

March 6, 2006

Dear Senator,

We, the undersigned 84 organizations and 117 individuals are writing to urge you to oppose provisions in the “Comprehensive Immigration Reform Act of 2006” which the Senate Judiciary is debating this week that would harm various vulnerable populations, including asylum-seekers, children, trafficking victims, and others seeking protection in the United States. No matter what your position is on a temporary guest worker program or border enforcement, we can and should all agree that the United States must uphold its legal commitment and moral obligation to provide refuge to those fleeing persecution or abuse in their home countries. As written, provisions included in Titles II and VII would further harm these already at risk individuals. For example, the bill would:

#### Limit Access to the Federal Courts

- **Sections 701 and 707** would prevent many refugees from getting mistaken asylum denials corrected by the federal courts, leading them to be deported back into the hands of their persecutors. By shifting jurisdiction over all new petitions for review of removal orders and appeals of district court orders in habeas cases to the U.S. Court of Appeals for the Federal Circuit, with only a minimal increase in staffing, section 701 would overburden a court with no exposure to immigration cases and lead to hasty and flawed decision-making. The provision would limit physical access to the courts and increase the difficulty and expense of securing counsel, preventing many vulnerable non-citizens from seeking federal court review. These changes would fall particularly hard on detained populations, including women, children and families, many of whom already go unrepresented at the administrative level.
- **Section 706** requires an applicant for withholding of removal to prove that her race, religion, nationality, membership in a particular social group, or political opinion was or would be “one central reason” for her persecution. When this provision was added to the asylum statute by the REAL ID Act, many organizations and advocates expressed concern that it would make it harder for legitimate refugees to get protection and increasing their chances of being returned to persecution. This same concern applies in the context of withholding of removal.

#### Criminalize Asylum Seekers, Trafficking Victims, and Other Vulnerable Populations

- **Section 206** makes it a crime to be knowingly out of status. This would criminalize refugees who fall out of status while preparing their asylum applications, trafficking victims who remain in the U.S. against their will, battered women whose abuser controls their immigration status and children who do not understand their immigration status.
- **Section 203** strips DHS and DOJ of discretion to grant a waiver to refugees and asylees who have been convicted of an aggravated felony but show compelling reasons why they should be allowed to adjust their status to permanent resident.
- **Sections 208, 209 and 221** would subject vulnerable individuals who use fraudulent passports or documents to enter the United States to imprisonment for up to 15 years, thereby barring them from relief. Since the bill does not provide for an exception for refugees, children, or other vulnerable groups, this means that an asylum seeker, for example, who was unable to obtain a passport from the government that was persecuting him and fled to the United States on a borrowed document could be barred from asylum and withholding of removal.
- **Section 205** expands the scope of the activities considered “alien-smuggling” such that it could be illegal for individuals or organizations to assist an undocumented immigrant, subject to a very

limited exception for religious organizations that provide room and board to undocumented immigrants serving as missionaries.

Provide for Prolonged or Indefinite Detention of Asylum Seekers and Others

- **Section 202** allows for the prolonged detention of asylum seekers and others whose cases are on appeal to the federal courts, and the indefinite detention of immigrants who have been given final orders of removal but cannot be removed. Indigent immigrants who are unable to obtain adequate representation in their removal proceedings are at particular risk for such treatment.

We recognize and support the need to reform our nation's immigration laws. However, this can and should be accomplished in a thoughtful and deliberate manner that does not harm refugees, battered women, and other vulnerable populations.

Many of the undersigned organizations and individuals will also be writing to you separately to discuss these and other issues of concern with this bill. Thank you for your consideration.

Respectfully,

**Organizations**

Advocates for Survivors of Torture and Trauma

American-Arab Anti-Discrimination Committee

American Friends Service Committee

American Immigration Lawyers Association

American Jewish Committee

Amnesty International - USA

Asian American Legal Defense and Education Fund (AALDEF)

American Civil Liberties Union (ACLU)

Break the Chain Campaign

Brewster Center Domestic Violence Services, Inc

Boat People SOS

Capital Area Immigrants' Rights Coalition

Catholic Daughters of the Americas, Corning NY

Center for Battered Women's Legal Services  
Sanctuary for Families

Center for Gender & Refugee Studies,

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Center for National Security Studies

Center for Victims of Torture

Center for Women Policy Studies

Christian Legal Society

Church Women United

Church Women United of Chemung County (NY)

Church Women United of NYS

Church World Service Immigration and Refugee Program

Cornell University Law School  
Asylum/CAT Appeals Clinic

The Door - A Center of Alternatives, Inc.

Empire Justice Center

Episcopal Migration Ministries

Ethiopian Community Development Council, Inc.

Fairfax County Privacy Council

Florida Immigrant Advocacy Center

Georgia Coalition Against Domestic Violence

Heartland Alliance for Human Needs & Human Rights

Hispanic Development Corporation, Newark

Human Rights First

Human Rights Watch

Immigrant Law Center of Minnesota

Immigrant Legal Advocacy Project

Immigration Equality

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International Rescue Committee  
Iowa Coalition Against Domestic Violence  
Jesuit Refugee Service - USA  
Jubilee Campaign USA  
Kurdish Human Rights Watch, Inc.  
Ladies of Charity of Chemung County (NY)  
Lawyers' Committee for Civil Rights – San Francisco  
Legal Momentum  
Legal Services for Children – San Francisco  
Lutheran Immigration and Refugee Service  
Maine Civil Liberties Union  
Midwest Immigrant & Human Rights Center  
Migrant and Refugee Cultural Support, Inc (MIRECS)  
Minnesota Advocates for Human Rights  
Morning Star House Inc.  
The Multiracial Activist  
Na Loio- Immigrant Rights and Public Interest Legal Center  
National Immigration Forum  
Network Against Human Trafficking  
Northwest Immigrant Rights Project  
Past Regents' Club, Diocese of Rochester (NY)  
Pax Christi Maine  
Pax Christi, Upstate NY

Peace Action Maine

Pennsylvania Immigration Resource Center

Physicians for Human Rights

Political Asylum Project of Austin

Prison Legal News

Rocky Mountain Survivors Center

Social Justice Commission of Sacred Heart - St. Dominic Church  
Portland, ME

Safe Horizon

Safehouse Progressive Alliance for Nonviolence

Tahirih Justice Center

Unitarian Universalist Service Committee

University of Connecticut School of Law  
Asylum and Human Rights Clinic

U.S. Committee for Refugees and Immigrants

Vermont Refugee Assistance

Washington Defender Association's - Immigration Project

Washington Lawyers' Committee for Civil Rights and Urban Affairs  
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Women's Commission for Refugee Women and Children

Women's Law Project

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