

# IMMIGRATION **JUSTICE** CAMPAIGN

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## The War on Asylum: How the Administration is Erasing Asylum and Refugee Protection

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# Speakers

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# www.immigrationjustice.us

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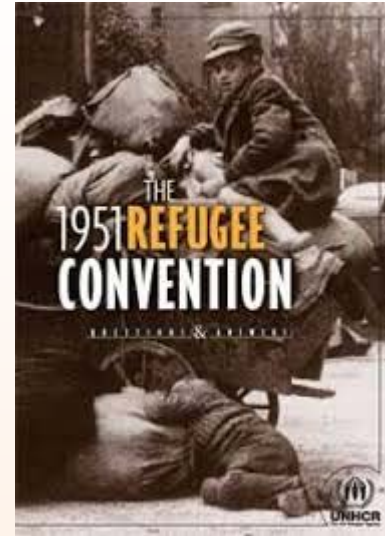
RESOURCES

# Agenda

- Context for Asylum and Refugee Protection
- Blocking Asylum Seekers from Reaching U.S.
- Blocking Asylum Seekers from Accessing Protections in U.S.
- Recent Victories in Fight for Fairness for Asylum Seekers
- What You Can Do

# Asylum and Refugee Protection

- Grew out of World War II
- United Nations Refugee Convention
- Same legal eligibility requirements
  - Refugees: screened overseas, to U.S. as refugees
  - Asylees: get to the U.S. on their own and apply individually for asylum
  - Both must meet same legal requirements



# Asylum in the U.S. Since 1980

- Eligibility based on:
  - Persecuted/likelihood of persecution
  - By gov't/person(s) gov't unable or unwilling to control
  - "On account of" race, religion, nationality, political opinion, or membership in a particular social group
- Stability: provides a pathway to a green card, reunification with spouse and children, path to citizenship

# Requesting Asylum Pre-2017

- Enter U.S. at port of entry with passport, valid visa → apply for asylum in U.S.
- Request asylum at port of entry → pass “credible fear” interview → apply for asylum in U.S.
- Enter U.S. away from port of entry, not apprehended by CBP or ICE → apply for asylum in U.S.
- Stopped by CBP or ICE after entering without inspection → pass “credible fear” interview → apply for asylum in U.S.



# KEEPING ASYLUM SEEKERS OUT OF THE U.S.

- Remain in Mexico
- ACAs for Guatemala, Honduras and El Salvador
- Blocking of Africans in Southern Mexico
- U.S. Refugees numbers



# Remain in Mexico

- Program officially began January 2019
- Approximately 60,000 have been returned
- Currently being applied in 6 locations: San Diego, El Paso, Calexico, Laredo, Eagle Pass, and Brownsville



# “Safe Third Country” Agreements



- "Asylum Cooperation Agreements" signed with Guatemala, El Salvador, and Honduras.
- Asylum seekers will be sent to these countries with no chance to seek any protection in U.S.

# Major Problems with Agreements

- Hard to challenge in court
- Very few exceptions
- Honduras, Guatemala, El Salvador lack functioning asylum reception and legal systems



# Other Efforts to Block Access to U.S. by Asylum Seekers



# Refugee Admissions

- Number of refugees admitted to U.S. at historic low
- Number of refugees around world - about 26 million - at highest levels since World War II
- January 2017 - August 2019 --> 74,200 refugees admitted
- FY2016 alone --> almost 85,000 refugees

# RESTRICTING ACCESS TO ASYLUM FOR THOSE IN U.S.

- Transit Ban (asylum ban 2.0)
- Port Courts
- Immigration courts
- Credible Fear Interviews



# Third Country Transit Bar

- **NEW RULE: no asylum for most people who enter U.S. via southern land border**
  - Went into effect July 16, 2019
  - Need to have sought and been denied asylum in a country en route to U.S.
  - People from all over the world are affected

# Port Courts



- Immigration courts in tents. Opened in September 2019 in Laredo and Brownsville
- Lack of access to counsel, lack of legal orientation programs, inaccurate & incomplete court documents, fake hearing dates
- Operating in complete secrecy, have not allowed attorney observers inside the facilities, and will begin using immigration judges from remote locations



# Immigration Courts

- Under the control of Executive Branch – part of the Department of Justice
- New case completion quotas for immigration judges are pressuring them to rush through cases
- More and more immigration courts using video conferencing to hold hearings

# Restrictions on Credible Fear Interviews

- First step in asylum process
- Getting harder to pass
  - Implementation of transit bar
  - CBP officers conducting some CFIs



# More Restrictions on CFIs

- Two programs being piloted in El Paso, TX, intended to increase credible fear denials
- Pushing people through process more quickly, with less access to counsel
  - “Prompt Asylum Case Review” (PACR)
  - “Humanitarian Asylum Review Program” (HARP)

# Recent Victories

- Impact litigation

- “Metering” lawsuit:

[https://www.americanimmigrationcouncil.org/sites/default/files/litigation\\_documents/litigation\\_order\\_order\\_granting\\_plaintiffs\\_motion\\_for\\_professional\\_class\\_certification.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/litigation_documents/litigation_order_order_granting_plaintiffs_motion_for_professional_class_certification.pdf)

- Individual case victories

# How You Can Help

- Volunteer with Immigration Justice Campaign
  - Attorneys
  - Other opportunities
  - Sign up at [www.immigrationjustice.us](http://www.immigrationjustice.us)
- Submit a public comment opposing a proposed rule requiring a fee to apply for asylum!  
Deadline is December 30.

# Useful Resources

- AILA resources on asylum and border:  
<https://www.aila.org/advo-media/issues/all/featured-issue-border-processing-and-asylum>
- Timeline of the Administration's efforts to end asylum:  
<https://www.immigrantjustice.org/issues/asylum-seekers-refugees>
- American Immigration Council litigation on asylum issues:  
<https://www.americanimmigrationcouncil.org/litigation>

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# Questions?

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