

## Asylum Reform and Border Protection Act Would Return Persecuted Refugees and Children to Danger

### Protecting the persecuted is a core American value.

The U.S. asylum system has protected thousands of refugees from returning to places where they would face political, religious, or other persecution. They include victims of religious persecution from China; women targeted for honor killings, trafficking, and horrific domestic violence; gay men attacked in countries where they face constant threats; human rights advocates who stand up against oppression in Syria or against the perpetrators of brutal violence in Central America; and ordinary people who are persecuted for who they are or what they believe.

### The Proposals in H.R. 1153 Would Send Legitimate Refugees and Children Back to Danger

The provisions included in the Asylum Reform and Border Protection Act of 2015 (H.R. 1153) would severely undermine access to asylum in the United States. The bill, along with the “Protection of Children Act” of 2015 (HR 1149), would lead to the deportation of legitimate refugees with well-founded fears of persecution, leave others in immigration detention for months, and put children at risk of return to trafficking, death, and persecution in their home countries. Various provisions would deny asylum to refugees even if they are credible and have well-founded fears of persecution. The bills are inconsistent with American ideals and would erode the United States’ legacy as a global leader in protecting refugees and victims of trafficking.

### Among many changes to law, the bill would:

- **Raise the expedited removal screening standard to an unduly high level.** The bill would require that an asylum seeker – in order to even be allowed to apply for asylum – not only show a “significant possibility of establishing eligibility for asylum” but also prove it is more likely than not that his or her statements are true. This high standard is not appropriate for a screening process, and the conditions under which interviews are conducted – in immigration detention facilities, sometimes over the phone, with traumatized applicants, using interpreters of variable quality – would lead to the deportation of many asylum seekers with legitimate claims. Even under the current standard, legitimate asylum seekers are denied “credible fear” and the chance to file an application for asylum. For example, a transgender asylum seeker was denied credible fear despite supporting letters from human rights organizations and extensive country information backing up his request.
- **Deny asylum to large numbers of refugees based on transit or stays in countries where they had no legal status,** or no lasting legal status, and to which they cannot be returned in most cases. Refugees with valid claims would be left in a state of uncertainty, with no prospects for a durable solution and no secure future for themselves and their children. Many would be left in the United States under orders of removal and could spend the rest of their lives unable to be returned to their countries of origin without another place to go.

- **Appear to prevent arriving asylum seekers who have passed the credible fear screening process from being paroled from immigration detention,** instead leaving them in jails and facilities with conditions that resemble jails for months or longer, even though there are more fiscally-prudent and humane alternatives that have been proven effective. Although other provisions of the bill assume the release on parole of some applicants, the changes to the parole statute itself are so significant that they would not only impact asylum seekers but would prevent the United States from quickly bringing prominent political dissidents or human rights advocates at risk abroad to safety here.
- **Drastically narrow the definition of an “unaccompanied child”** and allow unaccompanied children to be held in the custody of Immigration & Customs Enforcement (ICE) for as long as one month rather than being transferred to the more appropriate care of the Dept. of Health and Human Services.
- **Subject unaccompanied children to the arbitrary one-year asylum filing deadline bar.** The flawed asylum filing deadline has already led the United States to deny asylum to refugees with well-founded fears of persecution and has created inefficiencies by unnecessarily putting the cases of legitimate refugees into the overstretched immigration court system. To apply this legal technicality to children would subject the most vulnerable to an already arbitrary and harmful bar to protection.
- **State that the government not bear expense for counsel.** The bill also states that in no instance will the government bear expense for counsel for anyone in removal or appeal proceedings. Children – including toddlers - the mentally disabled, and other vulnerable people cannot represent themselves in our complex immigration system. Studies have confirmed that representation encourages appearance for court and saves the government money.
- **Allow asylum applicants, unaccompanied children, to be bounced to third countries** in the absence of any agreement between the United States and the countries in question for the reception of asylum seekers. This would lead to “refugee ping pong.” The transit country would be likely to return the person to his home country despite fears of persecution, attempt to send him to another country, or bounce him back to the United States.

## Real Reforms Needed

**Instead of passing H.R. 1153, Congress should take steps to strengthen the asylum and immigration system including:**

- ☑ Increase immigration court staffing to address removal hearing delays and eliminate hearing backlogs;
- ☑ Increase asylum office staffing to address backlogs and provide timely referrals into removal proceedings;
- ☑ End the detention of children and their parents, and effectively implement parole and release procedures;
- ☑ Use cost-effective alternatives to detention rather than more detention;
- ☑ Support legal orientation programs and access to counsel measures that improve fairness and efficiency of the immigration system;
- ☑ Utilize multiple existing tools for combatting fraud and abuse in the immigration and asylum systems; and
- ☑ Implement the U.S. Commission on International Religious Freedom (USCIRF) recommendations to protect those fleeing religious and other forms of persecution and request an updated USCIRF study.