

UNHCR Recommends Improvements in Secondary Inspection

UNHCR staff observed a secondary inspection interview at the Seattle-Tacoma Airport in June, 1999, marking the first such observation by a non-U.S. government employee since new immigration procedures went into effect in April 1997.

After observing the interview, UNHCR gave feedback to the INS, noting concerns about the interviewing techniques, the accuracy of information given to the applicant about the process, and the failure to convey fairly all the options available to the applicant. INS has agreed to provide further training to inspectors on UNHCR's issues of concern.

The secondary inspection interview is part of the expedited removal process, which allows the INS to remove individuals immediately from the U.S. without further hearing or review if they have arrived with false or no documents. The only exception is for individuals who express a fear of returning to their home countries, and who should be referred for a credible fear interview before an asylum officer. At the crucial secondary inspection stage, an immigration inspector performs many of the same functions previously performed by INS trial attorneys and immigration judges. The inspector is permitted to find that a person is ineligible to enter the US and then order the person removed with no possibility for review.

UNHCR's observation of the secondary inspection interview in Seattle was part of an ongoing series of visits to ports of entry in the U.S. UNHCR staff have visited eleven ports of entry since the expedited removal procedures went into effect, including most recently the Seattle visit and one in Atlanta. During these visits,

staff have been able to review expedited removal files, tour primary and secondary inspection areas, view holding cells, and interview INS inspectors.

UNHCR continues to urge the Department of Justice and the INS to allow national groups access to the expedited removal process. The High Commissioner recently raised this issue in her meeting with Attorney General Janet Reno in July 1999. Besides lacking the financial and personnel resources to monitor the process adequately, UNHCR recognizes that it cannot substitute for national groups whose interests in the process extend beyond UNHCR's own refugee protection mandate.

Asylum Advocates Focus on Domestic Violence

Legal advocates in the U.S., arguing that certain victims of domestic violence are entitled to protection under U.S. asylum law, are seeking to change the law as interpreted by the Board of Immigration Appeals (BIA). In June 1999, the BIA rejected a Guatemalan woman's claim that her fear of spousal abuse was a basis for asylum. A group of over fifty NGOs have signed a letter to the Attorney General asking her to review and overturn the decision (Matter of R-A-), and a bipartisan group of members of Congress have requested the same.

Matter of R-A-, Interim Decision # 3403, can be found on the Executive Office for Immigration Review website: www.usdoj.gov/eoir/efoia/bia/iaindx.htm

UNHCR Deputy Representative's comments on domestic violence can be found at www.uchastings.edu/cgrs

In July, UNHCR's Deputy Regional Representative Bemma Donkoh joined Professor Pamela Goldberg, Dorothea Lay of the INS General Counsel's Office and Wendy Young of the Women's Commission for Refugee Women and Children in a panel discussion on this issue at the

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Carnegie Endowment for International Peace. While not arguing for a particular outcome in Matter of R-A-, UNHCR outlined international refugee law provisions and UNHCR guidelines which establish that certain victims of domestic violence qualify for asylum.

At a meeting on gender-related asylum claims organized by the Women's Commission in July, U.S. and Canadian experts on asylum law discussed national refugee policies that impact women, particularly emphasizing domestic violence. UNHCR also expressed concern that worldwide, women with valid gender-based asylum claims often receive forms of protection that fall short of asylum.

As part of its role to assist decision makers in interpreting the Refugee Convention and Protocol, UNHCR will continue to work with the U.S. government and NGOs on gender-based asylum claims.

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