

WORLDS APART

How Deporting Immigrants After 9/11 Tore Families Apart and Shattered Communities



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WORLDS APART



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Introduction

Their stories vary widely: some men drove cabs, some delivered pizzas and still others pumped gas. Some spoke Urdu and others Arabic. Some came from tiny villages, others from major, cosmopolitan cities. Some had children who attended public schools, speaking perfect English and playing basketball with American friends. Others supported their families in Pakistan or Jordan, sending money for school fees, home repairs or life-saving medicines. Many had been here for years, others for only a few months.

But the stories of these men are similar in important ways. All came to the United States seeking a better life for themselves and their families. All were Muslim, from South Asia or the Middle East. After September 11, all were caught in a government dragnet that swept up hundreds of Muslims indiscriminately. And all were denied basic rights normally afforded to those detained in the United States and other democratic countries.

In January 2004, represented by lawyers from the American Civil Liberties Union and the law firm of Debevoise & Plimpton, a group of thirteen men who had been detained in the United

States filed a petition with the United Nations Working Group on Arbitrary Detention. The petitioners alleged that:

- The United States detained petitioners as suspected terrorists even where there was no evidence—let alone credible evidence—that they had engaged in criminal activity of any sort.
- The United States imprisoned petitioners under a “hold until cleared” policy that effectively imposed a presumption of guilt. Under the policy, detainees were held until the FBI decided that they were innocent. Compounding the injury, some petitioners were detained even after the FBI had affirmatively cleared them of all charges.
- The United States’ arbitrary and haphazard arrest and detention policies were directed almost entirely against Muslim men of South Asian or Middle Eastern descent.
- The United States denied petitioners access to counsel, failed to inform them promptly of the charges against them or to bring them before a judge, and categorically denied them release on bond.

- The United States incarcerated petitioners in degrading and inhumane conditions. Although the immigrants generally were detained on non-criminal immigration charges, many were kept in cells for 23 hours a day and were made to wear hand and leg shackles when leaving their cells. Some were kept in solitary confinement for extended periods with no explanation. Lights were left on 24 hours a day, immigrants were denied the use of blankets, and many were denied telephone calls and visits with family members.

The UN Working Group has acknowledged receipt of the petition and, at the Working Group's request, the State Department has provided a formal response to some of the petitioners' allegations. A decision from the working group is expected in the next few months.

An earlier ACLU report, *America's Disappeared*, discussed the roundups and detentions. For many, the nightmare began with their arrest. FBI and immigration officials dragged some people out of their houses in the middle of the night in front of frightened wives and children. Others were picked up for being in the wrong place — like Ahmed Abualeinen, who was arrested by agents who had come looking for his roommate but took him instead. Still others were arrested after routine traffic stops. For many, it would be days before they could contact their families with their whereabouts and weeks before they could access legal help. The government refused to release the names of people it had detained. Behind bars, many suffered from harassment and even physical abuse.

All but one of the petitioners have now been deported. And that is where this report comes in.

Many have been deported to countries where they haven't lived in years, and where unemployment rates are high and salaries are low. Many have been harassed because of their connections to the U.S. or taunted for being deported.

None of them were found guilty of any terrorism-related offense or connected in any way with the September 11 attacks. But the stigma remains. Sadek Awaed's friends in Jersey City, New Jersey stopped speaking to him after the FBI questioned them and suggested that he was involved with terrorists. Asylum-seeker Benamar Benatta, who is still behind bars in

Although none were found to have a connection to September 11, the Justice Department still boasts that hundreds of immigrants "linked to the September 11 investigation" have been deported.

New York, worries that the charges will haunt him if he ends up being returned to Algeria. Anser M e h m o o d ' s young sons were threatened and teased in their New Jersey school

for having a "terrorist" for a father. Although none of the detainees were found to have a connection to September 11, the Justice Department website still boasts that hundreds of immigrants "linked to the September 11 investigation" have been deported.

The petitioners are not the only ones who are still suffering the effects of the roundup. Their families, too, have been traumatized by what happened. Just ask Haneen, the 14-year-old U.S.-born daughter of petitioner Khaled Abu-Shabayek. Her family moved to Jordan in 2002 after her father was detained and deported. "I can't take it anymore, and I'm very angry," she said. "Everyone [in my family], they're always angry, they're not happy."

Or ask Anza, the nine-year-old daughter of Khurram Altaf. For the first time this year, she will not be able to attend the special school that accommodates her hearing disability — such schools don't exist in Pakistan, where she moved after her father was deported.

Their communities in the U.S. were negatively affected, too. Neighborhoods that were vibrant and full are suddenly half-empty and quiet. Merchants are struggling; many have been forced out of business. And people are scared that they could be the next to be awakened in the middle of the night by immigration officials.

With the help of the Pakistan Human Rights Commission, the ACLU located some of the men who had been deported and went to Pakistan to hear their stories. At a press conference in Geneva when the petition was filed, the men had another opportunity to tell their stories to the world.

This report shares the stories of their families and communities.

Ahmed Abualeinen

A voice in Arabic tells callers that Ahmed Abualeinen's telephone has been cut off. It doesn't say that it's because he has no money to pay the bill. The family's cell phone just rings endlessly. It's been cut off, too.

Abualeinen, 60, agreed to "voluntary" departure to Jordan in May 2002, after spending five months in detention. He had been living in the U.S. for nearly six years before that, supporting his wife and their nine children by working as a carpenter.



Ahmed Abualeinen working as a carpenter.

His nephew, Hosni Abualeinen, lives in Raleigh, NC, and recently visited his uncle in Amman. He said that about a year ago, his uncle opened a tiny grocery store next door to his house. "He's making a living...barely," said his nephew. He estimates that the store

"If you gave him the opportunity to come back here, he would do it."

brings in less than \$1000 a month, which is not enough to support a family of five. (One of Abualeinen's older sons and his wife and two children also share the home. The son works as a carpenter and sometimes helps out in the family store.) Abualeinen's wife is also working there — it is her first job outside of the home.

But even after two years, said the younger Abualeinen, his uncle is "really suffering from the way he has been deported. He's thinking for the last two years about being in jail for five months."

His uncle, he said, is a simple man. He cannot read or write, even in Arabic. He's a family man, who stayed in the city where he first arrived, and held the same job for six years.

His nephew said that he is still hoping to come back. "There is no other option whatsoever," said Hosni Abualeinen. "If you gave him the opportunity to come back here, he would do it."

Ansar Mahmood

After nearly three years in detention, Ansar Mahmood was deported to Pakistan on Aug. 12, 2004. The ACLU visited him in the Buffalo Federal Detention Facility in July, just a few weeks before he was deported. The report that follows comes from that interview.

Ansar Mahmood is surprised at just how much publicity his case has gotten. A neighbor in his tiny Pakistani village recently visited Mahmood's father, he recalled, bringing a local newspaper: "Your son's story is in the paper,"

In October 2001, he made the mistake of snapping a picture of the landscape near Hudson to send back to Pakistan.

the neighbor reportedly said. "And Bill Clinton's wife said to release him."

His story has also appeared in bigger media, closer to his adopted home, like the *New York Times*, *Los Angeles Times*, *Washington Post* and the Associated Press. His story has also been told on National Public Radio, and a documentary film is in the works.



Ansar Mahmood

"I'm a famous celebrity," Mahmood said, laughing at the irony. "That's why they're going to deport me. More bad publicity."

Mahmood's wide eyes and baggy orange jumpsuit make him look

younger than his 28 years. Telling his story in rapid-fire, accented English — much improved after two years in an American prison — he sounds alternately like a world-weary old man and a lost young boy.

But if this Pakistani villager is an unlikely international celebrity, he's also an unlikely deportee. He arrived in New York in April 2000, a lucky winner of the Green Card lottery. He eventually landed a job making and delivering pizzas at a Pakistani-owned Domino's franchise in Hudson, New York, a small town about 40 miles south of Albany. "Everything is good [in Hudson]," he said. "The money is good too." He worked fourteen-hour days to send money home to his family.

Then, in October 2001, he made the mistake of snapping a picture of the landscape near Hudson to send back to Pakistan. Mahmood didn't know it then, but the view included a nearby water treatment plant. Its workers alerted the FBI, which arrested him. He was detained for several days. Although he was quickly cleared of all ties to terrorism, authorities discovered that he had co-signed a lease and helped obtain car insurance for the sister of

an old friend from home. As it turned out, she had overstayed her visa.

Authorities charged Mahmood with harboring an illegal alien, a charge that until September 11 was usually reserved for large people-smuggling operations. “I’m not responsible for these people,” Mahmood said. “She came with a visa.” At the time, however, with poor English skills and misguided advice from a public defender, Mahmood pleaded guilty to what he later learned was a deportable offense. He has been in detention since. “These are the harsh realities of ...post-9/11 law, when people are as paranoid as they are,” said Mahmood’s immigration attorney, Rolando Velazquez. But “somebody like Ansar is not supposed to be caught up in this,” added Velazquez, a former INS trial attorney.

Coming to America, Mahmood planned to follow his father’s wishes and get an education.

But then, he said,

“I got some advice: ‘Do you want to support your family or do you want to support yourself?’”

He thought about his three sisters,

he said, and chose the former. His pizza money paid for medicine after his father suffered a stroke in 2000. It sent his sisters to school. And it bought amenities, from a color television to a new refrigerator.

Phoning Pakistan is expensive, so Mahmood speaks infrequently with his parents. He’s not sure how the family has fared since the cash flow from Hudson stopped. They don’t really understand what it means for him to be in custody. He’s sure that they “won’t close the door” on him, but he’s not sure how he’ll support himself, or them, when he returns. “I can work

in the field for ten hours long. I have very good muscle,” he said, showing off a tattooed bicep. “But people think I’m very skinny.”

Despite Mahmood’s troubles, he is luckier than most. Soon after he was picked up, a peace group in a neighboring town took up his cause. They organized rallies, garnered support from politicians and human rights groups and kept Mahmood’s name in the news.

“In the letter [ordering Mahmood deported], [the judge] deny me because of no family ties,” Mahmood said indignantly. “But what do you call these people who come here? They are more than family ties — they love me.”

Mahmood said he used the prison’s law library to look up the statutes about harboring. He said he’s not sure why he’s being deported, since his was a first offense. But he pleaded guilty to the charge and can’t undo it.

He said that he tries to remain cheerful, especially for his supporters who drive five hours each way to visit him.

He said that he tries to remain cheerful, especially for his supporters who drive five hours each way to visit him.

And he does man-

age to be cheerfully enthusiastic, whether talking about his breakfast routine — “I love strawberry oatmeal with bananas!” — or his new friends — “First I have only one family in Pakistan. Now I have a whole family here.” But he often sounds discouraged, and his brown eyes fill with tears.

Mahmood said that his story — of a small-town boy who comes to America, finds a community and makes it — sounds like the plot of a Hollywood movie. “But in the film, the hero is going to win,” he said. “In the true story, he is going to lose.”

Anser Mehmood

Anser Mehmood's sons want to go home to New Jersey. Only one of the four — they range in age from three to 15 — has an American passport. The others were born in Pakistan. But, said their father, all are far more American than Pakistani: Their English is better than

their Urdu, and they wear American clothes and love to play basketball. "They were raised in [the] United States," he said. "It's their dream to go back...to finish their studies there, joining with their old friends."

The family moved from Pakistan to New York in 1994. Mehmood drove a yellow cab. His wife, Uzma, raised the boys in the house they

Charities: The Fallout

The Islamic Circle of North America (ICNA), a New York-based Muslim charity that offers its clients a range of social services, used to feed as many as 400 hungry people a week in its soup kitchens. These days, it's lucky if it can manage food for 150. Plans to build another shelter have been put on hold indefinitely, as have plans to hire new employees for its family counseling program. Before Sept. 11, 2001, donations to the charity averaged over \$4 million year. Today ICNA gets less than half of that.

At the Islamic Center of Jersey City, director Ahmed Shedeed estimates that "95 to 100 percent" of its operating budget comes from donations. Since the 9/11 attacks, he said, charitable contributions have dropped "dramatically."

Both organizations are part of a significant and unexpected fallout from the war on terrorism: Afraid that they may be fingered for supporting terrorist organizations, people have quit donating money to legitimate Muslim charities. The problem is not just that charitable organizations need money to continue serving their clients. Muslims have a religious obligation to give zakat — charitable donations.

The government's recent indictment of the Holy Land Foundation is further proof to

community members that an innocent charitable donation can have serious consequences. In January 2004, the Senate Finance Committee asked the INS to turn over confidential records — including donor names — of 24 Muslim charities and foundations.

"I don't think that people have doubts about our organization," said ICNA's executive director, Muhammad Rahman. "But they feel that once they give to us, they are open for any questions, any investigations [by the government]" People are so afraid, he added, that they have even quit coming to the regular fundraising meetings the organization holds to inform donors of charitable work.

Many local mosques refer worshipers in need of social services — from food to rent money to legal aid — to ICNA, Rahman said. The demand for such services spiked with the detentions that followed the 9/11 attacks and special registration. At the same time, the drop in donations has meant that the charity has less to give.

"In 2002, we could have paid up to \$5,000 for a lawyer. We could even match that amount for an emergency rental," said Adem Carroll, the organization's relief coordinator. "Now, we're paying \$400 incrementally to keep [clients] from being evicted."

"The community has been in a great deal of limbo, because [there is] no standard

bought in Bayonne, a New Jersey suburb of New York City. By the time of the September 11 attacks, Mehmood was running a trucking business and his older children were attending neighborhood public schools. Then, in early October 2001, the FBI searched the Mehmoods' home — without a warrant — their suspicions raised by an unfounded allegation. Mehmood was arrested and detained.

After several months in solitary confinement, he pleaded guilty to using an invalid social security number and was ordered deported. In May 2002, he was sent back to Pakistan; the family followed soon after.

They moved to Karachi to live with Mehmood's father, a retiree with no income of his own. "It's difficult," acknowledges

established for what would constitute material support of terrorism," said LaDale George, a Chicago attorney who represents Muslim charities across the country. "The Islamic community needs that standard."

Money that used to go to large national or international organizations is going instead to smaller, local projects, George said. But recently, government investigations have also been focusing more closely on local mosques and imams. "As a result, [donors are] concerned that any involvement will bring you under scrutiny," he said. People have also stopped giving to local organizations, "because they don't want to be viewed as supporting anti-American sentiment in the U.S."

Some organizations, including ICNA, have approached the federal government about establishing a seal of approval or a list of standards, to reassure donors that charitable organizations are legitimate — and that contributions to an approved organization won't put donors under scrutiny. So far, no such standards have been established; a Treasury Department spokeswoman was unable to say whether such a plan is in the works.

"That is one of the largest challenges that we face," said the treasury official, who asked not to be identified. "[We want] to make sure that charitable giving continues," she said. "But if there is any evidence of legitimate concern

that the funds are going to nefarious purposes to support terrorist organizations, we will do all we can to make sure it doesn't happen."

She points potential donors to the list of "specially designated nationals," posted on the Treasury Department Web site (<http://www.treasury.gov/offices/eotffc/ofac/sdn/t11sdn.pdf>), which includes a range of people and organizations deemed by the government to be bad news: "drug kingpins, money launderers, terror financiers, people who are undermining the democratic process in Zimbabwe." But the list only tells donors where not to give; it provides no guidance for potential donors seeking clean organizations. And the lists are infamous for their errors; many charities on the list have challenged their designation, saying the accusations of connections to terror organizations are completely false.

In any case, not all Muslim organizations agree with the idea of government approval. Ahmed Shedeed of the Islamic Center of Jersey City said that he did not need the government or anyone else to prove what he already knows, that is, that his charity is legitimate.

But ICNA's Rahman hopes that some system — or at least some form of assurance — is in place by the month of Ramadan (mid-October this year), a traditional time for Muslims to make charitable donations.

Mehmood, referring to the financial burden he and his family have placed on his father.

More serious is the city's tenuous security situation. A series of attacks this spring left 70 people dead and more than 200 wounded. Mehmood said there are regular shootings and bombings around the city. He's afraid to let the children go out alone, because their American-accented Urdu and foreign-bought clothes mark them as Americans. "They don't know that they are Pakistani, and they don't speak the language of the country," Mehmood said. "So they really feel discrimination. They are not in safe hands."

Differences in the education system and poor Urdu skills mean that the children — excellent students in the U.S. — are struggling to keep up in school. They have had trouble making friends, and because of the dangers of the streets they are not even allowed to play outside.

The family would like to move into a home of its own, but there isn't enough money. Mehmood's struggle to find work has been unsuccessful. In order to get a job in the truck-

How could he spend so much time in a country and contribute so much to it, people ask, only to be kicked out?

ing business, he explained, he'd have to buy a truck, something he can't afford. And, truck or no truck, the job would not bring in enough for him to support his whole family. Mehmood's wife, Uzma, hopes to get a job, but working outside the home is considered a stigma for Pakistani women, Mehmood said. She worries about having to explain to the children that they can't go back to the U.S.

Acquaintances have hassled Mehmood about his poor fortune. How could he spend so much time

in a country and contribute so much to it, people ask, only to be kicked out? Mehmood often wonders the same thing, since he had always felt welcome. "I feel the United States is a very different country after September 11," he says.

Benamar Benatta

It has been more than three years since Benamar Benatta has spoken to his parents in Algeria. That's how long the 31-year-old former Algerian Air Force lieutenant has been behind bars — first in Canada, then in Brooklyn and, since April 2002, in upstate New York, at the Buffalo Federal Detention Center. It's not that he doesn't miss his family or wouldn't like to reassure them that he is okay. But he fears that his situation could put his family in danger: He deserted the Algerian Air Force, was accused of being a terrorist and has asked for asylum in two countries. He is concerned about his own safety, too.

"I'm worrying every day, to be honest," he said. "Because ask any Algerian here, he will tell you what will happen to me if I am deported."

He said, that if he is returned to Algeria, he could face torture, lifelong imprisonment or even execution.

Despite some improvements in the situation in Algeria, Benatta does indeed face a real danger of prosecution, said Salem Salem, an Algerian country specialist for Amnesty International. Applying for asylum in a Western country could in itself be grounds for persecution, he said, as could the fact that he deserted the armed forces. "If he is sent back," said Salem, "it's going to be very complicated."



Benamar Benatta

This spring, a judge rejected Benatta's second request for asylum, saying it lacked credibility. The judge also expressed doubts that Benatta's status as a deserter would lead to persecution in Algeria. Eric Schultz, Benatta's immigration lawyer, disagrees. "Even if you say [Benatta] would face prosecution instead of persecution," he said, "there's a pretty good chance that he would face torture."

He believes that the earlier asylum hearing, without legal counsel, complicated the case.

Benatta's case now lies with the U.S. Court of Appeals. Unfortunately, the numbers are

He said he could face torture, life-long imprisonment or even execution if he is returned to Algeria.

against him. According to Department of Justice statistics, 101 Algerians applied for asylum in the U.S. last year. Only 15 were granted protection.

He lives in a dorm-style room, with around 60 bunk beds. It is usually filled to capacity, he said, although turnover is high. The common bathroom facilities are in the same room, where the detainees also have their meals.

He reads a lot, mostly novels and law books, though he worries that he has forgotten his education. He wishes he had math and physics books to read instead. (Hardcover books are

The FBI had cleared Benatta of any ties to terrorism, but he spent another five months in solitary confinement.

forbidden, ostensibly due to security concerns.) In the meantime, though, he has become something of an expert in immigration law, providing legal advice to other detainees, he said, and helping them prepare their habeas corpus briefs. He works out daily and sometimes plays basketball with other prisoners.

Although he is well-spoken and polite, Benatta is often withdrawn as he sits in an electric blue prison uniform under the harsh fluorescent lights of the attorney visitation room. He rarely looks up when he speaks and, for the first half of the interview, offered mostly one-word answers to questions. Concerned that authorities are monitoring his calls, he's afraid to talk about his case on the phone.

Benatta deserted the Algerian Air Force in late 2000, while attending a training program hosted by a Maryland defense contractor. After a few months in New York, he crossed into Canada and applied for asylum. That was early September 2001. On the day after the 9/11 attacks, Canadian authorities, who had detained him while investigating his claim, turned him over to the Americans.

Shattered Communities:

“Little Pakistan,” Brooklyn, New York

Mehrban Khan leaned against an empty barber chair and shook his head. “Oh my God, it’s too slow,” he said. “It’s 3:30 and I’ve earned forty dollars today.”

Khan, whose brush mustache is neatly trimmed, owns a barber shop on Coney Island Avenue. His daily take used to be closer to 400 dollars, he said. The black leather bench that lines one side of his shop would always be full, and people would stand in the doorway next to it — he walks over to demonstrate — just to be inside. There used to be four barber chairs, he said,



“People were afraid to dress in our typical clothing,” said Future Fabrics owner Farooq Ahmed. “They started to dress like Americans. They stopped wearing head scarves.”

gesturing to the space where now there are only two, both empty. There were no piles of trimmed hair on the floor, no scent of shaving cream or hair tonic in the air.

Like many shopkeepers in the neighborhood, Khan is still suffering the effects of the September 11 attacks and the government’s special registration program, which caused thousands of people to leave the area of Brooklyn’s Midwood neighborhood known as Little Pakistan.

Exact numbers are hard to come by, but community leaders estimate that before September 11, Brooklyn was home to at least 100,000 Pakistanis. By the time special registration ended in 2003, they say, as many as 45,000 had either been deported or left voluntarily. (Other counts are somewhat less dire, putting the exodus at between 15,000 and 20,000 people.) And Pakistanis from other neighborhoods quit coming, too, scared by stories of FBI agents and immigration officials wandering Coney Island Avenue, Little Pakistan’s main drag.

Bobby Khan (no relation to Mehrban) is executive director of the Coney Island Avenue Project, a group formed after the 9/11 attacks to help community members who had been detained. “It’s deserted now,” he said. “It was so crowded, a lot of restaurants, a lot of people on the street, a lot of families, kids.” People abandoned their apartments with the contents intact, he said. Some thought they would be coming back; others were too scared to take the time to move out.

According to a survey done by the Council of Pakistan Organizations, a local community group, more than 30 businesses have been forced to close down in the last three years. In some cases, their owners were part of the exodus; in others, there simply weren’t enough earnings to pay the rent. Store-owners

who remained estimate that their business is down by 30 to 40 percent.

The first Pakistani immigrants began to settle around Coney Island Avenue in the 1980s. The community grew quickly. By the mid-1990s, community leaders were calling for bilingual Urdu teachers for the neighborhood public schools.

Like other immigrant neighborhoods, stores carry names brought from home, like the Urdu Bazaar and Punjab Sweets. Businesses cater to the residents' needs: money transfers, calling cards, halal meat shops, Urdu-speaking doctors, immigration attorneys and translation services. A three-story green and white mosque takes up a large portion of one block. The neighborhood had what one resident described as "hustle bustle." (Another called it congestion.)

Not any more. It started after the September 11 attacks. FBI agents were questioning Muslims. Many were detained. Some residents were attacked by people "seeking revenge." Then, just as the neighborhood began getting back to business as usual, the government announced its special registration program, requiring immigrants from 25 Muslim countries, including Pakistan, to register. Many who complied were subsequently arrested on technical registration violations. Others, afraid of what might happen to their husbands, sons or brothers, fled — to Canada, Europe and even back to Pakistan. Today, there is an air of sleepiness about the neighborhood, even at midday. Restaurants are empty. There are empty parking spaces on both sides of the street.

The floors, walls and even ceilings of Future Fabrics are covered in bolts of fabric, salwar kameez, head scarves, and trims. Dressed in a black and tan patterned salwar kameez,



"I'm still waiting for the good times," said Naseem Khan, owner of Pak Jewelers, where business has dropped significantly in the last three years.

dupatta draped across her front, Farooq Ahmed remembered what happened. "People were afraid to dress in our typical clothing," she said, pulling at her own. "They started to dress like Americans. They stopped wearing head scarves."

There were weeks, she said, when the shop barely saw 25 or 50 dollars. She estimated that business was down 35 percent, and that's an improvement from the months right after special registration started. "For the last couple of months, we've been paying the rent from our pockets," she said. "We're just barely making ends meet."

Across the street at Pak Jewelers, Naseem Khan stood over large cases filled with bright yellow gold jewelry — thin bangles, thick bracelets and dangly earrings with matching collar necklaces. "You see? There are no people," he said, gesturing over the counters

to the street. "I'm not making any money the last two years."

Four of his family members used to work in the store. Now he only needs two, he said. He had to take his children out of private school because he couldn't afford the tuition. And he already sold his other business — a grocery store — because he had no customers. "I'm still waiting for the good times," he said.

During a weekday lunch hour in the Bukhara Restaurant on the next block, Quisar Chaudhry looks at his empty restaurant. Business is down 50 percent. "If we didn't have the mosque next door, we would be dead," he said. "It's very hard to survive."

Even the mosque is far from the crowded meeting place it used to be. Asghar Choudhri is a member of the mosque's board, and a neighborhood accountant sometimes referred to, because of his tireless work in the community, as the mayor of Little Pakistan. "On Fridays, they used to

have people on the sidewalk and in the street," he said. "Now they can't even fill it."

Sitting in his friend Mehrban Khan's barber shop, Choudhri watched in amazement. "He was never standing like that — he was always busy."



The Makki Mosque on Coney Island Avenue, in the heart of Brooklyn's "Little Pakistan," wasn't big enough for all the worshipers, said Asghar Choudhri. "Now they can't even fill it."

U.S. authorities, including the FBI, subjected him to hours of interrogation and then took him to the Metropolitan Detention Center in Brooklyn, where he was placed in solitary confinement. In 2003, the MDC was the subject of an investigation by the Department of Justice's Inspector General who criticized the facility for its treatment of Muslim detainees after the attacks.

By November 2001, the FBI had cleared Benatta of any ties to terrorism. Nonetheless, he spent another five months in solitary confinement. In December, he was charged with possession of false documents, which he had used to cross into Canada; it would be another five months before Benatta

would learn of the charges. In September 2003, two years after he was first detained, a New York judge decided in Benatta's favor. In a decision that offered a sweeping condemnation of the government's treatment of Benatta, Magistrate Judge H. Michael Schroeder dismissed all criminal charges. But Benatta can't afford the \$25,000 bail that yet another judge refused to reduce — most asylum-seekers in the U.S. are detained until a decision about their case is reached — and so he sits in Batavia, trying hard not to think about what will happen in the fall when the Board of Immigration Appeals returns its decision. Only one thing is certain: "For sure I'm not going to stay in New York anymore," he said.

When he first came to the U.S., he had hoped to continue his education, maybe get a master's degree. He's not so sure anymore. "I spent three years just lying there," he said. "I feel like I'm broken. I forgot what life on the outside is all about."

He is haunted by the terrorism charges against him, even though they were dropped two years ago. Among other things, he said, they cost him his friends on the outside: "When [I was in] Brooklyn, [authorities] talked to them, told them that I am terrorist. They got scared. I don't blame them. It wasn't their fault." He also suspects that the terrorism charges may be behind the extended detention and high bond. He recently staged a 23-day hunger strike to protest authorities' plans to move him into a dorm-style floor with criminal detainees because the government called him a terrorist. (He was eventually moved from his individual cell, but he was put on a floor with other men detained on immigration charges, not criminals.)

Benatta is desperately seeking a country that would be willing to accept him if the U.S. won't. So far, none has shown any interest. Meanwhile, he gets discouraged watching other detainees come and go, wondering why they are not considered flight risks and he is. Most of all, he envies those who can sign a paper agreeing to be deported. "For me," he said, "I don't have a choice. If I were from another country, I would sign right away. I don't want to stay another day."

Khaled Abu-Shabayek

In Raleigh, North Carolina, Khaled Abu-Shabayek's oldest daughter, Hanan, was an A student. She would walk past the campuses of Duke and NC State and dream of studying medicine. "I was planning a lot," she said. "My grades over there in America were really high."

In Amman, Jordan, where she now lives, she is a high school dropout. Hanan, 17, was born in Jordan, but as a toddler she moved with her parents and older brother to the U.S. Until last year, she attended American schools. Although she spoke Arabic with her parents, she never learned to read or write it. When her father was deported to Jordan two years ago,

He is haunted by the terrorism charges against him, even though they were dropped two years ago.

she and her family followed, and she enrolled in a Jordanian school. But language difficulties made it impossible to

keep up, and, unable to bear being a failing student, she dropped out. Soon after, she got engaged to a boy she met while visiting her grandparents. They will marry when they have enough money.

"I'm really happy [with my fiancé]," she said, on the telephone from her parents' apartment in Amman. "But I would have been happier if I was in school and finished and got my diploma." If she were still in the U.S., she sighed, "I think I would have been in school right now and learning. I don't think I would have gotten married at all."

Hanan's broken dreams are part of the many problems her family has faced since her father, Khaled Abu-Shabayek, was deported to Jordan in September 2002. Abu-Shabayek

applied for political asylum in 1994, based on his status as a Palestinian in Jordan. The application was denied, but Abu-Shabayek decided to stay on with his wife and two small children. He worked construction jobs in the U.S. and had a small grocery business on the side. The family rented a house in Raleigh and the children went to American schools. (The couple would later have five more children, all American citizens.) Abu-Shabayek applied for permanent resident status for himself, his wife and the two oldest children; the application was still pending when he was arrested in April 2002. He spent nearly five months in several different detention centers before finally being deported. His wife and their children left for Amman soon after.

Abu-Shabayek, who trained as an electrician, has been unable to find a job in Amman. He spends his days looking for work, hanging out in his brothers' electronics store or just drinking tea with his parents.

His oldest son, who is 18, also dropped out of high school because of language problems. He had a job in a restaurant for a while, but it paid little. He's currently looking for a new job. For the first year, the family lived on their savings from the U.S., but now the savings are gone. The family is behind on the rent; Abu-Shabayek is looking for a cheaper apartment. The family recently sold their car because they needed the money. "Everybody's worried about money," said another daughter Haneen, 14. "It's really hard to get money over here."

The children who stayed in school continue to have problems. Haneen said she is barely passing

her classes. None of the children have made friends. The younger boys are often teased for being American.

"Over there in America, you'd see us 24/7 happy," said Haneen, with a distinct North Carolina accent. "But over here, we're really frustrated and angry."

She misses the trips her family used to take, and going roller skating with her friends. Her sister, Hanan, too, misses her friends and the life she had in North Carolina.

Even the parents, who grew up in

Jordan and speak little English, feel out of place now. "Our family, all of them, [are] American," said Abu-Shabayek. "I lived there 12 years in a row. My thinking, my feeling, my life, my position, my everything is American."

But while he sounds resigned, his daughter Haneen is angry: "My family right now, we're in the middle of a crisis, because of money. Because of money and because of everything, because of Arabic and because of...Oh, God...I don't know," she pauses. "Every time I start thinking about it, I feel sad and mad and angry."

"I feel that Jordan right now, nothing is in it. I don't feel it's a place to live," she said. "I don't feel that this is a place to live for anyone. I feel like it's a jail."

"Over there in America, you'd see us 24/7 happy," said Haneen, with a distinct North Carolina accent. "But over here, we're really frustrated and angry."

Khaled Albitar

“I visit my friends, sit at home, go to my brother’s shop, I help him there, walk down the street,” said Khalid Albitar. “He gives me money for cigarettes, and for my food. And that’s all what I do.”

It’s been more than two years since Albitar, 34, was deported to Jordan for having an expired visa, and he still has no job. FBI agents questioned him in October 2001, days before his visa was to run out. After the interrogation,

He’s supposed to support his father, Albitar said. “But I can’t. He supports me now.”

Albitar was too afraid to go to the INS office to renew the visa; immigration officials returned soon after and arrested him. He spent nine months in detention, including nearly a month in solitary confinement.

Amin Mostapho, a close friend of Albitar for more than 20 years, said he thinks Albitar lost 30 pounds while he was in jail. “He was calling me, [saying] ‘I wish I could know why I am in jail,’” he remembered.

Since his deportation, Albitar has looked for work “many, many times” but he is discouraged by the pay in Jordan: “I work one week, two weeks, and then I leave, because the salary is very cheap. It’s like 200 dollars a month, and you work for 12 hours a day and that’s very hard.”

The other hard part, he said, comes after the initial excitement of seeing one’s family passes. Then, “they leave you and you’re going to have

to find a job, and to look for [an] apartment, you’re going to be alone, no one’s going to help you.” He’s supposed to support his father, Albitar said. “But I can’t. He supports me now.”

Albitar moved to the U.S. in April 2001 and found work in a gas station in Muncy, New York. Working long days for nine dollars an hour, he managed to take home more than a hundred dollars a day. And although he worked there less than six months before his arrest, he felt at home, with an apartment, a job, a driver’s license and a car.

“There is no one in the United States who is American. Everybody is from overseas. And I want to be like them. I want to get the job, I want to get the citizen[ship.] That’s it. I heard a lot about the United States. You go there, you get a job, you get money. It’s a nice life, so I want to be like this. I want that life.”

He dreams of coming back. “Is there any chance to go back and live there again?” he asked. “I don’t have a criminal record. I don’t have nothing...only an immigration violation. Nine days expired visa I had.”

Acquaintances in Jordan have been asking why he was sent home, Albitar said, and “I told them, ‘After September 11, everything is changed.’” He adds that he knows at least five or six people who were deported to Jordan. “They destroyed our life,” he said. “That’s exactly what they did.”

Khurram Altaf

Khurram Altaf and his family — brother, sister and mother — have been coming to the United States for years. The three children eventually settled within a few minutes’ drive of each other

WORLDS APART

in northern New Jersey. When his mother retired, she joined them, shuttling among their houses to spend time with her grandchildren.

But while Altaf's brother and sister got green cards, eventually becoming citizens, Altaf never did. It wasn't that he didn't want one. He applied several times but was turned down each time. His brother blames it on bad luck and an incompetent attorney. His most recent application, filed in spring 2001 and based on sponsorship by his sister, was still pending when immigration officials arrested him in April 2002.

At first, Altaf's wife, Alia, stayed behind in New Jersey with the children.

"The kids were going to school and everything, but how long can you do that?" said Altaf's brother, Asim Choudhary. "Let's be realistic. How long can kids stay away from the parent...when there's no light at the end of the tunnel, when...it's going to take them God knows, 10, 15, 20 years [to be reunited in the U.S.]. It may not ever happen."

After a year, Altaf's wife decided to join him in Pakistan, leaving their middle daughter, Anza, behind with Choudhary and his family. Anza, a U.S. citizen like her siblings, was born deaf. As a baby, she received cochlear implants, and today she speaks and hears normally. But she has always attended special schools for children with disabilities. Because there are no such schools in Pakistan, her family decided it would be better for her to stay in New Jersey.

But it was tough for the third grader. After her mother and siblings left, her grades fell and her



Khurram Altaf and family holding a photo of daughter Anza.

behavior worsened. She missed her own family terribly.

"[When her parents called] she'd always take the phone either in her bedroom or in the bathroom, so we wouldn't see she's crying," Choudhary recalled in his brother-in-law's New Jersey restaurant. "I mean, nine years old, you can't blame her."

"How long can kids stay away from the parent...when there's no light at the end of the tunnel?"

This summer, she moved to Pakistan to be with her family. Her father is desperately trying to find a school for her. Because American doctors urged Anza's parents not to confuse her by speaking more than one language with her, Anza speaks only a few words of Urdu. "She gets frustrated a lot of times," her father said.

“She says, ‘I don’t want to live here. I want to go back.’”

Her father hopes that someday they will. In the meantime, he’s hoping to find an English-language classroom where Anza can be made to feel at home.

On the telephone from the home his family shares with his in-laws in Rawalpindi, near Islamabad, Altaf sounds weary as he describes their lives. He is still traumatized by the time he spent awaiting deportation in a New Jersey jail. He has had health problems, including kidney stones and an infection caused by the treatment for them. His wife, Alia, suffered from depression for several months. She is looking for education courses that would allow her to teach elementary school. (She was a stay-at-home mother in New Jersey.) Altaf’s other daughter Fiza and his son, Hamza, speak Urdu well now and are beginning to make friends. But Anza can’t go out without a family member to translate for her.

Altaf, who managed a truck stop on the New Jersey Turnpike, works “twelve, thirteen, fourteen hours, seven days” running a small grocery business his brother helped him set up. Even so, he thinks it will be at least several more months before the business is really on its feet, and he still depends on help from his family in the United States for financial support.

Part of the problem, common to many of the deportees, is that Altaf spent his entire adult life in the United States. “He doesn’t know anything [of Pakistan],” said his brother, Choudhary. “He doesn’t even know how to survive there.”

But the Altafs are not the only ones who were affected by their deportation. Supporting another family, his brother said, has been a strain. “Our lives, you can’t believe how much

has been affected,” Choudhary said. “My mom, I mean, she has aged 10 years in the last two years. It’s too much for an old woman.”

And the anxiety and fear caused by Altaf’s disappearance has lasted. Although Altaf’s children were told only that he had gone to Pakistan, they were terrified and devastated

“Why should I run? I didn’t do anything wrong.”

when their father was detained. Choudhary’s children worry that their father might disappear, too. “Daddy, are you going to leave like that?” they ask.

Choudhary knows “lots of people,” including some who had legal immigration status, who decided to leave before they could get kicked out. He said that although he and his family are American citizens, he, too, considered going. “When you’re angry and you can’t do anything, you feel helpless. I went through that process: Let’s leave before we get hit by something that will ruin our lives. It’s better that we leave voluntarily.” He said he changed his mind, because “Why should I run? I didn’t do anything wrong.” Besides, he said, “I’m better off here. At least I can support them.”

Mohamed Elzaher

Mohamed Elzaher sees a psychologist and a physiotherapist, to help him deal with the traumas — physical and mental — of his imprisonment. “I lost my health when I was in jail in America and in Egypt,” he said. He is relieved to have health insurance while he waits for Swiss authorities to decide his case.

Elzaher came to the United States in 1999. He jumped ship in Portland, Oregon, from the Egyptian cargo freighter he worked on as a sailor. He made his way to New York City, where he found a lawyer and filed an asylum claim. In early 2001, he married an American citizen. In fall 2001, the INS arrested him, when he appeared at its offices in New York for a hearing related to his asylum claim. In September 2002, after Elzaher had spent a year in prison, an immigration judge denied his request for bond and refused to reopen his asylum case. He was deported to Egypt later that month.

“After that, I was in jail in Egypt,” he recalled. He was imprisoned briefly after American deportation officers handed him over to Egyptian authorities. “After I [was] released from jail, I stay[ed] in the hospital two months, and after that when my health [was] better, I ask for visa to Switzerland.”

Elzaher has been living in Geneva since asking for asylum there just over a year ago. (Although Switzerland is notorious for its tough asylum laws — only a small percentage of those who actually apply are successful — asylum-seekers do receive public assistance, including housing, health care and language training during the proceedings.) Elzaher is taking French language classes and has a job in a restaurant.

Naeem Sheikh

Naeem Sheikh says his wife constantly urges him to contact the American Embassy in Pakistan. She still hopes that the family can

return to the United States. “Right now, living is so much trouble,” he explained.

Sheikh came to the U.S. in 1994, where he received a work permit and found a job as a cab driver. He didn’t renew his work permit when it expired a year later — he didn’t realize he needed to — but he continued working for years without a problem. Then, in March 2002, he was picked up for immigration violations.

His wife was eight-months pregnant with their first child; she gave birth while he was in detention. Sheikh

was not allowed out to see his new son. (The couple had another son this year in Pakistan.) When Sheikh was deported to Pakistan a month later, his wife fled with the baby to Canada, to live with Sheikh’s sister in Montreal. Their money ran out less than a year later, and she and the baby joined Sheikh in Lahore, where they now live with his parents.

Sheikh has been working in his father’s garment business, a company that deals in sequins and beads. There isn’t much for him to do, and he doesn’t like the work, but he doesn’t know where else to go. “I’m just wasting my time here because I have no other business,” he said. “That’s why I come around every morning, to pass my time.” He has looked for other jobs but so far has been unable to find one.

In spite of his ordeal, Sheikh says he loves America and is eager to return. “It’s my dream to go back to the States,” he said. “I would prefer to be driving a cab in New York.”

His views have gotten him into trouble in Pakistan. People often ask him about how bad America is, but he refuses to answer the way they expect. “When I went to America, I have

“It’s my dream to go back to the States,” he said. “I would prefer to be driving a cab in New York.”

a nice job, I have a nice living, I have nice food and I make good money,” he said. “So why should I tell you that America is bad? That’s why nobody talks to me.” More recently, he said, a neighbor, angry at Sheikh for his pro-American beliefs, attacked him. After that, Sheikh decided that he would not go out in the streets anymore.

Except for his immediate family, Sheikh has told nobody about being picked up, detained and deported. “I just told them that I am living here for maybe two months or four months, [then] I’ll go back,” he said. He is afraid that people would talk if they knew the truth. “I really came legally to the States. My record is very clean. I just lived there and I made money to take care of my family and send money to my sister and money to help [the family.]”

Noor Hussain Raza

Desperation is evident in Noor Hussain Raza’s voice when he talks about returning to the United States. “I didn’t do anything wrong over there,” the 64-year-old said. “I did all the requirements. I paid taxes for ten years, had work authorization. I’m supposed to get justice. I hope I will get justice.”

Raza, an engineer, left his native Pakistan in 1979. Fleeing martial law, he went to the United Arab Emirates, where he spent years working for the Dubai police. He came to the U.S. on a visitor’s visa in 1992. He applied for asylum and was given temporary work authorization.

He was ordered deported after his immigration attorney failed to file the application correctly. With the help of a new attorney, he reapplied for asylum in 1994. His request for a new work permit was denied, but the motion to reopen his

asylum case was still pending when he was arrested in 2001. At the time, he was working two jobs — one as a baggage handler at Newark

“Nobody is supporting us,” he said. “I am penniless. They kept everything over there.”

International Airport and the other as a security guard at the welfare office in Newark — to support himself and his wife, who is also Pakistani.

In mid-January 2002, while still in detention, he met with a deportation officer, and decided to reapply for asylum. But at the end of the month, before he could submit the papers, he was deported to Karachi.

Raza and his wife live with her sister in Lahore. He has given up hope of finding work. In Pakistan, after 60 years [of age], nobody will give you a job. The people, those who are like me, who’s going to give them a job?” he said. He said that his wife can’t find work either, because she has only a fifth-grade education.

“Nobody is supporting us,” he said. “They say, ‘You left everything in the United States. What did you bring for us? You should survive yourself.’” Meanwhile, said Raza, “I am penniless. They kept everything over there.”

Raza also suffers from a heart condition. Although he has seen a cardiologist in Pakistan, he has not managed to get his records transferred from the United States.

With no job, and no hope of finding one, his only thought is of returning to the U.S. “I’m not doing anything. [Every day] I just leave my home, sit with my friend, make my prayer and pass my time.”

Sadek Awaed

“Never, never, never go back,” said Sadek Awaed. The 32-year-old Egyptian is talking about the United States, where he lived for more than a decade and where he hoped to spend the rest of his life. He has changed his mind after being detained in a U.S. jail for more than two years on an immigration violation and then deported. “Somebody’s best years of his life spent there, never had a problem with anybody, treat people good there, then all of a sudden being thrown in jail and being treated like a criminal. I mean 25 months [in jail], they erased all the years I spent in the United States before.”

Awaed entered the U.S. on a tourist visa in 1991. Two years later, he applied for asylum. As a young man, he had belonged briefly to Muslim Brotherhood, an oft-banned political opposition group in Egypt. (The U.S. considers the Muslim Brotherhood a terrorist organization.) His asylum claim was based on fear of retribution for leaving the group. Due to an enormous case backlog, though, it was several years before the government scheduled his asylum hearing. When immigration officials finally sent Awaed the notice to appear, in 1997, they sent it to an incorrect address. Awaed missed the hearing, an offense punishable by deportation. Of course, Awaed knew nothing of the missed hearing or the subsequent deportation order. He continued working low-paying jobs, first in Florida and later in New Jersey.

He was working as a cab driver in Jersey City, New Jersey at the time of the September 11

attacks. Soon after, he was approached by FBI agents, who questioned him several times, hoping for information about the Muslim community in northern New Jersey. “They realized that he was just another Joe Schmoe,” said his immigration attorney, Sin Yen Ling, of the Asian American Legal Defense and Education Fund (AALDEF). “Then the FBI was no longer interested in talking to him.”

In May 2002, however, shortly after his last meeting with the FBI, he was pulled over for a routine traffic violation. Instead of writing him a ticket, the police called immigration officials,

who detained him. He spent more than a year in prison without being informed why. When AALDEF’s Ling took his case,

Awaed learned that he was being held because of the asylum hearing he had missed nearly a decade earlier. He was finally deported to Egypt this summer.

“It was like a nightmare,” Awaed recalled in a phone conversation from his brother’s home in Alexandria, Egypt. “You are in jail, you don’t know why you are in jail, [there’s] nobody to help you. You feel like ‘I’m not going to be out, that this is going to be it...’”

“The question is: Could he have litigated [his asylum claim] further?” asked Ling. “I think so. The problem was that would have meant longer incarceration and that wasn’t something that he was willing to do. It came to a point where he [decided], ‘I’m just better off taking a chance with my life going back.’ And those are the sort of options that people are left with given the immigration laws that exist.”

Thirteen years had passed since he had been in Egypt, and he had no idea how he would be

“It was like a nightmare. You are in jail, you don’t know why you are in jail, [there’s] nobody to help you.”

treated or whether he could find work. So far, he has not suffered persecution for cutting his earlier ties to the Muslim Brotherhood, but he is lying low at his brother's house and has not yet begun looking for a job.

Nonetheless, Awaed still suffers from nightmares about his time in American detention, particularly because of a beating he suffered at the hands of several guards. "All my brothers, my sister, my friends try to make me comfortable," he said. "But inside of me, I feel like I'm breaking down after what happened."

that haven't been told. Children separated from fathers, wives separated from husbands, parents separated from sons.

The Universal Declaration of Human Rights, like the United States Declaration of Independence, recognizes that every human being has rights, that every person counts. The United States government correctly condemns other countries when they violate the rights enshrined in the Universal Declaration. We have to be equally vigilant, however, in making sure that those rights are not violated here at home.

Conclusion

In the weeks and months after September 11, the people whose stories are told in this report did not count. The United States government arrested them without suspicion, imprisoned them without charge, and abused them without consequence. All of this took place in secret. To this day, the government *still* refuses to release the names of the people who were imprisoned.

The aim of our earlier report, *America's Disappeared*, was to tell the story that the government wanted to suppress. In a democratic society, the government should not be permitted to sweep human beings under the rug, to pretend that they don't count. The government should not be permitted to make people disappear.

As this report explains, the government's unlawful policies had profound effects not only on the people who were unlawfully imprisoned but also on their families and communities. Families were torn apart. Communities were shattered. And the stories told in this report are just a sample. For each of the stories told in this report, there are hundreds of similar stories

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