

RESOLUTION CONCERNING JUST TREATMENT FOR ALIENS AND ASYLUM SEEKERS

Submitted by the Policy Committee of the Lutheran Office of Governmental Ministry in New Jersey, and the New Jersey Synod Justice and Peace Mission Team

WHEREAS, God commanded Israel: “The stranger who resides with you shall be to you as the citizen among you; you shall love the stranger as yourself, for you were strangers in the land of Egypt: I am the Lord your God” (Leviticus 19:34); and,

WHEREAS, Lutherans have welcomed and assisted strangers through Lutheran World Relief, Lutheran Immigration and Refugee Service and Lutheran social service organizations-including Lutheran Social Ministries of New Jersey- for more than 50 years; and,

WHEREAS, in the 2004 Federal Fiscal Year, U.S. Immigration and Customs Enforcement (ICE) “detained 235,347 aliens nationwide and held approximately 20,000 aliens in custody per day”; and,

WHEREAS, in New Jersey, ICE “detained approximately 700 aliens per day; 60 percent of those were criminal aliens. At the Elizabeth Contract Detention Facility ICE detains 245 [non-criminal] aliens each day” (ICE News Release 1-24-05); and,

WHEREAS, asylum seekers entering the United States must prove to an immigration official at ports of entry that they have “a credible fear” of persecution if they are returned to their home country, in order not to be immediately returned to that country; and

WHEREAS, Congress required that those subject to this “Expedited Removal” process, including asylum seekers, be detained until the United States removes them. However, if a “credible fear” is established, Congress allowed that discretionary parole should be considered for those who can establish identity and community ties, and are not subject to any possible bars to asylum involving violence or misconduct; and,

WHEREAS, the study on Asylum Seekers in Expedited Removal by the US Commission on International Religious Freedom reports that “...detained asylum seekers in Expedited Removal are subject to conditions of confinement that are virtually identical to those in prisons or jails. These conditions create a serious risk of institutionalization and other forms of psychological harm.” and,

WHEREAS, the United Nations High Commission on Refugees’ (UNHCR) guidelines state: Conditions of detention for asylum-seekers should be humane with respect shown for the inherent dignity of the person. They should be prescribed by law. ...The use of prisons should be avoided. If separate detention facilities are not used, asylum-seekers should be accommodated separately from convicted criminals or prisoners on remand; and,

WHEREAS, U.S. detention standards are based on a correctional model and U.S. law does not provide standards specific to non-criminal asylum seekers; and,

WHEREAS, in FY2003, in the Newark, New Jersey District only 3.8% of asylum seekers were released (paroled) prior to a decision in their case, compared with the Harlingen, Texas District, where 98% of asylum were released; and,

WHEREAS, immigration judges, who currently determine asylum eligibility, vary significantly in their individual approval rates, and grant asylum in 25% of represented applicants but only 2% in unrepresented asylum cases;

Therefore, be it Resolved, that the New Jersey Synod memorialize the 2005 ELCA Churchwide Assembly to:

- request our leaders, including the presiding bishop and the synodical bishops of the Evangelical Lutheran Church in America, pastors, and lay leaders to pray for and advocate for just and compassionate treatment of asylum seekers and all those who are held in detention;

- request that congregations continue to respond in love, spiritual care, and support for those who are detained by the US Department of Homeland Security (DHS), Bureau of Immigration and Customs Enforcement (ICE) through visits, letters, prayer, and assistance.
- to call upon Congress and the administration to immediately end the detention and imprisonment of non-criminal asylum seekers, undocumented laborers and others, in jails or jail-like facilities;
- urge the implementation of just, consistent and humane practices regarding the treatment of asylum seekers, such as those suggested in US Commission on International Religious Freedom's February 2005 Study on Asylum Seekers in Expedited Removal.

Be it further resolved that the Bishop of the New Jersey Synod urge the Director of Detention and Removal Operations, Bureau of Immigration and Customs Enforcement (ICE), Newark District Office, to parole asylum seekers waiting their credible fear interview into the community through Temporary Sanctuary Communities – groups of religious congregations and other community groups acting on behalf of asylum seekers – or family members.