

Report: Some refugees in legal paradox

September 26, 2006

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LOS ANGELES (AP) -- For nearly 1 1/2 years, a Sri Lankan fisherman has waited in a federal detention center in New Jersey - and in a legal Catch-22.

He is accused of giving a terrorist group in his homeland about \$500 and denied asylum. But he says the payment was ransom to secure his release after being kidnapped by the group.

His case illustrates the legal paradox confronting hundreds of other refugees seeking asylum in the United States, according to a report released Tuesday from the advocacy group Human Rights First.

Under the USA Patriot Act and other laws, immigrants who provide "material support" to a terrorist group are automatically barred from gaining asylum - even if they helped those organizations against their will or under duress.

Being forced to aid terrorists, however, is often the reason many want asylum.

"It takes the very harm people suffered and turns that into a reason for denying them protection," said Anwen Hughes, a Human Rights First staff attorney who helped author the report. "It's treating victims of terrorism like terrorists."

The report says at least 565 asylum seekers - many of them ethnic and religious minorities fleeing violence in countries such as Myanmar, Colombia and Nepal - have had their cases put on hold as a result of the policy. Also on hold are another 700 requests for residency from refugees previously granted asylum or refugees status.

Department of Homeland Security representatives had no comment Wednesday on the report.

The U.S. State Department has made some exceptions, including a waiver earlier this year for some members of one Burmese refugee camp who once helped rebel groups fighting Myanmar's military regime, but such instances are somewhat rare.

The case of the Sri Lankan fisherman stuck in New Jersey has prompted Human Rights First to make legal filings on his behalf.

The government says the 32-year-old refugee, identified only as "R-K-" in court records, gave the Liberation Tigers of Tamil Eelam about \$500 two years ago and has denied his

request for asylum. The Tamil Tigers separatist group is considered a terror organization by the U.S. State Department.

But R-K- says in court papers that he had no choice: The payment was ransom to secure his release after the Tamil Tigers kidnapped him.

He said the Tigers showed up at his home along the coast of Sri Lanka's Jaffna Peninsula demanding his fishing boat in November 2004, court documents say.

He refused and three days later they kidnapped him, took him to their camp and held him for a couple days until he agreed to pay about \$1,000 in ransom, according to his attorney, Joseph Devamithran.

He had paid about half, but the Asian tsunami struck before he could pay the balance, wiping out his boat, house and livelihood. Terrified, he left his wife behind in hopes of gaining asylum in Canada, his attorney said.

Before reaching Canada, he was stopped at the airport in Newark, N.J., after his plane landed in February 2005. Since then, he's been held in a federal detention center.

Whatever comes of his case, he doesn't want to return to Sri Lanka. He says the government's security forces tortured him in 1996 and would likely target him again - accusing him of supporting the Tamil Tigers.