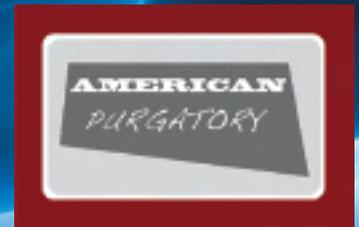




# American Purgatory:

Political Asylum in the Age of Terrorism

Sarah Elzas and Olivia Bueno, *Co-Producers*  
Paris, France and New York, New York



## COMMITTEE COMMENTARY

The radio program “American Purgatory” presents a comprehensive and revealing look at the political asylum system in the United States. It skillfully combines the start-to-finish story of an individual asylum applicant, “H,” who came here from a country in the former Soviet Union, with personal accounts from other applicants and insights and analysis from a diverse number of knowledgeable commentators. Given immediacy by the human drama of H’s journey, “American Purgatory” provides a vivid portrayal of the entire political asylum system in its legal and historical context. Without sacrificing accuracy, all this is accomplished in 53 minutes. The producers show great dedication in following H from the outset through the conclusion of his proceedings. The program demonstrates, both by illustration and through supporting statistics, the critical role that lawyers, including those providing service pro bono, play in helping those who

seek asylum. Applicants without counsel, even those with heart-rending stories, face great difficulties in achieving favorable outcomes. At the same time, asylum officers must address concerns about fraudulent applications, including the possibility of terrorists seeking and obtaining asylum. Unfailingly thorough, “American Purgatory” examines this as well, discussing how post-September 11 changes in immigration law have reduced the chances of fraud, but also how applicants now generally face increased obstacles to being granted asylum. The program’s presentation of the applicable law, and sometimes competing policy concerns, is both very accessible to a public audience and very even-handed. “American Purgatory” is a valuable contribution to public understanding of an important process in the administration of justice likely unfamiliar to most Americans.



### INTERVIEW with Olivia Bueno and Sarah Elzas (photos left to right)

*Olivia Bueno is a human- and refugee-rights advocate at the International Refugee Rights Initiative. Sarah Elzas is a radio journalist, previously New York-based, but now living and working in France.*

#### Where did the initial idea for your radio program come from?

**SARAH ELZAS:** The idea came out of conversations I had with a lawyer friend who was working on a pro bono asylum case in New York. I was struck by the contrasts between her life as a New York City corporate lawyer and the people she was representing—and the events that made their paths intersect. Through this initial introduction, I started talking with Olivia about political asylum in general, and came to realize it was a very under-reported topic.

#### How does “American Purgatory” foster public understanding about legal issues and legal institutions?

**ELZAS and BUENO:** Political asylum is a term a lot of people hear, but many don’t really understand what it is—

or how complex the process is. On the one hand it’s about immigration, but it’s also about human rights. And of course, it’s tied up in all kinds of laws, both national and international. We hoped to show that it is not a black-and-white issue and that the legal issues, while complex, affect people on a very human level. We hoped the relationship that develops between lawyers and their asylum-seeker clients would help listeners relate to what is really a long, tedious, and frustrating process. At the same time, we wanted to give an overview of the process, to show what asylum seekers and the people who work with them go through. By adding interviews with officials and policy experts, we tried to put the personal experiences into a broader context of a system that needs to balance domestic security considerations with the need to help those most in need of international protection.

## EXCERPT

**H:** To be honest, I was scared myself to tell someone what happened to me. I was in depression, you know. I realized that I should do something to help myself.

*What he needed was a lawyer. ... Laura Wytsma is a lawyer in Los Angeles who takes on asylum cases pro bono: free of charge. She used to represent the government in immigration court.*

**WYTSMA:** The law is such that you need to be able to present some sort of documentary corroboration, which is very hard to get. ...

*Several studies have shown that you are much more likely to be granted asylum if you have a lawyer than if you go through the process on your own. One big reason is because they have access to supporting material, like expert witnesses and country information.*

**PASTOR EDWARD NEEPAYE:** Self-representation is tantamount to legal suicide. Now that I looked at it and the time and hours that I spent with my lawyer, I realize no, I could not have done this by self-representation.