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USA: special registration process must be reviewed

Today is the deadline for males from the second round of Arab and Muslim countries and North Korea to register with the United States immigration authorities under new security rules. Amnesty International is calling on the US authorities to ensure respect for the human rights of non citizens and to review the special registration process to ensure that it is administered fairly and complies with the principle of non-discrimination under international law.

"The US government must ensure that immigration laws are not applied in a way which violates fundamental protections against discrimination under international law. They must also ensure that these individuals are treated humanely and that the rights of all those questioned, arrested or detained are scrupulously observed in accordance with international law."

"The registration process must be administered fairly, and those facing questioning, detention or other legal proceedings should be given prompt access to lawyers. Anyone seeking asylum must be given a full and fair hearing and no-one should be deported to a country where their security may be at risk. The US government must investigate all allegations of ill-treatment thoroughly," Amnesty International said.

Amnesty International's concern follows the detention last month of a large number of Middle Eastern and Muslim men and boys, after they had come forward voluntarily to comply with the first deadline to register with the Immigration and Naturalization Service (INS).

The National Security Entry-Exit Registration System requires those already in the US to appear before immigration officers to provide detailed information about their locations, jobs, studies and visa status. Individuals are photographed and fingerprinted as part of this registration program which aims to track foreigners in the USA on temporary visas. According to reports, those who fail to comply face criminal charges and immediate expulsion from the country.

The new regulation required males aged 16 and over from Iran, Iraq, Syria, Libya and Sudan who do not have permanent resident status to report to the INS by 16 December 2002. While the order applied throughout the country, most of the detentions took place in southern California during the days before expiration of the deadline, when many people turned up to register.

Most of the detainees were held for minor visa violations, including expired visas or failing to provide adequate documentation; many reportedly had pending applications for

extensions, or had nearly completed the process for legal residency. There were also reports that people believed to be in compliance with immigration regulations were also detained.

Detainees were reportedly:

- denied food and necessary medicines and access to lawyers;
- forced to sleep standing up on concrete floors, in freezing conditions with no blankets;
- subject to strip searches and hosed down with cold water;
- shuttled between states in prison buses shackled and in handcuffs looking for free cells.

Relatives of some detainees are reported to have said that detainees were told they would be deported without seeing their families again.

Detainees included a 16-year-old boy on a student visa seeking permanent residency to be able to join his mother and stepfather, a US citizen, and an Iranian Jewish man whose application for permanent residency had been held up in INS proceedings for 5 years.

It is believed that around 400 people were detained, 18 of whom, according to the Immigration and Naturalization Service, remain in detention, though this number has been disputed by immigrant organisations.

Civil rights and immigrant groups have questioned the selective nature of the treatment so far, noting that all the detainees are from Muslim states, with the exception of North Korea.

Males from 15 other mainly Muslim countries from the Middle East and North Africa are required to register over the next two months and include Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates and Yemen who must register by 10 January, and those from Saudi Arabia and Pakistan, by 21 February.

Amnesty International does not dispute the requirement of immigrants on temporary visas to be tracked and registered. However, if people are being detained or singled out for harsh treatment solely on grounds of their nationality or gender this would appear to breach international standards prohibiting discrimination.

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