

Egyptian Asylum Applicant Sues U.S.

By Sandra Hernandez
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LOS ANGELES, Feb. 4, 2008:- An Egyptian man is suing the U.S. Department of Homeland Security, saying immigration agents turned over confidential details of his asylum application to officials in his homeland.

In a federal lawsuit filed Tuesday in the U.S. District Court for the Central District, in Los Angeles, Nagy Aziz Metry said immigration officials contacted the Egyptian consulate in early 2004 and turned over parts of his asylum application. *Metry v. U.S.*, CV08-00585 (C.D. Cal., filed Jan. 29, 2008).

Metry said he became aware of the alleged breach after Egyptian officials contacted him at a Lancaster detention center, where he was being held, according to the complaint.

Metry said he felt threatened after an Egyptian official referred to Metry's asylum claim and said he "and his family would be 'taken care of' upon his return to Egypt," the complaint states.

Thom Mrozek, a spokesman for the U.S. attorney's office in Los Angeles, said officials declined to comment.

Asylum applications are based on a fear of persecution, and the Department of Homeland Security's regulations prohibit disclosing details that could put an applicant in danger.

Metry fled Egypt in 1991, after he said he was threatened and tortured because of his Christian faith.

He applied for asylum in 1992, using a notary public and an attorney who has since resigned from the State Bar.

Metry's asylum claim was denied in 1995, and he lost his appeal to the Board of Immigration Appeals in 1996.

Immigration agents detained Metry in March 2004 and sent him to the Mira Loma detention center just north of Los Angeles.

While he was at the facility, Metry said, deportation officers contacted the Egyptian consulate in San Francisco, according to the complaint.

Metry since has been released and is living in Orange County while continuing to fight his immigration claim.

Deportation officers routinely contact consulates or embassies and provide information such as names, fingerprints and criminal background information. But they are not allowed to provide confidential information about asylum applications.

However, Metry's new lawyer, Leon Hazany, said the deportation officers provided some or all of Metry's asylum file to the Egyptian consular official, the complaint states.

"DHS may also have given the Egyptian government full access to the files pertaining to Mr. Metry," Hazany wrote in the complaint.

In 2006, Metry told the Daily Journal he was contacted by an Egyptian official, who asked, "Why did you say those terrible things about your country? Why did you ask for asylum?"

Hazany said the family is seeking a jury trial, \$4 million in damages and attorney fees.

"The family wants to be made whole again," Hazany said. "And they want to send a message to the U.S. government that these rules are there for a reason. It affects people. It affects families. This isn't just a bureaucratic procedure we are talking about. This is about protecting families, about protecting lives."

Legal observers said the lawsuit underscores the need for confidentiality for asylum seekers.

"These kind of lawsuits are rare," said Stephen Yale-Loehr, a professor at Cornell Law School. "However, if the U.S. government did turn over information to the foreign government, someone should be held liable for their mistakes."

Ahilan Arulanantham, a lawyer with the American Civil Liberties Union of Southern California, said similar reports surfaced in the past.

"There is a serious concern that the government does not take any steps, on a regular basis, to ensure that confidential information that could endanger the immigrant is kept out of the file provided to the home country," Arulanantham said.

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