

Helping Asylum Seekers Through the U.S. Legal System

Laura Tang's Global Internship with Human Rights First, New York

By Laura Tang

"Organizations are more frequently coalescing around particular problems, particular actions; and international organizations are trying to invent ways to be more thoughtful about how they are doing their work." – Arthur C. Helton

The late Arthur C. Helton, a New York lawyer and human rights activist, and the legendary force behind the Refugee Protection Program at Human Rights First, made this statement while describing broad trends of international human rights organizations. Helton's words aptly describe the way HRF works. During my time there, I observed a strong emphasis on resource-sharing and collaboration with other organizations, such as Amnesty International USA, Human Rights Watch and Physicians for Human Rights. Together, these organisations often lobby Congress and Governments, file amicus briefs, and mount campaigns and appeals; and behind every action there was a clearly deliberated process.

During my three months at HRF, I worked under Eleanor Acer, Director of the Refugee Protection Program, and Lori Adams, a staff attorney in the same program. My primary motivation for joining the Program was a personal interest in refugee issues. Having always been concerned with the plight of refugees here at home, I thought it would be interesting to compare how refugees are treated in the United States. I was especially interested to experience the way the US deals with immigration and human rights issues related to refugees.

I received assignments which ranged from doing legal research and drafting memos, to redacting (editing) petitions and drafting reports on potential asylum-seeking clients. This last task required me to conduct time-intensive interviews with potential clients of the Refugee Protection Program, which offers pro bono representation to asylum-seekers. I would then assess their chances of success and write a report to the Director of the Program as to the strength of the asylum claim. After an affirmative assessment, a pro bono lawyer would be assigned to the case. Throughout my internship, I sat with asylum seekers, from countries as diverse as Cuba, Ukraine, Moldova, Nepal, and Cote d'Ivoire. After each interview, I would draft detailed write-ups of the prospective client's histories of persecution. As part of my post-interview reports, I would research the

human rights conditions in the relevant country, both in the period leading to their flight from persecution and at the present time. I found this work engaging and interesting; first because of the close contact I had with each client, and second because the personal circumstances of each client made their claim an essentially unique one. Over the years, HRF has represented refugees from more than 80 countries and the only constant of the Program is that the nationality of the next person to walk through the door is always unpredictable.

One research project I worked on concerned the detention of asylum seekers. The United States has mandatory detention, akin to Australia's policy, for asylum seekers who arrive without documentation. They are often kept in large detention facilities, but in some areas they are housed in county and local jails. HRF is planning to submit a petition to the Department of Homeland Security and the Department of Justice to codify parole guidelines for detained asylum seekers. This petition was to coincide with the two-year anniversary of a report released in February 2005 by the bi-partisan U.S. Commission on International Religious Freedom. The report found that asylum seekers were being detained inappropriately in prison-like facilities and that "parole" rates for asylum seekers varying widely across the country. The petition urges the Department of Homeland Security to implement some of the recommendations made in the report, particularly to draft formal "parole" regulations for use country-wide.



Laura Tang outside the Monash Law Faculty

My experience at HRF was rich and enjoyable, and it is one that I will not forget. To work alongside extremely passionate and talented people was truly inspiring. Through its core strength of legal advocacy, HRF has made and continues to curb abusive practices and to force policy changes at the highest level of governments and international institutions.

Finally, I would like to thank Monash Law School and the Castan Centre for Human Rights Law for providing this excellent opportunity, and for all their support.

For more information on Human Rights First, visit their website at www.humanrightsfirst.org.