



Forgotten Prisoners: A Follow-Up Report on Refugee Women Incarcerated in York County, Pennsylvania

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Background

In 1995, the Women's Commission for Refugee Women and Children (the Women's Commission) initiated a project to assess the treatment of women seeking refuge in the United States who have been detained by the Immigration and Naturalization Service (INS) pending the outcome of their asylum proceedings. This evaluation considered the physical conditions in which women are detained; their access to legal counsel; and the services they are provided to ensure their physical, mental, and social well-being.

In April 1997, the Women's Commission issued "Liberty Denied: Women Seeking Asylum Imprisoned in the United States," a comprehensive report that evaluated detention conditions in nine facilities in which women seeking refuge in the United States are incarcerated. The report was based on site visits to prisons and detention centers--including York County Prison--and dozens of interviews with detained women and legal and social service providers. The Women's Commission also solicited input from the INS officials and prison staff charged with the care of immigration detainees.

This is a follow-up report on the York County Prison. On July 22, 1998, the Women's Commission interviewed 14 women from the Federal Republic of Yugoslavia, Ghana, Uganda, Nigeria, Kenya, the People's Republic of China, and Jamaica held in the prison. The mission included Vanessa Redgrave--actress, founder of International Artists Against Racism, and member of the Women's Commission--who has joined the Women's Commission in its call for reform of the U.S. detention system, and senior staff of the Women's Commission.

Executive Summary

In July 1998, the Women's Commission for Refugee Women and Children interviewed 14 women who have fled persecution in their homelands and sought refuge in the United States. Rather than offering them protection and care while their asylum cases are considered, the Immigration and Naturalization Service (INS) has incarcerated them in the York County Prison in York, Pennsylvania.

The imprisonment of asylum seekers in U.S. prisons is growing increasingly common. Currently, the INS detains approximately 15,000 individuals on any given day, over half of whom are held in local prisons. Seven percent of detainees are women.

Conditions of detention prisons which the INS utilizes are highly inappropriate for asylum seekers. Their legal, cultural, social, linguistic, and health needs are often disregarded. Perhaps worse, women asylum seekers are subjected to punitive treatment that includes handcuffing, shackling, 23-hour lock-down, and commingling with criminal

inmates.

The York County Prison is no exception. In fact, the Women's Commission interviewed one 20-year-old Ugandan woman, Yudaya, whose treatment by the York prison guards was abhorrent. Yudaya experienced an emotional breakdown after being transferred from the Wackenhut Detention Center in New York to the York County Prison, where she was placed in maximum security. The prison responded by sending in four male guards, three of whom were dressed in riot gear, with two dogs. While Yudaya begged and sobbed for them to stop, they stripped her and placed her naked and spread-eagled in four-point restraints on a cot in solitary confinement. They injected her at least twice with sedatives of an unknown nature and left her handcuffed and shackled to the bed for three days. After a week in solitary confinement, Yudaya continued to be housed in maximum security with no explanation as to when she would be released.

The 13 other women interviewed by the Women's Commission shared other stories of the prison's callous disregard of their needs. Yet, the INS continues to delegate its detention authority to the facility, holding hundreds of detainees there at a time.

The situation in the York County Prison, as well as that in the some 500 other detention facilities used by the INS, merits immediate address. The United States is seriously jeopardizing its international and domestic compliance with principles of refugee protection by turning its back on the protection and assistance needs of asylum seekers and instead subjecting them to punitive, cruel, and inhumane treatment.

I. Introduction

Asylum seekers who come to the United States are fleeing human rights abuses in their home countries, including torture, religious persecution, disappearance, arbitrary imprisonment, and other forms of oppression. Women frequently endure persecution particular to their gender, including politically-motivated rape, female genital mutilation, and forced marriages.

Despite the trauma experienced by many women asylum seekers in their homelands, the Women's Commission has found that the U.S. government is treating them like criminals rather than individuals who deserve our compassion and care. Detention is increasingly becoming an immigration enforcement tool of choice in the United States, thanks largely to the Illegal Immigration Reform and Immigrant Responsibility Act, restrictive immigration legislation that became law in April 1997. The INS has increased its detention capacity by 75 percent since 1996. It is now holding more than 15,000 individuals in detention on any given day, many of whom are asylum seekers. Seven percent of these detainees are women, and a small but particularly vulnerable percentage are children. Immigration detention is already the fastest growing federal incarceration program and the INS plans to have at its disposal approximately 24,000 bed spaces by the year 2000.

Women are frequently jailed for months, and even years, in local prisons or large, maximum security immigration detention centers. They become indistinguishable from the criminal inmates with whom they often share space. Locked in cells, hidden behind concertina wire fences, forced to wear prison uniforms, and handcuffed and shackled when transported, they sometimes lose hope and abandon their asylum claims to risk return to their home countries, despite their fear of persecution. Those women who

choose to endure the trauma and indignity of imprisonment frequently are unable to obtain the legal services essential to succeeding in their asylum cases. Detained in facilities that are remote from friends, family, and others interested in helping them, the women remain virtually hidden from U.S. society.

Conditions of detention are typically severe and highly inappropriate for asylum seekers. Women frequently face physical and verbal abuse from the prison guards and the criminal inmates with whom they are often housed. Translation assistance is almost non-existent, leaving the women without a voice to speak out against the abuses they experience. Medical problems are too frequently ignored or mismanaged. Access to the outdoors is non-existent or extremely limited. Diets are often insufficient and rarely culturally appropriate. Limited visitor access and telephone availability, combined with the remote location of many of the centers, severely hamper the detainees' ability to communicate with both family members and attorneys.

Moreover, the INS is relying on more than 500 county prisons across the country to provide much of its detention space. Currently, approximately 60 percent of immigration detainees are incarcerated in local prisons, a percentage the INS admits will grow as it increases its detention capacity.

The INS contracts with local prisons through its 33 district offices. The result is an almost complete breakdown in accountability and oversight; the INS Central Office delegates its detention authority to its districts, and the districts in turn delegate their authority to the prison administrators. A frequent refrain heard from all levels of the INS is that the agency is a "guest" of the local prison, and therefore cannot intervene to ensure that detainees receive appropriate services. The tragic results of this disconnect are borne by the asylum seekers. The York County Prison exemplifies this deeply disturbing trend in the U.S. detention program.

II. York County Prison

On July 22, 1998, the Women's Commission visited York County Prison. This was its second investigation of conditions of detention in the prison; the first was conducted in September 1995. York County Prison is located on the outskirts of York, Pennsylvania. Built in 1979, the prison can hold approximately 1,000 inmates, both men and women. The "female wing" is divided into maximum and minimum security sections.

The differences between the two sections are striking. The minimum security area primarily houses criminal inmates who are considered low security risks or are participating in a work release program as they transition out of prison in their last few months of incarceration. Detainees housed in the minimum security area are permitted unfettered access to a fenced outdoor exercise area during daylight hours. They are housed in two dormitories that remain unlocked at night. Those in minimum security can also receive contact visits with friends and family members, and are allowed to hug and kiss hello and good-bye. The criminal inmates housed in this area can wear street clothing, although INS detainees are required to wear prison uniforms.

In contrast, in maximum security, the detainees are locked in cell pods for 23 hours a day. During the night, they are locked in two-person cells. All inmates and detainees in maximum security wear prison uniforms. The INS detainees in maximum security fear the criminal inmates with whom they share space, many of whom have committed serious

crimes such as drug trafficking and assault and battery. Detainees housed in the maximum security section are not allowed contact visits with families or friends. They are allowed only three weekly visits in the narrow visitation hall, which has thick glass windows and walls that separate them from the outside world. Conversations take place via telephone.

Detainees housed in the maximum security section are not allowed contact with women in the minimum security section. The prison's rationale for this is that the women in minimum security who participate in the inmate work release program, and therefore have contact with the outside world, could transfer contraband to those in maximum security. The result of this policy is that asylum seekers who may have friends in the other section are not allowed to see them.

In its 1995 interim report on conditions of detention in the York prison, "*An Uncertain Future, A Cruel Present*," the Women's Commission expressed concern about the arbitrariness of the placement of INS detainees in either maximum or minimum security. Criteria for placement in maximum security included the detainees' "adjustment" to prison life and their ability to speak English, with the assumption being that the stronger their English ability, the less security risk they pose. No consideration was given to housing friends or nationalities together. At the time, Tom Hogan, the prison warden, conceded that some "luck of the draw" is involved in the placement decisions. After the Commission's visit, the INS Philadelphia District Director indicated to the *New York Times* that in the future he would prevent the commingling of detainees with criminal inmates.

However, as the interviews with the women currently detained in the York Prison revealed, these practices continue. Although with perhaps less frequency, women asylum seekers continue to be placed in maximum security for inappropriate reasons. Furthermore, they continue to share space, and in some cases cells, with women convicted or accused of serious crimes.

This abrogation of authority by the INS to York County and the resulting neglect of the needs of asylum seekers incarcerated in York is inexcusable. Since 1995, the INS has maintained a population of several hundred detainees at the facility. Furthermore, the INS is paying the facility approximately \$45 per day per detainee, a rate that is two times more than the county's expenditures. York County has profited by more than \$4,000,000 a year as a result of revenue generated by its INS contract. U.S. Congressman William Goodling, who represents the York area, has pointed out that York County is "balancing its budget on the backs of people who are being incarcerated, with no indication as to what their future will bring them."

III. The Women's Stories

The Women's Commission met 14 women asylum seekers currently imprisoned in the York County Prison. On June 9, 1998, six of the women had been transferred by the INS from the Wackenhut Detention Center in Queens, New York to the York County Prison. In addition, the Women's Commission met eight Chinese women, one of whom has been detained by the INS for three-and-a-half years. The other seven Chinese women are recent arrivals who have been held in York since their apprehension by the INS.

a. The Stories of the Women Transferred from the Wackenhut Detention Center

The transfer of asylum seekers from facility to facility is not uncommon; the Women's Commission has spoken to detainees who have experienced as many as eight such moves. The INS justifies such transfers on the basis of logistical and fiscal concerns. Such transfers, however, can have a serious detrimental effect on asylum seekers. First, they add to the uncertainty and confusion created by detention. Typically, the INS fails to explain to the individual why and to where they are being moved. Second, a transfer often means that a detainee is relocated to a facility that is far from her attorney, thus seriously undermining the quality of legal representation she receives.

The six women transferred from the Wackenhut Detention Center to the York County Prison described the experience as traumatic. The INS failed to explain to them why and to where they were being moved. The agency simply handcuffed the women and loaded them into a van. The women were not allowed to bring their personal belongings with them, thus sacrificing toiletries and underclothing that they had been forced to purchase with their limited money from the Wackenhut commissary. Susan, a 21-year-old woman from Ghana, said, "I didn't know where we were going to. I thought they were going to deport me so, I said, 'Keep me here to die.' I was crying when they brought us to York. Some people were vomiting because they were so nervous and upset."

When the women arrived at the York County Prison, after traveling approximately four hours, they were strip searched. At least two of the women were forced to remove their clothes, squat, and cough to prove that they were not carrying hidden contraband. The women noted that pat searches and cavity searches are arbitrarily performed, depending on whether the guard is "nice" or not.

After their arrival at the York facility, the women were initially placed in the minimum security section of the prison. One asylum seeker indicated that despite sharing space with criminal inmates, she actually prefers the minimum security section of the York prison to Wackenhut, because of the ability to go in and outdoors during daylight hours. (In Wackenhut, as in the maximum security section of the York prison, the women are allowed outside for only one hour a day.)

However, shortly after their arrival, the prison staff on duty changed shifts. The prison counselor who came on duty reviewed the women's paperwork from Wackenhut. She told them that she was moving them to "the blocks" (the maximum security section), because "they could not have been in Wackenhut for so long without having committed a crime." This misunderstanding is baffling, as the INS indicated in the course of a Women's Commission tour of the Wackenhut facility in November 1997 that the facility does not hold any "criminal aliens." The counselor's decision, therefore, could only be the result of inadequate information exchange between the INS and the prison authorities.

The six women were thus transferred to the maximum security section where they shared cells with criminal inmates. At this point, Yudaya, a 20-year-old Muslim woman from Uganda, broke down. The confusion of the transfer, combined with the trauma of being placed in a correctional facility, proved too much for her.

Yudaya's Story

Yudaya began to sob. She crouched on the floor and repeatedly banged her head on the floor, screaming "I want to die, I want to die." Lydia, a Jamaican asylum seeker (see

below) who is older than the other detainees and whom the women call "Mommy," told the Women's Commission, "I put my arms around Yudaya and hugged her. I told her, 'Please don't do this to yourself. They will only hurt you more.'" But, Lydia said, "Yudaya had lost it." Olivia, an asylum seeker from Nigeria, added, "It was also a cultural misunderstanding. Young Africans often carry on this way when they are upset."

The prison deemed Yudaya's breakdown a suicide attempt and sent in a "Quick Response Team." The team consisted of four men, three of whom were wearing riot gear. They also brought dogs into Yudaya's cell. Their presence frightened Yudaya further and she became even more upset. The men, without the presence of a female guard, stripped Yudaya. She begged them not to remove her bra and panties. While a strip search by men would be a humiliating experience for any woman, Yudaya's cultural and religious background strictly forbid women from appearing nude before a strange man.

The guards tried to dress Yudaya in a paper gown, but she was too agitated. Instead of allowing her to get dressed, they placed her naked and spread-eagled in four point restraints on a cot in the "Behavioral Adjustment Unit" (the term used for solitary confinement). The guards threw the paper gown on top of her. The other women could hear Yudaya screaming.

The team then injected Yudaya with a sedative, the exact nature of which she remains uncertain. She told the Women's Commission that she remained handcuffed and shackled to the bed for 72 hours. She showed us the scars on her wrist, vivid reminders of her treatment.

Yudaya has lost all memory of the day after this incident. She does remember being sedated at least twice. When the guards removed her restraints on the final day, she said she was dizzy, shaky, and confused. Her vision was blurred. The guards promised to bring her medication to help her recover, but never provided any.

After one week in solitary confinement, Yudaya was transferred back to maximum security, where she has remained ever since. She has asked to be moved back to minimum security, but the prison staff have refused. She remains unclear how long her stay in maximum security will last.

Yudaya's asylum claim is based on the political activities of her brother, who is a member of a rebel group opposing the Ugandan government. Yudaya told the Women's Commission that she fled her homeland after government forces invaded her home one day and seized her sister, whom she has not seen since. Yudaya's brother helped her to escape the country. Amnesty International, in its 1998 country report on Uganda, confirms that internal unrest has displaced approximately 400,000 Ugandans, and that Ugandan government officials frequently ill treat or torture individuals whom it arrests for political activities.

Susan's and Olivia's Story

The confusion regarding the placement of the women transferred from Wackenhut in maximum security was cleared the next day, and all the women except Yudaya, who remained in solitary confinement, were moved back to minimum security. However, at the time of the Women's Commission visit, two of the women, Susan and Olivia, had been transferred back to maximum security a second time. This placement was based on

arbitrary disciplinary measures against the women, to punish them for minor infractions of the prison rules, despite the fact that they had never received any orientation to these rules when they arrived.

Susan and Olivia were outraged by their transfer back to maximum security. Their transfer was the result of an incident that took place approximately 20 days before the Women's Commission visit. On that day, the two women were outside playing an African game using small pebbles. Other inmates watched the game with interest. A county inmate suggested that they bring the pebbles inside.

That evening, a county inmate threw a small pebble at Olivia and struck her on the side of the head. Olivia was not injured, but a medical officer examined her head.

The next day, Olivia and Susan were told by the prison captain to stay behind in the day room while the other women went outside. He then transferred them to maximum security as punishment for bringing the pebbles, which he deemed contraband, inside.

Susan and Olivia appeared before a disciplinary board, which the inmates have told them is a "kangaroo court." Their request to be moved back to minimum security was denied, and their placement in maximum security remains in effect for the maximum disciplinary period of 30 days. At the time of the Women's Commission's interview with them, the two women had 10 more days to serve in maximum security, but even then, they feared that they may not be moved back to minimum security because the guards have told them there might not be space available.

Lydia's Story

Lydia is a 44-year-old Jamaican woman. Her gender-based asylum claim is founded on suffering years of physical, emotional, and mental abuse by her husband. Her six children also were victims of this abuse. In fact, when Lydia and her husband were in the United States for the first time in the early 1990s, she obtained a restraining order against him and he was placed in jail. She later returned to Jamaica to visit her family. Unfortunately, her husband found her in Jamaica and resumed threatening her. She reported him to the Jamaican authorities twice, but they refused to intervene because her husband was a well-known police officer.

When her husband threatened her with a knife, Lydia fled to the United States to escape further abuse. Lydia's case is currently on appeal before the Board of Immigration Appeals. Meanwhile, Lydia has endured 10 months of detention, first in Wackenhut and now in the York Prison.

Lydia finds solace in reading the Bible and her ability to provide a source of comfort to the other women asylum seekers. She smiled softly as she told the Women's Commission, "I have endured a lot of pain in my life. Only the strong can survive detention."

Liria's Story

Liria is an ethnic Albanian from Montenegro, Federal Republic of Yugoslavia. The Women's Commission and Vanessa Redgrave first met Liria when she was in the Wackenhut Detention Center. She broke down crying when she saw Ms. Redgrave, relieved to see a friendly face.

Liria fled her homeland in April 1997 to escape the ongoing violence in the Former Yugoslavia region and persecution targeted at her and her family, who are members of a group advocating for an independent Kosovo. One day, Serbian authorities burst into the family's home, searching for alleged weapons hidden there. The officers beat Liria's father. They fondled Liria's breasts, and told her, "Next time, you know what we will do to you." In fact, some of Liria's female friends had been raped by Serbian officers in the past. Her father helped her to escape to the United States, where she has an uncle. Liria's case is currently on appeal to the Board of Immigration Appeals.

Liria was one of the women transferred from Wackenhut to York who indicated that she did not understand why she was being moved or where the INS was taking her. She told the Women's Commission that the women were suddenly told one day at Wackenhut to change their clothes and then were transported to York. Once at York, when she was transferred from the minimum to the maximum security section, Liria protested and told the guard, "Please, I have done nothing." She was very frightened, but the guard seemed convinced that she was a criminal. She witnessed "many big men and two dogs go after Yudaya." Liria began to cry and called for her mother. The guard told her, "If you cry, you will be treated like Yudaya."

b. The Stories of the Women Placed Directly in York County Prison

Jackie's Story

Jackie is a 30-year-old woman from Kenya. At first, she was reluctant to speak to the Women's Commission. She said, "It is too difficult and I am going to be deported, so why bother?"

Although Jackie is afraid to return to Kenya, where her mother was murdered, she has never applied for asylum in the United States. When Jackie first arrived in the United States, the INS found that she has a "credible fear" of return to Kenya. (Under the expedited removal system implemented in April 1997, an asylum seeker is required to demonstrate a credible fear of return to their home country before she is allowed to pursue her asylum claim.) Jackie, however, has found her treatment by the INS to be so humiliating that she was planning to voluntarily depart rather than pursue her request for protection any further, despite advice to the contrary from her attorney and her fear that she would be targeted by the same people who killed her mother.

Jackie has been incarcerated in the York County Prison since June 5, 1998. When Jackie first arrived at John F. Kennedy Airport in New York, the INS referred her to secondary inspection. Jackie reported that the INS told her that she was found inadmissible to the United States. She said, "They shackled me to a chair for two days in the airport. I was having my period, and my suit was soaked. The people there were men, who did not respond to our needs. I requested to go to the ladies' room, but they refused to allow me. They were all being rude."

Jackie continued, "We didn't have anything to eat at the airport. I arrived at 10:30 a.m. and they questioned me until 3:00 a.m. I continued to wait--shackled to a chair--until the next day. They finally brought me tea and hard bread. In the morning they finally let me change. My suitcases were torn. They say it is not their responsibility. I had a key, they could have asked me to open it instead of ripping it apart. They told me to use tissue to wipe myself. No shower was allowed. I went to the suitcase and got some supplies. I had to convince them to let me change."

Jackie finally was transported to the York County Prison. She arrived at 1:00 a.m. When she arrived at York, the INS gave her papers explaining the credible fear process and a list of attorneys. Jackie, however, did not understand what to do or what was happening to her. She said, "I had to learn from the other inmates." The INS told her that they would see her within 48 hours, but after one week her lawyer told her that the INS had still not reviewed her case. Under expedited removal, the INS is required to conduct the credible fear interview within one week of the asylum seeker's arrival.

Jackie concluded, "I have never gone to prison in my country. I have always done things the right way. I don't want to be treated this way. I know some people say it isn't long to be here--five weeks--but it is very long when you don't know how long you will be here. It is a humiliating experience."

Linda's Story

Linda's experience in INS detention has been shared by many Chinese nationals; she has been incarcerated for more than three years. The Clinton Administration has taken a noticeably harsh stance against Chinese migrants; shortly after the well-publicized arrival of the *Golden Venture* and other ships carrying Chinese asylum seekers in 1993, the White House implemented a blanket detention policy for Chinese nationals due to its fear of a mass influx. While the *Golden Venture* passengers, after almost four years in prison, were provided relief after congressional pressure and an executive order mandating their release, other Chinese continue to endure prolonged periods of incarceration.

Linda said that she is treated like a criminal in the York prison. She explained, for example, that one day she was placed in solitary confinement for simply trying to help another Chinese woman understand how to place a phone call. The guard accused her of trying to make two calls when she is only allowed one call per day. The guard could not understand Linda's defense, because he did not speak Chinese. Not until after Linda had spent one week in solitary did a translator arrive. After the guards understood Linda's explanation of the incident, she was released from solitary. In its 1995 investigation of the prison, the Women's Commission raised concerns about the difficulty the Chinese women experienced in accessing translation services. Apparently, this continues to be a problem.

Linda was supposed to be released in May 1998, but that order was reversed by the judge who heard her case. This means that her only possible means to avoid indefinite imprisonment is to return to China. However, the Chinese government, as is the case for many Chinese in Linda's situation, has refused to grant her travel documents so that she can return to China. Furthermore, Linda has violated China's mandatory family planning policy by having two children, and she says that she would face forced sterilization if she returned to China. Linda is therefore trapped between the vagaries of U.S. migration policy and the harsh policies of her homeland.

In addition to Linda, seven other Chinese women are housed in the minimum security section of the York prison. Five of the women had arrived the night before the Women's Commission's visit. The INS apprehended them in upstate New York. Two women showed the Women's Commission copies of their "Notices to Appear." One woman had been asked to pay a \$10,000 bond to secure her release from detention, and the other woman had been asked to pay \$25,000. The women were confused about the bond requirement, which was written in English and had not been explained to them in Chinese. Moreover, the high bond levels impose impossible burdens on these detained

women.

The Chinese women complained of discrimination against the INS detainees by the prison guards, who they believe favor the county inmates. This included being forced to do the harder cleaning chores, receiving fewer cooking privileges, and not being allowed to wear their own clothing in minimum security. The Chinese women also have not been allowed to practice their Buddhist faith in the prison. Reverend Joan Maruskin, a Methodist minister who has organized strong community support for the detainees in York, has raised serious concerns about the lack of diversity in religious services in the facility. Currently, such services are provided by fundamentalist Christians, who have engaged in proselytizing with the support of the prison chaplain.

Conclusions

The Women's Commission remains gravely concerned about conditions of detention in the York County Prison. These include:

- The cruel and inhumane use of solitary confinement, strip searches, four point restraints, and sedatives. This is particularly heinous in light of the women's understandable distress at being transferred to a prison and placed in maximum security with no explanation regarding their destination or their futures. In the case of Yudaya, who was emotionally distraught at the harsh and inexplicable treatment she received, the use of four point restraints and sedatives of an unknown nature could also have presented serious threats to her physical health.
- The INS's excessive reliance on local prisons for its detention space. These facilities fail to distinguish between criminal inmates and INS detainees, resulting in punitive treatment that frequently exacerbates the trauma already experienced by asylum seekers in their homelands.
- The commingling of asylum seekers with criminal inmates and the callous disregard of the protection and assistance needs of asylum seekers. The U.S. detention program is using expensive prison space to punish the innocent.
- The frequent transfer of asylum seekers from detention facility to detention facility, without regard to their emotional and legal needs.
- Arbitrary disciplinary measures, which are exacerbated by the failure to explain the facility rules to the detainees.
- Continuing arbitrary placement of asylum seekers in the maximum security section of the York County Prison, a section in which the high level of security and complete absence of services is thoroughly inappropriate for asylum seekers. This is perhaps even more striking when the minimum security section is so readily available and at least provides some freedom of movement to the women (albeit confined to the prison premises).
- A complete failure to provide even minimal translation services. This adds to the women's isolation and puts them at risk of misunderstanding prison rules, resulting in unnecessary punishment.

- The INS's continued and inexplicable delegation of detention authority to its district offices and local prisons, resulting in disparate detention practices across the country and causing asylum seekers further trauma and distress.
- The reports of callous treatment during the secondary inspection process at U.S. airports, which adds to the tremendous difficulties faced by asylum seekers struggling to understand the extremely cursory review to which their requests for asylum are now subjected.
- The inappropriate use of detention to the extent that the United States is no longer complying with its international obligations under the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to the Convention. Expedited removal, combined with detention, cumulatively pose insurmountable barriers to individuals exercising their right to seek asylum.

Recommendations

(The following recommendations are based in large part on those contained in the Women's Commission 1997 report on detention, "Liberty Denied: Women Seeking Asylum Imprisoned in the United States.")

- The INS should stop using county prisons, as well as other prison-like facilities, to detain asylum seekers.
- The INS should immediately rejuvenate the Asylum Pre-Screening Officer Program (APSO), which permits the release of asylum seekers with a credible fear of persecution who do not pose a flight risk. This must include close supervision by the INS Central Office of its districts to ensure that the program is generously and consistently implemented.
- Congress should move forward with legislation to reaffirm the U.S. commitment to complying with its international obligation to offer asylum to those individuals who fear persecution in their homelands. This legislation should reconsider expedited removal and incorporate APSO into statute to ensure its continued availability to the vast majority of asylum seekers, for whom detention is simply inappropriate.
- The INS should develop alternatives to detention for those few asylum seekers for whom some supervision is required. This includes supervised release and collaboration with voluntary agencies with expertise in assistance to refugees to establish group homes, foster care, and other appropriate housing arrangements to assist those asylum seekers who lack family ties or other sources of care in the United States.
- The INS must provide appropriate facilities and staffing to meet the needs of women. Women should not be transferred to remote locations and restrictive settings simply because the INS has failed to adequately staff or provide for women's needs.
- Cruel and inhumane treatment, including the use of strip searches, restraints, riot gear, dogs, and sedatives should be strictly prohibited. The INS should immediately discontinue use of facilities where such practices are employed.
- Under no circumstances should denial of basic needs, such as feminine hygiene

products, be used as a means to humiliate women.

- The INS should continue to develop standards of detention, a process it began in 1997. However, these standards must be strenuously enforced and implemented in all facilities used by the INS, including local prisons. In no case, however, should improved conditions of detention be used as an excuse to detain asylum seekers.
- Detainees should never be commingled with criminal inmates.
- Detainees should never be handcuffed or shackled.
- The INS should include outside experts in the monitoring of detention conditions and regularly consult nongovernmental organizations at the national and local levels to ensure that it is aware of and can quickly address problems that may arise at detention centers. (Such a process has been launched in collaboration with the Lutheran Immigration and Refugee Service, the Women's Commission, and other organizations, and should be continued and supported at the highest levels of the INS.)
- The INS should cooperate with local organizations interested in providing legal and social services and support to individuals in detention.
- The INS should discontinue the practice of transferring detainees from facility to facility, which causes detainees unnecessary distress and undermines their legal representation. Under no circumstances should such transfers occur without prior notification to the detainee's attorney.

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