

*The Settlement of American
Baptist Churches v.
Thornburgh: Landmark Victory
for Central American
Asylum-Seekers*

CAROLYN PATTY BLUM*

Introduction

On 31 January 1991, Judge Robert Peckham of the United States District Court for the Northern District of California approved the settlement in the nationwide class action law suit, *American Baptist Churches v. Thornburgh*. The litigation challenged systemic discrimination against Salvadoran and Guatemalan asylum-seekers by the Immigration and Naturalization Service (INS), the Department of State (DOS) and the Executive Office for Immigration Review (EOIR) in the review and denials of their claims to asylum, withholding of deportation and extended voluntary departure in the United States. In approving the settlement, Judge Peckham remarked on the 'extraordinary and complex' nature of the litigation and generously praised the parties for resolving the dispute before trial.

The simplicity of the final fifteen-minute hearing before Judge Peckham seemed a far cry from the dramatic conditions that initially instigated the litigation. The case was born of the barbaric repression and persecution in Guatemala and El Salvador that led many to flee their homelands in the 1980s, of widespread denials of asylum protection in the United States to these asylum-seekers and of the efforts of

* Lecturer, Boalt Hall Law School, University of California, Berkeley.

the 'sanctuary' movement among U.S. religious organizations to provide these refugees an alternative form of protection. It was these events that gave rise to the litigation, filed originally in 1985. This article details the background and history, and sets forth the major aspects of the settlement agreement itself.

Background

In 1980, the United States Congress passed the Refugee Act,¹ one of the primary purposes of which was to eliminate geographic and ideological bias in the asylum and refugee determination process.² Henceforth, asylum-seekers in the United States were to have their claims assessed solely according to the criteria of the definition of refugee incorporated into the Act and derived from the United Nations Protocol on the Status of Refugees.³ The Act defined a refugee as any person outside his or her country of nationality who is unable or unwilling to return there because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.⁴

The intention of the Refugee Act was immediately tested by the asylum crises of the early 1980s,⁵ one of the most dramatic being the entry into the United States of thousands of Salvadorans.⁶ These asylum-seekers reported widespread repression targeted at broad segments within their society, including teachers, students, trade unionists, peasants who supported co-operatives, relatives of people supporting the opposition, persons who participated in demonstrations, Catholics working in lay Christian community activities.⁷ This testimony was reported to numerous human rights organizations, and

¹ Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980) [hereinafter cited as Refugee Act or The Act], codified at Immigration and Nationality Act s. 101(a)(42) (definition of refugees), 207 (refugee admission), 208 (asylum), 209 (permanent residence for refugees and asylees), 243(h) (withholding of deportation), 411-414, 8 U.S.C. ss. 1101(a)(42), 1157-1159, 1253(h), 1521-1524 (1982) (hereinafter cited as INA).

² Robinson, C. and Frellick, B., 'Lives in the Balance: The Political and Humanitarian Impulses in U.S. Refugee Policy,' 2 *IJRL*, Special Issue, (1990), 293-94. See also *INS v. Cardoza-Fonseca*, 480 U.S. 421, 435 (1987); Helton, A., 'Political Asylum Under the 1980 Refugee Act: An Unfulfilled Promise,' 17 *U. Mich. J.L. Ref.* 243 (1984); Anker, D. and Posner, M., 'The Forty Year Crisis: A Legislative History of the Refugee Act of 1980,' 19 *San Diego L. Rev.* 9 (1981).

³ 1967 United Nations Protocol on the Status of Refugees, 19 U.S.T. 6223. Before 1980, the INA allowed explicitly only for the entry of some refugees from communist-dominated countries or the Middle East. See INA s. 203 (a)(7), 8 U.S.C. s. 1153 (a)(7) (1976).

⁴ INA s. 101 (a)(42)(a), 8 U.S.C. s. 1101(a)(42)(a) (1988).

⁵ Robinson and Frellick, above note 2. See also Inzunza, R., 'The Refugee Act of 1980 Ten Years After—Still the Way to Go,' 2 *IJRL* (1990), 414-15.

⁶ 'Salvadoran Illegal Aliens: A Struggle to Obtain Refuge in the United States,' 47 *Univ. of Pitt.L.Rev.* (1985) 295 (estimating 300-500,000 undocumented Salvadorans in the U.S.).

⁷ See, for example, *Sanchez-Trujillo v. INS*, 801 F.2d 1571, 1577 (9th Cir., 1986) (discussing evidence of persecution of opposition party members, teachers, students, and unionists).

El Salvador became the focus of major human rights reports of the United Nations Commission on Human Rights⁸, Americas Watch⁹, Amnesty International¹⁰ and other organizations.¹¹ United States news media also documented the grisly work of the Salvadoran death squads — revealing the presence of tortured and mutilated bodies lying on the roads and streets of El Salvador.¹²

Once in the United States, most Salvadoran asylum-seekers were jailed in INS detention facilities and subjected to well-documented coercive tactics to attempt to get them to return¹³ to their country 'voluntarily'. The INS argued that most Salvadorans and Guatemalans were not refugees.¹⁴ However, in the lawsuit *Orantes-Hernandez v. Smith*, an injunction was issued requiring the INS to advise all Salvadorans in the United States of their right to file for asylum and to cease any activity which would coerce an applicant to depart.¹⁵

Guatemalans fared no better. The conditions in their home country were characterized by massive attacks on the villages of the indigenous populations, resulting in massacres of families, the burning of homes and other acts of destruction by the Guatemalan military.¹⁶ While the number of entrants was lower than Salvadorans, many Guatemalans did enter the United States, reporting these atrocities. They too were subject to detention in remote INS facilities.¹⁷

Once Salvadorans and Guatemalans did apply for asylum, they were almost universally denied that benefit. At the administrative level, the statistics for denials of Salvadoran claims revealed that fewer than 3% were granted asylum. For Guatemalans, the number was even smaller — only 1% or less received asylum. These figures

⁸ *Report of the Economic and Social Council, Situation of Human Rights in El Salvador*: UN doc. A/39/636 (9 Nov. 1984) (prepared by the Special Representative of the Commission on Human Rights); see also UNGA res. 39/119: UN doc. A/RES/39/119 (14 Dec. 1984).

⁹ See, for example, *Settling into Routine: Human Rights Abuses in Duarte's Second Year* (May, 1986), and other annual reports of Americas Watch.

¹⁰ *Extrajudicial Execution in El Salvador*, (May, 1984).

¹¹ See, for example, *Annual Report of the Inter-American Commission on Human Rights of the Organization of American States* (OAS), 1983–1984.

¹² See, for example, 'Compiling the Body Count', *Washington Post*, 29 Jan. 1982; 'More Decapitated Bodies are Found in El Salvador', *Miami Herald*, 23 Aug. 1981.

¹³ *Orantes-Hernandez v. Thornburgh* 919 F.2d 549, 559–561 (9th Cir., 1990).

¹⁴ See, for example, Schmidt, P., 'Refuge in the United States: The Sanctuary Movement Should Use the Legal System,' *Hofstra L.Rev.* 79, 96–97 (1986) (author was then Acting General Counsel of INS).

¹⁵ *Orantes-Hernandez v. Smith*, 541 F.Supp. 351 (C.D. Cal., 1982).

¹⁶ See, for example, *Situation of Human Rights and Fundamental Freedoms in Guatemala*, UNGA res. 39/120: UN doc. A/RES/39/120 (11 Feb. 1985) (reiterating 'deep concern at continuing grave and widespread violations of human rights in Guatemala'); OAS, *Report on the Situation of Human Rights in the Republic of Guatemala*: OEA/Ser.L/V/II.61, Doc. 47 rev. 1, (5 Oct. 1983).

¹⁷ 'Ecumenical, Municipal and Legal Challenges to United States Refugee Policy,' 21 *Harvard Civil Rights/Civil Liberties L.Rev.* 498–499 (1986) (hereinafter Ecumenical Challenges).

compared with asylum grant rates for all nationalities of approximately 30%, considerably higher for some nationalities.¹⁸

In response to the denial of safe haven to Salvadoran and Guatemalans and the imminent threat of deporting them back to their home countries, refugee and church assistance organization began to offer aid.¹⁹ This movement called itself 'sanctuary', tracing its roots to the Biblical command to Moses to create 'six cities of refuge.'²⁰ In March 1982, on the second anniversary of the assassination of Archbishop Oscar Romero of San Salvador, a group of congregations in Tucson, Arizona and Berkeley, California simultaneously declared their churches to be 'sanctuaries' of refuge for Guatemalans and Salvadorans.²¹

Some churches housed refugees within their premises, others offered or organized financial, legal or other forms of assistance, while others helped arrange for refugees to journey from El Salvador or Guatemala into the United States. An 'underground railroad', modelled on the network that had helped escaping U.S. slaves before the Civil War, was created to aid refugees travelling from the U.S.—Mexican border towns to sanctuaries throughout the United States. By the mid-1980s, over 300 churches and synagogues had declared 'public sanctuary.'²²

The U.S. Justice Department responded with a series of criminal prosecutions of sanctuary activists, in which the government alleged that some participants of the movement had conspired to violate laws prohibiting the transportation and harbouring of persons in the United States in violation of law.²³ The sanctuary movement members countered that they had committed no offence, since the refugees were not in the United States in violation of law, but were bona fide refugees unlawfully denied asylum by the government. However, two church workers connected with a Catholic Archdiocese-sponsored

¹⁸ Bau, I., Sanctuary, 228 *New Catholic World* 116 (Mar/Apr 1985) (citing INS FY 1984 statistics). The General Accounting office (GAO) of the United States Government conducted its own survey in early 1987 which indicated approval rates of 2% for Salvadorans as compared to 24% for all nationalities, 49% for Poles and 66% for Iranians. Perhaps the most shocking of the GAO's findings was the disproportionate approval rates even where the applicants put forward similar claims — that they had been arrested, imprisoned, threatened or tortured. Approval rates were 3% for Salvadorans, 55% for Poles and 64% for Iranians and 19% worldwide. GAO, *Asylum: Uniform Application of Standards Uncertain—Few Denied Applicants Deported*, (9 Jan. 1987).

¹⁹ There is an extensive literature on the sanctuary movement. See, for example, Crittenden, A., *Sanctuary: A Story of American Conscience and the Law on Collision*, (New York, Weidenfeld and Nicolson, 1988); Golden, R. and McConnell, M., *Sanctuary: The New Underground Railroad* (Mary Knoll, N.Y. Orbis Books 1986); Bau, I., *This Ground is Holy* (Boston Paulist Press 1985).

²⁰ Numbers 35: 6–34 (Moses was commanded to create six cities of refuge from the land given to the Levitical tribe).

²¹ Bau, above note 19 at 10.

²² Ecumenical Challenges, above note 17 at 502.

²³ INA s. 274(a), 8 U.S.C. s. 1324(a)(1982) (prohibiting the bringing in, transporting, and harbouring of aliens in the United States in violation of law).

refugee shelter in Brownsville, Texas were convicted in 1984 and 1985 of transporting refugees.²⁴ In Tucson, sixteen people, including some of the most outspoken members of the sanctuary movement, were indicted on conspiracy and other criminal charges.²⁵

It was in this atmosphere that church, refugee legal defence organizations and individual refugees filed a lawsuit seeking to stop the prosecutions against sanctuary workers, and to enjoin the deportations of Salvadorans and Guatemalans who had been denied asylum.

The Litigation

American Baptist Churches et al. v. Meese was filed in May 1985, on behalf of over eighty religious, refugee, and refugee legal assistance organizations.²⁶ The lawsuit named the Attorney General, the Commissioner of the INS and the Secretary of State as Defendants. The religious organizations alleged that their right to provide sanctuary to Guatemalan and Salvadoran refugees without the threat of prosecution was protected by the First Amendment of the United States Constitution.²⁷ On behalf of individual refugees, it was alleged that the discriminatory adjudication of their requests for asylum, withholding of deportation, and extended voluntary departure violated the Fifth Amendment of the United States Constitution.²⁸ Over the next three years, the government attempted to dismiss the case on three occasions. The Court did dismiss the claims of the religious organizations because in 1986, amendments to the criminal laws under which sanctuary workers had been prosecuted, eliminated the possibility of future prosecutions.²⁹ However, in its March 1989 amended ruling,

²⁴ *United States v. Merkt*, 794 F.2d 950 (5th Cir. 1986), cert. denied, 107 S.Ct. 1609 (1987); *United States v. Elder*, 601 F.Supp. 1574 (S.D. Tex., 1985); *United States v. Merkt*, 764 F. 2d 266, 272 (5th Cir., 1985). Stacy Merkt and Jack Elder lived and worked at Casa Oscar Romero in Brownsville, Texas.

²⁵ The indictment included ministers, priests, nuns and lay religious workers. Ultimately, eleven persons were tried, and six were convicted. The convictions were sustained on appeal. *United States v. Aguilar et al.*, 883 F.2d 662 (9th Cir., 1989), cert. denied 59 U.S.L.W. 3481 (14 Jan. 1991).

²⁶ *American Baptist Churches in the United States et al. v. Meese*, Civil Action No. C85-3255 RFP (7 May 1985).

²⁷ Complaint, First Cause of Action.

²⁸ Complaint, Third Cause of Action. The complaint also alleged a claim by Central American refugee organizations on behalf of Guatemalans and Salvadorans to temporary refuge and *non-refoulement* under international law (Second Cause of Action) and a constitutional tort claim asserting that the government endangered the lives of Salvadorans and Guatemalans by returning them to places where their lives and well-being were in danger (Fourth Cause of Action). Judge Peckham dismissed both these claims. See below, notes 30 and 31.

²⁹ Memorandum and Order Granting in Part and Denying in Part Defendant's Motion to Dismiss (N.D.Cal., 6 Oct. 1988). The Court also rejected the Plaintiff's allegation that the Defendants had prosecuted sanctuary workers in bad faith.

the Court allowed the Plaintiffs to proceed on the claims regarding discriminatory treatment of Central American asylum seekers. Citing the low approval rate for asylum applicants from El Salvador and Guatemala, the Court ruled that each individual Salvadoran and Guatemalan would not be required to go through the administrative determination of his or her case before the Court could examine the pattern and practice of violations alleged by the Plaintiffs.³⁰

In his September 1989 ruling on the government's final motion to dismiss, Judge Peckham found the discrimination claims justiciable. He also certified that the case could proceed on behalf of the nationwide class of Salvadorans and Guatemalans who had been denied asylum, withholding of deportation, and extended voluntary departure.³¹

During the next several months, extensive discovery was pursued by the Plaintiffs regarding the claims of unlawful denial of asylum and withholding of deportation. The INS was required to produce thousands of pages of documents; many other document requests for INS offices throughout the United States were outstanding, and several depositions of government officials also were taken. It was anticipated that dozens of others would be taken over the next months. The plaintiffs had assembled a team of lawyers from the American Civil Liberties Union, the National Lawyers Guild, the Centre for Constitutional Rights, Boalt Hall Law School at the University of California, Berkeley, and Morrison and Foerster, a major San Francisco law firm, to handle the work of this complex litigation.

While discovery was proceeding, the INS announced the promulgation of new asylum regulations.³² These regulations changed the procedures for adjudication of requests for asylum. A specialized corps of Asylum Officers was designated by the new regulations to carry out the task of asylum adjudication, under the supervision of the INS Central Office for Refugees, Asylum and Parole (CORAP).³³ The regulations specifically were intended to be a departure from past practices, practices for which the INS had been criticized, and to represent a final realization of the humanitarian mission of the Refugee Act.³⁴ The regulations became effective on 1 October 1990 and

³⁰ Amended Memorandum and Order Granting in Part and Denying in Part Defendant's Motion to Dismiss (N.D.Cal., 24 Mar. 1989); Order (N.D.Cal., 12 Sept. 1989).

³¹ Order (N.D.Cal., 12 Sept. 1989).

³² 'U.S. Issues Asylum Rules Praised as Fairer to Aliens,' *New York Times*, 19 Jul. 1990.

³³ The regulations were first published in 55 *Fed. Register* No. 145 (27 Jul. 1990), p. 30674-30687. They have been codified primarily in 8 C.F.R. s. 208. See, for example, 8 C.F.R. s. 208.1 (jurisdiction of new Asylum Officer corps).

³⁴ See 'U.S. Issues Asylum Rules . . .' above note 32; 55 *Fed. Register* p. 30675-30679 (supplementary information and analysis and discussion of comments of regulation proposals).

designated that the new Asylum Officer corps were to begin adjudicating cases in April 1991.³⁵

It was in this context that preliminary settlement discussions began during the summer of 1990. The discussions continued over five months, during which Congress enacted major immigration legislation affecting the tentative terms of an agreement.³⁶ New terms were negotiated, and a preliminary agreement was reached on 19 December 1990. The agreement was then finalized by the district court on 31 January 1991.³⁷

The Settlement

The opening paragraphs of the settlement agreement acknowledge that discrimination in the asylum adjudication process based on nationality is improper. Further, the settlement agreement recognizes that foreign policy and border enforcement considerations, the U.S. government's views of the political or ideological beliefs of the applicant and the fact that the individual is from a country that the United States supports politically, are not proper factors in determining statutory eligibility for asylum.

The most important direct benefit of the settlement is its provision of a *de novo* asylum adjudication for all Salvadorans and Guatemalans who were previously denied asylum, by either the INS or the EOIR. Salvadorans and Guatemalans who did not previously file for asylum also will receive a *de novo* adjudication.

The settlement defines class beneficiaries as all Guatemalans in the United States as of 1 October 1990 and all Salvadorans in the United States as of 19 September 1990.³⁸ Salvadorans must register for the benefits of the settlement agreement during the six month period commencing 1 January 1991; Guatemalans must register during the six month period commencing 1 July 1991. Since many Salvadorans also are eligible for the benefits of the new Temporary Protected Status (TPS) created by the recently-enacted Immigration Act of 1990, the settlement specifies that registration for TPS will be deemed

³⁵ See Helton, A.C., 'Final Asylum Rules in the United States: New Opportunities and Challenges,' 2 *IJRL* 642 (1990).

³⁶ Immigration Act of 1990, P.L. 101-649 (29 Nov. 1990). The sections most relevant to the settlement negotiations were those allowing the Attorney General to grant temporary protected status to nationals of designated foreign states in which there is ongoing armed conflict or environmental disaster. INA s. 244A, 8 U.S.C. s. 1254A. Congress specifically designated nationals of El Salvador as subject to those provisions. See sec. 303, Immigration Act of 1990.

³⁷ Order and Stipulated Settlement Agreement (N.D. Cal. Jan. 31, 1991).

³⁸ Those deportable for having been convicted of an aggravated felony are not eligible for the settlement benefits See INA s. 208(d), 8 U.S.C. s. 1158(d) (precluding aggravated felons from asylum); s. 243(h)(2), 8 U.S.C. s. 1253(h)(2) (defining aggravated felons as ineligible for withholding of deportation).

to be a registration for the benefits of the settlement agreement.³⁹ When TPS terminates, Salvadoran class members will be notified that they may submit their new applications for asylum before an Asylum Officer. They then will receive their *de novo* asylum interview, according to the terms of the settlement.

Class members currently subject to deportation proceedings will be notified by mail of their rights under the agreement. For all others, a plan was devised by the Plaintiffs and approved and funded by the Defendants to conduct a public information campaign, including television, radio, and printed advertising, leaflets and posters, to inform the Salvadoran and Guatemalan communities of the benefits of the agreement.

While awaiting the asylum adjudication, all class members will receive authorization to work, and their deportations will be stayed.⁴⁰ In most cases, class members also cannot be detained.⁴¹ If the *de novo* decision is favourable, any pending administrative or judicial proceedings will be terminated, and asylum will be granted by INS. If the *de novo* decision is negative, the prior administrative or judicial proceeding will resume at the stage at which it was previously stayed or closed, with the proviso that the INS will not oppose any class member's attempt to supplement the prior record with information submitted in the *de novo* proceeding.

The agreement also sets forth certain restrictions regarding the conduct of the *de novo* adjudication. These requirements, in part, are an attempt to prohibit past discriminatory practices from entering into the new process. For example, the settlement provides that a previous denial of the applicant's claim or a previous negative recommendation from the State Department's Bureau of Human Rights and Humanitarian Affairs (BHRHA) is not relevant to the present *de novo* determination. Before reviewing any information from a previous file or forwarding the application to the BHRHA for a new advisory opinion, the Asylum Officer must record his or her preliminary assessment as to whether the applicant is entitled to asylum.⁴² The

³⁹ Salvadorans must register for the benefits of TPS between 1 Jan. - 30 June 1991. The TPS programme for Salvadorans, by statute, terminates on 30 June 1992, but could thereafter be renewed. While on TPS status, a Salvadoran cannot be deported and is granted authorization to work.

⁴⁰ The government is required, by the terms of the settlement, to request the administrative closure of cases pending before EOIR and a stay of proceedings of cases pending in the federal courts.

⁴¹ INS may only detain those subject to detention under current law and who (1) have been convicted of a crime involving moral turpitude for which a sentence actually imposed exceeded a term of imprisonment in excess of six months; or (2) pose a national security risk; or (3) pose a threat to public safety.

⁴² Once a prior asylum application is reviewed, an applicant must be given every opportunity to provide a reasonable explanation for any inconsistencies between the two applications. If the decision changes after the preliminary assessment, the Asylum Officer must set forth in writing

BHRHA's response to the INS must indicate that its comments are advisory only, that it is only one source of relevant information, that the INS may rely on other credible non-governmental sources, and that the INS must make the actual determination on eligibility. If a denial is recommended, specific reasons for the denial must be set forth in the BHRHA comment. Further, if a *de novo* adjudication is made by an INS Asylum Officer who adjudicated claims prior to the effective date of the new regulations on 1 October 1990, any denial will be reviewed by CORAP.

The settlement permits Plaintiffs' counsel to participate in the training of asylum officers in March 1991, of the immigration judges in May, and of the BHRHA. The parties also agreed to ask the General Accounting Office to conduct two reviews of the asylum process, and the Plaintiffs have enumerated specific matters that should be studied.

The Defendants have agreed to produce certain documents and data to permit the Plaintiffs to monitor implementation of the settlement.⁴³ The agreement allows for an individual class member who seeks but is denied benefits under the agreement to seek review in federal district court. It also enumerates the retained jurisdiction of the district court to hear claims of pattern and practice violations or express repudiation of the agreement.⁴⁴

Conclusion

This stunning victory for Salvadoran and Guatemalans seeking fair adjudication of their claims to asylum in the United States reflected the confluence of a unique set of circumstances. Never before had the INS agreed to settle a case concerning refugees of this magnitude. Why then the departure from decade-long policy regarding Salvadoran and Guatemalans in particular and settlement in general?

The answer can be discerned by examining both practical and political factors. First, the litigation was becoming increasingly expensive. In the spring of 1990 when discovery was being conducted in earnest, the case was already five years old. The government was

the specific facts and reasons for any change on a second assessment sheet and in the notice sent to the applicant.

⁴³ This information includes the names and addresses of class members sent notice by EOIR (including returned notices), those registering for TPS or for the benefits of the settlement agreement, or those with cases pending in federal courts. The Defendants also must provide copies of INS, EOIR and BHRHA instructions regarding implementation of the settlement, the names of cases transmitted to CORAP for review and, when authorized, preliminary assessment and transmittal sheets in individual cases.

⁴⁴ The parties agreed to a mechanism to resolve disputes prior to judicial intervention regarding these issues. The dispute resolution procedure requires notice, response and good faith negotiations. The court then will act when the negotiations prove fruitless.

committing considerable resources defending depositions, producing documents, responding to interrogatories. The prospects for the future indicated much more of the same. The trial itself was estimated to last several months and would have involved the full-time energy of a large team of Justice and State Department lawyers. The Plaintiffs appeared to have a reasonable likelihood of prevailing on the merits, an outcome which also could have resulted in a large attorneys fees award. The then-general counsel of INS, William Cook, pragmatically assessed the situation and determined that settlement negotiations were appropriate.

Second, the INS publicly acclaimed its new regulations as a break from the past. The INS Commissioner Gene McNary and other INS officials addressed the Annual Convention of the American Immigration Lawyers Association (AILA), promoting the regulations as an attempt to create a new, fairer asylum system. The trial in this case would have put the INS in the awkward position of defending in the courtroom old procedures which it had effectively renounced in current practice. Further, the trial would have been highly politically charged, since it necessarily would have involved evidence both of human rights abuses in El Salvador and Guatemala and of INS, EOIR, and BHRHA practices in rejecting claims of asylum-seekers from those countries.

All these factors, and perhaps many others beyond the speculation of the Plaintiffs' counsel, led to this tremendously significant result. For the lawyers involved on both sides of the litigation, the settlement means the sense of accomplishment of achieving a good result, that will benefit thousands of people, without a costly and lengthy trial. For the sanctuary workers, it means, as Minister John Fife, one of the convicted sanctuary activists called it, a 'vindication' of their movement.⁴⁵ But the settlement is most important for the refugees themselves. For each and every one of them, it is the first time, in the decade since the Refugee Act became law, that they will have a meaningful opportunity to put forward their claims for asylum in the United States.

⁴⁵ "Landmark" action ends refugee deportation,' 27 *National Catholic Reporter*, 28 Dec. 1990, p. 1.