

NATIONAL
SURVIVOR
NETWORK

The National Survivor Network (NSN) condemns the anti-asylum proposals set forth in the recent presidential memorandum.[1] The memorandum calls on the Department of Homeland Security and the Department of Justice to issue regulations that would impose onerous financial burdens on asylum seekers, undermine credible fear proceedings, and force judges to rush cases through the immigration court system, at the expense of due process. According to the New York Times, in January asylum cases made up half of the immigration cases totaling 159,590 cases for 2018 alone. These cases are in addition to the 809,041 backlogged cases in immigration courts.[2] If enacted, these regulations would inflict needless suffering on asylum seekers and preclude many from applying for protection, putting countless refugees at risk of return to life-threatening persecution.

The presidential memorandum recommends that fees be imposed for asylum applications and applications for temporary work authorization, and that asylum seekers are to enter through specific ports of entry instead of simply anywhere in the United States or be barred from even applying for work authorization while their cases are pending. These cruel measures intended to stop legal rights to asylum will exacerbate the financial hardships of refugees. The impact would affect women, children, domestic violence survivors, and human trafficking victims who are already uniquely vulnerable to poverty, homelessness, and exploitation by unscrupulous employers and traffickers.

The right to apply for asylum is enshrined in our domestic laws [3] and in our international legal obligations.[4] To impose undue fees on those exercising that right to asylum would negate the fundamental humanitarian objectives of our system. The United States government does not routinely provide legal or social services to asylum seekers. The Trump Administration is now attempting to prevent asylum seekers' ability to work and provide for themselves. These regulations will make the cost of applying for asylum impossible for many.

We also oppose the use of untrained immigration officers tasked to carry out credible fear interviews to determine whether an asylum seeker will be permitted to have a case heard by an immigration judge. Our laws require that credible fear interviews be conducted by trained asylum officers to ensure every asylum seeker is provided a meaningful opportunity to present their claim in a non-adversarial setting. Delegating such a critical responsibility to immigration officers trained in prosecution, rather than protection, would undermine the screening process and put bona fide asylum seekers at heightened risk of deportation.

With civil and criminal courts being raided by ICE, as well as using USCIS to bait immigrants for deportations, child separation orders, indefinite family detention, and many other egregious attacks on our humanitarian visa programs it is no wonder so many cases were concluded for removal in absentia, as the memorandum states. This willful contempt of the immigration process is the root of these continued attacks on humanitarian visas.

[1] <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-working-stop-abuse-asylum-system-address-root-causes-border-crisis/>

[2] <https://www.nytimes.com/interactive/2019/01/24/us/migrants-border-immigration-court.html>

[3] <https://www.law.cornell.edu/uscode/text/8/1158>