



DENIAL & DELAY **REAL LIFE STORIES**

At the heart of this report are the stories of innocent men, women and children whose paths to asylum, permanent residence, or family reunification have been blocked. Their stories underscore the need for swift and comprehensive action to fix the overly broad immigration provisions that were intended to protect the United States from terrorists, but have instead been applied to, among others, peaceful political activists, children abducted by rebel armies and forced into combat, doctors who provided medical care to wounded people in accordance with the Hippocratic oath, and those who fought against the armies of repressive governments in their home countries, some of whom fought alongside U.S. forces.

- A young man from South Sudan who was resettled in the United States as a refugee after escaping from a Sudanese rebel army who had abducted him as a child and held him for a month at a training camp was denied permanent residence a year and a half ago on the grounds that he had “received military-type training” from a “terrorist organization.” His case was later reopened but remains on hold.
- A young girl kidnapped at age 12 by a rebel group in the Democratic Republic of the Congo, used as a child soldier, and later threatened for advocating against the use of children in armed conflict, has been unable to receive a grant of asylum, as her application has been on hold for over a year because she was forced to take part in armed conflict as a child.
- A man who was granted asylum after fleeing persecution in Afghanistan over 20 years ago has yet to be granted permanent residence because he carried supplies as a child for a *mujahidin* group fighting the Soviet invasion in the 1980’s. This has been deemed “material support to a terrorist organization” under the 2001 USA PATRIOT Act. The *mujahidin* group in question dissolved years ago, and its former leaders have been key U.S. allies in post-Taliban Afghanistan.
- The asylum application of a woman from Ethiopia has been on hold for over three years because she took food to her son when he was arbitrarily detained for political reasons in a jail where prisoners were not fed. The son was involved in the political wing of a group DHS considers to be a “Tier III terrorist organization.” But the mother was not, nor had she ever supported the group in any tangible way.
- A refugee from Burundi was detained for over 20 months in a succession of county jails because the U.S. Department of Homeland Security and the immigration judge who decided his case took the position that he had provided “material support” to a rebel group when armed rebels robbed him of four dollars and his lunch.

- An Oromo woman from Ethiopia was granted asylum several years ago based on the persecution she suffered there due to her peaceful activities as a member of the Oromo Liberation Front (OLF). For those activities she was jailed without charges, beaten, whipped, and stomped on. She was also raped by one of her interrogators. She believes it was as a result of this rape that she became infected with HIV. In early 2008, this woman was denied permanent residence based on the same political activities she had described in her application for asylum. Her daughter, still a minor, received a denial letter stating: “You are the child of an inadmissible alien. For that reason, you are inadmissible . . .” The family’s applications were later reopened, but remain on hold a year and a half later.
- A refugee from Somalia has been denied asylum, and has been held for over a year in an immigration jail, because militants who kidnapped him forced him to stand in the middle of a road holding a gun in his hands for a little over a day. This young man had never held a gun in his life and does not know if the one he was given even loaded; he only took it after another captive, a cousin of his who refused to do the same, was shot in front of him. Nothing happened during the hours he stood in the road. This young man is not sure what the point of his presence there was, but believes that his captors were using him as a human decoy, to be an easy target for enemy gunfire in the event of any fighting. The abuse that he suffered has been deemed “material support” to the armed group that kidnapped him.
- A mother from Cameroon was granted asylum based on her peaceful political activism for the rights of Cameroon’s English-speaking minority. Her petition to bring her children to join her in the U.S. was placed on hold based on DHS’s determination that the Southern Cameroons National Council (SCNC) should be considered a “Tier III” group. By the time DHS indicated it was reconsidering its assessment of the SCNC, one of her children had died of illness.
- A Sri Lankan refugee who paid ransom to his own kidnapers still has not received a waiver of the “material support” bar after over four years in immigration proceedings. As a result he has remained separated from his wife even as conditions in their home country deteriorated dramatically. He himself spent the first two and a half years of his time in the United States in immigration detention, and now, two years after his release from those jail-like conditions, is still forced to wear a large, uncomfortable, and humiliating ankle bracelet.
- An Ethiopian father of five who has been living in the United States for six years and who was granted asylum by the immigration court over three years ago has been jailed for over four months, after the decision to grant him asylum was reversed based on a later Board of Immigration Appeals decision that applied the immigration law’s overly broad definition of a “Tier III terrorist organization.” The immigration judge, upon reconsidering his case, found that this man, whose own political activities were peaceful, had suffered torture in Ethiopia, that he would face a probability of further torture if he were deported there, and that he was eligible for asylum but for the “material support” bar. But there is no process in place to consider people in his situation for “waivers” of the material support bar if their cases are in immigration court proceedings, and he remains in immigration custody.