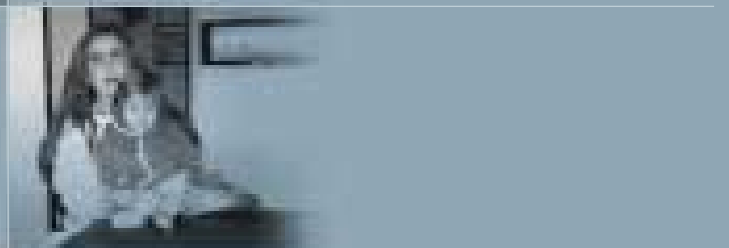




Refugee Women At Risk

Unfair U.S. Laws Hurt Asylum Seekers



AMERICAN COMMITTEE
FOR HUMAN RIGHTS

Lawyers Committee for Human Rights

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II. The Detention of Women Seeking Asylum

Under the 1996 immigration law asylum seekers are subject to “mandatory detention,” and are held in detention facilities and jails. They are technically eligible for parole once they establish that they have a “credible fear of persecution” and meet certain criteria under INS parole guidelines.¹³ But the decision to parole an asylum seeker is not made by an independent authority; it is instead entrusted to local INS officials who have wide discretion in applying the parole guidelines.

Parole is implemented in an inconsistent and sometimes arbitrary manner.¹⁴ The problem is so severe that, in December 2000, the INS issued a regulation simply to confirm that the INS Commissioner could exercise authority over local INS parole determinations. As a result of these flawed procedures, many asylum seekers –including survivors of rape, gender-related harms and torture –are detained even when they have family or other community contacts who are willing to house and support them.

Parole for asylum seekers, already restrictive in some areas of the U.S., seems to have become even more restrictive in the wake of September 11. Particularly troubling are reports of discriminatory parole practices. The press has documented cases in which asylum seekers from Middle Eastern or Muslim backgrounds, who would previously have been paroled prior to September 11,

“During the eight months I spent in the detention center I didn’t see the sun. There was no fresh air. We have everything in the same hall - toilet and everything. It was horrible.... They said it is not a prison. It’s, in fact, a prison from my point of view. There is no window, no freshness, nothing.

– Adolphine Mwanza, a Congolese rape survivor

Adolphine Mwanza

A rape survivor

Denied parole despite U.S. convent’s support

After being raped and tortured in the Congo, Adolphine Mwanza was detained for eight months in the U.S. even though a New Jersey convent was willing to house and support her.⁷ As a young girl in the Democratic Republic of Congo – then called Zaire – Adolphine Mwanza aspired to become a nun and enter a local Roman Catholic convent. But her family was brutally targeted by the dictatorial rulers of her country, and soldiers kidnapped, tortured and raped Adolphine. She went into hiding,

and with the help of two Catholic priests escaped her country, traveling on invalid travel documents. She was sent to the INS detention center in Elizabeth, New Jersey. Despite the invitation of a Catholic convent in New Jersey, the New Jersey INS denied her parole request. Adolphine was held at the detention facility for eight months, and was only released after she was granted asylum in July 2000.

have been denied parole. For instance, two Christian women who fled Iraq were denied parole in Miami, even though one of the women had strong community ties, specifically her U.S. citizen sister and legal permanent resident mother. In another case, a thirteen-year old Iraqi girl was detained for over five months as a result of delays in the new security checks affecting asylum seekers from Iraq and other countries.¹⁵

Following the arrival of a boat of Haitian asylum seekers in Florida in December 2001, and a subsequent boat which arrived in late October 2002, the INS has instituted a discriminatory parole policy directed at Haitian asylum seekers. As a result, Haitian men, women and children have been detained in Florida for prolonged periods of time, even though other asylum seekers are routinely released on parole in Florida.

“At the [detention] facility, they took away my clothes and gave me an orange prison uniform. I was treated like a criminal. I was kept in a room with 12 other women for 23 hours a day. There was no privacy. The toilets and shower were in the same room behind only a low wall – so that you could see someone’s upper body as they sat on the toilet.”

– “Mina Buhani,” an Afghan woman

For refugees, it is devastating to be imprisoned like a criminal by the country they turned to for protection. For refugee women – many of whom have suffered unspeakable abuses – detention can be particularly traumatizing.

Privacy and dress

While detained, women must wear prison-like uniforms, a requirement that can be especially difficult for women who come from cultures where they are required to wear dresses

“Mina Burhani”

A teacher from Afghanistan targeted by the Taliban

Refused parole⁹

The INS refused to parole Mina Burhani from detention even though she had U.S. citizen relatives who were willing to support her. In 1998,

Mina was targeted by the Taliban regime in Afghanistan because her sisters are Christian and because she opened a school to teach young girls – a violation of Taliban prohibitions. After the Taliban beat her and threatened her with death, Mina fled Afghanistan. Arriving at JFK in October 1998, she was detained and shackled at secondary inspection. She soon fainted and was taken to a hospital. The New York INS refused to parole her despite the fact that she had a U.S. citizen sister. She was only released after a Senator’s office and the Lawyers Committee complained about her parole denial. She was subsequently granted asylum.

or head-coverings. The Lawyers Committee recently assisted a Rwandan refugee who felt humiliated and dehumanized when, in addition to all the other indignities that accompanied her imprisonment in a Connecticut jail, her hair was shaved off, without explanation – leaving her with very uneven close-cropped hair instead of the braids she arrived with. At the larger detention facilities, women lack any degree of meaningful privacy as the toilet and shower areas are separated from the general living area by only a partial barrier. This lack of privacy may be particularly difficult for women who come from cultures where they are required to behave modestly and to keep others from seeing them even partly unclothed.

Detention exacerbates depression and trauma

For survivors of torture, rape and other forms of gender-based persecution, detention often exacerbates the symptoms of post-traumatic stress and depression. One Lawyers Committee client – a woman who fled Cameroon after suffering torture and an attempted rape – became extremely depressed after nearly three years in county jails and detention facilities. She said: “I just feel deadened and hopeless.... Often I cannot sleep or eat. Sometimes I cannot stop crying. I think about the torture that I experienced, and I sit and re-live my experiences in my mind.” Experts in treating torture survivors have confirmed that detention can further exacerbate the effects of depression and trauma.¹⁶

Beatrice Okum

A Sudanese slave

Detained and handcuffed

Beatrice Okum, a Christian woman from Southern Sudan, was detained in the U.S. for nearly five months after she escaped from 14 years of slavery in Kenya.⁸ Her detention in the U.S. triggered flashbacks reminding her of her lengthy enslavement. At the age of 14, Beatrice and her family fled their village in Southern Sudan, which was targeted for attack by the Sudanese National Islamic Front because the villagers were Christian. During repeated attacks Beatrice was separated from her mother, her brothers and her sisters. She does not know if they are alive, dead, or were forced into slavery. At the age of 15, Beatrice was targeted by a group of Kenyans who told her stepfather that they helped girls to flee from war zones. These people actually

took Beatrice to Kenya and forced her into slavery. Beatrice spent the next 14 years of her life as a slave. With the help of a friend, she was finally able to escape from her captors. When Beatrice arrived in the U.S. in November 2001, she was handcuffed, shackled and brought to a detention facility. She could not believe that she fled slavery only to be imprisoned in the United States. When she was brought to the hospital for some medical treatment, she said that she was held in handcuffs "like a criminal" in plain view of other patients, an experience that was deeply embarrassing and dehumanizing. After nearly five months in detention, Beatrice was granted asylum and released from detention in April 2002.

Separation from children

Women are sometimes separated from children or other family members while detained. The separation of families has been reported across the country – in Florida, Georgia, Minnesota, Illinois, Pennsylvania, New York, California and Texas. The INS has refused to provide some mothers with contact visits, even with young children. A Peruvian woman, who arrived at the Atlanta airport in December 1999, was handcuffed in front of her 9-year-old daughter and taken to a county jail. Her child – who was already traumatized from the persecution the family had suffered in Peru – was taken away and placed in another institution. When the woman learned that if she wanted to apply for asylum she would be detained and separated from her already traumatized child for longer, she withdrew her request for asylum and returned to Peru – even though she feared for their safety there.¹⁷

Karyna Sanchez

An Ecuadorian domestic violence survivor

**Separated from her daughter for one year
in an INS detention center**

After being separated from her young child for a year while in INS detention, Karyna Sanchez abandoned her asylum claim and returned to her country, despite fearing for her safety. Karyna had endured a long history of beatings, stalking, kidnapping, death threats, and rape at the hands of her politically powerful husband. Karyna fled Ecuador and arrived in Houston, Texas in the

summer of 1999. She was detained at a local Texas jail for five months while waiting for her case to be transferred to New York. After Karyna was transferred, the New York INS refused to parole her, even though her three-year old U.S. citizen daughter was living nearby with friends who were willing to house and support Karyna. Karyna was detained and separated from her three-year-old daughter Ashley for nearly one year. Ashley visited the facility only twice – and on both occasions mother and daughter were separated by thick glass windows in the visiting area. The visits were so upsetting to Ashley that Karyna decided that she should not be brought back to the facility again. Karyna was desperately worried about her 3-year-old, and the trauma she was enduring because of the separation. After a year in INS detention, Karyna decided to abandon her asylum case and be returned with her daughter to her country, despite the fact that she feared for her safety.³

Since the INS detains children, some women have also faced the impossible choice of either letting their children be detained or letting their children return to a country where their lives may be in danger. After INS officers threatened to detain her 8-year-old daughter in a facility in another state, a woman who had fled Peru to escape domestic violence abandoned her asylum claim and returned to an uncertain fate in her home country.

Vulnerability to abuse in detention

Women in immigration detention are vulnerable to abuse. Many do not speak English, and some have no family or friends in this country in whom they can confide about their experiences in detention. In October 2000, the Women's Commission for Refugee Women and Children reported "widespread sexual, physical, verbal and emotional abuse of detainees, especially women" at the Krome Service Processing Center, an INS detention center on the outskirts of Miami, Florida.¹⁸ The Justice Department launched an investigation into the conduct of at least 15 INS officers at Krome. One officer was indicted on four charges of sexual assault, and plea bargained to two misdemeanor charges. The female detainees were moved to the Turner Guilford Knight Correctional Center

"At the end of the visit, she did not want to leave. She was crying and clinging to the shelf in front of the little window. They had to tear her away.... Recently she seemed sick, and my friends took her to the doctor. The doctor told them she could not find anything medically wrong, but that perhaps the child was simply very sad."

– Karyna Sanchez, on her separation from her three-year old daughter

"Yudaya Nanyonga"

A political refugee

Abused in a county jail¹¹

Yudaya escaped from Uganda after government forces targeted her family because of her brother's political activities. She was initially detained at the Wackenhut facility in Queens, New York, but was then transferred to the York County Prison in York, Pennsylvania. Following the transfer, Yudaya experienced an emotional breakdown. The prison regarded her breakdown as a suicide attempt and sent a "Quick Response Team" to her cell – four men, three in riot gear, and two dogs. Without the presence of a woman, they forced Yudaya to strip. Yudaya's cultural and religious background strictly

forbids women from appearing nude before men who are strangers. Yudaya sobbed and begged to keep her underwear. The guards placed her naked and spread-eagled in four point restraints on a cot. She remained handcuffed and shackled to the bed for 72 hours and was injected with sedatives. She remained in solitary confinement for a week before being transferred back to maximum security. After nearly two years in detention, she was paroled in April 1999, after the press and human rights organizations publicly criticized the INS about her mistreatment. She was subsequently granted asylum.

(TGK), a county jail in Florida that was designed for pre-trial detention of criminal offenders. Last year the Women's Commission and the Florida Immigrant Advocacy Center publicly criticized the treatment of women asylum seekers at the county jail, where women reported strip-searching, deprivation of sleep, and the seizing of rosaries and other personal and religious objects.¹⁹ The transferred women subsequently reported incidents of sexual harassment and molestation by male trustees at TGK.²⁰