

BRO

PROMISES



By Jan Goodwin Photographs by David Burnett



EVERY YEAR, PEOPLE LIKE ISATU JALLOH ESCAPE TORTURE AND PERSECUTION, THEN FIND THEIR WAY TO THE UNITED STATES SEEKING REFUGE AND FREEDOM. WHAT HAPPENS NEXT WILL SHOCK YOU.

ISATU JALLOH HAD NEVER BEEN ON A PLANE IN HER LIFE when, in October 2006, she made the two-day trip to Philadelphia from her grandmother's village in Sierra Leone. As the airplane flew over New York City, the 18-year-old stared out the window, trying to see whether she could catch a glimpse of the Statue of Liberty, that world-famous symbol of freedom for the

oppressed. After living in a war-torn country, being raped by soldiers and mutilated by her tribespeople, Isatu hoped she was safe at last. Excited to be in America and exhausted from the trip, the nervous teenager handed her passport to an immigration official. "This isn't a photograph of you," he told her. "I know," Isatu replied softly. "I would like to apply for political asylum."

ISATU WAS ONLY FOUR YEARS OLD

when her country was plunged into civil war. While growing up she suffered through food shortages, blackouts and bombings and witnessed many atrocities. In 1999, when she was 12, rebels overran Freetown, the capital city where she and her mother lived, and they were forced to flee. In the ensuing panic they were separated; Isatu was captured with many of her neighbors. "They lined us up. Rebel soldiers walked down the line, cutting off people's hands with machetes. I was terrified," she recalls. "When two soldiers got to me, one held down my hand and started cutting. The other one stopped him, saying I was too beautiful. Instead he raped me." His friends might have taken a turn, too, but a fighter jet flew over. Expecting to be bombed, the rebels took off.

A week later Isatu's mother found the girl hiding, severely traumatized, in one of the few houses still standing in their burned-out community. The war raged on for three more years before the conflict finally ended, in 2002. Eleven years of fighting had left an estimated 50,000 people dead, half the population homeless and tens of thousands mutilated.

When the war ended Isatu and her mother began to rebuild their lives. But in 2004 Isatu's mother died of malaria. The girl, then 16, was sent to live with her grandmother, Mariama, in rural Sierra Leone. Life was suddenly very different. Her mother had been progressive, but her grandmother was extremely traditional. In fact, Mariama was her community's *soweï*, a revered tribal leader. One of Mariama's duties was to initiate girls into the "Bondo Society," a rite of passage signalled by the practice human-rights groups call female genital mutilation (FGM). In this agonizing ritual, the girl's labia and

clitoris are partially or completely removed, usually with a razor blade, a knife or a shard of glass, and the entrance to her vagina is sewn up tight, leaving a matchstick-size hole for menstruation. It's generally performed on girls when they're between 7 and 10 years old to prevent promiscuity and prepare them for marriage.

BECAUSE HER MOTHER

OPPOSED THE PRACTICE, Isatu had escaped FGM. "I truly believed my grandmother would observe my mother's wishes," she later said in a court affidavit. But at 5 o'clock one morning about a year after she arrived,

AT THE AIRPORT ISATU'S HANDS AND FEET WERE SHACKLED AND SHE WAS SENT TO PRISON.

Isatu was dragged by a group of women to a small hut. One sat on her chest while others restrained her arms and legs. They stuffed a cloth in her mouth and, without anesthesia, her grandmother began to cut.

Weeks later, when she had recovered, Isatu overheard women saying her FGM would have to be redone because her grandmother had not removed enough flesh. But Mariama's health declined and village leaders decided it was time for her to retire. Tradition dictated that the role of *soweï* should pass to a female relative. The leaders decided it would be Isatu.

"There was no way I could perform FGM on anyone," Isatu said. So she ran away, sleeping in the jungle for a week. After tribe members tracked her down and brought her back to the village, she was beaten. "I had shamed my grandmother deeply, she told me," Isatu said. "They broke my toe so I couldn't run again."

A short time after her capture, Isatu was told to perform FGM on an 8-year-old girl. If she didn't, the village leaders warned her, she'd be forced to drink poison. Isatu complied but realized she could never do it again. "I had to escape or kill myself."

Desperate to get out of Sierra Leone, Isatu scraped together enough money to telephone a friend who'd moved to England, fleeing FGM herself. The friend had a young aunt who held a U.K. passport and resembled Isatu—if you didn't look too closely. The passport and money for a plane ticket was sent to a trusted intermediary in Sierra Leone, who then

gave it to Isatu. There was only one stipulation: The friend requested that Isatu not go to Britain, because she didn't want to get her aunt in trouble. America seemed like the best choice. Everything went well on the trip, up until the moment she handed the passport to the U.S. official.

FEW PEOPLE REALIZE WHAT HAPPENS

to many asylum seekers when they arrive in the United States. Isatu was arrested on the spot and was held at the airport for 10 hours. Then her hands and feet were shackled. In heavy chains, Isatu, who is slightly built and stands just 5 foot 2, struggled to walk to the sheriff's van, which took her to an immigration center. She spent the next day there before being transported to York County Prison, in southern Pennsylvania.

A sprawling group of buildings topped with razor wire, the York prison houses violent American felons,



Isatu does not know how long—or if—she can stay in America.

including convicted killers. It is also one of the country's largest holding facilities for immigration detainees. When Isatu arrived it was 9 P.M. and she hadn't eaten all day long. She was issued a thin blanket and told it was too late for dinner. As the steel doors clanged shut behind her, she pleaded, "Why am I here? I'm not a criminal."

Isatu was right. It is not a crime to enter the United States with false documents when the person requests asylum. It is a civil offense only, which technically should not be punishable by prison time. Additionally, in both U.S. law and international treaties, this country has pledged to offer asylum to those who have been victims of political, religious and other forms of persecution. Isatu met these requirements.

Legal issues aside, the United States has a long history—dating back to the Pilgrims—of being a safe harbor for people who have been persecuted for religious or other reasons. Our national symbol embodies these ideals. "Give me your tired, your poor, your huddled masses yearning to breathe free," says the famous poem posted inside the Statue of Liberty.

The sentiment is a huge source of patriotic pride, but our current policies don't reflect that kind of compassion. The Bush Administration started a crackdown on immigration in 1990, which President Clinton later expanded, and since the September 11 attacks in 2001, treatment has become even harsher. Now asylum seekers are routinely arrested by U.S. Immigration and Customs Enforcement (ICE), which is part of the Department of Homeland Security. According to Detention Watch Network, a human-rights organization, Isatu's treatment was typical: Torture survivors and rape victims are locked up alongside hardened criminals in U.S. prisons, where they often remain for months, even years. This happens despite the fact that incarcerating asylum seekers is against international law.

AS AN APPLICANT FOR POLITICAL ASYLUM in the United States, Isatu entered a Kafkaesque nightmare. She was in prison even though there were no criminal charges. She was expected to produce documents supporting her claims and her identity, but she'd escaped from a

war-torn country where such records simply don't exist. Having escaped a rural village in one of the poorest nations on earth, she was told she needed \$10,000 to pay for an attorney (the right to free legal representation only applies to criminal cases). According to Amnesty International, 84 percent of detainees are not able to get legal aid. These detainees must represent themselves in court, whether or not they speak English. Isatu was fortunate in that respect, since English is the official language in Sierra Leone.

Isatu shivered through the winter in her cell, dressed in a yellow prison jumpsuit and flip-flops. She began to have severe abdominal pains, but her requests for medical care were ignored. She didn't know it then, but the botched FGM had left heavy keloid scarring, which had caused her menstrual flow to back up—a typical side effect of the procedure.

Isatu had post-traumatic stress disorder from the war, so loud noises and voices raised in anger—common in prison—reduce her to a quivering, sobbing wreck. During one of her panic attacks at York she was put in solitary confinement, probably the

worst treatment for someone who has been severely traumatized. Again, she was not alone in this treatment: The York prison has been cited by a number of human-rights organizations for being abusive to its inmates. Feeling hopeless, Isatu spent months curled up on her thin foam mattress.

IN EARLY 2007, FOUR MONTHS AFTER HER INCARCERATION,

Isatu was surprised to hear she had two visitors. The names of detainees are made available to legal organizations and programs, and Isatu

“When I was assigned this case, all I could think was, *How does a junior in college save a person’s life?*” says Kristen, who was 20 at the time. “If Isatu were sent back, her tribe would most likely kill her. At the very least they’d redo the mutilation. It was a daunting responsibility, and very scary.”

The two students worked around the clock, preparing evidence for Isatu’s hearing. It was difficult for the teenager to talk about her history because it made her relive her awful memories. There was barely enough time, but Kristen and Morgan found two expert

rate of about \$50 for 20 minutes, Isatu racked up monthly bills of around \$600. “I would have spent anything to keep her alive,” Lois says. “And those calls did. She was so isolated. I would tell her Americans are not really this mean and bad.”

The hearing, once it was finally held, was quite traumatic. Isatu, raised in a sex-segregated society in which talking about FGM is taboo, was required to discuss her rape and genital mutilation in front of the male judge and attorneys during the nearly three-hour trial. Then she had to wait.

It was a nail-biting six months before the judge handed down a decision, on September 20, 2007. “We won, we won!” an excited Kristen told Isatu and anyone who would listen. Isatu had been granted asylum based on her fear of FGM, which, since the late ’90s, has been recognized by most federal courts as a form of persecution under U.S. immigration law.

The Stephen family had told ICE they would sponsor Isatu if she were released and that she could live with them in their Glen Rock, New Jersey, home. So when she heard the news, a jubilant Lois got ready to pick up Isatu from York and drive her there to celebrate. But that homecoming never happened. “I was naïve,” Lois says.

TWO HOURS AFTER ISATU WON HER CASE,

with no warning or explanation, the teen was transferred to the maximum security wing of Pike County Correctional Facility, on the far side of the state, and locked in a cell with a convicted murderer. It turned out that ICE had appealed the judge’s decision. The new claim, which they’d apparently come up with sometime during the six-month wait, was that since Isatu had performed an FGM on another girl, she was a persecutor herself and thus not entitled to asylum.



Kristen Stephen, left, and her mother Lois “adopted” Isatu.

was one of the lucky ones picked to be defended by a pro bono lawyer. Kristen Stephen and Morgan Marks, both students at Franklin & Marshall College, in Lancaster, Pennsylvania, had been sent to prepare her affidavit and other documentation required for her political asylum court hearings.

Franklin & Marshall is one of the only colleges in the country where undergrads work on political asylum cases, assisting pro bono attorneys. Thanks to the students, who have the time to do in-depth research, the lawyers working with the firm’s program quietly and consistently win cases for asylum seekers like Isatu.

witnesses: a physician who could testify to what Isatu had undergone and another expert who could confirm conditions in Sierra Leone.

During this period Isatu and Kristen developed a close bond. And because Kristen kept calling home in tears to tell her family about Isatu and the way she was being treated, her mom and dad became involved. Lois Stephen, a medical office assistant, and her husband, Gary, the finance director for a consulting company, sent Isatu books, stamps and money for the commissary. They also opened up a phone account for her so she could call them. At the prison

The Stephens were frantic and immediately called ICE and prison officials, who gave them no answers. Isatu's lawyer didn't have the information since he was officially off the case. At last they heard from Isatu, who had been allowed one call. Even she didn't know where she was. All she could say was that she was a three-and-a-half-hour drive from York. Now no one knew what to expect.

"Isatu's case goes to the heart of gender persecution," says Susan Dicklitch, Ph.D., associate professor of government at Franklin & Marshall, who founded and runs the student program that assisted Isatu. ICE's argument exposes a double standard, she believes. "Child soldiers—young men and boys—who were forced to commit atrocities and kill, under threat of their own deaths, have been granted asylum here because they were minors at the time," she says. Isatu was a minor when her life was threatened if she didn't perform the FGM procedure—a fact that ICE's appeal seems to ignore. "Isatu's is a landmark case that would set legal precedent, and could go all the way to the U.S. Supreme Court," Dicklitch says.

ICE spokesman Brandon Alvarez-Montgomery says that the agency cannot discuss ongoing individual cases but confirmed that the next step in the appeal could take several years.

IN DECEMBER 2007, three months after Isatu was transferred to Pike, Kristen got a call from Isatu's roommate, the convicted killer, who wanted to know why Isatu was no longer in the cell—had she been released? The Stephens panicked and started making calls. At 4:30 Lois reached someone who told her that Isatu had indeed been released—no explanation why—and was at the Federal Building, in New York City, which closed at 6 P.M. that evening. Isatu had been there all day but hadn't been allowed to use a phone. By the time Lois made her way from New Jersey through rush-hour traffic, it was after 6 and Isatu was standing on the sidewalk in freezing weather, wearing a light jacket. She had an ankle bracelet to monitor her whereabouts, but the device had not been programmed; the instructions were still in the box. "She couldn't have been much of a national security threat under those circumstances," says Lois acidly.

The Stephens treated Isatu like another daughter. And she got to know people in the Sierra Leonean community in Philadelphia, where Kristen lives; she even reunited with Amadu Jalloh (no relation; Jalloh is a common name in Sierra Leone), an old friend of her brother's. Amadu had won the green card lottery in 2002 and is in the process of becoming an American citizen. The two quickly fell

in love and married. In December 2008 they welcomed their first child—a little girl named after Lois.

Isatu plans to return to school to become a nurse. But the Jallohs and the Stephens live with the constant fear that Isatu will be deported. Isatu's monitoring bracelet was removed in July 2008, but she is still required to check in with immigration authorities in Philadelphia once a week. "If she doesn't win on appeal, ICE will rip that new little family apart," says Kristen.

"My heart breaks for Isatu, and I'm mortified by the way our country is treating her," says Lois. "If she loses her appeal she will make the supreme sacrifice and leave her daughter, an American, in this country because conditions are so bad in her own."

As she waits for her appeal to be heard, Isatu is busy making a cozy home. The family lives in a second-floor apartment in Philadelphia. Traditional African textiles and photographs of Amadu's relatives line the walls. Isatu's family photographs have been destroyed. But that gap in her heart and on her mantle is being filled with pictures of baby Lois. Every payday Amadu brings Isatu a bunch of flowers he buys on the way home. The Jallohs frequently invite the Stephens to dinner, which Isatu proudly cooks. It's a small apartment, but Isatu and Amadu have big dreams. And one haunting question: Will she be allowed to stay?

SITTING IN LIMBO

Nearly 400,000 people are currently being held in immigration custody—more than triple the number held just a decade ago. Many are locked up in private, for-profit prisons, which get their money from the government's \$1.7 billion immigration custody operations budget.

Immigrants suffer poor conditions and abuse in detention facilities, according to Human Rights First. A growing number of detainees have died behind bars, sometimes due to inadequate or nonexistent medical treatment, leaving their families with no idea of what has happened

to them. At least 107 deaths have been reported since 2003, according to Jacqueline Esposito, policy coordinator for Detention Watch Network, in Washington, D.C.—a figure that she says even U.S. Immigration and Customs Enforcement (ICE) recently acknowledged was low.

Last October Assistant Secretary for Homeland Security John Morton released plans for a detention overhaul. However, a major reform of ICE and immigration laws could take years. To find out how you can assist individual detainees and help with reform efforts, go to LHJ.com/asylum.