

February 03, 2005

Dear Member of Congress:

We, the under-signed organizations and individuals, urge you to oppose Section 101 of the REAL ID Act of 2005 (H.R.418), which would have a devastating impact on legitimate asylum-seekers and refugees in this country. This bill includes provisions that will make it much harder for refugees to obtain asylum in this country -- and could lead to their deportation into the hands of their persecutors.

Specifically, we oppose the following parts of Section 101:

- Allows refugees who testify credibly to be denied asylum if they are unable to track down "corroborating evidence" -- empowering an immigration officer or immigration judge to deny asylum to a refugee because he believes, in his discretion, that the refugee should have somehow been able to obtain a particular document;
- Requires a refugee to prove her persecutor's "central" reasons for harming her - essentially penalizing a refugee who cannot prove with unrealistic precision the persecutor's motivation;
- Gives an immigration officer or immigration judge broad leeway to deny a refugee asylum based on her perceived "demeanor" and alleged "statements" taken in unreliable circumstances.

Section 101 will bar many legitimate refugees who have fled brutal human rights abuses -- including torture, rape, and other horrific violence -- from receiving asylum. Refugees often flee for their lives in situations that do not allow them to gather "corroborating evidence", and it is often impossible for them to subsequently track down these kinds of documents -- especially given their lack of resources and the lack of funded legal representation. Persecutors' main concern in most cases is harming the applicant, not explaining the reasons for their actions, and the applicant's main concern is -- and should be -- escaping this harm, not documenting the reasons for it. The REAL ID Act would place an enormous and unnecessary burden on asylum seekers by requiring them to prove with unrealistic precision what is going on in their persecutors' minds. Finally, these provisions also ignore the fact that refugees who suffer from the after-effects of torture and trauma -- including survivors of rape or forced abortions - may appear lacking in emotion or have difficulty making eye contact, making "demeanor" a particularly poor indicator of credibility for those asylum seekers.

Section 101 of the bill will have devastating consequences for bona fide asylum-seekers and refugees without making our nation safer. We, the undersigned, urge you to oppose Section 101 of the REAL ID Act.

Thank you for your consideration of our views.

Sincerely,

Organizations

American Civil Liberties Union (ACLU)

American-Arab Anti-Discrimination Committee (ADC)

American Federation of Labor- Congress of Industrial Organizations (AFL-CIO)

American Immigration Lawyers Association (AILA)

American Jewish Committee

Amnesty International USA

Anti-Defamation League

Asian Law Caucus

Asian Pacific American Legal Center of Southern California

Bill of Rights Defense Committee

Catholic Charities USA

Center for Gender and Refugee Studies
Univ. of Calif., Hastings College of the Law

Center for National Security Studies

Church World Service / Immigration and Refugee Program

Episcopal Migration Ministries

Golden Vision Foundation

Harvard Immigration and Refugee Clinical Program
Harvard Law School

Heartland Alliance for Human Needs & Human Rights
Chicago, Illinois

Hebrew Immigrant Aid Society

Hmong National Development

Human Rights First

Illinois Coalition for Immigrant and Refugee Rights

Immigration Unit of Greater Boston Legal Services
Boston, MA

Irish American Unity Conference

Jewish Council for Public Affairs

Jubilee Campaign USA

Kurdish Human Rights Watch, Inc.

Leadership Conference on Civil Rights

Midwest Immigrant & Human Rights Center
Chicago, Illinois

The Multiracial Activist

National Asian Pacific American Legal Consortium (NAPALC)

National Council of La Raza

National Immigration Forum

Peace Action WI

Refugee Law Center
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Tahirih Justice Center

Unitarian Universalist Association of Congregations

Unitarian Universalist Service Committee

U.S. Committee for Refugees and Immigrants (USCRI)

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Women's Commission for Refugee Women and Children

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