

**No. 8772**

**EMERGENCY RESOLUTION CONCERNING PROPOSED CHANGES IN ASYLUM  
REGULATIONS IN THE UNITED STATES**

**ADOPTED by the General Assembly**

WHEREAS, the United States Department of Justice, and its Immigration and Naturalization Service (INS) published a proposed rule to amend the procedures to be used in determining asylum for persons fleeing persecution under section 208 and withholding of deportation under section 243 (h) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, in the Federal Register (52 FR 32552) on August 28, 1987;

WHEREAS, the proposed rule significantly modifies the present interim rule in effect (published June 2, 1980, 45 FR 37392), and includes the establishment by government agency regulation provisions rejected by the U.S. Congress last year in its debate and passage of the Immigration Reform and Control Act of 1986 (commonly known as the Simpson-Rodino Bill);

WHEREAS, the proposed rule is inconsistent with the Refugee Act of 1980 and could result in the denial of due process and fundamental fairness to asylum seekers;

WHEREAS, specific concerns in these proposed regulations include the fact that they:

- 1) eliminate hearings before an independent immigration judge, in favor of an "interview" with an INS officer;
- 2) permit the INS to deny an asylum seeker even an "interview," if the INS deems the application "frivolous," while standards for distinguishing "frivolous" from "non-frivolous" claims are not provided;
- 3) provide no right to a public hearing nor to appeal INS decisions in the U.S. federal court system;
- 4) provide no right to be represented by an attorney;
- 5) provide no right to present witnesses and other evidence, nor to cross-examine government witnesses or other evidence;
- 6) allow the INS officer to decide an individual case based on "confidential and classified" government information;
- 7) prohibit the asylum seeker from having access to government records or sources of information;
- 8) permit the insertion of improper political considerations in determining asylum cases, rather than requiring decisions on the individual merits of each case;

- 9) fail to direct INS officers to inform aliens in detention or custody of their right to apply for asylum if they have a well-founded fear of persecution; and
- 10) elaborate and expand the grounds on which asylum can be denied "in the exercise of discretion," that is, for reasons having nothing to do with whether the asylum seeker has a well-founded fear of persecution in his/her homeland; and

WHEREAS, the deadline for registering concerns about the proposed rule is October 27, 1987;

THEREFORE BE IT RESOLVED that the General Assembly of the Christian Church (Disciples of Christ), meeting in Louisville, KY, October 16-21, 1987, register our serious concern and preliminary opposition to the political asylum regulations proposed by the Department of Justice of the United States on August 28, 1987; and

BE IT FURTHER RESOLVED that we urge the Department of Justice of the United States to withdraw these proposed regulations until a more comprehensive and deliberate process of public review and comment is completed; and

BE IT FURTHER RESOLVED that unless the proposed regulations are withdrawn before the end of October 1987, we urge the Department of Justice of the United States to extend the public comment period for 60 days, to allow us and others to review comprehensively these far-reaching changes to U.S. asylum policies; and

BE IT FURTHER RESOLVED that the Office of the General Minister and President of the Christian Church (Disciples of Christ) in the U.S. and Canada transmit a copy of this resolution to the appropriate U.S. government officials: Richard A. Sloan, Director of Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, N.W., Room 2011, Washington, DC 20036; and Hon. Arnold T. Burns, Deputy Attorney General, 4109 Main Justice, 10th & Constitution Ave., N.W., Washington, DC 20530; and that the transmittal be completed prior to the deadline for comment, October 27, 1987; and

BE IT FURTHER RESOLVED that individual members and groups within the Christian Church (Disciples of Christ) be encouraged to write the appropriate U.S. government officials named above prior to October 27, 1987, to express their concern and urge the withdrawal of these proposed regulations.

BE IT FURTHER RESOLVED that the Department of Church in Society, Division of Homeland Ministries of the Christian Church (Disciples of Christ) closely monitor the U.S. government process on this proposed rule regarding political asylum in the United States, in appropriate ways that will encourage the formulation of INS regulations that guarantee constitutional due process and fundamental fairness to all asylum seekers.