

Jury Convicts Ex-INS Official of Trying to Trade Asylum for Sex

By John Ryan

Daily Journal Staff Writer

A federal jury in Los Angeles Tuesday convicted a former immigration official of seeking sexual favors and cash from female asylum applicants.

Thomas Powell, who worked at the Immigration and Naturalization Service from 1995 to 2000, was convicted on two federal corruption counts for offering favorable asylum recommendations to two Chinese nationals in exchange for sex and cash bribes.

Jurors also convicted Powell of a civil-rights violation for repeatedly fondling and groping one of the women in a private meeting.

In a prepared statement, federal prosecutors said that Powell dishonored the United States by preying on desperate asylum seekers.

"This conviction sends a clear message that we will not tolerate misuse of power by those who hold a public trust," Assis-

tant Attorney General R. Alexander Acosta, who heads the Justice Department's civil rights division, said.

However, the victory for federal prosecutors could pose a problem for their colleagues in the Justice Department's torts branch in Washington, D.C., which is fighting \$20 million civil claims filed by two of Powell's victims.

"We are now able to go full steam ahead in prosecuting Thomas Powell and the U.S. government in federal court," V. James DeSimone, who represents the Chinese nationals in their civil suit, said Tuesday.

DeSimone said that the civil case, which was stayed pending the outcome of the prosecution, is clearly helped by the verdict against Powell.

DeSimone is with Schonbrun DeSimone Seplow Harris & Hoffman in Venice.

A Justice Department spokesman in Washington, D.C., declined to comment

on the Powell matter.

At trial, Powell claimed that he met privately with applicants as part of his own undercover efforts to root out fraud in the asylum process. His defense attorney, Irene Ayala, did not respond to inquiries about the verdict.

DeSimone's clients in the civil case, Xue Lu and Jie Hao, were key witnesses in the criminal trial, which took place before U.S. District Judge Ronald Lew in Los Angeles over the past week. Jurors deliberated for one day before finding Powell guilty on all three counts.

Lu first met with Powell at Immigration and Naturalization Service offices in Anaheim in February 2000. Powell then arranged a meeting with Lu at her apartment, without her husband present. It was there that Powell grabbed her buttocks and breast and began unbuttoning her pants.

Lu refused his advances, and Powell later recommended that her asylum appli-

cation be denied.

Later that year, Powell arranged a similar meeting at Hao's apartment. This meeting, however, was videotaped, thanks to Venice immigration attorney Douglas Ingraham.

Tuesday, Ingraham said that he represented both Lu and Hao in their asylum efforts. After Lu told him what Powell had done in their private meeting, Ingraham warned Hao.

"I told [Hao] to let me know if Powell tries to arrange a meeting away from the office," said Ingraham of the Law Offices of Douglas G. Ingraham. "Sure enough, two days later he was on the phone with her trying to arrange the meeting."

Ingraham alerted federal authorities so they could videotape the meeting, then worked with DeSimone's firm to file the civil suit.

At the meeting, Powell asked for a \$2,000 payment in exchange for fixing Hao's asylum application. He also slapped her buttocks twice and tried to kiss her, according to prosecutors.

Assistant U.S. Attorney Thomas O'Brien, who prosecuted the case, showed the videotape to jurors last week.

O'Brien said Tuesday that jurors also determined the victims were vulnerable, a finding that could lead to a higher sentence.

Powell faces a maximum sentence of 31 years. However, O'Brien said that the anticipated sentence range is 27-to-33 months.

"The civil rights section in my office is committed to protecting the rights of all residents," Debra W. Yang, U.S. attorney for the Los Angeles-based Central District, said in a prepared statement. "We are also committed to aggressively prosecuting those who violate this nation's civil rights laws, particularly those who abuse their positions of authority."

In the civil case, the Justice Department has argued that the federal government should not be liable for Powell's actions, DeSimone said Tuesday.

He expects lawyers for the government to seek dismissal of claims filed in the most recent, 2002 version of the complaint.

"But our contention is that the U.S. was on notice of his propensity to harass and to blackmail asylum applicants and yet turned a blind eye toward it," DeSimone said.

The civil case is before U.S. District Judge Consuelo Marshall in Los Angeles.

Both Lu and Hao are seeking visas, according to Ingraham.