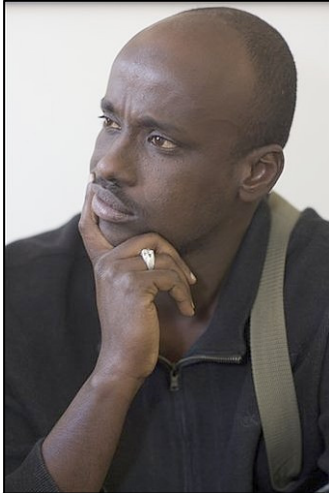


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Desperate Somalis pursue asylum via 'back-door' route to United States

AMY TAXIN Associated Press Writer

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Somali asylum seeker Mohamed Kheire waits to consult with Esperanza Immigrant Rights Project detention attorney, James Lyall at the Los Angeles Catholic Charities. (AP Photo/Damian Dovarganes) (Damian Dovarganes, AP / November 16, 2009)

LANCASTER, Calif. (AP) — The asylum seeker from Somalia hung his head as an immigration judge grilled him about his treacherous journey from the Horn of Africa. By air, sea and land he finally made it to Mexico, and then a taxi delivered him into the arms of U.S. border agents at San Diego.

Islamic militants had killed his brother, Mohamed Ahmed Kheire testified, and majority clan members had beaten his sister. He had to flee Mogadishu to live.

The voice of the judge, beamed by videoconference from Seattle, crackled loudly over a speaker in the mostly empty courtroom near the detention yard in the desert north of Los Angeles. He wanted to know why Kheire had no family testimony to corroborate his asylum claim.

Kheire, 31, said he didn't have e-mail in detention, and didn't think to ask while writing to family on his perilous trek. It seemed like the end of Kheire's dream as he waited for the judge's ruling. He clasped his hands, his plastic jail bracelet dangling from his wrist, and looked up at the ceiling, murmuring words of prayer.

Kheire is one of hundreds of desperate Somalis in the last two years to have staked everything on a wild asylum gamble by following immigration routes to the United States traditionally traveled by Latinos. With the suspension of a U.S. refugee program and stepped-up security in the Gulf of Aden and along Mediterranean smuggling routes, more overseas migrants from Somalia are pursuing asylum through what one expert calls the "back door."

"The U.S. has closed most of the doors for Somalis to come in through the refugee program so they've found alternative ways to get in," said Mark Hetfield, senior vice president for policy and programs at the Hebrew Immigrant Aid Society. "This is their new route." About 1,500 people from around the world showed up in U.S. airports and on the borders seeking asylum during the 2009 fiscal year, according to statistics from U.S. Customs and Border Protection.

Somalis were the biggest group to make the journey, with most arriving in San Diego. More than 240 Somalis arrived during that period — more than twice the number from the year before.

Like Kheire, they have been shuttled to immigration detention centers in California while legal advocates have scurried to find lawyers and translators to help them navigate the country's immigration courts. Many end up defending themselves. Those who lose may remain temporarily. Somalis may be deported, but immigrant advocates say authorities often do not send them back immediately because of difficulties making the trip.

For many, it has become increasingly dangerous to stay in Somalia. The African nation has not had a

functional government since 1991 when warlords overthrew longtime dictator Mohamed Siad Barre and then turned on each other, plunging the country into chaos.

Somali refugees say they are fleeing repression by armed militias defending majority clans and the Islamic militant group al-Shabab, which has been labeled a terrorist organization by the United States.

"There are stories about houses being blown up by rocket launchers that you don't hear coming out of other countries as a normal occurrence," said James Duff Lyall, an attorney for the Esperanza Immigrant Rights Project, who has represented several Somali asylum seekers in Lancaster. "The consistently horrific stories are striking."

In 2007, Kheire's brother was shot in the head in his music store in Mogadishu after refusing to bow to al-Shabab's demands that he shutter the shop. A year later, Kheire's sister was beaten with a stick and left bleeding outside a school. That night Kheire, whose family belongs to a minority clan, was visited by three men who rammed his chest with a rifle butt and debated whether to kill him.

Once they left, Kheire decided to leave. His wife and then-nearly 4-year old son went to stay with family. He sold his taxi and used the money to go to Kenya, where a smuggler arranged for him to travel to Dubai, then to Cuba, using fake documents.

He then went to Ecuador and Colombia, where he boarded a small boat with about 20 African migrants. It took them a week to reach Costa Rica. They traveled by night, bailing out sea water with plastic bins. During the day, they hid in forests along the shoreline and waited for smugglers to bring them food. In Nicaragua, Kheire was herded into the back of a sweltering truck container for 18 hours, fearing he would die of suffocation or be caught by police.

In Guatemala, he crossed a river atop two rubber tires bound together to reach Tapachula, Mexico. He spent 12 days in immigration detention before authorities released him with a piece of paper ordering him to leave the country in 30 days. He would carry the paper on a plane to Tijuana and in the taxi to the U.S. border.

Immigration experts say such circuitous paths are routes of last resort.

"I always call it the back door," said Bob Montgomery, director of the San Diego office for the International Rescue Committee. "When the refugee program is not robust, we see more people trying to come through the asylum system," he said.

Most Somalis have reached the United States — there are some 87,000 here — through U.S.-sponsored refugee resettlement programs. But the State Department in 2008 suspended a family reunification program for refugees over fraud concerns. The number of Somalis admitted by refugee programs dwindled to about 4,000 last year.

Those now traveling through Latin America are taking a path well-worn by asylum seekers from other countries. Immigration attorneys say they have worked with clients from Ethiopia and Iraq who also reached the United States via Mexico.

Ronald Smith, a spokesman for U.S. Customs and Border Protection, said most asylum seekers arrive in U.S. airports — not on the southern border. However, asylum experts said more people may now be seeking to come here by land due to tighter travel restrictions.

"To get a flight from Africa to Europe is very hard. The easiest place to go is America," said Yahya

Idardon, an asylum seeker who fled Somalia last year after his father and brother were killed. "Africa to Latin America is easy ... when you are going to Latin America, no one is concerned about you, no one is asking, so it is easy to go there and cross all these countries."

Once reaching the U.S. border in San Diego, Somalis are frisked and fingerprinted and screened by an asylum officer to gauge whether they have a credible fear of returning home. They have then been shuttled to an immigration detention center until their cases go to court.

Roughly 80 Somalis are being held in Lancaster, a detention center 50 miles north of Los Angeles. Dozens more have been held in San Diego and the remote border town El Centro, immigration attorneys said. In Lancaster, Somalis and other asylum seekers wear light green jail jumpsuits. There, Somalis take vegetarian meals, since their Muslim faith prevents them from eating the lunch meat served to other detainees.

Several Somalis said they never expected to be detained — especially since they didn't try to sneak across the border.

"They're coming to the United States, which is a symbol of freedom and democracy around the world," said immigration attorney Lyall, who represented Kheire. "They're not expecting to go to jail and be fed bologna sandwiches."

On Jan. 4, the government plans to start releasing many asylum seekers while they wait for their immigration cases to be heard. It is unclear how many Somalis will be let out as they must prove their identity and many don't have documents. And still others say they have nowhere to go even if they were freed, their attorneys said.

Compared with asylum seekers from other countries, Somalis have been more likely to win their cases, according to immigration court statistics. But in the courtroom in Lancaster, Kheire spent the last few moments of his asylum hearing in agony, worried the judge would send him back to Mogadishu to face the threat of death — even after he had survived such a harrowing journey.

The attorneys for Kheire and the government sat quietly in the courtroom, listening to the judge read the ruling as Kheire prayed. A Somali interpreter whispered urgently into Kheire's ear. He broke into a hesitant smile. He would be allowed to stay.

Kheire left the courtroom in his black, laceless sneakers and jail jumpsuit, escorted by sheriff's officials. Later that night, he was dropped off by authorities at a nearby train station. He had five dollars in his pocket.

"They said, 'This is America. Welcome to the United States of America,'" Kheire said.