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# U.S must stop mistreating asylum seekers fleeing persecution

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Getty Images

Many men, women, and children each year come to our borders seeking asylum. While many officials work faithfully under difficult conditions to protect our borders, asylum seekers all too often encounter skeptical, improperly trained, and poorly supervised officials who turn them away without proper screening.

The obvious risk is that the United States is sending back to their countries of origin victims of persecution and torture, with possible tragic consequences. And those temporarily admitted to pursue asylum cases are detained, often for many months, in prison-like facilities in isolated areas, far from legal counsel.

These conditions are unacceptable. While the U.S. government must protect our nation's borders and enhance our security, it also has a duty to properly screen and treat with dignity those who are exercising their right to seek safe haven in the United States. Failing to protect such people will not make us safer, but will violate our country's fundamental character and bedrock values.

Earlier this month, the U.S. Commission on International Religious Freedom (USCIRF), a bipartisan Commission on which we serve, issued a report, **Barriers to Protection: The Treatment of Asylum Seekers in Expedited Removal**. *This report confirmed* such problems in Department of Homeland Security (DHS) agencies including U.S. Customs and Border Protection (CBP), which includes Border Patrol (BP); U.S. Immigration and Customs Enforcement (ICE); and U.S. Citizenship and Immigration Services (USCIS).

Major problems were found in implementing Expedited Removal, a process by which non-citizens arriving without documents or with fraudulent ones can be returned summarily to their countries of origin without an immigration court hearing. The system includes safeguards because *bona fide* refugees often do not have documents or must use fraudulent ones to flee. The Expedited Removal law thus mandates ways to identify and allow refugees to seek asylum in immigration court once they establish a credible fear of persecution or torture.

This mandate has been violated repeatedly, as seen in ICE-run facilities in which asylum-seeking women and children are detained under conditions that courts have found do not comply with the U.S. government's own standards for child detention as defined in a 1997 legal settlement, the *Flores* Agreement. Children in these settings have experienced anxiety, depression, post-traumatic stress disorder, and developmental regressions.

The conditions of the facilities housing adult asylum seekers also are concerning, with jail-like settings possibly triggering memories of past mistreatment, increasing the risk of re-traumatization or causing asylum seekers prematurely to terminate their asylum claims.

In addition, CBP's initial processing interviews are riddled with problems, including lack of privacy, questionable interpretation practices, and failures to ask required questions, correctly record answers, or allow interviewees to review and correct errors. For example, investigators were told of a four-year-old whose file indicated he said he came to the United States to work, and met an El Salvadoran and a Nepali asylum seeker who each reported that, despite expressing a fear of return, the CBP officer recorded only identifying information. A Bangladeshi reported that he was turned away by the first U.S. officer he encountered at the border when he said he was seeking asylum. The officer told him to try Mexico.

There also remain problems with quality assurance and CBP's implementation instructions to BP agents. Especially disturbing is CBP officers' openly-expressed skepticism about asylum seekers' claims. For example, a supervisor doubted Chinese Christian asylum seekers' credibility because they could not name the church they attended. In fact, many worship in homes, not churches.

Clearly, the situation is troubling, but there are solutions that DHS can and should implement immediately to get its house in order. These measures are not glamorous but are vitally necessary, and range from reforming CBP's training and interviewing practices and ICE's housing of asylum seekers, to appointing a high-ranking official to coordinate refugee and asylum issues among the agencies involved in Expedited Removal and oversee reforms.

One hundred thirty years ago, a young Jewish woman penned a sonnet which is engraved on our Statue of Liberty, the "Mother of Exiles," and which famously reads: "Give me your tired, your poor,/Your huddled masses yearning to breathe free./The wretched refuse of your teeming shore./Send these, the homeless, tempest-tost to me."

While our great nation faces different challenges today, our character as Americans has not changed and should not change. How we treat those who come to our borders seeking freedom and safety says much about the kind of nation we are and will be.

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