

New York Times

November 9, 2005

Editorial

## **A Pilgrim's Progress**

Xiaodong Li is Chinese. He is also a Christian, and that combination is dangerous. After he was arrested 10 years ago, Mr. Li said, he was tortured until he confessed to organizing an underground church. He was forced to clean public toilets 40 hours a week and given a date for a court hearing that was likely to end with two years in prison. With his hearing pending, Mr. Li fled to the United States.

Tragically, China considered Mr. Li a criminal for practicing his faith without official permission. Astonishingly, the United States government agreed.

At first, Mr. Li was granted permission to stay in the United States by an immigration judge who recognized a classic story of religious persecution. But Bush administration immigration lawyers got the decision overturned. When Mr. Li took his case to federal court, the Justice Department argued that he had not been persecuted, that he had simply been prosecuted for breaking China's laws against unregulated churches, and that China had the right to prohibit unregulated religion as a potential challenge to state authority.

This was an astounding argument from an American administration, especially one that owes so much of its support to Christian political activists. But the court bought it until there was an outcry from refugee and Christian groups, and the government's own Commission on International Religious Freedom intervened.

The immigration office reversed its ruling, and the federal court vacated the original decision last week. The Justice Department did not oppose this move, saying it had suddenly learned that free Christian worship is not possible even in state-sponsored churches in China. If that was news to the Justice Department, it's terrifying.

Asylum — haven for those fleeing persecution abroad — is now part of the Homeland Security Department, which is devoted to keeping dangerous people out, not letting worthy people in. No one in the asylum chain of command has the job of looking out for asylum seekers. The promises engraved on the Statue of Liberty deserve better representation.