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Lawyers' Committee, Morrison & Foerster File Amicus Brief Challenging Unlawful Detention of 27-Year-Old Somali Refugee

SAN FRANCISCO, CA (March 31, 2010) – The Lawyers' Committee for Civil Rights of the San Francisco Bay Area, represented *pro bono* by Morrison & Foerster LLP's Palo Alto office, has filed an *amicus* brief in the 9th Circuit Court of Appeals supporting a 27-year-old Somali asylum-seeker who is challenging his prolonged detention in the U.S.

The case involves 27-year-old Abdalla Warsame Abdille, a member of a minority clan who is fleeing persecution by majority tribe members in his native Mogadishu. In 2006, militiamen beat and kidnapped Abdille and his cousin; Abdille watched as his cousin was shot and killed for refusing orders. The militiamen threatened to kill Abdille unless he served as a decoy and a lookout, forcing him to stand on a road and hold a gun. Abdille was later able to escape and eventually made his way to the U.S. to apply for asylum in August 2008. He has been detained in a California detention center ever since.

At his asylum hearing, an immigration judge concluded that Abdille had acted under duress. However, the judge also agreed with the government that Abdille was statutorily barred from receiving asylum because he had provided "material support" to a terrorist organization. His immigration case is currently on appeal to the Board of Immigration Appeals.

In November 2009, the ACLU of San Diego filed a petition for writ of habeas corpus on Abdille's behalf in federal district court, arguing that Abdille's prolonged detention was unlawful and unconstitutional. The case is now pending before the 9th Circuit.

The *amicus* brief joins the ACLU in urging the court to find that Abdille's prolonged detention without basic due process protections is unlawful and inconsistent with the United States' obligations under international law. A number of international law authorities, to which the United States is a party, limit the detention of asylum seekers to exceptional circumstances. International law also requires periodic and meaningful review of detention by a neutral decision maker. In contrast, the government has detained Abdille's for over 19 months. The *amicus* brief

urges the Court to find the review of Abdille's detention insufficient and to construe U.S. law to require basic due process protections, consistent with international law norms. The *amicus* brief also addresses the harmful effects of prolonged detention on asylum seekers, many of whom are victims of persecution and severe trauma.

For a copy of the brief, please visit: www.lccr.com.

With the help of firms like Morrison & Foerster honoring their commitment to *pro bono*, the Lawyers' Committee's Asylum Program assists low-income refugees by providing legal advice, referrals, and representation to more than 250 new clients per year. In addition, the Lawyers' Committee has litigated dozens of cases implicating the constitutional and human rights of immigrants and refugees.

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