

Changes to Asylum Policy are UNDERMINING PROTECTIONS FOR SURVIVORS OF VIOLENCE



THRESHOLD BARRIERS TO PETITIONS FOR HUMANITARIAN PROTECTION

U.S. asylum law has long recognized the right of those facing persecution in their home countries to seek safe haven here. Brutal violence directed at women & girls, including female homicide rates in some Central American countries that are the highest in the world, are driving many to flee to the U.S. However, recent changes are threatening to close that life-saving door. Among a host of other measures that are keeping asylum-seekers out of the U.S. or expelling them from the U.S., Border Patrol officers are starting to conduct “credible fear” screenings, rather than Asylum Officers who are specially trained in relevant laws, and experienced in non-adversarial survivor-sensitive inquiries. This will result in still more survivors being expeditiously removed from the U.S. rather than referred for a hearing. The hearings that are taking place on the U.S. side of the border deny asylum-seekers any semblance of a fair day in court: conducted in makeshift tent courts, over video to judges in remote locations, with restricted or no access to counsel, among other injustices.



MIGRANT PROTECTION PROTOCOLS/ASYLUM COOPERATIVE AGREEMENTS

Since January 2019, DHS has forced more than 60,000 individuals who arrived at the Southern border between ports of entry or without documentation to wait in Mexico for many months while their U.S. immigration proceedings continue. In addition, since November 2019, DHS has forced hundreds of individuals to ask for asylum or other protection in Guatemala instead of the U.S. – and it plans to send many more to El Salvador and Honduras in the near future. These policies place individuals at increased risk of violence and trauma in dangerous conditions.



Matter of E-F-H-L-

The Attorney General decided that Immigration Judges can deny asylum based solely on a written application, overriding a Board of Immigration Appeals (BIA) ruling that asylum-seekers are entitled to a hearing. Survivors who are unrepresented & unaware of what information is vital to include in that application, do not reveal all the painful details of the violence they endured on a paper form, & expect to have a chance to explain their case to a judge, may find themselves swiftly deported – even if they are eligible for asylum & could have proven their right to remain in the U.S. in a full evidentiary hearing.



MATTER of M-S-

Survivors who are seeking asylum in expedited removal proceedings, who have established a credible fear of persecution or torture are no longer eligible for release on bond and will be detained until the disposition of their case. This ineligibility for release increases barriers for survivors' access to counsel and ability to overcome trauma. This decision by the Attorney General affects individuals who have been detained after crossing into the U.S. without authorization.



Matter of A-B-

In Matter of A-B-, the Attorney General attempted to sharply narrow the criteria that apply when survivors fleeing domestic abuse seek asylum because the government in their home country cannot or will not protect such victims. While parts of this decision are not legally binding, it is already having a real & disastrous impact on gender-based asylum cases as Immigration Judges and some federal courts are applying it. USCIS guidance directing asylum officers to apply A-B- in asylum interviews & “credible fear” screenings is being challenged in court.



Matter of L-E-A-

In Matter of L-E-A-, the Attorney General sought to narrow asylum eligibility by severely limiting the circumstances in which families can be considered a “particular social group” whose persecution establishes a basis for asylum. USCIS has now issued guidance that instructs asylum officers not to consider family membership unless the family has “some greater significance or meaning in society.” Matter of L-E-A- has significant implications for survivors who have been targeted because they are part of a particular family.

**ALLIANCE FOR
IMMIGRANT SURVIVORS**