



United States Senate
WASHINGTON, DC 20510

September 30, 2003

Mr. Eduardo Aguirre, Jr.
Director, Bureau of Citizenship and Immigration Services
United States Department of Homeland Security
Washington, DC 20528

Dear Director Aguirre:

We write to call your attention to concerns raised about the alleged mistreatment of Malik Jarno (INS A78 156 178), an 18-year-old mentally-disabled orphan from Guinea, who is currently detained by the Department of Homeland Security at York County Jail in York, Pennsylvania. Apparently, despite having the IQ and developmental capacity of a second grader, Malik has been detained by immigration officials in an adult jail for all but four of the last thirty-two months.

Based on our understanding of Malik's plight, we urge you to either release him from custody under deferred action or grant him humanitarian parole to the care of the International Friendship House (IFH), a nonprofit home for refugees in York, Pennsylvania that is prepared to take him.

According to information provided to our offices, Malik Jarno sought refuge in the United States in 2001 when he was 16 years old, after the government of Guinea killed his family and destroyed his home. Immigration authorities detained Malik upon arrival at Dulles Airport, and he was held for almost eight months before being allowed to see an immigration judge to apply for asylum. It appears that Malik has been erroneously detained, based on immigration officials' use of unreliable age determination methods, in various adult jails since his arrival. Furthermore, it is our understanding that immigration officials never acted on Malik's request to seek relief in a state court in order to qualify for the Special Immigrant Juvenile visa, which denied him access to special services for his mental disabilities and release on parole to IFH. We have been told that immigration officials even contacted the Guinean government to authenticate Malik's birth certificate, in direct violation of immigration procedures intended to protect the identity of asylum seekers.

Malik's claim to asylum in the United States is pending before the United States Court of Appeals for the Fourth Circuit, having been denied by an immigration judge and the Board of Immigration Appeals based on issues such as alleged inconsistencies regarding his name. Based on the information available to us, it seems that immigration officials failed to afford sufficient due process safeguards for Malik given his mental disability, despite well-established international precedent to the contrary.

On August 21, the Fourth Circuit denied his request for a stay of removal pending adjudication of his asylum appeal, and is therefore immediately deportable. Persons close to this case believe that Malik's survival is in jeopardy if he is sent back to Guinea.

We respectfully request that you conduct an immediate review of this matter and provide appropriate relief to this young refugee.

Sincerely,

Rick Sutorum Sam Bamhad
Phil Kennedy

cc: The Honorable Asa Hutchinson