



## U.S.: Groups Hail Refugee Protection Act

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NEW YORK, Apr 7 (IPS) - Immigrants' rights activists are virtually unanimous in their endorsement of proposed legislation that would change decades of U.S. asylum practices. But proponents of the legislation fear it may never find its way out of the U.S. Senate to the president's desk.

Senator Patrick Leahy introduced the Refugee Protection Act of 2010 back in March. The objective of the bill is to "affirm the U.S. commitment to provide refuge to individuals fleeing persecution in their homelands."

It helps restore protection to deserving individuals fleeing persecution and torture, who have been denied refuge under increasingly restrictive immigration laws and court decisions.

The bill protects women and girls fleeing gender-based harms - such as forced marriage, female genital cutting, honour killings and domestic violence - children seeking asylum on their own, traumatised or isolated refugees who are unable to file an application for asylum within one year of arrival to the U.S., and other vulnerable victims of persecution.

But some Congress-watchers point out that historically, major refugee and immigration reform bills have not moved through Congress the same year that they were introduced. In addition, the Senate calendar has been so choked with health care legislation and other "must pass" bill that the House of Representatives is now referring to the upper body as "the place where bills go to die."

Finally, the status of the Leahy bill could change if the Barack Obama administration decides to introduce comprehensive immigration legislation during the current session of Congress.

Meanwhile, pro-immigration groups are lobbying senators to obtain more co-sponsors. Thus far, all are Democrats. Getting two or three Republicans is one of the objectives of the White House, but immigration is one of the most predictable third rails of U.S. politics, especially in a mid-term election year.

If grassroots support were ever enough to get a bill through the Senate, Leahy's legislation would have smooth sailing. It has been lavishly endorsed by more than 25 of the country's leading immigration organisations.

One of the most respected, the Centre for Gender and Refugee Studies at the University of California Hastings, said the legislation "makes critical reforms to our asylum laws and procedures, and helps bring the U.S. in line with its treaty obligations."

Bill Frelick, director of Human Rights Watch's refugee policy programme, told IPS, "The bill identifies the serious gaps and overly restrictive provisions in the U.S. refugee and asylum system."

He said the legislation "confirms reforms that the Obama administration appears to be trying to implement administratively, such as paroling from detention asylum seekers who establish a credible fear of persecution and promulgating regulations governing conditions of detention."

The American Civil Liberties Union (ACLU) and Amnesty International also called on the Senate to swiftly pass the bill.

"Thirty years ago this week, Congress passed landmark legislation that created important standards for America's response to refugees seeking our protection," said Human Rights First's Eleanor Acer. "In the decades since then, America has faltered in its commitment to the persecuted."

"Today, Senators Leahy and Levin have introduced legislation that will put our nation back on track and strengthen U.S. refugee protection laws so that they can once again reflect our values and commitments," she said.

Leahy's legislation includes provisions that would eliminate the one-year asylum filing deadline and remove barriers that prevent some asylum seekers from receiving prompt review by the immigration courts of detention decisions.

It would clarify the "particular social group" basis and "nexus" requirements for asylum so that the asylum requests of vulnerable

individuals, including women fleeing gender-based persecution and refugees persecuted for their sexual orientation, are adjudicated fairly and consistently.

The legislation has won the endorsement of the nation's leading immigration advocates, including the U.S. Conference of Catholic Bishops, the International Rescue Committee, the National Immigration Forum, the American Immigration Association, the American Bar Association, and the U.S. Commission on International Religious Freedom.

The legislation would make several critical reforms to U.S. asylum laws.

Notably, it clarifies definitions of what actions constitute "material support" to ensure that the innocent acts of asylum-seekers are not mislabeled as terrorist activities.

The bill also establishes a nationwide, secure "alternatives to detention" programme, and institutes detention reforms to ensure access to counsel, medical care, religious practice and family contact visits. Finally, the bill restores judicial review to a fair and reasonable standard consistent with administrative law principles.

One of the cruelest ironies for people seeking protection in the U.S. - many of whom have been detained and tortured at home - is that they are subject to mandatory detention as soon as they request "safety" here.

Despite the fact that this law is in direct violation of obligations under the Refugee Convention, the U.S. continues to use detention as a means to deter refugees from seeking asylum or to encourage them to abandon their asylum applications.

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