

U.S. Commission on Civil Rights

**Crossing Borders: The Administration of Justice and Civil Rights Protections in the Immigration and Asylum Context**

**Project Summary**

**January 2003**

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**Introduction**

The U.S. Commission on Civil Rights has long recognized the importance of ensuring the just application of civil rights laws and principles to those who come to America's shores in search of a better life or to escape political, religious, or ethnic persecution in their original homelands. From the Native Americans who first crossed the land bridge over the Bering Straits to the Americas, to the Irish escaping famine across the Atlantic, to the Chinese toiling on the railroads of the American West, to the modern-day Mexicans who provide a source of cheap labor for a myriad of non-glamorous but, essential, industries, to the many other peoples who have landed on these shores over the centuries, the importance of immigration to the development of this country cannot be overstated. Immigrants seeking to escape intolerance and persecution, such as the Pilgrims and East European Jews, have also contributed immensely to the fabric of American society. As the Commission noted in its seminal report *The Tarnished Golden Door: Civil Rights Issues in Immigration* (1980), issued over two decades ago, "America is a nation of immigrants and their descendants . . . [t]he names of immigrants and their children and their children's children dot the history of America, for it was their labor and toil that built this country."

The Commission has devoted significant attention over the years to studying the impact of U.S. immigration and refugee laws and policies on the civil rights of those in the process of becoming new Americans, or seeking protection on our shores. The Commission followed up *The Tarnished Golden Door* with a report—*Immigration Reform and Control Act: Assessing the Evaluation Process* (1989)—which examined the findings by the General Accounting Office on the extent of discrimination and the burden on employers under the employer sanctions provision of the Immigration Reform and Control Act of 1986. The Commission also raised the plight of Haitian refugees and potential violations of their civil rights early in the first Clinton administration.

Against this backdrop of historical interest in immigration matters, and in light of concerns about civil rights issues flowing from relatively recent changes in the country's immigration laws and policies, the Commission embarked at the turn of the millennium on a series of projects tied to the theme of evaluating the interplay of U.S. refugee and asylum laws and policies with civil rights enforcement in the immigration context. This overview focus was broadened after the events of September 11, 2001, to also include an evaluation of reported increased encroachment on immigrant and refugee civil rights as a result of U.S. antiterrorism policies and legislation,

such as the USA Patriot Act, which grants the government new powers that significantly affect the rights of political asylum seekers.

In the course of its overview, the Commission received statements in several briefings and presentations from various immigration experts, academicians, government officials, and advocates on the civil rights issues and challenges facing the immigrant and refugee communities. From these briefings, the Commission received a number of broad recommendations on what actions it could take to help strengthen civil rights protections for asylum seekers and newly minted Americans, or those in the process of becoming one.

## **Legislative Overview**

Concerns about civil rights issues flowing from relatively recent changes in the country's immigration laws and policies have generated numerous calls for legislative action. The Immigration and Nationality Act (INA), created in 1952, collected and codified many of the existing provisions and reorganized the structure of immigration law. The Immigration and Nationality Act of 1965, known as the Kennedy Immigration law, made sweeping amendments to the INA. It abolished the quota system that focused on national origin, race, and religion and, instead, concentrated on family ties and employment skills. Since then, the act has been amended many times, but it is still the basis of U.S. immigration law.

In 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). One of the more noteworthy provisions that directly affects civil rights is IIRIRA's "expedited removal" mandate. This provision allows the United States to conduct expedited removal proceedings for individuals entering the country with invalid or fraudulent travel documents. These individuals must indicate to the immigration officer a "credible fear" of persecution in their own country to avoid immediate removal from the United States.<sup>1[1]</sup> Even when the individual seeks asylum based on credible fear of persecution, an asylum officer determines whether the individual demonstrates a significant possibility of establishing eligibility for asylum. If the determination is that there is no credible fear, the asylum seeker is removed, although he or she may appeal the determination to an immigration judge, who is then expected to render a decision within one week. Under IIRIRA, the Immigration and Naturalization Service (INS) is required to detain the asylum seeker during the administrative review process.

In response to the criticism of INA and IIRIRA, approximately 50 pieces of legislation have been sponsored suggesting that parts of these laws be amended or repealed.<sup>2[2]</sup> The Refugee Protection Act of 2002,<sup>3[3]</sup> the Secret Evidence Repeal Act of 2000,<sup>4[4]</sup> and the Restoration of

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1[1] If the individual does not seek asylum, he or she is removed from the United States and the decision is not subject to administrative appeal or review by an immigration judge.

2[2] Thomas, "Legislative Information on the Internet," <<http://thomas.loc.gov/>> (accessed Nov. 11, 2002).

3[3] H.R. 4074, 107th Cong. (2d Sess. 2002).

4[4] H.R. 2121, 106th Cong. (1st Sess. 1999).

Fairness in Immigration Law Act of 2003<sup>5</sup> are just three of the major bills that have been considered by Congress involving the treatment of asylum seekers.

The Refugee Protection Act of 2002<sup>6</sup> was drafted to reduce the likelihood that a bona fide refugee will be returned to persecution in the refugee's country of nationality or country of last habitual residence because of expedited removal procedures or lack of due process in the U.S. asylum system.<sup>7</sup> The proposed legislation was specifically aimed at amending several provisions of the INA that apply to immigration emergencies, the screening of applicants for asylum, refugees fleeing countries with poor human rights records, the definition of "credible fear of persecution," the opportunity for review of credible fear determinations, the detention of asylum seekers, the availability of judicial review for asylum seekers, the conduct of asylum officers, and the "good cause" exception for filing late asylum applications.

The Secret Evidence Repeal Act of 2000 aimed to amend procedures used to classify information as secret under the Classified Information Procedures Act.<sup>8</sup> The amendments would force the Attorney General, in any immigration proceeding in which classified information is used, to notify the noncitizen and the presiding officer in advance and would limit the circumstances under which the Attorney General could use classified information against particular noncitizens. The USA Patriot Act of 2001<sup>9</sup> and the events of September 11, 2001, have probably seriously diminished the chances that this bill will be reintroduced or passed, since the major goal of the USA Patriot Act is to enhance domestic security and surveillance against terrorism; any bill seen as potentially weakening the classification of secret documents is now unlikely to survive the legislative process.

The Restoration of Fairness in Immigration Law Act of 2003 calls for changes to a myriad of provisions of the INA and, if passed, would essentially revamp our nation's immigration laws. The act includes proposed changes involving asylum determinations, decisions concerning document fraud waivers, the burden of proof for admissibility, the elimination of mandatory detention in expedited removal proceedings, the establishment of a right to counsel, the review of cases involving minor misconduct, family reunification, naturalization and legalization proceedings, battered immigrant admissibility, and unused employment-based immigrant visas. Various civil rights groups, including Amnesty International and the Mexican American Legal Defense and Education Fund (MALDEF), support these changes because they believe they will

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<sup>5</sup> H.R. 47, 108th Cong. (1st Sess. 2003). This bill was reintroduced by Rep. John Conyers (D-MI) on January 7, 2003, and was referred to the Subcommittee on Immigration and Claims.

<sup>6</sup> Rep. Christopher H. Hill (D-NJ) reintroduced this bill into the House on March 20, 2002, as H.R. 4074, 107th Cong. (2d. Sess. 2002). It was referred to the Subcommittee on Immigration and Claims on May 6, 2002.

<sup>7</sup> S. 1940, § 2.

<sup>8</sup> 8 U.S.C. §§ 1351 *et seq.*

<sup>9</sup> Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (U.S.A. P.A.T.R.I.O.T.) Act of 2001, H.R. 3162, 107th Cong. (2d. Sess. 2001).

result in more humane treatment for individuals seeking asylum, as well as put U.S. policy more in line with international policy concerning the treatment of asylum seekers.

## **Summary of Briefings**

### ***Crossing Borders: An Examination of Civil Rights Issues Raised by Current Immigration Laws, Policies, and Practices***

In December 2000, the Commission commenced its examination of asylum and immigration issues by holding a briefing titled “Crossing Borders: An Examination of Civil Rights Issues Raised by Current Immigration Laws, Policies, and Practices” (“Crossing Borders”) (see [Appendix A](#) for full discussion). The Crossing Borders briefing focused on the extent to which civil rights protections are afforded to immigrants and asylum seekers in the administration of the nation’s immigration laws. Several panelists were invited to speak, and the topics explored in the briefing included the detention of asylum seekers, equal protection concerns in deportation processes, and the impact of delays associated with various INS processes.

The panelists were generally critical of IIRIRA. Under the statute, those who reach U.S. shores face an expedited removal process that allows for the summary return of people who enter the country without documents or with fraudulent documents, unless they immediately express a credible fear of persecution and an intention to apply for asylum. General problems engendered by the implementation of IIRIRA include an expedited removal program that does not provide sufficient due process and safeguards, the excessive detention of asylum seekers in contravention to international norms, and the maltreatment of asylum seekers during confinement. It was noted that IIRIRA eliminated many due process protections previously provided immigrants. Since the passage of the IIRIRA in 1996, the expedited removal process has made it much easier to turn immigrants away at ports of entry. This is particularly troublesome for asylum seekers who are never afforded an opportunity to establish credible fear. One panelist observed that under the IIRIRA, INS officers make decisions to deport immigrants without review from a judicial or quasi-judicial officer. Compounding this problem is the dire shortage of lawyers for people seeking asylum.

Another area of concern is the prolonged and indefinite detention of asylum seekers permitted under current immigration law. One panelist noted that the United States routinely detains asylum seekers like criminals for indefinite periods, often without hearings. Another panelist also observed that the act requires mandatory detention if the INS is planning to pursue administrative deportation against an immigrant, and that the act subjects an immigrant to mandatory detention and mandatory deportation for small offenses such as shoplifting, even if committed in the distant past.

The uneven application of mandatory detention policies was also criticized. It was explained that mandatory detention has been sporadically imposed on Haitian asylum seekers who reach U.S. soil, while Cubans who do so are automatically assumed to have established a credible fear of persecution and are not subject to such detention. Still, despite the obstacles, one panelist noted that between 1991 and 1992 some 11,000 of approximately 23,000 Haitians who had credible fear hearings were able to establish legitimate fear of persecution.

Contradiction and uneven policies also extended into legislation affecting asylum seekers. One panelist noted that in 1997, Congress passed the Nicaraguan and Central American Refugee Act (NACARA), which granted permanent legal status to thousands of Nicaraguan and Cuban refugees. In 1998, Congress passed the Haitian Refugee Immigration Act, extending permanent legal residence to Guantánamo Bay Haitians and their immediate relatives, but with greater restrictions than NACARA. It was noted that a bill before Congress, the Latino Immigration Fairness Act, would resolve some of these problems by mandating that Haitians be treated the same as similarly situated Central Americans.

### ***Informal Briefing on Haitian Asylum and Facility Tour***

Following up on the theme of immigration policies that have been applied unfairly to Haitians, in June 2002, the Commission was invited to participate in an “Informal Briefing on Haitian Asylum in South Florida” (see [Appendix B](#) for full discussion) sponsored by local advocacy groups. Three panels were assembled to discuss unfair immigration practices, and specifically a December 3, 2001, change in Immigration and Naturalization Service policy that has led to the indefinite detention of Haitian refugees and asylum seekers in INS facilities in the United States.

A panel of immigration experts spoke generally about the change in the INS policy, resulting in what they described as the grossly unfair treatment of Haitian refugees seeking asylum. Under a policy adopted secretly in December 2001 and not revealed until March 2002, the INS instituted a “no-release” policy only with respect to Haitian refugees. The panelists described the policy as “facially discriminatory” and noted that the United Nations High Commissioner for Refugees issued an advisory opinion critical of U.S. policy on the blanket detention of refugees. Civil rights panelists questioned the government’s reasoning for the detention policy. They said the fears stated by the U.S. government of a mass exodus of immigrants from Haiti have never been proven legitimate. For almost all of those making presentations at the meeting, the current Haitian-only detention policy was characterized as a surreal repetition of the past racist and discriminatory policies that have been repudiated time and again in U.S. courts.

Community leaders also suggested that latent, historical U.S. prejudice and hostility toward Haiti, stemming from the latter’s status as the first instance of a successful slave rebellion in the Americas, continue to influence U.S. policy decisionmaking with respect to the treatment of Haitian immigrants and asylum seekers. Haitian community leaders and individual asylum seekers also related personal experiences and examples of hardship and discrimination encountered in the asylum process.

Civil and human rights panelists also highlighted the uneven, arbitrary, and discriminatory policies adopted by the U.S. government with respect to high seas interdiction of refugees and treatment of male and female detainees. Several panelists spoke strongly against any INS policy that results in the unfair treatment of women in comparison with men. They referred to an INS policy that allows the imprisonment of all female INS detainees in a maximum-security criminal institution because INS cannot guarantee their safety in one of INS’ own facilities. It was noted that in mid-December 2000 all of the women at the Krome Detention Center were transferred to the Turner Guilford Knight Correctional Center (TGK) after allegations of sexual abuse and improprieties by the guards were revealed. The women were then subjected to conditions more

restrictive than those imposed upon the men at Krome, such as being offered less frequent family visits; having no private room for meeting with attorneys; and being subjected to body searches, lock downs, and disruptive head counts in the middle of the night.

Following the briefing, the Commission toured the TGK detention facility to investigate and collect information on confinement conditions at the INS-contract detention facility. The Commission met with the director of the facility, TGK employees and officials, a local INS representative, and representatives from local advocacy groups. The Commission, speaking directly with the detainees, found that non-Haitians appeared to have been detained for only a few weeks at most, while Haitians had been detained for over seven months. The Commission also addressed specific concerns raised by the detainees, including the lack of appropriate food and the lack of affordable access to long-distance telephone service to Haiti.

### ***Boundaries of Justice: Civil Rights Issues Stemming from September 11, 2001***

As a result of the September 11, 2001, terrorist attacks, the Commission expanded the focus of its study of asylum and refugee issues to include an examination of the civil rights implications of perceived emerging terrorist threats on the nation's immigration policies, practices, and laws. Thus, on October 12, 2001, the Commission held a briefing with panels consisting of representatives from community organizations, legal experts and scholars, and representatives from the Immigration and Naturalization Service (INS), as well as the Department of Transportation (DOT) (see [Appendix C](#) for full discussion).

There was disquiet expressed by many of the panelists regarding the civil rights implications of antiterrorism legislation proposed in the wake of September 11. Concerns were voiced that proposed antiterrorism legislation must be balanced and not infringe upon constitutional freedoms and civil liberties. Legislation originally proposed by the administration was criticized for vague and overbroad standards resulting in constitutional problems such as imprisonment of individuals based solely on certification of the Attorney General and not on substantive evidence, indefinite detention of immigrants who are not proven terrorists, and unfair punishment of immigrants for associating with groups that the government views as terrorist organizations. Other troubling aspects of proposed antiterrorism legislation included the permitted indefinite detention of immigrants on the basis of suspicion and lawful political associations; expanded ability of the government to conduct secret searches; and minimized judicial supervision of federal telephone and Internet surveillance by law enforcement authorities. Government policies also provide immigration supervisors with the discretion to exclude an asylum claimant from being admitted to the United States if the claimant does not possess the appropriate documents with no opportunity for judicial review.

In response, one panelist suggested three principles to govern antiterrorism policymaking. First, any antiterrorism policy should be narrowly tailored to address actual security threats. Second, these policies should be carefully considered to prevent unintended results that adversely affect entire communities. Third, the September 11 attacks should not prevent our nation from implementing immigration and civil rights policies that are in the public's interest. Another panelist advocated that pending legislation eliminate the use of no-hearing deportations, impose

a “reasonable grounds” burden before imposition of detention, and retain habeas review of any detention decision.

The panelists also discussed racial profiling and general discrimination concerns, including the impact of the attacks on the civil rights of Muslims and Arab Americans, and those perceived to be from those groups. Violent reaction toward these groups occurred following the Iranian hostage crisis, the Gulf War, the Oklahoma City bombing, and the explosion of a passenger airplane off Long Island. Moreover, after September 11, more than 300 harassment complaints and threats had been reported to the Arab American Institute and the American-Arab Anti-Discrimination Committee. Due partly to the history of the FBI’s relationship with the Arab and Muslim American communities, members of these communities, particularly recent immigrants, are hesitant to report incidents of harassment, which include threats, assaults, deaths, vandalism, profiling on airlines, termination of employment, and indiscriminate detentions and roundups by the FBI.

One panelist, a professor at the University of Toledo College of Law, cautioned against the use of racial profiling as an enforcement tool, alluding to errors made by the government when it overreacted to past national security crises, such as the internment of Japanese Americans, the Palmer raids, the McCarthy hearings, and the Wen Ho Lee controversy. Racial profiling is an ineffective tool as it dilutes law enforcement resources with very small returns and damages ability to gather intelligence in affected communities.

Problems of government immigration processes and their discriminatory effects were also highlighted. These were traced in part to inadequate funding of the service side of the Immigration and Naturalization Service. There were reported backlogs of citizenship and green card applications despite increases in fees charged to immigrants, which expose individuals to civil rights threats due to the increased discriminatory nature of laws facing noncitizens. Lack of language services was also criticized, since members of the immigrant community are most vulnerable to civil rights violations due to their unfamiliarity with the language, with the law, and with the agencies that offer services to assist and protect them. In particular, one panelist noted that “[w]hen initially pressed for its plan, pursuant to President Clinton’s executive order asking all the federal agencies to service limited-English-proficient Americans, the INS—of all agencies—claimed that it did not come into contact with that many people who didn’t speak English.”

Official representatives from the INS acknowledged that the agency missed its congressional reporting requirements and had not issued a report on the detention of asylum seekers since 1999. INS panelists also acknowledged that enhanced security measures were causing backups at ports of entry, but that it was continuing its attempts to process petitions promptly and efficiently. According to the officials, part of the problem was that INS does not always have access to the types of statistics that would be useful for monitoring its programs. For example, quantifying the number of asylum seekers in detention is difficult because INS does not have full access to information on individuals processed in the immigration courts. However, the INS stated that it was in the process of developing a strategic plan to evaluate detention and removal proceedings, ensuring that they are humane and secure.

The agency also responded that it not only prevents improper entry into the country but also concentrates on helping people legally enter the United States. Some examples included proposing guidelines that alleviate undue hardships resulting from the strict application of immigration laws, proposing new regulations expanding the definition of “refugee” to include gender-based and domestic violence claims, and implementing a more open and accessible system for receiving claims related to torture.

INS representatives described the asylum application process, conceding that only a small percentage of detainees had legal representation, and that a detainee did not have a right to counsel in an expedited exclusion proceeding. Nor did the government provide interpreters unless a case is presented before an immigration judge. With respect to reports that attorneys are prevented from seeing their clients, the INS affirmed that it was investigating complaints of noncompliance with detention standards. INS representatives stated that the agency had instituted a new program to provide all detainees with a “know-your-rights” presentation and supplied related pamphlets to detainees in different languages. The program was in its infancy, however, and required improvement.

Panelist representatives from DOT also stated that that agency took steps to ensure full compliance with civil rights laws. The DOT representatives stated that no guidelines exist that allow removal of an airline passenger based solely on race, nationality, or ethnic origin. However, a federal statute, 49 U.S.C. § 449.02, permits removal of passengers if airline personnel believe the passenger represents a safety or security risk to the airplane. Nonetheless, the airline cannot remove a person solely based on race under this statute, because 49 U.S.C. § 401.27 prohibits airlines from discriminating based on race, ethnic origin, or religion. If an airline used race as a factor for removal, such action would raise serious concerns that would be dealt with on a case-by-case basis by the agency. The agency also reportedly maintained data on all complaints and kept investigation files for each complaint.

## **Recommendations and Results**

Several broad recommendations and themes arose out of the briefings and investigations undertaken by the Commission. First, the Commission was encouraged to continue efforts at educating the American public about racial profiling and the significance of antiterrorism legislation. It was also recommended that the Commission encourage its state advisory committees to convene briefings on a local level to address issues that disproportionately affect immigrant communities. The Commission was asked, too, to continue efforts at examining the impact of September 11 on affected communities, such as increases in hate crimes, and to monitor the status of persons held by INS alleged to have been potentially involved with terrorist activities.

In response to these recommendations, the Commission’s state advisory committees organized more than a dozen briefings or meetings to discuss post-September 11 civil rights issues affecting immigrant and minority groups in their communities. Among these was a two-day community forum held jointly by the District of Columbia, Maryland, and Virginia state advisory committees beginning on April 24, 2002, to hear the perspectives of affected community representatives, members of the public, and public officials regarding civil rights



concerns in the Washington metropolitan region.<sup>10[10]</sup> The forum was organized around several panels that addressed such issues as the fears and concerns of at-risk communities and local government actions in response to September 11. Also explored were such topics as “Understanding Islam in America in the Aftermath of September 11” and “Implementing the USA Patriot Act of 2001: Civil Rights Impact.”

The Illinois state advisory committee also organized a two-day community forum on June 17–18, 2001, on civil rights issues facing Arab Americans in the metropolitan Chicago area. The forum convened 12 panels of speakers, representing some 25 national, state, and local government agencies, professional associations, and community groups. At the forum, Arab American and Muslim individuals and advocacy group representatives detailed the victimization of their community that occurred on September 11, 2001, as well as the hate crimes, discrimination, and targeting by national law enforcement services and policies that followed.

Following up, the Commission’s Midwestern Regional Office organized a panel presentation for the Commission on July 19, 2002, titled “Presentation on Civil Rights Issues Facing the Muslim and Arab American Community,” which explored the continuing civil rights challenges and problems facing the Muslim and Arab American community in aftermath of September 11. The public presentation was a collaboration of state advisory committees throughout the Midwest and local advocacy groups in Detroit, Michigan, home to the largest concentration of Arab Americans in the United States. The Commission’s New York state advisory committee subsequently also arranged individual and organizational presentations on December 13, 2002, for the Commission at a briefing titled “Civil Rights Issues Facing Immigrants in New York City.” These public presentations continued to raise the issue of civil rights challenges facing immigrants and minorities, such as hate crimes, racial profiling, and indefinite detentions, and provided a forum for further public discourse and awareness on government immigration and asylum policies as they relate to the protection of civil rights.

In terms of immigrant issues not directly tied to September 11, the California state advisory committee arranged for a local advocacy group presentation to the Commission on November 14, 2002, regarding the challenges faced by migrants along the U.S.-Mexico border, including death due to exposure during border crossings, as well as detentions and violence by vigilante groups along the frontier. As a result of this presentation, the Commission issued a letter to the Department of Justice requesting it to investigate the reported acts of vigilantism on the part of United States citizens against suspected migrants crossing the U.S. Southwest border.

The Commission was also asked to continue to monitor the detention and parole of asylum seekers. In addition to the aforementioned presentations, the Commission followed up on the issue of the Haitian asylum seekers. After listening to the testimony of the immigration experts; former Haitian refugees, detainees, and their family members; and civil and human rights leaders, the Commissioners unanimously agreed to contact the appropriate officials and urge the reversal of the INS policy allowing the indefinite detention of Haitian refugees.

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<sup>10[10]</sup> Transcripts and/or executive summaries of most forums and briefings referenced in this section are available from the online version of this report on the Commission’s Web site at [www.usccr.gov](http://www.usccr.gov).

As a result, the Staff Director of the Commission forwarded a letter to INS Commissioner James W. Ziglar, expressing the view that however well intended, no federal agency should engage in national origin discrimination or embrace a policy that creates the appearance of national origin discrimination. The Immigration and Naturalization and Service was, therefore, urged to cease enforcing the policy of indefinite detention of Haitian refugees. The Florida state advisory committee was also asked to follow up on the issue and continues to monitor the situation of those refugees in south Florida.

Another general recommendation arising out of the briefings was that the Commission monitor implementation of antiterrorism legislation and submit comments to federal agencies and other governmental entities that may be issuing proposed regulations related to immigration law enforcement. Consequently, in addition to monitoring immigration-related legislation, the Commission also analyzed proposed legislation establishing the Department of Homeland Security and forwarded a letter to Congress recommending provisions institutionalizing an independent inspection office within the department to safeguard civil rights in the wake of antiterrorism efforts. Although the Commission's overall recommendations were not adopted, the current enabling legislation does provide for a civil rights monitor within the department.

The Commission was also asked to monitor the INS investigation into reports of denial of attorney access to clients, as well as INS' efforts at gathering and publicizing data on the detention of asylum seekers. Accordingly, the Commission's staff conducted follow-up meetings with the INS. On November 27, 2001, Commission staff extensively interviewed the INS on the organization of civil rights activities and enforcement within the agencies, the processing and resolution of complaints (of discrimination and/or improper detention) received, and the preparation of policy guidance. Through this process, staff was able to more thoroughly monitor and obtain an accurate evaluation of INS processes relating to post-September 11 civil rights issues.

Other recommendations, such as urging relevant authorities to take proactive steps to address racial profiling, examining the government's response to terrorist incidents, and monitoring the government's compliance with reporting requirements included in antiterrorism legislation, will require the Commission's ongoing attention and consideration. Such awareness and continued focus reflect the Commission's enduring commitment to ensure that all individuals enjoy equal protection under the laws, regardless of race, ethnicity, or religion—a principle that has served as a beacon to generations of immigrants and those escaping persecution who have arrived on our shores seeking a better life and, in the process, enriched this country.