

REFUGEE COUNCIL USA

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VIA FACSIMILE:

October 19, 2004

Dear Conferee _____:

We, the undersigned members of Refugee Council USA, ask you to oppose provisions in H.R. 10, the 9/11 Commission Recommendations Act, which would potentially have devastating consequences for asylum-seekers and refugees in this country.

We are deeply concerned that, should these extraneous provisions be enacted into law, an untold number of persons seeking protection in our land will be returned to their persecutors. Moreover, none of the provisions impacting asylum-seekers and refugees was part of the recommendations in the 9/11 Commission report.

Specifically, we request that you oppose the following provisions in H.R. 10:

- Expedited removal (Section 3007): This section would expand expedited removal to the interior of the country and along the border between ports of entry and *require* its use. It also would expand the period of time during which an alien in the United States is subject to the procedure from two to five years.
- Unfair barriers to asylum protection (Section 3008): This section would establish in law new evidentiary standards that applicants would have to prove in order to qualify for asylum, make the standards retroactive, strip the courts of much of their jurisdiction to review cases, and place the burden of proof on the alien to prove eligibility for relief.
- Judicial review of orders of removal (Section 3010): This section would prohibit habeas corpus review of a variety of immigration decisions, including asylum cases, and prohibit federal courts from granting stays of deportation while a case is pending.
- Unfair barriers to protection against torture (Section 3032): Although modified on the floor of the House of Representatives, this section would permit the return of torture victims to the countries where they were tortured as long as the Secretary of State *seeks*, not obtains, assurances from the country that the individual will not be tortured upon their return.

- Additional removal authorities (Section 3033): This section would allow the U.S. government to remove foreign nationals to countries that lack a functioning government.

If enacted into law, these provisions would represent the most sweeping changes in asylum and refugee law in years. They would have devastating consequences for bona fide asylum seekers and refugees who seek protection in our country.

We urge you to request the removal of these provisions from any final legislation.

Sincerely,



Mark Franken
Chair, Refugee Council USA

Executive Director
Migration & Refugee Services/United States Conference of Catholic Bishops

On behalf of the following agencies:

Bill Frelick, Director, Refugee Programs
Amnesty International USA

John Salzberg, Washington Representative
Center for Victims of Torture

Joseph S. Roberson, Director
Church World Service/Immigration and Refugee Program

C. Richard Parkins, Director
Episcopal Migration Ministries

Leonard Glickman, President & CEO
Hebrew Immigrant Aid Society

Thong Lee, Interim Executive Director
Hmong National Development

Elissa Massimino, Director, Washington Office
Human Rights First

Lavinia Limón, Executive Director
Immigration and Refugee Services of America/U.S. Committee for Refugees

William Canny, Secretary-General
International Catholic Migration Commission

Robert Carey, Vice President for Resettlement
International Rescue Committee

Fr. Kenneth Gavin, S.J., National Director
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Dr. Pary Karadaghi, Executive Director
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Ralston H. Deffenbaugh, Jr., President
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Huy Vu Bui, Executive Director
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Max Niedzwiecki, Executive Director
Southeast Asia Resource Action Center

Wendy Young, Director of External Relations
Women's Commission for Refugee Women and Children

R. Timothy Ziemer, Rear Admiral, USN (ret), Executive Director
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