one region or country to settle in another.

**immigrate** (v.): To enter a region or country where one is not a native, with the intention of staying.

**pro bono representation** (n.): Legal representation performed for free arising from an attorney's ethical professional duty to donate his or her time and talent to representing people who cannot afford counsel.

**refugee** (n.): A person who leaves his or her country of origin because of a "well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion." (Definition used by U.S. Refugee Act of 1980 and the United Nations.)

**visa** (n.): Department of State document authorizing a non-U.S. citizen to enter and remain in the United States for a specified period of time and for certain purposes.

(from *The Uprooted: Refugees and the United States*, by David M. Donahue and Nancy Flowers with the Amnesty International Human Rights Education Steering Committee)

## OTHER RESOURCES

Following are links to some additional organizations advocating on behalf of asylum seekers and refugees.

**American Bar Association Commission on Immigration Policy, Practice and Pro Bono**  
[www.abanet.org/immigration/probono](http://www.abanet.org/immigration/probono)

The Commission directs American Bar Association efforts to ensure fair and unbiased treatment, and full due process rights for immigrants and refugees within the U.S. Among other activities, the Commission develops and assists the on-going operation of *pro bono* programs that encourage volunteer lawyers to provide high quality, effective legal representation for individuals in immigration courts, with special emphasis on the needs of the most vulnerable immigrant and refugee populations.

**Doctors of the World**  
[www.doctorsoftheworld.org](http://www.doctorsoftheworld.org)

Since 1990, Doctors of the World-USA has provided medical and humanitarian assistance to those in the greatest need in more than 20 nations—from the people of war-ravaged Kosovo to abandoned children in Russia to indigenous people in Chiapas to South Africans devastated by tuberculosis.

**Doctors Without Borders**  
[www.doctorswithoutborders.org](http://www.doctorswithoutborders.org)

Médecins Sans Frontières (also known as Doctors Without Borders or MSF) delivers emergency aid to victims of armed conflict, epidemics, and natural and man-made disasters, and to others who lack health care due to social or geographical isolation.

**Human Rights Watch**  
[www.humanrightswatch.org](http://www.humanrightswatch.org)

Human Rights Watch works to stop human rights abuses in countries around the world, and advocates for greater protection for refugees and for an end to the abuses they suffer when they reach supposed safety.

**Lesbian and Gay Immigration Rights Task Force (LGIRTF)**  
[www.lgirtf.org](http://www.lgirtf.org)

LGIRTF is a coalition of immigrants, attorneys and other activists who address the widespread impact of discriminatory immigration laws on the lives of those in the gay, lesbian, bisexual & transgender community and immigrants who are living with HIV/AIDS.

**National Consortium of Torture and Treatment Programs (NCTTP)**  
<http://ncttp.westside.com>

NCTTP advances the knowledge, technical capacities and resources devoted to the care of torture survivors and acts collectively to prevent torture worldwide. The primary purpose of the Consortium is to foster the development, in quality as well as quantity, of specialized programs devoted to caring for survivors of torture. Member organizations share knowledge and expertise through regular communication and cooperation, building stronger individual organizations as well as a stronger network of care.

**United Nations High Commissioner for Refugees**  
[www.unhcr.ch](http://www.unhcr.ch)

This international agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

**Women's Commission for Refugee Women and Children**  
[www.womenscommission.org](http://www.womenscommission.org)

The Women's Commission is an expert resource and advocacy organization that monitors the care and protection of refugee women and children. It speaks out on issues of concern to refugee and displaced women, children and adolescents, who have a critical perspective in bringing about change but often do not have access to governments and policy makers. It also provides opportunities for refugee women and youth to speak for themselves through briefings, testimony, participation in field assessments and international conferences.

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