



# Amnesty International

Orange County

GROUP 141 ORANGE • GROUP 175 LONG BEACH  
GROUP 178 IRVINE • GROUP 596 HUNTINGTON BEACH

May 2005

<http://www.aiusaoc.org>

## USA: Passage of Real ID Act Ultimately Will Amount to Grave Danger for Asylum-Seekers

*This article is taken from AIUSA press releases issued May 5 and May 11, 2005.*

Amnesty International USA decried passage of The Real I.D. Act as part of the Emergency Supplemental Spending Bill, warning that the new law will be an unprecedented blow to refugees and other asylum-seekers.

AIUSA is concerned that hearings were never held on The Real I.D. Act; neither was it ever considered by relevant Congressional committees with expertise on asylum, but went straight to the full House and Senate. "The final bill was created in the equivalent of a smoke-filled room," said Susan Benesch, Refugee Advocate for AIUSA. "Because it was attached to an appropriations bill, it was considered in a conference of appropriators whose main task was providing emergency funding for Iraq, Afghanistan, and tsunami relief, and therefore passed without minimally adequate consultation."

The Real I.D. Act allows a judge to deny asylum for lack of consistency in any statements, oral or written, sworn or not, made at any time. A traumatized person might not be able to speak openly about abuse or torture to the first immigration official encountered; under this new law, that omission could be used to impeach subsequent sworn testimony. While the final language slightly modified this harsh standard by directing adjudicators to consider "the totality of the circumstances" when making credibility determinations, such determinations are subjective and stand to be applied unevenly.

The law also will codify highly subjective credibility factors, including a person's 'demeanor,' as a basis for denying asylum. For example, a judge could misinterpret an asylum-seeker not looking him in the eye, a demeanor that might actually express cultural upbringing, being intimidated by the court, or being the survivor of torture or other trauma.

Furthermore, marginalized groups such as religious and ethnic minorities, women, and gay, lesbian, bisexual and transgender people will have greater difficulty establishing their asylum claims because they will have to prove that "at least one central reason" for their persecution or abuse was their race, religion, nationality, membership in a particular social group, or political opinion. AIUSA notes that this language had been modified slightly during the course of debate to allow more than one central reason for persecution; still, the final language will complicate a number of claims, particularly when foreign government officials allow private groups and individuals to abuse members of marginalized groups.

The House-Senate conference removed arbitrary annual limits on the number of people who can be granted asylum for resisting forced population control. It also lifted limits on the number of persons granted asylum who are allowed to adjust to permanent resident status. However, these changes do not offset new provisions that will make it less likely that victims of persecution will be granted asylum at all.

On May 11, after the bill's passage by both the House and Senate, Dr. William F. Schulz, AIUSA Executive Director, issued a statement, which included the following:

Today the United States turned its back on a legacy of providing safe refuge for those who suffer unthinkable human rights abuses. Final passage of the Emergency Supplemental Appropriations Act, and with it the Real I.D. Act, means that those seeking asylum in this country will find their new surroundings less than hospitable. The new law's stricter provisions increase the likelihood that women, religious and ethnic minorities, and other marginalized groups will be returned to lands where they could face arbitrary detention, severe mistreatment, torture, and even death. Make no mistake: the Real I.D. Act's asylum measures will no more prevent terrorists from entering our borders than a Band Aid will cure cancer.

The bill makes a positive contribution by lifting arbitrary limits on the number of persons granted asylum who are allowed annually to adjust to permanent resident status, thus relieving a great hardship. But this hardly compensates for the general thrust of the bill, which will make it much harder for persecuted people to get asylum in the first place. The bill will not help the refugee who, based on her culture or her trauma, averts her eyes from an immigration judge and is denied asylum because of her "demeanor." Nor will it help the torture victim who, because of extreme duress, forgets to give every detail of his story to each official he faces and is denied asylum for inconsistent testimony.

The asylum portions of the Real I.D. Act are difficult to understand without a thorough knowledge of immigration law and the refugee experience. Instead of coming before the relevant Congressional committees for expert consideration, the Real I.D. Act was attached to the "must pass" emergency-spending bill as part of a backroom deal. Senators who felt compelled today to vote in favor of the appropriations bill should look for future opportunities to reexamine the anti-asylum provisions in the light of day.

## April Meeting Minutes

### Group #175 Long Beach

#### Attendees

Mary Kay Dunn, Norma Edwards, Deidre Gaffney, Kevin Gaffney, Jim Roberts, Steve Wicke

#### Sad News

Last month the group was happy to welcome national member Todd Anglin, who came to our meeting as well as the Orange group. We found him very educated on the issues and interested in human rights on all fronts. Kevin informed us that, sadly, Todd was killed in a motorcycle accident on his way to work. Kevin promised to send a sympathy card to Todd's parents on behalf of the Orange and Long Beach groups. Thanks, Kevin, and our sympathies to Todd's parents and family and many friends.

#### Great News

Though the meeting was off to an unfortunate, somber start, we soon talked about some happy events as well (ain't life a kick like that?). Last month, longtime Amnesty activists/trainers(/etc.!) Kevin Gaffney and Deidre Jackson were married. Congratulations! Much amusement ensued as Deidre signed her name Deidre Gaffney on at least 70

#### New Prisoner of Conscience

Jim did a little research for us and found a new POC case for us to work on. Ye Htut (pronounced Yay Tut) was a student in Myanmar who was arrested in 1995 for mailing documents out of the country to his sister (not clear what documents). He was known to be active in the student movement. A Massachusetts group (Group 76) is also working on this action file.

#### Group Discussions/Actions

- We talked about Brent Fulton's announcement that a new GLAD (Greater Los Angeles area Development) chair is needed. Though some expressed interest in attending meetings, we also talked about things that make monthly meetings difficult (kids, etc.). Jim talked about the early days of GLAD, and there was some discussion about GLAD's purpose. Anyone with comments or ideas is highly encouraged to e-mail Brent at [j85write@aol.com](mailto:j85write@aol.com).
- Jim suggested we do something to celebrate Aung Sun Su Kyi's birthday on June 19. (Aung Sun Su Kyi is still currently under house arrest in Myanmar.) At the very least, we are hoping to convince a bookstore to do a display of her books, perhaps providing an action for people. We will also check out tabling at Wild Oats again.
- The group sent five letters to Dow Chemical Corp. (about Bhopal), four letters to the ambassador of Zimbabwe, five to the ambassador of Iraq, five to Secretary of State Condoleezza Rice, five to Senator Dianne Feinstein, seven to the first vice president for Darfur, five to the ambassador of Ecuador, two postcards to Prime Minister Recep Tayyip Erdogan of Turkey, and two postcards to President Vicente Fox Quesada of Mexico.

## Some Sad News

As many of you have heard by now, a fellow activist has passed away in April. Todd Anglin was a long time national member and recently been attending the Orange and Long Beach group meetings. His dedication to human rights, his vast knowledge, and his sense of humor made every meeting he attended a great one. He will be sorely missed. Please take a moment of your time to pay tribute to a fellow member who left us much too early in life and keep his family in your thoughts and prayers.

In the April 4 *Los Angeles Times*, it was reported that Todd had crashed his motorcycle into a car on the morning of April 1. He was taken to UCI Medical Center in Orange, where he was later pronounced dead.

## Death Penalty Defeated in New York State

The New York State Assembly Codes Committee defeated a bill to reinstate New York's death penalty on April 12. The vote followed five full days of public testimony about the flaws in New York's death penalty system. "Amnesty International USA commends the members of the New York State Assembly Codes Committee for voting not to reinstate the death penalty," said AIUSA Executive Director William Schulz following the vote. "With this vote, New York joins the 120 countries and 12 states that have done away with the death penalty in law or practice and sets a fine example for other U.S. states to follow. As a resident New Yorker, I would particularly like to acknowledge the actions of Amnesty International's 37,405 members and 155 student and local groups in New York State who contributed to this legislative victory. New Yorkers' recent public debates about the death penalty, and this week's decisive action by Assembly members, give cause for much optimism that the tide is finally shifting, even in this country."

## UN Rights Commission Must Act On Sudan

Amnesty International warned the United Nations Commission on Human Rights in April that it risks losing its credibility if it doesn't act to halt the human rights crisis in Sudan.

"The human rights situation in Sudan continues to be in serious crisis. In Darfur, civilians are still targeted by militias supported or condoned by the government. Nearly two million displaced people in the region are not able to return home. The Government of Sudan continues to commit serious and some times flagrant human rights violations in many parts of the country—political opponents or critics of the government are detained for long periods without trial; the state of emergency remains in place; camps for displaced people are being demolished in Khartoum."

AI said that in the run-up to the voting on a resolution on Sudan, it is crucial that the UN Rights Commission urges the Sudanese Government, "in the strongest terms," to address these human rights violations.

Amnesty International urged the Commission to appoint "a Special Rapporteur with a mandate to monitor and report publicly on the serious human rights situation in Sudan."

## From the Executive Director Against All Odds

*This article is taken from the May 2005 Connect.*

The following is excerpted from the speech Executive Director William Schulz delivered at AIUSA's Annual General Meeting April 8 in Austin, Texas.

Amnesty International has had a number of victories this year, despite impossible odds. We're always underestimated. Nobody thinks we can do it. But we continue to do it over and over again. More than 100 Amnesty chapters in the Western Region did it in helping to free Rebiya Kadeer, the businesswoman imprisoned in China since 1999 for speaking out about discrimination against Uighur Muslims. More than 100 Amnesty chapters, led by the Special Focus Case Coordinator for the Western Region, Joanne Lau, and more than 60,000 online actions—that did it.

And Group 528 in Alexandria, VA, and Group 74 in Garden City, NY, did it in helping to free Father Nguyen Van Ly of Vietnam, imprisoned for advocating for religious freedom. Father Ly was a Special Focus Case in the Mid-Atlantic Region and hundreds of Mid-Atlantic activists, led by Special Focus Case Coordinator Ginny Mattern and joined by 94,000 online activists, worked to set him free and, by God, after four long years, they did it.

And thousands of our death penalty activists did it—they convinced a majority of people in this country that putting children to death for their crimes is an abomination and, thanks to all that grassroots toil, thanks to all those years of writing letters, talking to neighbors, organizing rallies—thanks to all that, the Supreme Court agreed that executing juvenile offenders violates "evolving community standards of decency" and ruled that juvenile executions are unconstitutional and you did that - every single one of you.

And that is why when I am tempted to be discouraged, I think of all that we have done together and know that we will be successful in all we have yet to do.

We will help bring an end to the atrocities being committed by both the government and its Maoist adversaries in Nepal where our own AI section, one of the most successful in the developing world, has been under constant threat.

We will launch this year the most effective grassroots campaign against torture this country has ever seen—it's called "Denounce Torture! At Home and Abroad"—and when we are through, support for torture in the United States will be as unthinkable as support for slavery.

We will expand our Stop Violence Against Women campaign with particular attention to violence against Native

American women in this country and women in our public housing projects.

Somewhere in Europe there hangs in one of its great art museums a large painting of Faust and the Devil sitting at a chess table. Faust has made his pact with the Devil and now his face is in anguish because he retains on the chessboard but a knight and a King and the King is in check.

One day several years ago a great chess master happened into the museum and naturally this painting caught his eye and he sat down in front of it and stared. Fifteen minutes. Then twenty. And soon the minutes turned to hours and still the master stared. And then suddenly, leaping to his feet he shouted, "It's a lie!" at the top of his lungs for all to hear. "It's a lie, I tell you. The knight and the king—they have another move. They have another move."

And that, my friends, is the enduring message that all must deliver to a bruised and battered world—that history is not finished, that the future is not set, that what comes next is in our hands, and that in the face of hardship and injustice, of suffering and of death, we say, "the story is not over. The end is not here yet. For it is not just the knight and the King, not just the Queen or the rook, not just the Bishop or the pawn, but every single one of us, every single one of us still has another move. WE HAVE ANOTHER MOVE!"

William Schulz, Executive Director

## Denounce Torture

People in this country and around the world were shocked and horrified by the pictures that emerged from Abu Ghraib Prison last spring. Through memos, official and unofficial policies and direct action, the United States Government has lead the international charge to undermine prohibitions on torture by its example. If you are ashamed of this, here is your chance to do something about it.

Amnesty International is launching "Denounce Torture," a major year-long-initiative to raise awareness and to take action to eradicate the use of torture worldwide. The first major activity will take place on June 26, when activists around the country will hold demonstrations and vigils denouncing torture to mark the commemoration of the United Nations International Day in Support of Victims of Torture.

Under international law, the prohibition against torture is unequivocal. Yet torture is practiced in more than 150 countries around the world. Emails, faxes and telegrams from Amnesty International members, arriving by the thousands within hours of an arrest, prevent and stop torture. They also put torturers on notice that they're being watched. And that saves lives. For more information, visit the campaign website <http://www.amnestyusa.org/stoptorture>.

If you would like to continue receiving this newsletter and supporting the work of the Orange County and Long Beach Amnesty International groups, please return this coupon to the address shown with annual dues of \$10.00. Dues cover the costs of this newsletter and of stamps used for saving lives. Your address label contains your membership expiration date. Join us!

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**Return to:**  
Amnesty International  
Group 178  
P.O. Box 14485  
Irvine, CA 92623-4484

**For (check one):**  
 Orange Group  
 Irvine Group  
 Huntington Beach  
 Long Beach

*Please make your check payable to Amnesty International. Contributions to AI are tax-deductible. Thank you for your interest and support!*

# Calendar

## May

17 Tuesday 7:00 PM

**Group #141 Orange Monthly Meeting** in Classroom 3 at the Sisters of St. Joseph, 480 S. Batavia Street, in Orange. Look for the classroom/auditorium building behind the main building. Drive around and to the back. Group #141 meets the third Tuesday of each month. For further information about the group, contact Deidre Jackson at (562) 430-7381.

18 Wednesday 7:00 PM

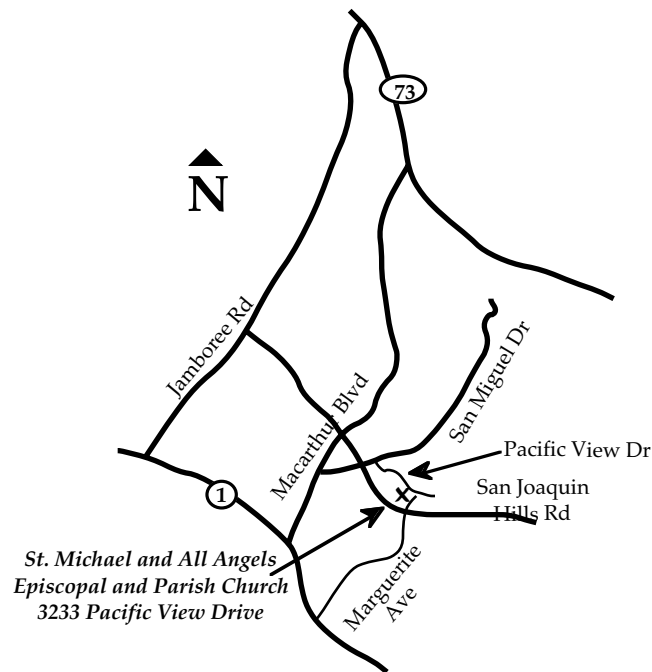
**Group #175 Long Beach Monthly Meeting** at the Unitarian Universalist Church, Rooms 1 and 2, 5450 Atherton Street, Long Beach. Letter-writing from 7:00–7:30. For further information about the group, contact Norma Edwards at (562) 425-4353.

24 Tuesday 7:00 PM

**Group #178 Irvine Monthly Meeting** at the Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, between the 5 and 405 freeways. See details on the web page <http://www.aiusaoc.org>. For more information about the group, contact Kris Elali at (714) 724-5811.

30 Monday 7:00 PM

**Group #596 Huntington Beach Meeting** at Saints Simon and Jude Church, Room 7A, 20444 Magnolia Street in Huntington Beach. Group #596 meets the last Monday of each month.



**Group #178 Irvine Meeting Location**

Amnesty International  
Group 178  
P.O. Box 14485  
Irvine, CA 92623-4484