

PRETENSE OF PROTECTION

Biden Administration and Congress Should
Avoid Exacerbating Expedited Removal
Deficiencies



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Overview

The expedited removal process Congress created permits border officers to order the deportation of certain individuals charged with inadmissibility under U.S. immigration law without an immigration court hearing. One component of this process, credible fear screenings, was supposed to ensure that people seeking refugee protection in the United States had an opportunity to apply for asylum and were not summarily deported to persecution or torture. Over the years however, the bipartisan [U.S. Commission on International Religious Freedom \(USCIRF\)](#) and various other organizations have [documented serious deficiencies](#) and due process [concerns](#) with the expedited removal process. The Trump administration further weaponized expedited removal through a series of illegal rights-violating [policies, regulations,](#) and Attorney General [rulings](#) that led to the wrongful deportation of many refugees with credible fears of persecution. Asylum seekers wrongly [deported](#) through expedited removal have been persecuted, tortured, and [murdered](#) after being returned by the United States to the country they had fled. In addition to endangering asylum seekers and violating U.S. [legal obligations](#) to refugees, the use of expedited removal [wastes](#) resources and [exacerbates](#) backlogs.

Despite these well-documented flaws, the Biden administration has announced its intention to “[utilize](#) expedited removal for a greater number and more diverse category of noncitizens,” including when the use of [Title 42](#) to block and expel asylum seekers and other migrants at the border ends. In April 2022, a Department of Homeland Security (DHS) official [stated](#) that DHS had already begun “to increase the use of expedited removal for some single adults,” including those from El Salvador, Guatemala, and Honduras. In May 2022, the Biden administration began to implement an [Interim Final Rule](#), referred to as the Asylum Processing Rule, which relies on expedited removal to channel asylum seekers who receive a positive determination after a credible fear interview (CFI) for full initial adjudication before the U.S. Citizenship and Immigration Services (USCIS) Asylum Office. In addition, the Asylum Processing Rule imposes severe restrictions on a critical due process safeguard that previously allowed the Asylum Office to reconsider its erroneous negative credible fear determinations.

At the same time, some members of Congress have [resurrected](#) and [repackaged](#) highly flawed legislative [proposals](#) to weaponize the expedited removal process and deny access to asylum hearings to more refugees by heightening the credible fear standard, which was [intended](#) by Congress to be a low screening threshold.

Expanding the use of expedited removal or heightening the credible fear standard would be grave mistakes that would result in the illegal return of refugees to persecution and torture. Already during the Biden administration there have been mounting reports of [due process violations](#) and [wrongful deportations](#) of asylum seekers through the flawed expedited removal process. Nicaraguan and Honduran asylum seekers have been summarily deported without receiving the legally required fear screenings they had requested. Haitians, Nicaraguans, and Venezuelans escaping political persecution and many LGBTQ individuals have received erroneous negative fear determinations. These mistaken decisions are due to USCIS’s failure to apply the existing Congressionally-mandated credible fear standard and because of inherent flaws in the credible fear process that prevent some asylum seekers from fully explaining their fear of persecution or torture.

In February 2021, the Biden administration issued an [Executive Order](#) directing DHS to review the expedited removal process and submit a report to the president within 120 days with recommendations



to create a process that adheres to “standards of fairness and due process.” Human Rights First and other refugee- and human-rights [organizations have urged](#) the administration to avoid the use of expedited removal. While the Biden administration [rescinded](#) a Trump-era [regulation](#) that had expanded the geographic and temporal scope of expedited removal, as of July 2022, DHS has yet to publicly announce the results of its review and continues to wield expedited removal, including against tens of thousands of asylum seekers.

Rather than use the fundamentally flawed expedited removal process, the Biden administration should instead refer asylum seekers for asylum adjudications with the Asylum Office without subjecting them to CFIs, fully restore the authority of the Asylum Office to reconsider negative credible fear determinations, and work with Congress to fund legal representation. While expedited removal remains in U.S. law, the agencies should issue regulations to reduce the risk of erroneous negative fear determinations and avoid the weaponization of expedited removal by subsequent administrations. Full recommendations can be found at the end of this report.

This report updates Human Rights First’s ongoing research, most recently from [April 2021](#), [December 2021](#), [October 2021](#), and [June 2020](#), documenting the harms of expedited removal and dangers of weakening already insufficient safeguards to prevent the unlawful deportation of refugees to persecution and torture. The report is based on research conducted by Human Rights First between August 2021 and July 2022, including 49 interviews with asylum seekers and information from attorneys and legal advocates on 307 additional asylum seekers, USCIS data on credible fear determinations received through a Freedom of Information Act (FOIA) request by Human Rights First, other publicly available government statistics, civil rights violations complaints, published investigations by other human rights organizations, and media reports.

Key Findings

- **Even as the Biden administration continues to use the Title 42 policy to block and expel asylum seekers at the border, it has also deployed the deeply flawed expedited removal process against people seeking asylum.** Between February 2021 and mid-July 2022, DHS subjected over [73,000](#) asylum seekers to expedited removal credible fear screenings by USCIS asylum officers.
- **Flaws inherent to the expedited removal process continue to fuel widespread, erroneous negative credible fear determinations, placing refugees at risk of deportation to persecution and torture.** Persistent reports of egregious, mistaken determinations indicate that asylum officers are likely applying an illegally heightened standard in CFIs rather than the “significant possibility” [standard](#) set by Congress that was [intended](#) to be a low screening threshold. Asylum seekers have been prevented from fully sharing their fear of persecution due to confusing, cursory, or hostile fear interviews and blocked from legal representation during the credible fear process, resulting in negative fear determinations. USCIS’s failure to provide correct interpretation during fear interviews and lack of compliance with language access guidance forces some asylum seekers to undergo interviews in languages in which they are not fluent or with interpreters they cannot understand, prolongs detention, fuels mistaken negative fear determinations, and has disproportionately impacted asylum seekers from Africa and Indigenous people.
- **Conducting fear interviews in detention exacerbates the inherent flaws of expedited removal by subjecting asylum seekers to horrendous conditions of confinement, pushing them to undergo interviews**



without adequate interpretation under threat of prolonged detention, and cutting them off from legal representation and information. Detained asylum seekers have been forced to undergo fear interviews while experiencing medical and mental health issues, including physical injuries from assaults in detention and severe trauma from past persecution compounded by their current incarceration. The Biden administration has subjected many asylum seekers to expedited removal in detention facilities located hours from major cities and with some of the [lowest](#) attorney availability rates in the country, blocking them from obtaining legal representation or even basic information about the process. [Studies](#) have repeatedly shown that legal [representation](#) ensures that more individuals receive asylum and other immigration [relief](#) for which they are [eligible](#) under U.S. law.

- **Asylum seekers wrongly issued negative credible fear determinations due to the endemic flaws of expedited removal include:** a Jamaican asylum seeker beaten, stabbed, and threatened with death because of his sexuality; a Nicaraguan activist found not to have a credible fear of persecution even though he was beaten so brutally by paramilitaries for joining a political opposition group and working at a polling station that he had to be hospitalized; a Haitian asylum seeker fleeing death threats for campaigning for an opposition political candidate who was forced to proceed with the CFI despite repeatedly stating that he could not hear or understand the telephonic interpreter; a gay Brazilian asylum seeker tortured and sexually assaulted by police officers in Brazil who was repeatedly ignored by the asylum officer when he said that he could not understand the interpreter; and an Angolan political activist and human rights defender forced to undergo a CFI in French, even though his best and native language is Lingala and Portuguese is the official language of Angola.
- **The Trump administration’s weaponization of expedited removal—through a series of illegal [policies](#), [regulations](#), and Attorney General [rulings](#)—confirms that the process is deeply vulnerable to abuse by administrations seeking to quickly and unlawfully deport refugees without allowing them to apply for asylum in the United States.** Government data confirms that positive credible fear rates plummeted by nearly 50 percent from [88.3 percent](#) in Fiscal Year (FY) 2016 to 44.3 percent by FY 2020. Under the Biden administration, the decline in positive credible fear rates has only partially reversed (rising to [64.9 percent](#) in FY 2022 to date). The rate remains over 25 percent lower than the FY 2016 level, despite [escalating](#) repression, persecution, and violence in many of the countries people are fleeing.
- **[Records](#) received by Human Rights First through FOIA, which disaggregate credible fear determinations by nationality, confirm that positive fear rates plunged dramatically during the Trump administration for asylum seekers from countries from which refugees are fleeing.** Between FYs 2016 and 2020, positive credible fear rates declined significantly for asylum seekers from the Democratic Republic of Congo (37.3 percent drop), Haiti (48.2 percent drop), Nicaragua (24.7 percent drop), and Venezuela (21 percent drop). For some countries from which refugees are fleeing, credible fear rates plummeted even more than the 50 percent average decline, including for Brazil (69 percent drop), China (52.9 percent drop), El Salvador (60.8 percent drop), Guatemala (68.3 percent drop), Honduras (63 percent drop), and Mexico (58.2 percent drop). Following Trump administration [attempts](#) to change standards for assessing credibility and spurious [rhetoric attacking](#) the credibility of asylum seekers, asylum officers issued sharply more negative credibility findings (i.e. finding that asylum seekers’ claims were not believable) in credible fear determinations. Negative



credibility findings rose by a staggering 1,450 percent (from 0.4 to 6.2 percent) between FYs 2016 and 2020, an increase that fell disproportionately on non-European asylum seekers.¹

- Low positive credible fear rates for certain nationalities—which plummeted under the Trump administration—have persisted, including for asylum seekers from Haiti and Central America despite high levels of persecution and violence.** In early FY 2021, positive credible fear determination rates for Haitian asylum seekers dropped to just 36.5 percent—nearly half the average rate for all other asylum seekers in that period. In fact, positive credible fear rates for Haitian asylum seekers have been significantly below the average rate for all other asylum seekers since FY 2016. DHS under the Biden administration has [targeted](#) Haitians for [mass expulsion](#), detention, and deportation. Shortly after [designating](#) Haitian migrants in the United States for Temporary Protected Status (TPS) due to political instability and escalating human rights abuses, DHS absurdly [claimed](#) that “individuals could be safely returned to Haiti” as it escalated expulsions and deportations. As of the first quarter of FY 2022, only [43 percent](#) of Guatemalans, Hondurans, and Salvadorans who had credible fear screenings received a positive determination—nearly 46 percent lower than the average (79.5 percent) for these countries in FY 2016 to FY 2019 (before Trump policies caused positive rates to plummet). The Biden administration has also perpetuated rhetoric undermining protection claims for asylum seekers from Central America, including recently [claiming](#) that “single adults from these countries are less likely to have valid claims of fear or persecution or torture than most other populations”—despite continued, severe human rights abuses in the region and even though USCIS data shows that positive credible fear rates for Central American countries previously closely matched the average rate for all asylum seekers from FY 2016 to FY 2019.
- The Asylum Office’s ability to reconsider mistaken negative credible fear determinations, which was gutted by the Biden administration’s new Asylum Processing Rule, had served as a critical safeguard in the expedited removal process.** Between FY 2019 and FY 2021, reconsideration by the Asylum Office saved at least 569 asylum seekers with a credible fear of persecution from summary deportation and ensured they had an opportunity to apply for asylum, according to DHS [data](#). In FY 2021, [15 percent](#) of requests for reconsideration tracked by asylum offices resulted in positive fear determinations, indicating that many erroneous determinations continue to be made by asylum officers that are not reversed through often cursory, “[rubber stamp](#)” review by an immigration judge. Asylum seekers recently permitted to apply for asylum after the Asylum Office reconsidered its erroneous negative credible fear determination include: a gay Venezuelan man living with HIV violently attacked for his sexual orientation; an Iranian man beaten and threatened with death by his country’s government; and a Central American man brutally beaten by his country’s government for his political opinion.
- The Asylum Processing Rule’s limitations on the Asylum Office’s longstanding authority to reconsider erroneous credible fear determinations, including a seven-day deadline for submission of such requests, render the safeguard virtually meaningless and will endanger thousands of asylum seekers.** The vast majority of asylum seekers are not represented by a lawyer during CFIs or immigration court review. Already, asylum seekers with negative credible fear determinations have been unable to meet the seven-day deadline for reconsideration as they could not speak with an attorney or did not even learn that they could

¹ Countries included in each region are noted in footnotes 12-19.



request reconsideration until after the deadline had passed. Attorneys have had to reject requests for assistance from asylum seekers who received erroneous negative credible fear determinations because the seven-day deadline had passed or could not be met, including for an Indigenous political dissident from Peru whose partner and child live in the United States and a woman who belongs to the Puruhá Indigenous people and fled racism and discrimination in Ecuador. The Asylum Processing Rule also limits asylum seekers to a single request for reconsideration, which risks returning refugees to persecution and torture. Subsequent requests are sometimes [necessary](#) to obtain a fair decision from the Asylum Office when it has previously declined a valid and compelling request for reconsideration. For instance, after additional requests for reconsideration, the Asylum Office corrected mistaken negative credible fear determinations for a gay Togolese asylum seeker who had been violently attacked by a mob because of his sexuality and whose boyfriend was later murdered and for a torture survivor from Burkina Faso who was wrongly interviewed in French rather than in his best and native language of Bissa.

- **Immigration court review of negative credible fear determinations is not an adequate safeguard against erroneous determinations and remains, in many cases, a “[rubber stamp](#).”** Despite the high frequency of clearly mistaken decisions, immigration judges overwhelmingly affirm negative fear determinations. Between FY 2018 and FY 2021, immigration judges affirmed [73.3](#) percent of negative determinations, including for thousands of asylum seekers from Guatemala, Haiti, Nicaragua, and Venezuela. These reviews are often not conducted fairly, with judges frequently scheduling credible fear reviews within 24 hours of the initial determination, barring attorneys from participating in reviews, rejecting additional evidence or testimony, and interpreting additional information asylum seekers were not able to present at the CFI as impugning their credibility. Asylum seekers with erroneous negative credible fear determinations that were affirmed in farcical credible fear reviews include: a gay Senegalese asylum seeker attacked for his sexual orientation who was prohibited from speaking during his credible fear review; a Somali asylum seeker tortured by a terrorist group who was cut off by the immigration judge reviewing his credible fear determination and told that the judge only had 15 minutes to conduct each review; a Haitian asylum seeker threatened at gunpoint for his sexual orientation who was deemed not credible by the immigration judge because the asylum seeker had not disclosed during the CFI that he is gay after being instructed to answer only the questions asked; and an Ivorian asylum seeker kidnapped and tortured for his family’s political activism who was denied interpretation in his primary language at the CFI and then also forced to proceed with interpretation in a non-primary language at his credible fear review after the judge said he would “never leave” detention otherwise.

A Costly and Inefficient “Abandonment of Our Historical Commitment to Refugees”

Through the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Congress [created](#) expedited removal in 1996 during a wave of anti-immigrant sentiment. At the time, many in Congress viewed the expedited removal process as “an [abandonment](#) of our historical commitment to refugees.” Reports of wrongful deportations resulting from expedited removal grew quickly as the government began to implement the flawed process. In 1999, Senator Patrick Leahy and others proposed the bipartisan [Refugee Protection Act](#) to restrict expedited removal due to its apparent flaws and reports of asylum seekers “[thrown](#) out of the country without the opportunity to convince an immigration judge that they faced persecution in their native lands.” As Senator Leahy [explained](#) in Congress in 2000, “people who flee their countries to escape serious danger should be able to have asylum hearings in the



United States without having to navigate the procedural roadblocks established by expedited removal.” In a 2001 Congressional hearing, Senator Edward Kennedy described “shameful examples of the deplorable treatment that individuals have received under the expedited removal process” and warned that many “have been deported, and sent back to situations where they could well be subjected to torture, and even death . . . it is time for Congress to act to end these abuses involving the expedited removal program.” Senator Sam Brownback also noted the “flawed results” of expedited removal, which deprived asylum seekers of the right to a full hearing on their asylum claim.

Under the expedited removal process, Customs and Border Protection (CBP) officers who determine an individual is inadmissible may order the person removed from the United States without an immigration court hearing. But asylum seekers who express an intent to seek asylum or fear of return to their country of nationality must be referred by DHS for a preliminary fear screening by a USCIS asylum officer. These fear interviews have typically been conducted while asylum seekers are detained, often after harrowing journeys to the United States and before they can consult with a lawyer. If the asylum officer conducting the interview determines that the asylum seeker has a credible fear of persecution (*i.e.* a “significant possibility” the individual would be eligible for asylum after a full hearing), the asylum seeker must be either placed into removal proceedings to apply for protection before an immigration judge or, under the Asylum Processing Rule, referred for an adjudication of the asylum claim by the Asylum Office (thereby limiting the numbers ultimately requiring immigration court removal hearings). Erroneous negative credible fear determinations can result in prolonged detention of the asylum seeker as well as potential deportation to persecution and torture.

Individuals who receive negative credible fear determinations can request and are entitled to receive review by the immigration court. However, immigration court review of negative credible fear determinations is riddled with flaws and due process violations, with widespread reports of immigration judges barring asylum seekers from speaking at credible fear reviews, presenting additional evidence, or having legal counsel present. The Asylum Office has long had authority to reconsider mistaken negative credible fear determinations, but the Biden administration’s Asylum Processing Rule severely curtails this safeguard by requiring that asylum seekers file requests for reconsideration within seven days of the immigration court affirming the negative fear determination and limiting asylum seekers to only one request.

As subsequent administrations have wielded expedited removal against asylum seekers, organizations, including the bipartisan USCIRF, documented serious deficiencies and due process concerns posed by expedited removal. These include failures by CBP officers to identify and refer individuals for CFIs and follow required procedures designed to limit mistaken removals of asylum seekers, the use of intimidation and coercion by border officers, failures by asylum officers to properly screen individuals, lack of access to counsel, detention in abysmal conditions, and limited judicial review. Administrations have failed to address these long-documented flaws and have limited statutory and regulatory protections for asylum seekers that are “often misapplied or flouted altogether.” **As a result, expedited removal inevitably leads to the return of refugees to persecution and torture, in violation of U.S. law and treaty obligations,** including multiple people summarily deported through expedited removal who have been murdered upon return to their country of persecution.



In addition to endangering asylum seekers, **the use of expedited removal wastes resources and exacerbates backlogs.** The Asylum Office backlog, which has ballooned to more than 470,000 cases, began to grow under the Obama Administration, which chose to increase the use of expedited removal and as a result diverted asylum officers from adjudicating full asylum claims to conducting expedited removal fear screenings. The Citizenship and Immigration Ombudsman emphasized in its 2022 annual report that the **Asylum Office backlog “continues to be the consequence of the Asylum Division’s credible and reasonable fear screening workloads,”** which “divert staff that would otherwise be assigned to the affirmative asylum caseload.” The report concluded that the Asylum Office backlog could be significantly reduced if officers focused on full asylum adjudications, but that these adjudications “remain a collateral duty at most asylum offices” due to credible and reasonable fear screenings. USCIS has previously noted that since 2014 the high volume of expedited removal screenings has “placed great strain on the resources of the USCIS Asylum Division.”

While the expedited removal process is deeply flawed, historically most asylum seekers referred for these preliminary screenings received positive fear determinations, demonstrating the redundancy and wastefulness of channeling limited Asylum Office resources to screen claims rather than conduct full asylum adjudications. For instance, according to government records, in FY 2016, 88.3 percent of asylum seekers who received a credible fear screening through expedited removal established a credible fear of persecution. Positive credible fear determinations during the Obama and George W. Bush administrations averaged nearly 80 percent.² Due to illegal policies, regulations, and rulings implemented by the Trump administration to weaponize expedited removal, these rates plummeted, as discussed below. The CIS Ombudsman’s 2022 report emphasized that conducting CFIs rather than referring asylum seekers for full adjudication of their claims can be an ineffective use of USCIS resources and that the “value of the credible fear screening is questionable” given that the vast majority of asylum seekers have actually received positive credible fear determinations – a result that is not surprising given the grave human rights abuses pushing many to flee their countries.

While IIRIRA created the framework for expedited removal, **DHS is not required to use expedited removal and may instead refer asylum seekers for a full adjudication on their asylum claims without subjecting them to preliminary fear screenings.** For many years, the expedited removal process was implemented only at ports of entry. The Biden administration’s reliance on expedited removal and plans to expand its use continue a process that has long been discredited as incompatible with U.S. law and treaty obligations and creates enormous inefficiencies in asylum processing by imposing an unnecessary preliminary screening as a prerequisite to a full asylum hearing.

Fundamental Flaws of Expedited Removal Persist, Endanger Refugees’ Lives

DHS’s ongoing use of expedited removal against asylum seekers continues to reveal the many unfixable flaws that have plagued the process since its adoption.

² See U.S. Commission on International Religious Freedom (2001–03); USCIS (2004–13, 2014, 2015, 2016, 2017, 2018, 2019, 2020).



From February 2021 to mid-July 2022, USCIS conducted over [73,000](#) credible fear screening interviews, according to government data. These interviews continue to result in egregiously inaccurate negative credible fear determinations for asylum seekers with strong protection claims—including people who were brutally tortured by their countries’ governments for their political opinion, attacked because of their sexual orientation, or subjected to religion-based persecution—who, under U.S. law, must be permitted to apply for asylum. [Conducting](#) CFIs in detention further exacerbates the deficiencies of the process, as Human Rights First’s recent April 2022 [report](#) on detention of asylum seekers confirms. Many asylum seekers subjected to expedited removal in detention have been forced to wait [months](#) for a CFI and additional time to receive their results. This prolonged detention is further compounded by erroneous negative determinations. As Senator Edward Kennedy [warned](#) with respect to the conduct of CFIs in detention: **“By immediately detaining those who have been subjected to persecution and who have lived in constant fear, we contribute to their trauma and hardship . . . restricting their access to adequate legal representation, which they need in order for their claims to be decided fairly.”** A February 2022 Human Rights Watch [report](#) on deported Cameroonian asylum seekers also identified serious deficiencies in CFIs, including interpretation barriers, misconduct by asylum officers, and lack of accurate information about human rights conditions that resulted in the deportation of asylum seekers with potentially meritorious refugee claims.

Flaws inherent to the expedited removal process that continue to contribute to widespread erroneous fear determinations, including the faults described below, have resulted in refugees deported without an opportunity to apply for asylum and returned to potential persecution or torture.

Asylum officers misapplying credible fear of persecution standard established by Congress

Under U.S. law, an asylum seeker establishes a credible fear of persecution if there is a [“significant possibility”](#) the individual would qualify for asylum after a full immigration court hearing. Congress intended for this standard to be [“a low screening standard”](#) to ensure that refugees with bona fide claims for protection would have an opportunity to apply for asylum. Accordingly, it is unlawful for asylum officers to [require](#) asylum seekers to demonstrate full eligibility for asylum during CFIs. USCIS has [directed](#) asylum officers to generally issue positive credible fear determinations whenever [“there is reasonable doubt regarding the outcome of a credible fear determination,”](#) but the Trump administration [eliminated](#) this guidance in February 2017 in an attempt to block asylum seekers from accessing U.S. protection.

While the Biden administration [reaffirmed](#) the [“significant possibility”](#) standard in its Asylum Processing Rule, persistent [reports](#) of egregious mistaken negative fear determinations indicate that asylum officers are likely applying an illegally heightened standard that puts refugees at risk of return to persecution and torture. Credible fear decisions and notes reviewed by Human Rights First reflect that in some instances asylum officers unlawfully require asylum seekers to establish full eligibility for asylum, in violation of the statutory standard. Multiple recent [complaints filed](#) by organizations that represent and advocate for asylum seekers confirm that asylum officers under the Biden administration have required some asylum seekers to prove that they are eligible for asylum, rather than applying the low screening threshold for CFIs. Attorneys have reported a particular increase in negative fear determinations for Nicaraguan asylum seekers, despite the fact that many are fleeing what the United States has [criticized](#) as the Nicaraguan government’s [“repressive and abusive acts”](#) and [“politically motivated arrests and detentions of individuals exercising their human rights.”](#) In addition, there have been alarming reports of many Black



asylum seekers receiving negative fear determinations, including [Mauritanian asylum seekers](#) fleeing slavery, beatings, and incarceration despite well-documented evidence of race-based enslavement of Black Mauritians by the Arab-Berber population in the country.

Some asylum seekers who have recently received erroneous negative fear determinations³ by the Asylum Office despite facially strong protection claims that appear to far exceed the “significant possibility” standard include:

- **[Ricardo Villasmil](#), a 23-year-old Venezuelan asylum seeker, was detained, tortured, and threatened by the Venezuelan government after the Biden administration deported him in October 2021 because the Asylum Office had wrongly [determined](#) that he did not have a credible fear of persecution.** He had fled persecution due to his family’s longstanding political opposition to the government that had resulted in the murder of his father and years of kidnappings and detentions. After being tortured, he fled to the United States a second time with his pregnant wife. DHS separated them and detained Villasmil in an ICE facility before finally releasing him in late February 2022.
- **A lesbian asylum seeker from Venezuela who sought protection in the United States in February 2021 with her partner was found not to have a credible fear of persecution while her partner, who fled similar persecution, received a positive determination.** The Asylum Office issued a negative determination even though she had fled threats and violence because of her sexual orientation and participation in the student opposition movement in Venezuela. After the CFI, ICE transferred the woman from the Southwest Louisiana Basile Detention Center to the Orange County Correctional Facility for deportation, even though she was also eligible for TPS, and she was only released after attorney Sophia Genovese sent ICE a release request that noted her eligibility for TPS.
- **The Asylum Office issued a negative credible fear determination for a bisexual Jamaican asylum seeker who had been beaten, stabbed, threatened with death, and had shots fired at his restaurant in Jamaica because of his sexual orientation.** The Asylum Office found that the asylum seeker had not established that the Jamaican government would be unable or unwilling to protect him, an absurd claim given that the U.S. State Department’s 2020 human rights report on Jamaica [noted](#) that “the law criminalizes consensual same-sex sexual conduct between men, with penalties of up to 10 years in prison with hard labor” and that according to the Inter-American Commission on Human Rights Jamaica’s “law legitimizes violence towards LGBTI persons.” The asylum officer erroneously applied a heightened standard, stating that the asylum seeker “failed to provide sufficient evidence that the authorities were unable or unwilling to protect him or that they would be unable or unwilling to protect him in the future”—indicating that the officer had wrongly required him to establish full eligibility for asylum in the preliminary screening. In January 2022, an immigration judge reversed the initial negative fear determination at an immigration court review where he was represented by Human Rights First.
- **The Houston Asylum Office issued an erroneous negative credible fear determination to a Nicaraguan activist who had been beaten so brutally by paramilitaries for participating in a political opposition group and working at a polling station that he had to be hospitalized.** In December 2021, after eight months in ICE

³ The information included in the case stories described in the report was relayed to Human Rights First by asylum seekers, attorneys, and advocates.



detention, he told Human Rights First that he continued to suffer severe kidney pain from the attack, for which he had not received even a medical evaluation. He said: “I want our human rights to be respected. My family is anguished. My mom calls me and cries. I tell her I’m okay, so she doesn’t worry, but in reality I feel very sick.”

- **A young Venezuelan asylum seeker, who had received death threats for participating in political protests in Venezuela, was subjected to expedited removal and received a negative credible fear determination.** The man, who was not represented by counsel during the credible fear process, told Human Rights First that he also described the persecution he had suffered to the immigration judge reviewing the negative fear determination and explained that he had noticed errors in the asylum officer’s credible fear notes and decision—including statements attributed to him that he did not make—but the judge affirmed the negative determination. As of December 2021, the young man had been incarcerated at the Winn Correctional Center for five months. Reflecting on his prolonged detention, he said: “I feel very bad. I’m a prisoner here. I would rather die in my country than be jailed here.”
- **In June 2022, the Asylum Office issued a negative credible fear determination to a bisexual Colombian asylum seeker who had been attacked and threatened with death for refusing to join a political meeting and feared future persecution on account of his political opinion and sexual orientation.** In determining that he did not have a credible fear of persecution, the asylum officer appeared to apply a heightened standard, wrongly considering whether the asylum seeker had fully established eligibility for asylum, according to a copy of the asylum officer’s decision and notes that were shared with Human Rights First by the Santa Fe Dreamers Project with consent of the client. For instance, the officer concluded that the “applicant’s testimony did not establish past persecution” and “did not establish that the government of Colombia would be unable or unwilling to control” his persecutors, in violation of the credible fear standard, which requires only a “significant possibility” that the asylum seeker could establish in a hearing that he has a well-founded fear of persecution and that the government would be unable or unwilling to control the persecutors.
- **Around late summer or early fall 2021, a Nicaraguan asylum seeker who had been attacked by paramilitaries for his participation in political protests and received messages threatening him for being a “damned traitor” received an erroneous negative credible fear determination, despite sharing the persecution he suffered with the asylum officer.** He told Human Rights First in December 2021 while incarcerated at the Pine Prairie ICE Processing Center: “To be detained here for six months...it’s not tolerable. I haven’t hurt anyone. This is happening just because I presented myself to an immigration official to ask for safety.”
- **In April 2021, the Arlington Asylum Office mistakenly decided that an Iranian asylum seeker who had been threatened because of his refusal to practice Islam did not have a credible fear of persecution.** The Asylum Office declined his attorney’s request for reconsideration in October 2021 and continued to jail him until February 2022, according to *Al Otro Lado*.

CBP and ICE officers failing to refer asylum seekers for legally required fear screenings

Through expedited removal, DHS has illegally deported asylum seekers without referring them for credible fear screenings or for removal hearings before an immigration judge—despite the requirements of U.S. law, the Refugee Convention and its Protocol, and the Convention Against Torture. These illegal



expedited removals have taken place because of the apparent failure or willful refusal of U.S. immigration officers from CBP and ICE to refer asylum seekers who stated that they feared return for required fear interviews. For instance:

- **In December 2021, DHS illegally deported a Nicaraguan political activist without conducting a CFI, in disregard of his repeated verbal and written assertions that he feared return to his home country and communications from a legal service organization warning ICE not to deport him without a CFI.** The man had sought protection in the United States in October 2021 after Nicaraguan government agents beat and detained him for his opposition activism. Days before his deportation to Nicaragua, the man who was being held at the Pine Prairie ICE Processing Center told Human Rights First: “I can’t sleep well. My life is in danger . . . I tried to speak with ICE officers, and they say that it’s not their problem, that the deportation orders came from ICE.”
- **In July 2021, DHS illegally deported a 20-year-old Honduran asylum seeker without conducting a fear screening even though he told ICE officers that he feared return to Honduras.** While he was detained at the Pine Prairie ICE Processing Center, ICE officers threatened to deport his father who lives in Tennessee, if the young man did not agree to be deported despite his assertions that he feared return to Honduras. ICE placed him in solitary confinement for over four days immediately before his removal in an apparent attempt to prevent him from contesting the deportation or obtaining legal assistance and then deported him without ever conducting a CFI, according to his attorney at the Southeast Immigrant Freedom Initiative. The young man had fled Honduras because the local government stole grant money for his NGO-funded work and sent people to threaten his life when he threatened to expose the government’s corruption.
- **Around August 2021, DHS nearly deported a Nicaraguan asylum seeker without a CFI until the last-minute intervention of an attorney.** The CBP officers who placed the woman in expedited removal failed to comply with their legal obligation to ask whether she feared return to Nicaragua, where she had received death threats from the Nicaraguan government for participating in protests. ICE transferred the woman to the Jackson Parish Correctional Center to initiate the deportation process even though she had informed an ICE officer of her fear of return and requested a CFI. At that facility, she witnessed that ICE was in the process of deporting around 30 asylum seekers to Nicaragua, all of whom told her they had not received CFIs. After the last-minute intervention of attorney Sally Santiago with law firm Abogados Para Hispanos, ICE referred the woman for a fear screening interview, which established that she has a credible fear of persecution. She told Human Rights First: “I felt sick with anxiety and depression. I was afraid of what would happen to me if they sent me back to Nicaragua and the government took me as a prisoner or killed me.”
- **In November and December 2021, ICE repeatedly threatened to deport a detained Nicaraguan asylum seeker even though he stated that he was afraid to return to Nicaragua and had not been scheduled for a CFI.** The man told Human Rights First that after fleeing persecution due to his opposition to the Nicaraguan government, he was separated from his wife and held for days in CBP custody where he was not asked about his fear of return. After he was transferred to an ICE detention center in Louisiana, he sent numerous messages to ICE stating that he feared return, but officers replied that they were in the process of scheduling his deportation. Human Rights First has been unable to locate the asylum seeker since speaking with him in January 2022, and there is no record of a pending immigration case for him in the immigration court case information system.



These incidents reflect a long-documented history of some CBP officers and Border Patrol agents failing to appropriately, professionally, and accurately identify and document individuals who must be affirmatively asked if they fear return when placed in expedited removal and referred for CFIs. CBP officers are required to ask asylum seekers placed in expedited removal about why they left their home country and their fear of return, record their responses in a document called the “Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act,” and refer them for a CFI, if they express a fear of return or intention to apply for asylum.

However, CBP routinely fails to affirmatively ask these questions or correctly record asylum seekers’ responses and has a long history of intimidating and coercing asylum seekers into withdrawing requests for protection. The U.S. Commission on International Religious Freedom, which monitored this process over many years, found that CBP officers failed in more than half of cases where monitors *were present during interviews* to take steps required under U.S. law to screen asylum seekers. In nearly 15 percent of cases the Commission observed CBP improperly order asylum seekers deported who had indicated a fear of return. An October 2021 Human Rights Watch report documented egregious instances of CBP officers intimidating and threatening asylum seekers in expedited removal, failing to correctly record fear claims, and forcing asylum seekers to sign documents in English that they could not understand. In one instance, a Border Patrol agent told a Honduran asylum seeker that he did not have the right to asylum and that he would be sent to a jail where he would be raped.

Asylum seekers reported to Human Rights First that they were held in abysmal conditions in CBP custody without access to food, showers, hygiene products, or blankets and interviewed about their fear of persecution in public settings and in languages they do not fluently speak. These reports heighten concerns that CBP deports asylum seekers who fear return to their home country without referring them for a CFI because of the horrendous conditions and due process violations during initial CBP screenings. For example:

- **In spring 2022, a pregnant Mexican asylum seeker was held in a room without food or access to the bathroom for approximately ten hours before CBP conducted an initial screening, including questions about her fear of persecution.** As a result, she urinated on herself but was then forced to proceed with the interview without an opportunity to change her clothes. She told advocate Kätherin Krüger that she was confused and disoriented when a CBP officer finally asked her about her fear of return to Mexico, initially believing that the interpreter on the phone was a relative.
- **A Brazilian asylum seeker reported to an asylum officer that the CBP officer who had previously interviewed him in April 2021 about his fear of persecution asked him questions in English and Spanish, even though his native language is Portuguese,** according to the CFI decision and notes provided to Human Rights First by the Southeast Immigrant Freedom Initiative. As a result, the record of the CBP interview contained statements the man had not made about why he had left Brazil, causing the asylum officer to question him about apparent inconsistencies between his statements during the CFI and his supposed statements to CBP.
- **In February 2022, CBP officers interviewed asylum seekers in CBP custody in Texas by coercing a Spanish-speaking asylum seeker with limited English proficiency to act as a translator for them,** according to one of the asylum seekers, an Indigenous man from Guatemala, who spoke with advocate Kätherin



Krüger about the experience. The Guatemalan asylum seeker, whose primary language is not Spanish, reported to Krüger that CBP interviewed him about his fear of persecution by relying on the Spanish translation of the other asylum seeker and that he had trouble understanding. The asylum seeker forced to act as a translator told the other detained individuals that CBP officers had promised him assistance with his asylum case, if he translated for them.

Failures to provide appropriate interpretation in fear screenings

Asylum officers have routinely conducted CFIs in languages or [dialects](#) that asylum seekers do not fluently speak, particularly with asylum seekers who speak so-called “rare” languages or dialects for which interpreters are not readily available, resulting in erroneous negative fear determinations. Even where USCIS secures interpretation in the asylum seeker’s primary language, some asylum seekers have been forced to proceed despite reporting that the interpreter did not speak the language competently or that they could not fully understand the translation. The administration must provide meaningful access to the credible fear process through competent interpretation, as required by [Executive Order 13166](#) and the [DHS](#), [CBP](#), [ICE](#), [USCIS](#), [DOJ](#), and [EOIR](#) language access plans.

However, existing USCIS [guidance](#) on interpretation in CFIs for rare language speakers is inadequate and ineffective. The guidance requires the Asylum Office to forego the CFI and issue a Notice to Appear if proper interpretation cannot be scheduled within 48 hours of the initial CFI. Instead, DHS has prolonged the detention of asylum seekers by repeatedly re-scheduling CFIs when it does not have available interpretation, including for many asylum seekers from African countries, Indigenous people from Guatemala, and Turkish nationals. Facing months of detention, asylum seekers are pushed to choose between indefinite detention and interpretation in a language they do not fluently speak. Indeed, the guidance also instructs the Asylum Office to schedule interviews regardless of whether an appropriate interpreter is available in order to determine whether the asylum seeker is “able to communicate” in another language with an available interpreter. The asylum officer—rather than the asylum seeker—has discretion to determine whether the individual can communicate in another language. Asylum seekers forced to proceed in languages they do not fluently speak through intimidation and coercion or because they fear repercussions if they express that they are having trouble sufficiently understanding are unable to fully convey their fear of persecution in the life-or-death circumstances of a CFI.

USCIS’s failure to provide correct interpretation during CFIs has disproportionately impacted detained asylum seekers from Africa, who have frequently reported being forced to proceed in their second or third language. For instance, a detention visitation program volunteer reported to Human Rights First that since summer 2021 she has spoken with dozens of African asylum seekers detained in Louisiana who were forced to undergo CFIs in a language (typically French) that is not their native or best language and received negative determinations as a result. Some reported that when they stated that they were not comfortable speaking in French, they were required to proceed with the French interpreter and told, “This is what we have.” In spring and summer 2021, asylum seekers from African countries detained at the Otay Mesa Detention Center proceeded with CFIs in English after being told that they would remain incarcerated for a long time if they did not, according to a legal service organization in California. In addition, asylum seekers have [reported](#) difficulty understanding interpreters who spoke in unfamiliar dialects, such as Brazilian Portuguese interpreters for Angolan asylum seekers and Senegalese or Mauritanian Pulaar interpreters for Guinean asylum seekers.



Some of the asylum seekers from African countries who received negative credible fear determinations after the government failed to provide interpretation in their best language include:

- **In June 2021, DHS deported a Burkinabe asylum seeker to Burkina Faso, where terrorist groups had attacked him and murdered his family members, after he was forced to undergo a CFI in French despite explaining that his best language is Bissa.** He was unrepresented at the CFI and could not fully understand the interpreter. The asylum officer determined that he did not have a credible fear of persecution or torture. The man told Human Rights First that he was in the process of consulting an attorney to challenge the decision when ICE deported him.
- **A gay Ghanaian asylum seeker who was attacked and threatened due to his sexual orientation and whose partner was murdered was deported in summer 2022 after the Arlington Asylum Office conducted the CFI with interpretation in Twi even though the asylum seeker's native language is Dangme and he does not fluently speak Twi, resulting in a negative credible fear determination.** When the asylum seeker informed the officer that Dangme is the language in which he communicates best, the officer informed him that it would take a long time to find a Dangme interpreter. Afraid his detention would be prolonged if he rescheduled the CFI, he agreed to proceed. The asylum officer did not include information about the asylum seeker's sexual orientation or persecution on account of his sexual orientation in the interview notes even though the asylum seeker shared this information with the interpreter, indicating the extent of the communication problems during the CFI. The CFI decision and notes also reflected other factual errors, according to a request for reconsideration filed by Immigration Equality and shared with Human Rights First, which was rejected by the Asylum Office.
- **An unrepresented Guinean torture survivor received a negative fear determination in June 2021 after he was interviewed in Portuguese despite requesting an interpreter for Mandinka, his native language.** He had been tortured in Guinea, resulting in the loss of two teeth and a head injury that continues to cause severe head pain. He told Human Rights First that he had significant trouble understanding the questions the asylum officer asked. A Portuguese interpreter who assisted Human Rights First noted that it was very difficult to understand him and that his attempt to speak Portuguese is "is a mix of Spanish and Portuguese and his native language." ICE detained him a total of nine months, including at the Winn Correctional Center, before releasing him in December.
- **An Angolan political activist and human rights defender who received a negative credible fear determination in May 2021 was forced to undergo a CFI in French, even though his best and native language is Lingala and Portuguese is the official language of Angola.** He told Human Rights First of his and other African asylum seekers' attempts to convey their story in French after being denied an interpreter in their best language: "We didn't know how to say torture, persecution." Due to his opposition to the ruling party and criticism of its human rights violations, the man was threatened by Angolan security forces and his wife was raped. The man's wife and daughters fled to the United States before him to also apply for asylum. In addition to the Asylum Office's failure to provide appropriate interpretation, the asylum officer preventing him from sharing important details of his asylum claim by cutting off the man's attempt to explain that the rape of his wife was in retaliation for his political activities. He was detained for eight months, including at the Winn Correctional Center, and finally released in December.



- **A 19-year-old Ivorian asylum seeker, who received a negative fear determination after being forced to complete a CFI in French—even though his native language is Mahouka—was also denied appropriate interpretation during a farcical immigration judge review that affirmed the decision.** The young man had fled the Ivory Coast after being kidnapped and tortured by armed men sent by the government in retaliation for his family’s political activism. Over the course of four months, he informed the immigration court reviewing the negative determination *on 17 separate occasions* that he could not proceed without a Mahouka interpreter. He reported to Human Rights First that eventually, the judge told him he would “never leave” detention, if he didn’t proceed with a French interpreter and then affirmed the negative determination. ICE detained the asylum seeker at the Winn Correctional Center for nearly nine months before releasing him in December.
- **In May 2021, the Asylum Office found that a 19-year-old asylum seeker who fled honor killing in Burkina Faso did not have a credible fear of persecution after interviewing him in French rather than his native language of Bissa.** The man was threatened with death for continuing a relationship with a woman who was forced into an arranged marriage with another man. The man’s fear was particularly well-founded because one of his uncles had been stoned to death in similar circumstances. At the time of the CFI, which occurred in ICE custody, the man did not have legal representation and was not interviewed in Bissa, his native and best language. His attorney at the Refugee and Immigrant Center for Education and Legal Services (RAICES) informed Human Rights First that in the course of representing the asylum seeker, he was told by multiple interpreters that the man did not communicate well in French. Nonetheless, multiple requests for reconsideration filed by RAICES were denied by USCIS.

Limited or nonexistent access to interpretation and translated documents in detention also prevents asylum seekers from receiving basic information in advance of CFIs about their legal rights and what the interview will entail. A human rights activist from an African country who was detained in the Adelanto Detention Center in summer 2021 reported that legal information on CFIs was only provided in English and Spanish—even though many of the detained asylum seekers spoke only French or Haitian Kreyol. African asylum seekers who underwent the credible fear process at the Adams County Detention Center in Mississippi reported that information about CFIs was only provided in English and Spanish—whereas many only spoke other languages such as Bissa, French, Portuguese, Lingala, Mandinka, Mahouka, and Wolof—or was not provided at all.

Asylum seekers have also reported that they were subjected to CFIs with interpreters they could not understand because the interpreter did not speak the language competently or spoke a different dialect. In some instances, asylum seekers reported to the interviewing officer that they had trouble understanding the interpreter but were nonetheless forced to proceed with the CFI, resulting in erroneous negative fear determinations. Other asylum seekers reported that they did not inform the asylum officer that they could not understand the interpreter because they feared it would negatively impact their case. For example:

- **In August 2021, an asylum officer ignored the repeated pleas of a gay Brazilian asylum seeker that he could not understand the interpreter and found that the man did not have a credible fear of persecution even though he had been tortured and sexually assaulted by police in Brazil.** He told Human Rights First: “[The interpreter] didn’t speak Portuguese well. I had problems understanding her questions, a lot of problems. I told the officer I had trouble understanding the interpreter, but the officer said to continue the



interview and if there was any information missing he'd ask again . . . the interpreter also interrupted me many times.”

- **In April 2022, the Newark Asylum Office determined that a Nicaraguan asylum seeker who had been brutally beaten by police officers on multiple occasions and threatened with death did not have a credible fear of persecution, finding that his testimony was not credible after conducting the interview with an interpreter who the asylum seeker believes spoke a different dialect of Spanish and whom he could not fully understand.** He had fled Nicaragua after police and paramilitaries repeatedly kicked him and beat him with a rifle, threatened to kill him if he continued participating in political protests. He was hospitalized after this attack and could not walk on his own for months. When the asylum seeker expressed that he did not fully understand a question and asked the interpreter to repeat it, the asylum officer proceeded to a different question without clarifying, according to a declaration filed by the asylum seeker in immigration court and provided to Human Rights First by the law firm Cambria & Kline PC. The asylum seeker did not receive advance notice of the credible fear review, which caused him to miss the hearing and deprived him of an opportunity to challenge the erroneous determination before the immigration court.
- **In September 2021, ICE deported a Somali asylum seeker who had been tortured by a terrorist group due to his work as a government contractor and received a negative credible fear determination because the Somali interpreter was not competent to translate between English and Somali.** The man, who speaks English but requested a Somali interpreter because English is not his native language, reported to Human Rights First that the interpreter did not correctly translate his statements. For instance, when he stated that he was “tortured,” the interpreter translated it as “they caused me problems.” During a review of the negative fear determination, he tried to explain to the immigration judge why the determination was erroneous, but the judge accused him of contradicting himself and cut him off, stating that he only had 15 minutes for each review.
- **Around May 2022, an Angolan asylum seeker who underwent a CFI with a Portuguese interpreter who did not speak the same dialect, received a negative credible fear decision in which the asylum officer’s notes do not reflect the fact that he had been tortured by Angolan government agents.** Though the man had significant difficulty understanding the interpreter, he did not inform the asylum officer of the interpretation issues because he had already requested Portuguese translation and feared it would negatively impact his case or credibility, according to a legal service provider who spoke with him. His attorney told Human Rights First that when she communicated with the asylum seeker through a Portuguese interpreter, the interpreter reported that the asylum seeker had difficulty communicating and, for example, did not understand the meaning of the word “harm.”

Confusing, hostile CFIs deny asylum seekers a fair opportunity to explain their fear of return

Some asylum seekers who received erroneous negative fear determinations did not have a fair opportunity to explain why they are seeking asylum because of the confusing or hostile manner in which asylum officers conducted [screenings](#). Asylum seekers reported that officers asked legal questions they could not understand, interrupted their answers, permitted interpreters to interrupt them, instructed them to answer questions with only a “yes” or “no,” and barred them from explaining their response. With CFIs typically conducted telephonically, some asylum seekers had difficulty hearing asylum officers’ questions, submitting copies of physical evidence, and explaining problems, including poor interpretation, during the interview.



Asylum seekers who received negative fear determinations who were subjected to hostile interviews or who were unable to fully communicate why they are seeking asylum in the United States due to the conduct of the fear screening include:

- **In March 2022, an asylum officer subjected a gay Salvadoran asylum seeker living with HIV to homophobic, hostile, and inappropriate questioning and wrongly determined that he did not have a reasonable fear of persecution.**⁴ The asylum seeker, who was detained at the time of the interview, was interrogated by the asylum officer about his sexual orientation, including being told he **couldn't be gay because he didn't sound feminine and sounded "like a regular guy."** The asylum seeker reported to his attorney that when he told the asylum officer that he had been sexually assaulted as a child by gang members for being gay, the officer said, **"You're a liar. This is impossible.** They're not going to risk their lives just to rape you. That's how I know you're lying." The asylum seeker also reported that when he became confused by the asylum officer's questions, the officer again became angry and said, "Are you crazy? You're lying. You're a liar. If the judge sees this paperwork it'll be obvious that you're lying," according to the asylum seeker's declaration, which was submitted to the immigration court reviewing the negative fear determination and provided to Human Rights First by Immigration Equality. The immigration court overturned the negative determination in April 2022.
- **A Haitian asylum seeker received a negative credible fear determination in July 2021 after undergoing a CFI where he was instructed to respond only to the questions asked, preventing the man from sharing that he had been persecuted because of his sexual orientation.** The man was threatened at gunpoint for being gay and suspects that gang members murdered his friend because they misidentified him as his boyfriend. But during the telephonic interview with the San Francisco Asylum Office, the asylum officer failed to ask any questions about the man's sexual orientation and because of restrictions on providing additional information he was afraid to affirmatively bring up the persecution he had suffered on account of his sexuality. The immigration judge reviewing the case refused to consider the asylum seeker's testimony at the review about his sexual orientation, deciding that it was not credible because he had not mentioned it during the CFI, according to the Northwest Immigrant Rights Project.
- **In May 2021, an unrepresented Haitian asylum seeker fleeing political persecution was wrongly found not to have a credible fear of persecution after a flawed interview in which his repeated attempts to explain that he could not hear or understand the telephonic interpreter were ignored.** The man had fled death threats he received for his work campaigning to elect an opposition political candidate. He told Human Rights First that during the telephonic fear screening interview at the Adams County Detention Center, he tried to explain that he could not properly hear or understand the interpreter, but the interpreter ignored and frequently interrupted him, preventing him from responding fully to the questions. The immigration judge reviewing the negative fear determination failed to ask any questions before affirming the decision and did not allow the asylum seeker to speak at the review.

⁴ The asylum seeker underwent a "reasonable fear interview," where he was required to establish a [reasonable possibility](#) that he would face persecution—a higher standard than the "significant possibility" standard for CFIs—because he had previously been removed from the United States and DHS reinstated his removal order when he re-entered, requiring him to pass a reasonable fear interview in order to apply for protection before the immigration court.



- **A gay Afro-Brazilian asylum seeker who was repeatedly raped and brutally beaten for his sexual orientation—and whose partner went missing—received a negative credible fear determination in June 2021 after the asylum officer repeatedly interrupted him when he was attempting to share the severe persecution he had experienced.** The asylum seeker reported to the Southeast Immigrant Freedom Initiative that the officer cut him off when he was describing his persecution and told him those details were not relevant. The asylum officer issued a negative credible fear determination after wrongly concluding that the asylum seeker “was never physically harmed,” according to the CFI decision and notes reviewed by Human Rights First. The immigration court overturned the negative fear determination in September 2021.
- **In June 2021, the Houston Asylum Office subjected an Ecuadorian police informant who had been threatened with death because he assisted the police in Ecuador to a rushed CFI and barred his attorney from giving a statement.** During the CFI the asylum officer repeatedly interrupted the man, rushed through the interview after stating that he had 10 interviews to complete that day, and refused to permit the man’s attorney, Sophia Genovese, to provide a clarifying statement at the end of the interview. The Asylum Office then determined that he did not have a credible fear of persecution. Genovese told Human Rights First that after the immigration court affirmed the negative fear determination, the Asylum Office reversed its erroneous decision, permitting the man to apply for asylum.

Inherently intimidating nature of CFIs prevent some asylum seekers, including survivors of trauma, from fully sharing the reasons they fled

DHS has typically conducted CFIs in ICE detention, often within days or weeks of an asylum seeker’s arrival in the United States and generally with the asylum officer remotely interviewing by telephone. Very few detained asylum seekers who are subjected to the expedited removal process have access to services including legal representation and mental healthcare that can assist them to more fully explain the reasons they were forced to flee their homes. For many asylum seekers—including survivors of government-sponsored persecution, LGBTQ individuals, and people who have experienced sexual violence—undergoing CFIs in these circumstances is inherently intimidating and at times re-traumatizing due to fear, shame, and distrust of the asylum officer. As members of Congress noted when they rejected a 30-day asylum filing deadline, “[m]any [asylum seekers] are so traumatized by the kinds of persecution and torture that they have undergone [that] they are psychologically unprepared to [participate in any legal process].”

Asylum seekers prevented from fully explaining why they are seeking asylum in the United States due to the inherently intimidating nature of the CFI and who received negative fear determinations as a result include:

- **A Haitian asylum seeker was too afraid and ashamed to reveal during a telephonic CFI in September 2021 that she had been raped by police officers in Haiti, resulting in a negative determination.** While detained at the T. Don Hutto Residential Center she managed to secure legal assistance from the University of Texas School of Law Immigration Clinic. At a credible fear review hearing she was able to explain why she had fled Haiti, and the immigration judge vacated the negative credible fear determination in October 2021.
- **An Iranian asylum seeker abducted and threatened with death by the Iranian government did not disclose details of his persecution during a CFI in spring 2022 because he feared that the information would be shared with the Iranian government.** After participating in anti-government protests, the man



had been detained in Iran by police, denied adequate food for days, forced to listen to the screams of other protesters as they were tortured, and threatened with death if he continued to participate in protests. After he secured counsel and learned that the information he shared with the Asylum Office would be kept confidential, the man felt safe sharing his story in a declaration submitted to the Asylum Office with a request for reconsideration that was provided to Human Rights First by his attorney Sophia Genovese with the New Mexico Immigrant Law Center. In July 2022, the Asylum Office reconsidered and found that the man had a credible fear of persecution.

- **In June 2021, a Cuban asylum seeker detained in California received a negative credible fear determination because he had not felt comfortable communicating to the asylum officer that he had been persecuted due to his sexual orientation.** The immigration judge affirmed the negative fear determination, according to an attorney who represents asylum seekers in California.
- **A Nicaraguan torture survivor did not report details of the harm he suffered during a CFI in July 2021 because he believed it would endanger his family in Nicaragua and received a negative fear determination as a result.** The man had been arrested and tortured for being an opposition leader and leading protests against the Ortega regime. Nicaraguan police detained, beat, burned, stripped him naked, and threatened to kill him. He experienced severe anxiety attacks while detained by ICE as a result of the torture he suffered in Nicaragua. During the CFI, which took place in detention, he feared that Nicaraguan authorities would find out about the information he shared with U.S. officials, according to the University of San Francisco Immigration & Deportation Defense Clinic and Migration Studies Program.
- **A Senegalese asylum seeker who fled Senegal after being attacked for his sexuality and was afraid to tell the asylum officer conducting the CFI that he is gay received a negative credible fear determination in August 2021.** He told Human Rights First that he was also intimidated when the interpreter told him to respond only with a “yes” or “no” when asked questions and instructed him to not offer any information that was not asked of him. The immigration judge who affirmed the negative determination prohibited him from speaking during the review. After he finally secured counsel, the Asylum Office denied his multiple requests to reconsider the erroneous negative fear determination.
- **Multiple Nicaraguan political activists who received negative credible fear determinations reported to Aldea—the People’s Justice Center in 2021 that they had been afraid to speak during CFIs about their participation in political protests in Nicaragua because they believed they would be penalized by U.S. authorities for their political opposition work.** Their credible fear reviews with the immigration court lasted approximately two minutes. Requests for reconsideration filed by Aldea in fall 2021 were denied by the Asylum Office.

Failures to provide legally required disability accommodations

Asylum seekers have been forced to proceed with CFIs while suffering from health conditions and disabilities, including memory loss and other cognitive issues due to severe [head injuries](#), that impeded their participation in the interview and unfairly resulted in negative credible fear determinations. Asylum seekers suffering from COVID-19, high blood pressure, and other conditions also reported that their health condition impaired their ability to share information during the CFI. The government’s failure to provide reasonable accommodations for people with disabilities undergoing the credible fear process [violates](#) federal disability rights law. The cursory and intimidating nature of many telephonic CFIs



exacerbates these problems and makes it difficult for some asylum seekers to convey that they have a disability or health issue. However, even in instances where asylum seekers have informed DHS of their conditions, they have been forced to proceed with the interview.

Asylum seekers compelled to undergo a CFI without accommodations for a disability or severe health issue that interfered with their ability to describe the persecution they fear include:

- **In May 2021, DHS forced an unrepresented Angolan asylum seeker to proceed with a CFI at the Adams County Detention Center even though he had a severe headache and difficulty breathing due to COVID-19.** The man had fled Angola after he was beaten unconscious for refusing to join a political party. After interviewing him despite his illness and with a French interpreter, rather than his native language Kikongo, the asylum officer determined he did not have a credible fear of persecution. When Human Rights First interviewed him at Winn in December 2021, after seven additional months of detention, he said: “I don’t know why I am in this situation . . . this is supposed to be a country of laws . . . they should abide by these laws.”
- **The Asylum Office subjected an unrepresented Honduran asylum seeker with a traumatic brain injury—resulting from a severe beating he had suffered in Honduras—to a reasonable fear interview in November 2021 and determined that he was not credible because he struggled to describe the timeline of the many incidents of past persecution he had suffered.** He had fled Honduras after being repeatedly attacked and nearly killed by police officers and gang members who had murdered his family members. A legal service provider later assisted him in submitting a request for reconsideration based on the clear evidence of his disability present in the reasonable fear record, but the Asylum Office denied it and only agreed to schedule an additional interview after extensive advocacy by the organization. Even though his legal representative submitted a psychological evaluation diagnosing the asylum seeker with a cognitive disability affecting memory and sequencing, the Asylum Office again determined that the client was not credible because he confused the dates and order of events. The Asylum Office later reversed the negative fear determination in June 2022 after a complaint was filed with DHS CRCL.
- **In spring 2021, the Houston Asylum Office went forward with a CFI for a gay Angolan activist even though he expressed that he was suffering symptoms of COVID-19, pain from a recent physical assault, and psychological distress from conditions of detention, resulting in a negative credible fear finding.** The man told the asylum officer that he was experiencing anxiety and felt claustrophobic in the “tight space” where the telephonic interview was being conducted. The asylum officer proceeded with the CFI during which the man did not disclose that he is gay because he was afraid that the officer would inform others at the detention center of his sexuality. He feared that such disclosure would further endanger his life since in detention he had been threatened and harassed by people who called him homophobic slurs, according to his attorney at the Southeast Immigrant Freedom Initiative.
- **In February 2021, the Houston Asylum Office conducted a CFI with a Nicaraguan asylum seeker who had suffered a brain injury that resulted in memory loss, speech impediments, severe migraines, and difficulty concentrating.** The man had fled Nicaragua after being detained, beaten, stabbed, and tortured by police officers for participating in anti-government political marches. The Asylum Office ultimately reversed the negative credible fear determination after his attorney at the Refugee and Immigrant Center for Education and Legal Services submitted multiple requests for reconsideration detailing the effects of his



brain injury, which had resulted from a brutal attack by a Nicaraguan police officer. After the negative fear determination, he was needlessly detained for at least three additional months before the Asylum Office corrected its erroneous determination.

Lack of access to legal representation, particularly in detention

Most asylum seekers cannot find attorneys to assist them during CFIs—especially if they are detained—which exacerbates due process barriers, discussed above, that prevent asylum seekers from fairly explaining their fear of persecution. Access to legal representation is extremely limited in detention, particularly in the remote regions where the Biden administration has [transferred](#) many asylum seekers—including in Georgia, Louisiana, and Mississippi. Many facilities are located hours from major cities and have some of the [lowest](#) attorney availability rates in the country, forcing asylum seekers subjected to expedited removal to undergo the process without legal representation or even basic information. In addition, the pace and unpredictability with which CFIs occur and frequent government transfers of asylum seekers between facilities in different states with little or no notice during the credible fear process make it even more difficult to find an attorney willing to provide representation.

[Studies](#) have repeatedly shown that legal [representation](#) ensures that more individuals receive asylum and other immigration [relief](#) that they are [eligible](#) for under U.S. law. Detained people represented by legal counsel are [twice](#) as likely to be granted relief by an immigration judge compared to people in detention without an attorney. **But as of June 2022, immigrants and asylum seekers in ICE detention with pending immigration court cases are two-and-a-half times less likely to be represented by counsel compared to individuals who have been released from detention (26.3 percent versus 65.8 percent),** according to government data analyzed by Syracuse University’s [Transactional Records Access Clearinghouse](#). Asylum seekers undergoing expedited removal are even less likely to obtain counsel because of how quickly the process can take place.

Even in instances where an asylum seeker obtains legal representation prior to a CFI, DHS has a pattern of failing to contact their attorney or pressuring the asylum seeker to proceed without counsel. Multiple attorneys reported that the Asylum Office appeared to proceed with CFIs without pre-scheduling the interview or even attempting to contact them as they had no record of a missed call from the Asylum Office. The Asylum Office also sometimes conducts CFIs on weekends and outside of business hours making it difficult for the attorneys to attend. For instance, in December 2021, the Arlington Asylum Office conducted a CFI for a Human Rights First client at 7am on a Saturday without notice, thereby making it impossible for his attorney to attend the CFI. Another attorney, Sally Santiago with law firm Abogados Para Hispanos, reported that an asylum officer told her around summer 2021 that the Asylum Office was conducting CFIs on weekends regardless of whether they could reach asylum seekers’ attorneys. Santiago said that DHS had also pressured at least a dozen of her asylum-seeking clients to go forward with a CFI without her present. ICE officers used disturbing tactics to conduct CFIs without counsel present such as threatening to throw asylum seekers into an *hielera* (the notoriously cold cells used by CBP to hold migrants and asylum seekers near the border) and threatening to deport or indefinitely detain them if they refused to proceed. For example:

- **A Peruvian asylum seeker received a negative credible fear determination in October 2021 after the Arlington Asylum Office failed to call his attorney, Bashir Ghazialam, when conducting the CFI.** The man had fled Peru after being violently beaten for refusing to promote a political candidate. The immigration



court conducting the CFI review did not provide notice that the review had been scheduled or call Ghazialam when it took place. The man, who suffers from severe mental illness, was detained until March 2022.

- **Around July 2021, a Nicaraguan asylum seeker went into hiding in Nicaragua after she was deported following an unfair CFI conducted without her attorney after an ICE officer at the Stewart Detention Center told her attorneys were not needed for the interview.** A teacher in Nicaragua, the woman had been arrested and jailed for supporting an opposition presidential candidate and refusing to intimidate people into voting for the ruling party. During the interview, the asylum officer asked complex legal questions, such as “what particular social group are you in?” and limited her to replying with “yes” or “no” to some questions. The immigration judge reviewing the decision prohibited her attorney from attending the review and affirmed the negative determination, according to attorney Sally Santiago with law firm Abogados Para Hispanos.

Trump Administration’s Weaponization of Expedited Removal Confirms Endemic Flaws

Government [data](#) obtained by Human Rights First confirms that following the Trump administration’s weaponization of expedited removal through a series of illegal [policies](#), [regulations](#), and [rulings](#), positive credible fear determination rates [plummeted](#) for asylum seekers from countries from which many refugees are fleeing. These include asylum seekers from Haiti and Central America who have continued to receive positive credible fear determinations at extremely low rates under the Biden administration despite high levels of persecution and violence in these countries. In addition, following these Trump administration policies, asylum officers also increasingly found that asylum seekers were not “credible” (*i.e.* they found that asylum seekers’ claims were not believable). These policies disparately impacted many of the Black, Brown and Indigenous asylum seekers from countries targeted by the Trump administration. As a result, many refugees were wrongfully found not to have a credible fear of persecution and [deported](#) without an opportunity to apply for asylum in the United States. This life-threatening, political manipulation of expedited removal is yet another confirmation of the process’ endemic flaws.

The Trump administration’s attempts to weaponize the expedited removal process to deport refugees without an opportunity to apply for asylum included:

- Rulings by Trump-appointed Attorneys General attempted to limit asylum eligibility and the grounds to establish a credible fear of persecution, including, [Matter of A-B-](#) (2018), which targeted victims of domestic, gang-related and other violence by private actors. This decision particularly [impacted](#) and endangered asylum seekers fleeing [El Salvador, Guatemala, and Honduras](#), where high rates of gender-based [violence](#) and femicides as well as [violence inflicted by](#) major gangs that control large parts of the country have driven high numbers of refugees to flee.
- In February 2017 and in April and September 2019, DHS issued credible [fear lesson plans](#) for USCIS officers conducting CFIs that [unlawfully](#) attempted to heighten the standard—set by Congress—for establishing a credible fear of persecution. A federal court later [vacated](#) the 2019 lesson plans in 2020, finding that they were unlawful.



- From May 2019 through June 2020, CBP border enforcement officers were deputized to conduct some credible fear screenings. [Analysis](#) of government data shows that CBP officers, who are [not suited](#) to carry out sensitive, legally complex, non-adversarial screenings of often traumatized asylum seekers, were 20 percent less likely to find asylum seekers had established a credible fear of persecution than in interviews conducted by USCIS officers.
- The July 2019 [third-country transit asylum ban](#), which was in effect until June 2020, was used in the expedited removal process to deem asylum seekers who crossed through another country en route to the United States presumptively ineligible for asylum at the credible fear stage and deported unless they met one of the rule’s extremely narrow exceptions. According to [government](#) data, the ban was [applied](#) to at least 34,000 individuals, including [Angolan, Congolese, Guatemalan, Salvadoran](#) and other asylum seekers in expedited removal who were barred from protection as a result.
- In October 2019, the Trump Administration implemented the [PACR and HARP programs](#) designed to rapidly deport Mexican and Central American asylum seekers by conducting fear screenings in [abysmal](#) CBP facilities with severely limited access to attorneys. More than [3,700](#) individuals were subjected to these policies. Only 18 percent of individuals in PACR and 30 percent in HARP received positive credible fear determinations, according to a Government Accountability Office [report](#), compared to [40 percent](#) nationwide (excluding HARP and PACR) during the same period.
- President Trump and other administration officials, including those leading USCIS, repeatedly employed rhetoric falsely painting the asylum [system](#) as subject to “[abuse](#)” and “[fraud](#),” calling credible fear claims “[frivolous](#),” and [implying](#) that asylum seekers are [coached](#) to pass fear screening interviews.

Positive credible fear rates plummeted following illegal Trump administration policies

Between FYs 2016 and 2020, with these illegal policies, regulations, and rulings in place, the percentage of asylum seekers in expedited removal who were found to have a credible fear of persecution dropped by nearly 50 percent (from 88.3 percent to 44.3 percent), according to government data (see Table 1 below).⁵ The extremely low positive credible fear rate in FY 2020 is a major departure from positive credible fear rates during the Obama and George W. Bush administrations, for example, which averaged 78 percent.⁶ While the Biden administration has taken steps to reverse some of the harmful Trump-era [policies](#) and [rulings](#) that attempted to unlawfully [limit](#) asylum eligibility and resulted in many wrongful negative credible fear determinations, the percentage of asylum seekers receiving positive credible fear determinations remains lower than during the first years of the Trump administration. As Table 1 shows, in FY 2022 (through mid-July 2022), positive credible fear rates remained 25 percent lower than FY 2016 (64.9 percent compared to 88.3 percent).

⁵ At the same time, other illegal policies including Title 42 prevented many asylum seekers from requesting asylum in the United States. As DHS wielded Title 42 to return migrants and asylum seekers to Mexico or their home countries without access to the US asylum system or fear screenings, in violation of U.S. law and treaty commitments, the total number of CFIs conducted in FYs 2020 to 2022 dropped. Changes in the nationality demographics of the asylum seekers subjected to expedited removal does not account for the steep decline in positive fear determinations, as rates dropped for countries constituting the vast majority of fear screenings, as Table 2 demonstrates.

⁶ See U.S. Commission on International Religious Freedom ([2001–03](#)); USCIS ([2004–13](#), [2014](#), [2015](#), [2016](#), [2017](#), [2018](#), [2019](#), [2020](#)).



Table 1: Positive Credible Fear Rates Plummeted Under the Trump Administration’s Illegal Policies, Regulations, and Rulings⁷

Fiscal Year	Number of CFI Decisions ⁸	Positive Credible Fear Determinations Rate
2016	82,778	88.3%
2017	68,811	88.0%
2018	84,336	88.5%
2019	91,931	81.9%
2020	28,956	44.3%
2021	41,998	71.4%
2022 (through mid-July)	36,931	64.9%

The Asylum Office [data](#) on credible fear outcomes disaggregated by nationality⁹ that Human Rights First obtained shows (see Table 2) that following the Trump administration’s weaponization of expedited removal:

- positive credible fear rates dropped significantly between FY 2016 to FY 2020 for asylum seekers from countries from which many refugees are fleeing, including the **Democratic Republic of Congo (37.3 percent drop)**, **Haiti (48.2 percent drop)**, **Nicaragua (24.7 percent drop)**, and **Venezuela (21 percent drop)**.
- positive credible fear rates for asylum seekers from other countries from which refugees are fleeing plunged even more dramatically than the 50 percent average decline between FY 2016 to FY 2020, including **Brazil (69 percent drop)**, **China (52.9 percent drop)**, **El Salvador (60.8 percent drop)**, **Guatemala (68.3 percent drop)**, **Honduras (63 percent drop)**, and **Mexico (58.2 percent drop)**.

The drops in positive credible fear rates for these and other countries occurred in the wake of false and racist rhetoric, including repeated statements by President Trump and administration officials, delegitimizing and undermining asylum seekers’ requests for protection. For example, President Trump [falsely asserted](#) that asylum seekers from Guatemala, Honduras, and El Salvador abuse “loopholes” in the system and “lodg[e] meritless claims.” During his presidential campaign, President Trump [announced](#) that immigrants from Mexico are “bringing drugs. They’re bringing crime. They’re rapists.” President Trump also [reportedly](#) questioned why individuals from Haiti, El Salvador, and some African countries, which he described as “shithole[s],” come to the United States and suggested that the country needed more immigrants from Norway instead. The Biden administration has perpetuated some of this rhetoric undermining protection claims for asylum seekers from Central America, including by recently [claiming](#)

⁷ USCIS Semi-monthly Credible Fear and Reasonable Fear Receipts and Decisions [July 1, 2021 – July 15, 2022](#); USCIS Semi-monthly Credible Fear and Reasonable Fear Receipts and Decisions for FY 2020 and FY 2021 that were previously publicly available and are on file with Human Rights First; and USCIS Credible Fear Workload Report FY [2019](#); [2018](#); [2017](#); and [2016](#). There is a small variation in the number of decisions and positive credible fear rates calculated from publicly available government data (Table 1) compared to the records received by Human Rights First through FOIA (Tables 2 - 4).

⁸ This figure does not include cases that were administratively closed.

⁹ While USCIS publicly releases statistics on credible fear outcomes, it does not disaggregate this information by nationality or race. Human Rights First requested data on asylum seekers who underwent credible fear determinations, “including the nationality/citizenship, race, and ethnicity of the applicant” in its FOIA request; however, USCIS did not provide any data on the race or ethnicity of asylum seekers in its production of credible fear determination data.



that “single adults from these countries are less likely to have valid claims of fear or persecution or torture than most other populations.”

Table 2: Positive Credible Fear Rates Drop Significantly for Many Countries from Which Refugees Are Fleeing Following the Trump Administration’s Weaponization of Expedited Removal¹⁰

Country	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021 (through May)
Brazil	88.0% (882)	86.9% (1,176)	88.5% (1,601)	70.6% (653)	27.3% (1,237)	30.6% (1,428)
Cameroon	97.1% (410)	97.7% (384)	99.8% (503)	96.2% (1461)	85.1% (1,548)	85.0% (60)
China	96.8% (2,650)	93.9% (1,649)	92.7% (1,354)	80.6% (2,205)	45.6% (2,011)	56.3% (87)
Colombia	80.0% (240)	81.1% (180)	79.3% (145)	67.8% (239)	41.9% (117)	65.3% (202)
Cuba	100% (1)	89.9% (1,604)	95.7% (5,758)	92.1% (17,701)	76.4% (2,230)	84.9% (3,734)
Democratic Republic of the Congo	100% (14)	91.8% (81)	97.6% (83)	94.6% (149)	62.7% (118)	86.0% (58)
El Salvador	88.2% (30,881)	87.6% (19,747)	86.5% (12,745)	80.2% (12,071)	34.6% (1,798)	43.4% (254)
Guatemala	86.3% (10,724)	85.3% (11,128)	85.9% (16,513)	77.3% (10,824)	27.4% (3,716)	45.8% (469)
Haiti	65.2% (440)	71.4% (3,903)	75.5% (139)	48.2% (434)	33.8% (909)	44.6% (670)
Honduras	90.9% (18,185)	90.6% (15,509)	89.9% (25,838)	82.6% (23,159)	33.8% (2,217)	48.2% (359)
Jamaica	80.0% (35)	82.1% (28)	92.3% (26)	76.7% (42)	64.5% (30)	70.6% (17)
Mexico	80.4% (6,072)	85.7% (3,902)	81.2% (5,259)	63.7% (2,967)	33.6% (6,189)	54.5% (298)
Nicaragua	91.4% (613)	91.1% (540)	89.8% (1,500)	90.8% (4,920)	68.8% (404)	74.3% (1,088)
Russia	96.1% (75)	96.6% (116)	92.6% (242)	93.0% (200)	83.9% (159)	87.7% (228)
Venezuela	93.4% (213)	94.9% (258)	95.3% (490)	93.1% (2,061)	73.8% (694)	84.2% (2,320)

The dramatic declines in positive credible fear determinations reflected in Table 2 stand in stark contrast to human rights conditions, as documented in the U.S. government’s own reports, causing refugees to

¹⁰ USCIS CFI [records](#) received by Human Rights First through FOIA. Number of credible fear screenings indicated in parentheses.



flee these countries. Some of the countries with human rights conditions causing refugees to flee that saw large drops in positive credible fear determinations (Haiti, El Salvador, Guatemala, and Honduras are discussed in more depth in sections below) include:

- **Brazil:** Between FY 2016 and FY 2020, positive credible fear rates declined by **69 percent** for asylum seekers fleeing Brazil despite widespread violence based on race, gender, sexual orientation, and other characteristics. A 2022 Freedom House [report](#) noted that Brazil “reportedly has one of the world’s highest levels of violence against LGBT+ people,” Afro-Brazilians suffer high levels of violence, and journalists and activists face violence and harassment. The U.S. State Department’s 2021 [report](#) on Brazil documented human rights abuses including unlawful killings by the police, arbitrary arrests and detention, and widespread violence and threats against women, racial minorities, LGBTQ individuals, Indigenous groups, Jewish people, activists, and journalists. Violence against women has risen in recent years with [1,326](#) femicides reported in 2019 (a 29 percent increase compared to 2018) and [1,350](#) in 2020. Between October 2019 and September 2020, Brazil had the [highest number](#) of murders of transgender and gender-diverse people of any country. Afro-Brazilians continued to experience widespread [discrimination and violence](#), including at the hands of police.
- **China:** Positive credible fear rates declined by **52.9 percent** between FY 2016 and FY 2020 for asylum seekers fleeing the authoritarian government in China that continues to inflict mass [political repression](#) including torture, enforced disappearance, and arbitrary detention of human rights defenders and activists and [genocide](#) and other crimes against humanity against Muslim Uyghurs and other ethnic and religious minorities including mass detention, forced sterilization, coerced abortions, rape, torture, and forced labor. The U.S. State Department’s 2021 [report](#) on China stated that government officials and security forces committed human rights abuses with impunity. People detained by the regime [reported](#) that they were beaten, raped, subjected to electric shocks, hung by the wrists, force fed, and forced to take medication against their will. Freedom House’s 2022 [report](#) found that the authoritarian regime “has become increasingly repressive,” “continues to tighten control over all aspects of life and governance,” and has continued its brutal crackdown on journalists, activists, and human rights lawyers.
- **Democratic Republic of the Congo:** Positive credible fear rates fell by **37.3 percent** for asylum seekers fleeing the Democratic Republic of the Congo between FY 2016 and FY 2020. The U.S. State Department’s 2021 human rights [report](#) on the Democratic Republic of the Congo noted that government security forces and illegal armed groups continued to commit “unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cases of cruel, inhuman, or degrading treatment or punishment,” and that armed groups “recruited, abducted, and retained child soldiers and subjected children and adults to forced labor.” Indigenous people faced extreme [violence](#), including being kidnapped, raped, and forced into slavery. At the end of 2021, approximately [5.5 million](#) people were internally displaced due to violence and conflict. Freedom House’s 2022 [report](#) documented ongoing “violence and human rights abuses committed by government forces, as well as armed rebel groups and militias” and found that levels of violence related to conflict with militia groups had reached “record highs.”
- **Mexico:** Positive credible fear rates declined by **58.2 percent** for asylum seekers fleeing Mexico between FY 2016 and FY 2020 despite widespread violence, murder, kidnappings, sexual assault, human trafficking, and disappearances, including [crimes](#) against LGBTQ individuals, women, people with disabilities, journalists and human rights defenders, and Indigenous people. Mexico is the world’s [most dangerous country](#) for



journalists, with at least 12 journalists [murdered](#) since the start of 2022. Freedom House's 2022 [report](#) noted a sharp rise in violence targeting Indigenous communities. The U.S. State Department's 2021 human rights [report](#) stated that Mexican police, military, and other government officials carry out unlawful killings, forced disappearances, and other attacks, often in collusion with illegal armed groups. Cartels and other criminal organizations exercise vast [control](#) over Mexican territory, unleashing widespread violence and driving large numbers of asylum seekers to flee states including [Michoacán](#), [Guerrero](#), and [Zacatecas](#).

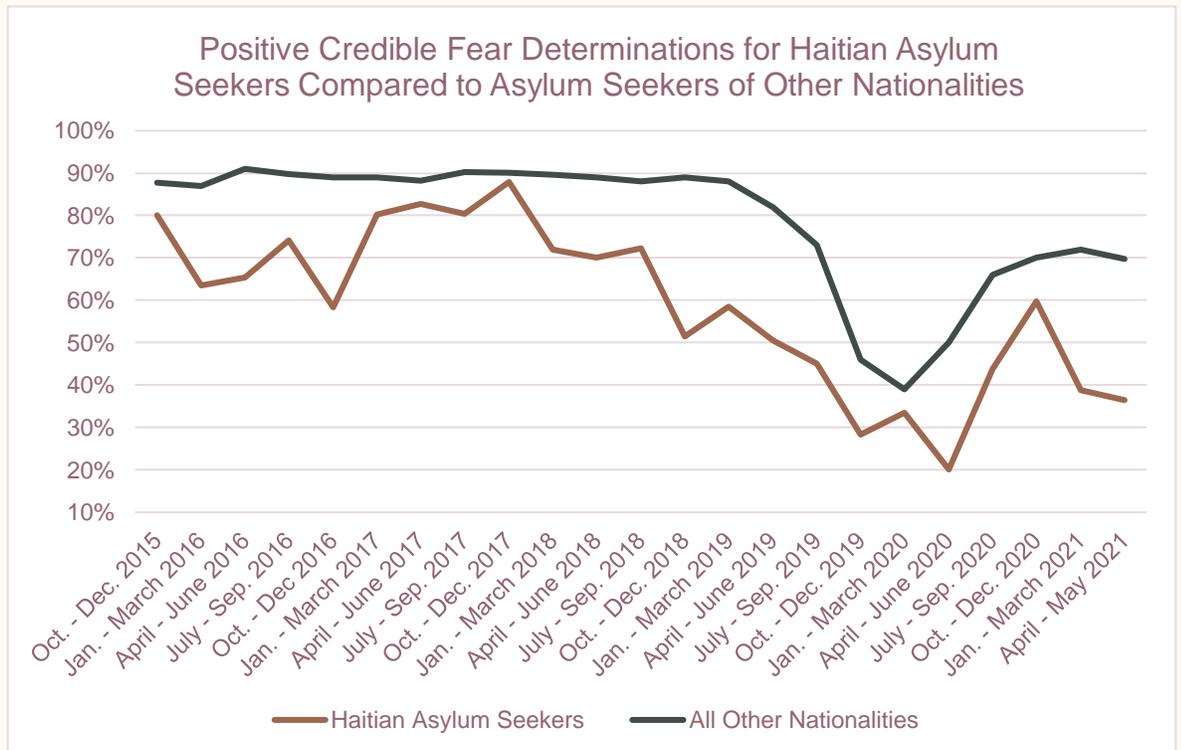
- **Nicaragua:** Positive credible fear rates for asylum seekers fleeing Nicaragua fell by **24.7 percent** between FY 2016 and FY 2020, despite the fact that many were fleeing what the United States has [criticized](#) as the Nicaraguan government's "repressive and abusive acts" and "politically motivated arrests and detentions of individuals exercising their human rights." A 2022 Freedom House [report](#) found the Nicaraguan government carries out "sweeping arrests of [] political opponents," a continued "campaign of repression against independent media outlets and journalists," and "extrajudicial detention, disappearances, and torture," with the national police and armed allied groups operating with "total impunity." In 2022, UNHCR reported that human rights violations in Nicaragua [continue](#) to escalate, with growing [repression](#) by the government of political activists, human rights defenders, journalists, and lawyers, causing unprecedented numbers of refugees to flee. The U.S. State Department's 2021 human rights [report](#) on Nicaragua noted "arbitrary or unlawful killings" as well as "forced disappearances; torture and cases of cruel, inhuman, or degrading treatment" by the government or its agents. According to the report, the government "did not take steps to identify, investigate, prosecute, or punish officials who committed human rights abuses."
- **Venezuela:** Between FY 2016 and FY 2020, positive credible fear determinations dropped **21 percent** for Venezuelan asylum seekers, many of whom are fleeing the authoritarian regime that violently suppresses political opposition. Conditions in Venezuela continued to [worsen](#) after Nicolas Maduro refused to cede power to the interim president in 2019 and rigged elections in 2020 in favor of the regime. Freedom House's 2022 [report](#) on Venezuela found that "conditions have grown sharply worse in recent years due to harsher crackdowns on the opposition," regime political opponents "have long been harassed, attacked, imprisoned, and otherwise impeded from participating in political processes or leading political parties in peaceful activities" and that journalists also continue to "face government pressure and arrest." The U.S. State Department's 2021 human rights [report](#) on Venezuela stated that the government carried out "unlawful or arbitrary killings, including extrajudicial killings by regime forces" and that security forces inflicted "torture and cruel, inhuman, and degrading treatment." A 2020 United Nations [report](#) states that the Venezuelan government and its agents committed crimes against humanity, "including arbitrary killings and the systematic use of torture." These escalating human rights abuses led the U.S. government to [designate](#) Venezuela for TPS in 2021.

Disparate outcomes for Haitian asylum seekers subjected to expedited removal

The percentage of positive credible fear determinations for Haitian asylum seekers subjected to expedited removal dropped dramatically, despite escalating human rights abuses in Haiti. The drop in positive credible fear rates occurred in the wake of Trump administration policies to block and deport Haitian asylum seekers and immigrants and racist rhetoric targeting people from Haiti, including attempting to [terminate](#) TPS for Haiti and barring Haitians from obtaining certain work visas after referring to Haiti as a "shithole" country, asking "[why do we need more Haitians?](#)" and citing without a basis "[high levels of fraud and abuse](#)" by Haitian migrants. **Between mid-January and May 2021, during the first months of**



the Biden administration, positive credible fear determination rates for Haitian asylum seekers had fallen to 36.5 percent, nearly half the average 70 percent positive rate for all other asylum seekers in that same period, according to the USCIS [data](#) received by Human Rights First. As the chart below shows, positive credible fear determination rates for Haitian asylum seekers were significantly below the average for all asylum seekers in every fiscal year since FY 2016.



Source: USCIS credible fear [records](#) received by Human Rights First through FOIA

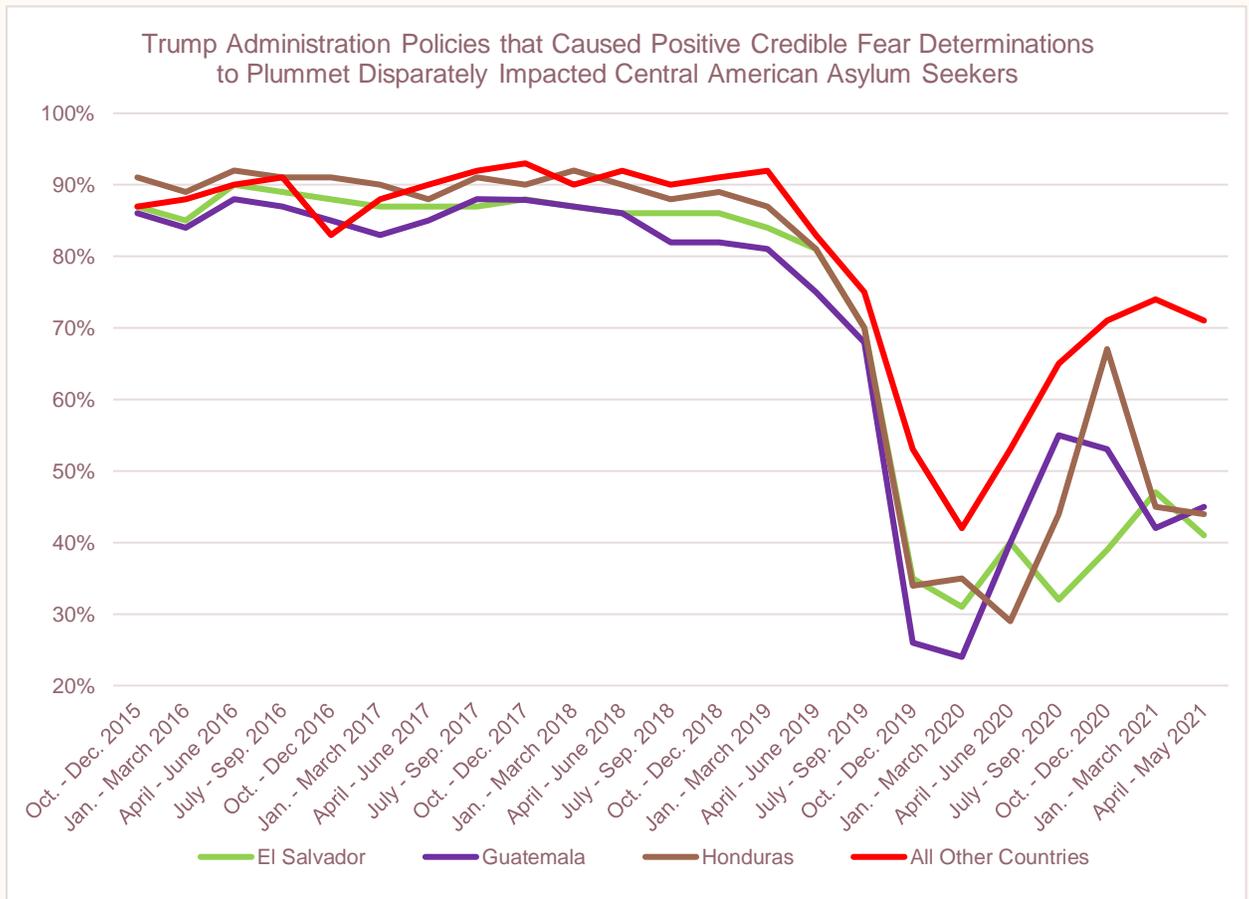
While the data received by Human Rights First does not include credible fear outcomes after May 2021, attorneys have continued to report that many Haitian asylum seekers placed in expedited removal have received erroneous negative credible fear determinations. At the same time DHS has also continued to expel thousands of Haitians under Title 42. As of late February 2022, the Biden administration had expelled or deported more than [20,000](#) Haitian asylum seekers and migrants to Haiti, according to the International Organization for Migration. In May 2022 alone, DHS expelled or deported another [4,000](#) Haitians. That same month, the U.N. High Commissioner for Human Rights [noted](#) that “armed violence ha[d] reached unimaginable and intolerable levels in Haiti.”

These deportations and expulsions have occurred despite escalating human rights abuses in Haiti. In 2021, DHS designated Haitians in the United States for TPS, [acknowledging](#) that Haiti is “currently grappling with a deteriorating political crisis, violence, and a staggering increase in human rights abuses,” including “violations and abuses of international human rights, including some involving the alleged use of deadly forces against protesters and reported arbitrary arrests and detentions.” The 2020 U.S. State Department human rights [report](#) on Haiti recorded that “sexual assault and rape continued to be a serious and pervasive societal problem” and that “police condoned violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.” The 2021 State Department [report](#) on Haiti echoed those concerns in concluding that “gangs believed to have ties to the government” attacked journalists and



“issued threats against antigovernmental protestors.” Nonetheless, shortly after designating Haitians in the United States for TPS, DHS contradicted its own [reports](#) and [findings](#) and [claimed](#) that “individuals could be safely returned to Haiti” as it escalated expulsions and deportations.

Huge declines in positive credible fear determinations for Central American asylum seekers persist



Source: USCIS credible fear [records](#) received by Human Rights First through FOIA

As the chart above demonstrates, by early 2021 after years of Trump administration policies assailing the legitimacy of Central American asylum claims, positive credible fear determination rates for asylum seekers from El Salvador, Guatemala, and Honduras had fallen dramatically compared to asylum seekers from other countries. These disparities have persisted during the Biden administration. As of the first quarter of FY 2022, only 43 percent of Guatemalans, Hondurans, and Salvadorans who had a credible fear screening received a positive determination, according to a DHS official’s [declaration](#) filed in federal court. This positive credible fear rate is **46 percent lower** than the average (79.5 percent) for these countries in FYs 2016 to FY2019 (before Trump administration policies resulted in steep drops in positive credible fear determinations).

These persisting disparities in positive credible fear determination rates do not reflect the concerning human rights conditions in El Salvador, Guatemala and Honduras that continue to push many refugees to flee their homes to seek refuge in the United States, including widespread violence against women,



LGBTQ people, Indigenous people, members of Afro-descendant communities, and children. Levels of violence in these countries are akin to those in the “deadliest war zones around the world.”

- **Guatemala:** Freedom House’s 2022 report on Guatemala found that “[j]ournalists, activists, and public officials who confront crime, corruption, and other sensitive issues risk attack.” Human Rights Watch condemned the reappointment in May 2022 of the current Attorney General— currently the subject of U.S. sanctions—who has “undermined investigations into corruption and human rights abuses, and brought arbitrary criminal proceedings against journalists, judges, and prosecutors.” The U.S. State Department reported in 2020 that Guatemala “remains among the most dangerous countries in the world” with an “alarmingly high murder rate.” Rape, femicide, violence against women, trafficking in persons, violent attacks against LGBTQ persons, and gang recruitment of displaced children remained widespread in Guatemala, according to the State Department’s 2020 and 2021 reports. In 2021, Guatemala’s femicide rate continued to increase, rising by 31 percent compared to 2020. Vast control by transnational criminal gangs and drug trafficking groups and corruption of government officials contributed to high rates of impunity and lack of investigation and prosecution of crimes.
- **El Salvador:** Following the declaration of a state of emergency in 2022, Amnesty International warned in June 2022 that “the Salvadoran authorities have committed massive human rights violations, including thousands of arbitrary detentions and violations of due process, as well as torture and ill-treatment.” In addition, according to the U.S. State Department’s 2020 and 2021 reports for El Salvador, violence against women is a “widespread and serious problem” and laws against rape are not effectively enforced. Amnesty International reported that El Salvador is one of the most dangerous countries to be a woman. LGBTQ individuals are targeted for homophobic and transphobic violence in El Salvador, including at the hands of gangs and the police. Gangs forcibly recruit children and sexually abuse, kill, and disappear women, girls, and LGBTQ individuals. Human trafficking is a widespread problem in El Salvador, and children without parents, adolescent girls, and LGBTQ individuals are at a particularly high risk of being victims of trafficking, according to the State Department’s 2021 Trafficking in Persons Report for El Salvador.
- **Honduras:** A 2022 report by Freedom House on Honduras found that “[j]ournalists, political activists, and women are often the victims of violence, and perpetrators are rarely brought to justice.” In June 2022, Human Rights Watch called on Honduras to protect human rights defenders, including Indigenous land defenders, after reports of hundreds of attacks and at least 10 murders in 2021. The U.N. Special Rapporteur stated in 2019 that Honduras is one of the most dangerous countries for human rights defenders in Latin America. The vast majority of crimes against human rights defenders are not prosecuted. The U.S. State Department also reported in 2020 and 2021 that women, girls, and LGBTQ individuals face high levels of violence in Honduras and that impunity for crimes remain high. The State Department’s 2021 Trafficking in Persons Report for Honduras found that traffickers target women, children, LGBTQ individuals, internally displaced persons, and people with disabilities.

Negative credibility findings increased dramatically for non-European asylum seekers

Following attempts by the Trump administration to alter the credible fear standard including by heightening credibility requirements through changes to the USCIS credible fear lesson plan in 2017 and 2019, DHS officers increasingly issued negative credible fear determinations based on a supposed lack of credibility (*i.e.* finding asylum seekers’ claims were not believable). When conducting credible fear interviews, asylum officers determine whether the asylum seeker’s account could be found “credible,” a



subjective assessment vulnerable to racial and other biases. The rise in negative credibility findings also occurred after years of rhetoric from President Trump and other administration officials, including those leading USCIS, falsely painting the asylum system as “[subject to rampant abuse and fraud](#),” calling credible fear claims “[frivolous](#),” implying that asylum seekers are coached to pass asylum screening interviews with a “[legal phrase they are told to say as their password](#)” and by “[read\[ing\] a little page given by lawyers that are all over the place — you know lawyers, they tell them what to say](#),” in addition to [racist and dehumanizing](#) comments about immigrants from Africa, the Caribbean, and Central America.

The USCIS [data](#) obtained by Human Rights First shows that between FY 2016 and FY 2020, negative credibility findings in credible fear determinations rose by a staggering 1,450 percent (from 0.4 to 6.2 percent). As discussed below, **this increase in negative credibility findings in CFIs during the Trump administration fell disproportionately on non-European asylum seekers.** These findings add to significant concerns raised by the Black Alliance for Just Immigration and other groups about the impact of [racial and other bias](#) on credibility determinations by asylum adjudicators and to a host of studies [documenting the significant impact](#) of implicit racial, language, and gender-stereotype biases on immigration court credibility assessments. In FY 2021 (which began on October 1, 2020), negative credibility findings began to decline following a late October 2020 district court [decision](#) vacating the 2019 credible fear lesson plans as “[manifestly inconsistent](#)” with U.S. immigration law and regulations.

The data in Table 3 (below) demonstrates the substantial increases in negative credibility findings by FY 2020 that disparately and most severely impacted non-European asylum seekers:

- Compared to FY 2016, negative credibility findings in FY 2020 rose most steeply in percentage terms for asylum seekers from the Caribbean (from 0.4 to 4.6 percent), Central and South America (from 0.2 to 3.2 percent), the Middle East / North Africa (from 0 to 4 percent), and Sub-Saharan Africa (from 0.8 to 8.5 percent).
- The highest negative credibility findings rates in FY 2020 were for asylum seekers from East Asia / Pacific (21.8 percent) and South Asia (15 percent) regions.
- By contrast, the increase in negative credibility findings for asylum seekers from Europe (from 1.3 to 6 percent) was the lowest regional increase in percentage terms between FY 2016 and FY 2020.

Table 3: Negative Credibility Findings as Percentage of Total Credible Fear Determinations by Region¹¹

Region	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021 (through May)
East Asia / Pacific ¹²	2.5% (2,378)	4.2% (1,704)	4.8% (1,449)	11.7% (2,383)	21.8% (2,172)	9.9% (101)
South Asia ¹³	2.1% (4,983)	1.5% (4,070)	3.9% (9,387)	7.8% (8,421)	15% (2,195)	10.7% (638)

¹¹ USCIS CFI [records](#) received by Human Rights First through FOIA. Number of fear screenings conducted indicated in parentheses.

¹² East Asia / Pacific: Australia, Burma, Cambodia, China, Fiji, Hong Kong, Indonesia, Laos, Malaysia, Micronesia, Mongolia, North Korea, Philippines, South Korea, Taiwan, Thailand, Vietnam

¹³ South Asia: Afghanistan, Bangladesh, India, Nepal, Pakistan, Sri Lanka



Sub-Saharan Africa ¹⁴	0.8% (2,492)	1.0% (2,204)	0.7% (1,601)	3.1% (2,469)	8.5% (2,555)	2.4% (503)
Central Asia ¹⁵	0.8% (266)	0.9% (343)	0.9% (541)	3.4% (385)	8.4% (237)	4.9% (144)
Europe ¹⁶	1.3% (520)	1.3% (715)	0.9% (656)	2.0% (510)	6.0% (385)	1.3% (550)
Caribbean ¹⁷	0.4% (921)	0.7% (5,661)	0.7% (6,047)	2.8% (18,380)	4.6% (3,244)	1.1% (4,608)
Middle East / North Africa ¹⁸	0.0% (289)	0.7% (278)	1.8% (226)	3.7% (244)	4.0% (174)	4.0% (100)
Central & South America ¹⁹	0.2% (69,858)	0.3% (53,875)	0.6% (63,380)	1.8% (59,993)	3.2% (17,920)	1.8% (7,324)
Average for all CFIs	0.4% (82,058)²⁰	0.5% (69,071)	1.1% (83,540)	2.8% (93,053)	6.2% (29,017)	1.9% (14,181)

Asylum seekers from African, Asian and Caribbean countries—from which many are fleeing political repression by government authorities, religious persecution, race- and ethnicity-based oppression, anti-LGBTQ violence, and other severe harms—had the highest negative credibility finding rates in FY 2020²¹ following the Trump administration’s illegal changes to the USCIS credible fear standard, including:

- Senegal – 28.6 percent (compared to 1.2 percent in FY 2016)
- China – 23 percent (compared to 2.6 percent in FY 2016)
- Bangladesh – 20.1 percent (compared to 1.2 percent in FY 2016)
- Burkina Faso – 16.7 percent (compared to 0 percent in FY 2016)
- India – 15.6 percent (compared to 2.7 percent in FY 2016)
- Mauritania – 13.2 percent (compared to 0 percent in FY 2016)
- Dominican Republic – 11.6 percent (compared to 0.6 percent in FY 2016)

¹⁴ Sub-Saharan Africa: Angola, Benin, Burkina Faso, Burundi, Cote d’Ivoire, Cameroon, Central African Republic, Chad, Comoros, Congo, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, The Gambia, Togo, Uganda, Zambia, Zimbabwe

¹⁵ Central Asia: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan

¹⁶ Europe: Albania, Belarus, Bosnia-Herzegovina, Bulgaria, Cyprus, Czechoslovakia, Estonia, France, Germany, Greece, Ireland, Italy, Kosovo, Lithuania, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Spain, Switzerland, Ukraine, United Kingdom, Yugoslavia

¹⁷ Caribbean: Bahamas, Barbados, Cuba, Dominica, Dominican Republic, Haiti, Jamaica, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago

¹⁸ Middle East / North Africa: Algeria, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Saudi Arabia, Syria, Tunisia, Turkey, Yemen

¹⁹ Central and South America: Argentina, Belize, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela

²⁰ Fiscal year totals include additional CFIs for asylum seekers whose nationality was, for instance, blank in the USCIS dataset or recorded as unknown.

²¹ For countries with at least 10 credible fear determinations in FY 2020.



- Ghana – 11.4 percent (compared to 0.7 percent in FY 2016)
- Cameroon – 9.9 percent (compared to 0.5 percent in FY 2016)

Enormous disparities in positive credible fear rates between asylum office locations emerged during Trump Administration

During the Trump administration enormous disparities in credible fear determination rates between asylum office locations also emerged, according to the Asylum Office [data](#) received by Human Rights First. As Table 4 shows, whereas in FY 2016, positive credible fear rates by asylum office location ranged from a low of 74.6 percent (16 percent below the average) to a high of 89.9 percent (0.1 percent above the average), by FY 2020 that variation had exploded. Positive credible fear rates for the Chicago (38.4 percent), Houston (37.6 percent), and New York (22.4 percent) Asylum Offices in FY 2020 were well below the Boston (91.1 percent) and Miami (73.4 percent) Asylum Offices and significantly lower than the average rate of 44.4 percent. Outcomes in credible fear determinations that vary so widely based on the asylum office location with jurisdiction over the case raise serious concerns about the arbitrary nature of these life-or-death interviews for refugees seeking asylum protection in the United States.

Table 4: Enormous Disparities in Positive Credible Fear Rates Emerged Between Asylum Office Locations under the Trump Administration²²

Asylum Office	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021 (through May)
Arlington Pre-Screening	N/A (0)	78.9% (749)	81.1% (8,577)	76.5% (12,385)	49.0% (7,755)	73.7% (2,499)
Arlington	81.2% (2,313)	82.7% (2802)	87.1% (2,858)	77.6% (3,133)	65.9% (525)	70.5% (309)
Boston	N/A (0)	93.8% (112)	92.3% (195)	76.0% (685)	91.1% (90)	42.9% (14)
Chicago	74.6% (1,601)	73.8% (1,223)	80.4% (1,178)	77.6% (2,294)	38.4% (331)	30.3% (294)
Houston	89.9% (58,892)	89.2% (47,352)	89.9% (59,440)	83.7% (63,318)	37.6% (15,281)	68.6% (9,444)
Los Angeles	88.7% (9,763)	86.9% (9,009)	91.3% (4,409)	79.2% (3,574)	53.3% (1,275)	59.4% (323)
Miami	80.5% (2,774)	84.3% (1,478)	86.7% (631)	84.4% (1,434)	73.4% (399)	88.5% (400)
Newark	89.5% (4,266)	85.1% (2,382)	88.7% (1,724)	84.6% (1,600)	49.4% (565)	91.8% (304)
New York	88.8% (80)	95.7% (324)	93.3% (89)	93.4% (183)	22.4% (67)	62.5% (8)

²² USCIS CFI [records](#) received by Human Rights First through FOIA. Number of fear screenings conducted indicated in parentheses.



New Orleans	N/A (0)	84.7% (1,474)	90.3% (1,749)	79.5% (2,339)	62.2% (1,502)	75.5% (436)
San Francisco	87.0% (2,369)	91.7% (2,166)	96.6% (2,690)	87.4% (2,107)	48.0% (1,227)	76.6% (150)
Average for all CFIs	88.8% (82,058)	88.0% (69,071)	89.0% (83,540)	82.3% (93,052)	44.4% (29,017)	69.9% (14,181)

While the data received by Human Rights First through FOIA does not include credible fear outcomes after May 2021, USCIS [data](#) on credible fear interviews conducted between January 1, 2022 and March 31, 2022 confirms that significant disparities between asylum offices continue, **with the Houston Asylum Office issuing the lowest percentage of positive credible fear determinations (59.4 percent), whereas all other asylum offices (not including Houston) had an average positive credible fear rate of 82.1 percent for that period.** The Houston Asylum Office has historically decided the majority of CFIs, with jurisdiction over 67.5 percent of CFIs conducted between FY 2016 and FY 2021 through May (284,426 of 421,159). Its 59.4 percent positive credible fear rate in the first quarter of 2022 is far below, for instance, the rates of the Arlington (80.5 percent), Los Angeles (89.8 percent), Miami (90.0 percent), New York (85.2 percent), and San Francisco (90.5 percent) asylum offices.

Specific reports of ongoing and widespread misconduct by the Houston Asylum Office confirm its disproportionately low positive credible fear rate. The Houston Asylum Office [continues](#) to issue egregious, mistaken negative credible fear determinations for asylum seekers with strong protection claims. In April 2022, organizations that represent and advocate for asylum seekers filed a [complaint](#) with the DHS Office of Inspector General and Office of Civil Rights and Civil Liberties (CRCL) requesting an investigation into the Houston Asylum Office's atrocious mishandling of credible and reasonable fear interviews, including the denial of access to counsel, lack of legal orientation, failure to provide appropriate interpretation, and biased and deficient individualized fear determinations.

Evisceration of Requests for Reconsideration Risks Fueling Erroneous Deportations of Refugees

On May 31, 2022, the Biden administration began to implement its new March 2022 Asylum Processing Rule, including a provision that hollows out the Asylum Office's [long-standing](#) ability to reconsider mistaken negative credible fear determinations by imposing a new, unworkable seven-day deadline on the filing of these requests and barring the Asylum Office from considering more than one request. By eviscerating the Asylum Office's authority to reconsider erroneous decisions, the Asylum Processing Rule heightens the dangers inherent in the expedited removal process.

After the administration initially proposed in a [Notice of Proposed Rulemaking](#) to entirely eliminate requests for reconsideration, the U.N. Refugee Agency (UNHCR) warned that the **"risk of refoulement may rise."** UNHCR again objected to the evisceration of this safeguard in its formal [comment](#) on the Asylum Processing Rule, noting that the government should preserve "the authority of DHS to reconsider negative credible fear determinations, as it helps ensure that asylum-seekers may have their claims properly screened before removal, **without imposing numerical or time constraints that might compromise an asylum-seeker's right to be heard.**"



The Asylum Office’s authority to reconsider erroneous credible fear decisions has [saved](#) refugees from being deported to danger. Data cited by the government in the Asylum Processing Rule itself reveals that **between FY 2019 and FY 2021 alone, reconsideration by the Asylum Office saved at least 569 asylum seekers with a credible fear of persecution from summary deportation and ensured they had an opportunity to apply for asylum**, and likely shielded far more from summary deportation, as the data does not include all asylum offices. Across seven asylum offices in Fiscal Year 2021, a staggering [15 percent](#) of all requests for reconsideration resulted in a positive credible fear determination, indicating that many erroneous determinations continue to be made by asylum officers that are not reversed through often cursory, “[rubber stamp](#)” review by an immigration judge.

Imposing seven-day deadline makes requests for reconsideration nearly impossible

Few asylum seekers—the majority of whom are unrepresented during CFIs and immigration court reviews—will be able to secure legal counsel to assist them to submit a request for reconsideration within a single week. At many facilities, detained individuals [must pay](#) to place outgoing calls to attorneys and those who cannot afford to do so would often be unable to request legal assistance within the seven-day deadline imposed by the Asylum Processing Rule. Even with the assistance of legal counsel, many asylum seekers who are detained during CFIs would face barriers to file a timely request for reconsideration, as it is extremely difficult or at times impossible to schedule prompt legal calls and frequent transfers between detention centers further complicate communication with counsel. For example:

- A June 2022 ACLU [report](#) documents egregious barriers to counsel imposed by ICE, finding that at least 58 ICE detention facilities do not allow attorneys to schedule phone calls with a detained client at a certain date and time and that detained immigrants must pay to call attorneys at approximately 85 percent of the surveyed facilities.
- In March 2022, legal service providers [wrote](#) to members of Congress to emphasize the widespread problems with legal access during the pandemic and rebut a [report](#) that ICE had presented to Congress a month prior that claimed despite extensive evidence to the contrary that legal access in detention had “continued unabated” during the pandemic.
- An October 2021 [letter](#) from legal organizations detailed barriers to legal representation including ICE’s refusals to schedule legal calls, failures to provide a timely way for detained individuals to review and sign critical documents, restricted in-person visitation, and lack of adequate private attorney-client meeting rooms resulting in long waits.

Requiring attorneys to prepare and submit a substantive request for reconsideration, which could include critical evidence such as country conditions reports and medical evaluations, on a seven-day timeline imposes an enormous and unworkable burden on legal service providers. Attorneys already report that it is extremely difficult to obtain the credible fear decision and notes, which are often critical in requests for reconsideration. Asylum seekers frequently do not receive the decision, it can be difficult to obtain from the Asylum Office, and ICE routinely fails to respond to attorneys’ requests for it. The Houston Asylum Office, which has historically conducted the majority of CFIs, has recently made it even more difficult for attorneys to request the CFI decision by reverting to its pre-pandemic policy of requiring attorneys to submit a G-28 form—a document confirming legal representation—with the signature of the asylum seeker in order to obtain information or documents regarding the case. This contradicts ICE policy



allowing detained individuals' legal representatives to write "detained" in place of a client's signature and imposes additional significant burdens and delays, especially in light of COVID-19 detention facility restrictions and the fact that many legal organizations are located hours away from detention centers. Attorneys have recently reported delays in obtaining the credible fear decision and notes from the Houston Asylum Office even where they submitted the G-28 with the client's signature.

Since the implementation of the Asylum Processing Rule, attorneys have already had to reject requests for assistance from asylum seekers who received negative credible fear determinations because the seven-day deadline had already passed or could not be met. These include an Indigenous political dissident from Peru whose partner and child live in the United States and a woman who belongs to the Puruhá Indigenous people and fled racism and discrimination in Ecuador. Where the deadline has not yet passed, attorneys report that it is nonetheless often impossible to represent asylum seekers in a request for reconsideration given the amount of time needed to obtain the credible fear decision and notes and the difficulty of adding such a short deadline to their existing caseload. Some asylum seekers who recently received negative credible fear determinations were not even aware they could request reconsideration because they did not have an opportunity to speak to an attorney until after the seven-day deadline had passed. For instance:

- **In July 2022, a Colombian community activist fleeing threats, who was erroneously issued a negative credible fear determination, could not submit a request for reconsideration within the new seven-day deadline because he had been unable to contact and consult with a lawyer in time.** The man had fled Colombia after he was beaten and threatened for his activism. When he sought protection in the United States with his wife, ICE separated them and detained him in Texas. At the time of the CFI, he was suffering from severe stomach pain. ICE was aware of his medical condition and had informed him that he was scheduled for a colonoscopy, but the asylum seeker was afraid to tell the asylum officer that he was experiencing excruciating pain because he feared that he would be beaten by U.S. officials if he did not proceed with the interview—having witnessed government violence and impunity in Colombia. He also reported to his attorney, Priscilla Orta with Lawyers for Good Government, that the interpreter repeatedly cut him off and that the asylum officer did not permit him to complete his responses. He was unable to contact and consult with an attorney until more than two weeks after the immigration judge affirmed the negative credible fear determination. The Asylum Office summarily rejected a request for reconsideration submitted in late July 2022 less than a day after it was filed by his attorney.

The Asylum Office has previously reversed many mistaken negative credible fear determinations after receiving requests for reconsideration that could likely not have been submitted within a mere week of immigration judge review. Some detained asylum seekers have been unable to contact and consult with legal counsel for months due to significant barriers to access to counsel in detention, but upon securing representation successfully reversed erroneous negative credible fear determinations. For many asylum seekers it is impossible to request reconsideration without the assistance of counsel because they do not know of the possibility to seek reconsideration, cannot obtain or do not understand the credible fear determination and notes that are only provided in English, or are not able to submit a written request in English that addresses errors in their credible fear determination. Asylum seekers recently saved from deportation and permitted to apply for asylum after submitting a request for reconsideration more than seven days after the immigration judge affirmed their negative credible fear determination include:



- **In May 2022, the Asylum Office overturned a negative credible fear determination for a gay Venezuelan asylum seeker living with HIV who had been violently attacked and robbed because he was gay and who was able to obtain counsel and successfully request reconsideration months after the immigration judge affirmed the negative credible fear determination in November 2021.** When the asylum seeker was attacked at an LGBTQ party in Venezuela, the perpetrator told him that he had to “bear it” because he was queer. The man was also extorted, harassed, and called homophobic slurs by Venezuelan police officers and the National Guard due to his sexual orientation. The asylum officer concluded—in clear disregard of the testimony—that the asylum seeker had not been targeted and attacked because of his sexual orientation, according to records reviewed by Human Rights First that were provided by Immigration Equality.
- **The Asylum Office reversed a negative credible fear determination in July 2022 for an Iranian asylum seeker beaten and threatened with death by his country’s government who was not able to secure an attorney until weeks after an immigration judge affirmed the negative determination.** His attorney, Sophia Genovese with the New Mexico Immigrant Law Center, was not able to file the request until nearly a month after the immigration judge review due to the barriers to securing legal counsel in detention, time required to prepare the filing, and delays in scheduling legal calls at the detention facility. Because the man had been placed in expedited removal prior to the effective date of the Asylum Processing Rule, he was not subject to the rule.
- **A Central American asylum seeker who had been brutally beaten by his country’s government for his political opinion—to the point where he was left for dead—successfully sought reconsideration from the San Francisco Asylum Office months after the negative fear determination had been affirmed by an immigration judge.** The asylum seeker had not fully shared details about his persecution during the CFI because he feared that his country’s government would gain access to this CFI paperwork if he was deported. While detained, he spent months searching for an attorney after the negative fear determination was affirmed. After speaking with an attorney in spring 2022—the first legal service provider he managed to speak with in over eight months—he obtained a positive credible fear determination, according to the attorney who assisted him.
- **In July 2022, the Asylum Office reversed a negative credible fear determination for a bisexual Colombian asylum seeker who fears persecution on the basis of his sexual orientation and political opinion and was placed in expedited removal prior to the effective date of the Asylum Processing Rule.** Las Americas Immigrant Advocacy Center had been in touch with the asylum seeker and immediately referred the case to another organization, Santa Fe Dreamers Project, after the immigration judge affirmed the negative fear determination. The legal representative representing him reported to Human Rights First, with consent of the client, that she was able to submit a request for reconsideration eleven days after the determination was affirmed only because she worked on a day when her office was closed and timely received a copy of the CFI decision and notes—which is not typical as ICE frequently does not respond to requests to send these documents to legal representatives. The legal representative reported that in order to submit a timely request for reconsideration within seven days she would have had to additionally postpone at least 25 percent of her obligations to other clients that week.



Barring subsequent requests for reconsideration denies many asylum seekers a fair opportunity to correct mistaken credible fear determinations

Multiple requests for reconsideration are sometimes necessary to obtain a fair decision from the Asylum Office when it has previously declined a valid and compelling request for reconsideration. The Asylum Office routinely issues rote denials without reasoned explanation or individualized analysis, necessitating additional requests for reconsideration in cases that merit a reversal of the determination. Additional requests are also often needed where there has been a change in law or where the asylum seeker obtains new evidence, such as a medical or psychological evaluation, or learns new information about the danger they face such as recent death threats issued against them or attempts by their home country's government to track them down. The numerical limitation on requests for reconsideration will especially punish asylum seekers who file a request for reconsideration while unrepresented and then secure an attorney to assist them in gathering relevant evidence and filing a more detailed request.

Prior to the implementation of the Asylum Processing Rule, the Asylum Office reversed erroneous negative credible fear determinations where a prior request for reconsideration had been filed and wrongly rejected, including in the following cases:

- **In September 2021, a gay Togolese asylum seeker was wrongly denied reconsideration but obtained a positive decision on another request for reconsideration after he was released from detention.** He had fled Togo after a mob violently attacked him and his boyfriend because of their sexuality. His boyfriend was later murdered in Togo. Togolese police also added the man to a list of people being monitored as suspected homosexuals, which is criminalized and punishable with imprisonment in Togo. After the asylum seeker spent months in detention, an attorney at the Southeast Immigrant Freedom Initiative filed a request for reconsideration to the Asylum Office, which conducted an additional interview. But the asylum officer barred the man from speaking about the homophobic attack that led him to flee Togo and denied his request to reconsider the erroneous negative credible fear decision.
- **In February 2022, after initially rejecting two requests for reconsideration, the Asylum Office reversed a negative credible fear determination for a bisexual woman from Colombia, who had been beaten, raped, and stalked by her ex-partner for nearly a decade.** The ex-partner had called her homophobic slurs and threatened to make her into a “real” woman by raping her. The woman, who was detained and placed in expedited removal when she sought safety in the United States in December 2021, did not receive advance warning that she would be interviewed or that she could consult with an attorney. After receiving a negative credible fear determination that was affirmed by an immigration judge, she secured legal assistance and filed two requests for reconsideration, which were denied without explanation. Hours before she was scheduled for deportation to Colombia, the Asylum Office reversed the negative determination after her attorney requested the case receive review by Asylum Office and ICE headquarters.
- **In the summer and fall of 2021, the Asylum Office wrongly denied multiple requests for reconsideration for a Burkinabe torture survivor after failing to provide interpretation in his best and native language of Bissa during the CFI, but eventually recognized its error and reversed the negative credible fear determination.** The asylum seeker, who had been brutally tortured by Islamist terrorists for his opposition to their takeover of the region and forced closure of the schools, was forced to proceed with the CFI in French despite expressly stating that he required a Bissa interpreter, resulting in errors in the credible fear determination that were identified in the request for reconsideration filed by his attorney at the



Southeast Immigrant Freedom Initiative. After the Houston Asylum Office issued multiple denials, the asylum seeker was released from detention and the Chicago Asylum Office, which had jurisdiction over the case after he relocated, reversed the error and permitted the asylum seeker to apply for asylum.

Following the Trump administration’s weaponization of the expedited removal process, discussed above, subsequent requests for reconsideration have also served as a crucial safeguard to ensure that asylum seekers are not deported due to illegal policies, regulations, and rulings that are later overturned. To reduce the risk of wrongful deportation of refugees in violation of U.S. and treaty commitments, it is crucial that the Asylum Office have authority to reconsider negative fear determinations based on a change in law, regulation, or policy regardless of whether reconsideration has previously been requested. For instance:

- **In February 2022, the Asylum Office reversed a negative fear determination for a lesbian Cuban asylum seeker ordered removed due to a subsequently enjoined Trump administration policy and who was initially denied reconsideration.** The woman had fled Cuba after being assaulted, detained, and subjected to homophobic slurs by Cuban police. The Asylum Office initially determined she lacked a credible fear of persecution solely due to the Trump administration’s illegal third-country transit ban, which barred asylum for individuals who transited through another country on their way to seek safety in the United States, and denied reconsideration while the ban remained in effect. After the Asylum Office wrongly denied a second request for reconsideration, which was based on the change in law, her attorney at Immigration Equality submitted a complaint to the USCIS Ombudsman and DHS CRCL. The negative fear determination was vacated in February 2022, permitting the woman to apply for asylum.
- **After Trump administration policies, such as the third-country transit asylum ban, were vacated or paused due to litigation in 2020, the Asylum Office reversed negative determinations for 39 asylum-seeking families, including from El Salvador, Guatemala, Honduras, and Nicaragua, following additional requests for reconsideration based on these decisions.** According to a legal service provider who spoke with Human Rights First, the Asylum Office had previously denied requests for reconsideration for all of the families, but the reversal of these Trump-era policies enabled them to successfully challenge these wrongful negative fear determinations through an additional request for reconsideration. These families were detained in South Texas during the credible fear process for prolonged periods of up to 19 months.

Immigration judge review is not an adequate safeguard against erroneous negative fear determinations

In the Asylum Processing Rule, the Biden administration [asserted](#) that immigration judge reviews of negative credible fear determination should “serve[] as the check to ensure that noncitizens who have a credible fear of persecution or torture are not returned based on an erroneous screening determination by USCIS.” However, immigration judge review of negative fear determinations is, in many cases, a “[rubber stamp](#).” Despite the frequency with which asylum officers issue clearly erroneous decisions, immigration judges overwhelmingly affirm negative fear determinations. **For instance, between FY 2018 and FY 2021, immigration judges affirmed 73.3 percent of negative fear determinations**, according to government [data](#) analyzed by a team from the [Human Rights Center Investigations Lab at U.C. Berkeley](#). **Under the Biden administration, immigration judges have affirmed negative credible fear determinations for thousands of asylum seekers from Guatemala, Haiti, Nicaragua, and Venezuela—** even though many people from these countries who are permitted to file asylum applications are granted refugee protection. The Human Rights Center Investigation Lab’s analysis of government data from late



January 2021 through the end of December 2021, shows that immigration judges affirmed negative credible fear determinations for at least:

- **2,347 asylum seekers from Nicaragua** (affirming negative credible fear findings in 70.4 percent of immigration judge reviews conducted under the Biden administration);
- **1,795 asylum seekers from Haiti** (affirming negative credible fear findings in 77.8 percent of immigration judge reviews conducted under the Biden administration);
- **495 asylum seekers from Venezuela** (affirming negative credible fear findings in 46.4 percent of immigration judge reviews conducted under the Biden administration); and
- **260 asylum seekers from Guatemala** (affirming negative credible fear findings in 80 percent of immigration judge reviews conducted under the Biden administration).

The immigration court review process is riddled with flaws and due process violations. Judges often schedule CFI reviews within [24 hours](#) of the initial determination—leaving asylum seekers with virtually no time to prepare or consult with counsel, bar attorneys from participating in reviews,²³ reject additional evidence or testimony, and interpret additional information asylum seekers did not have time or ability to present at the CFI as impugning their credibility. Attorneys and asylum seekers report that immigration judges sometimes limit reviews to a few questions and prevent asylum seekers from sharing additional information. Attorneys report that asylum seekers sometimes do not receive the credible fear decision and notes taken by the asylum officer prior to the immigration judge review, leaving them unable to identify or challenge errors in the record. They are at a major disadvantage even if they do receive these documents because the notes are in English, and a translation is not provided. Even in the rare instance where an asylum seeker does manage to secure counsel, attorneys are frequently [not notified](#) of an immigration judge review until the night before or not at all.

Moreover, there is [enormous, unfair variation](#) in outcomes depending on the immigration judge assigned to review the credible fear determination, with some judges affirming negative determinations in nearly every case.

Erroneous credible fear determinations and the inadequacy of immigration court review make clear that the Biden administration should avoid the use of expedited removal and, at a minimum, enhance safeguards to reduce the risks of erroneous negative credible fear determinations—rather than stripping out the few existing safeguards in the process.

²³ The regulation regarding CFI review [does not](#) explicitly guarantee the right to have counsel present at or participate in the review.



Recommendations

To the Biden administration, Department of Homeland Security, and Department of Justice:

- **Avoid use of expedited removal and instead initially refer asylum seekers for asylum adjudication before the USCIS Asylum Office.** Asylum Office interviews can be scheduled for asylum seekers who are referred directly to full removal proceedings (avoiding expedited removal), or already in, immigration court removal proceedings after those proceedings are terminated or adjourned with the consent of the applicant. These asylum interviews should not be conducted in detained settings.
- **Do not conduct fear screening interviews in detention facilities,** as detention exacerbates the fundamental flaws of expedited removal by subjecting asylum seekers to horrendous conditions of confinement, pushing them to undergo CFIs without adequate interpretation, and cutting them off from legal representation and information, which interferes with the conduct of CFIs and results in wrongful negative credible fear determinations.
- **Work with Congress to substantially fund legal counsel for those in the immigration system, including while an individual is in expedited removal** to the extent it is used, for those in immigration detention, including while in CBP custody, and for asylum seekers referred for Asylum Merits Interviews under the Asylum Processing Rule. Access to counsel can be crucial in ensuring that asylum seekers are able to understand the process and share information relevant to their asylum claims. Detained people represented by legal counsel are twice as likely to be granted relief by an immigration judge compared to people in detention without an attorney. DHS should also work with Congress to sustain the Legal Orientation Program.
- **Provide new and strengthened training and guidance for asylum officers conducting fear interviews that comply with statutory requirements,** including trauma-informed and non-adversarial interviewing methods, applying the “significant possibility” standard, and appropriate and sensitive interviewing of LGBTQ individuals and other vulnerable populations.
- **Fully restore the prior authority of the Asylum Office to reconsider erroneous negative fear determinations** to ensure that refugees are not deported to persecution and torture in violation of U.S. law and treaty obligations. The restrictions on Asylum Office reconsideration of mistaken negative fear determinations imposed by the Asylum Processing Rule, including an unreasonable seven-day filing deadline, will bar many asylum seekers from challenging erroneous decisions and impose an enormous burden on legal service providers.
- **While the seven-day deadline for requests for reconsideration remains in effect, issue guidance to asylum officers that provides for and encourages equitable tolling of the deadline,** including in cases where barriers to access to counsel or government action hinders access to counsel and/or timely submission of the request for reconsideration.
- **Ensure that UNHCR and non-governmental organizations have access to observe and monitor the use of expedited removal,** including in CBP and ICE detention, credible fear interviews, and adjudications under the Asylum Processing Rule.



- **The Office of Inspector General and Office for Civil Rights and Civil Liberties should closely monitor and investigate complaints** of asylum officers' failure to conduct fear interviews appropriately, provide adequate language interpretation in the asylum seeker's primary language, use non-adversarial interview methods, apply the correct legal standard, and respond meaningfully to requests for reconsideration.
- To minimize the risk of erroneous negative fear determinations and avoid the weaponization of expedited removal by subsequent administrations, issue regulations to, at a minimum:
 - **Prohibit fear screenings in CBP detention facilities**, where asylum seekers are often held in substandard conditions, have arrived after difficult and often traumatizing journeys, and spaces used for interviews do not protect the privacy or confidentiality of these sensitive interviews.
 - **Require a minimum 72-hour rest period before conducting fear screenings** to provide asylum seekers an opportunity to rest, recuperate, and access legal services and require DHS to provide at least three days of notice to asylum seekers and their attorneys in advance of scheduled fear interviews, so asylum seekers can prepare for their interviews, and if they are represented, allow their attorneys to attend the interview. USCIS [policy](#) requires that officers provide asylum seekers with a 48-hour rest period.
 - **Direct asylum officers to undertake fear screenings only after clearly asking asylum seekers their primary or best language** and providing interpretation in that language, as interpretation errors often lead to mistaken negative determinations, the need for additional interviews and review, and prolonged detention. The agencies must provide meaningful access to the credible fear process through competent interpretation, as required by [Executive Order 13166](#) and the [DHS, CBP, ICE, USCIS, DOJ, and EOIR](#) language access plans.
 - **Prohibit asylum officers from conducting fear screenings of represented asylum seekers if the attorney is not present**, especially as DHS has forced and intimidated asylum seekers to proceed without their attorneys of record under this administration, including by threatening them with prolonged detention.
 - **Direct asylum officers that if a fear interview screening cannot be rescheduled within 48 hours due to the unavailability of an interpreter in the asylum seeker's best language, unavailability of the attorney of record, or other circumstances, the Asylum Office should forego the interview and refer the asylum seeker for a full asylum adjudication to avoid prolonged detention.**
 - **Require asylum officers to conduct fear screenings during regular business hours of the time zone where the individual is detained** to ensure that attorneys can attend client interviews.
 - **Direct asylum officers to apply the most favorable circuit law, consistent with past asylum office practice** until the Trump administration attempted to eliminate it, which would help ensure that people have a fair opportunity to seek asylum and minimize disparate treatment based on arbitrary factors such as which Asylum Office is assigned to conduct fear interviews.
 - **Clarify procedures for negative fear reviews by immigration judges** to ensure that asylum seekers are guaranteed a right to counsel in credible fear reviews, informed of their right to be represented by



an attorney, provided a continuance to seek counsel, if desired, permitted to present evidence and facts not in the record that must be considered by the immigration judge, and guaranteed meaningful participation by their attorney at the review, including submitting written or oral statements, raising objections, and questioning their client at the review.

To the U.S. Congress:

- **Adopt legislation that repeals expedited removal**, a deeply flawed process that has repeatedly been shown to result in the deportation of refugees to persecution or torture in violation of U.S. law and treaty obligations.
- **Reject legislation that further exacerbates the flaws of expedited removal, including any attempts to heighten the credible fear standard**, which would increase the risks of deportation to persecution or torture without access to an asylum hearing.
- **To the extent expedited removal remains in the law, adopt legislation that guarantees additional protections in the expedited removal process**, including providing that the Asylum Office has authority to reconsider mistaken negative credible fear determinations without temporal or numerical restrictions.
- **Adopt legislation, including the [Dignity for Detained Immigrants Act](#)**, limiting the use of immigration detention and mandating bond redetermination hearings before an immigration judge for anyone subjected to immigration detention.
- **Substantially fund legal counsel for those in the immigration system, including during an individual's time in expedited removal** to the extent it is used, for those in immigration detention, including while in CBP custody, and for asylum seekers referred for Asylum Merits Interviews under the Asylum Processing Rule.
- **Sharply limit funding for immigration detention to decrease and end its massive overuse, including during the expedited removal process** to the extent it is used, and instead of funding detention-like Alternative to Detention programs run by ICE, fund true community-based case support programs, which should be employed only when additional measures are determined necessary to assure appearance in an individual case.
- **Conduct vigorous oversight on the administration's use of expedited removal**, including erroneous fear decisions, access to proper language interpretation prior to and during fear interviews, barriers to counsel during the credible fear process, disparate impact on Black asylum seekers, misconduct by asylum officers during fear interviews, and disability accommodations during the credible fear process.
- **Provide funding for a new study on expedited removal by the bipartisan [U.S. Commission on International Religious Freedom](#)**, which has previously documented in multiple reports the serious deficiencies in the expedited removal process.



Mission Statement

Human Rights First is an independent advocacy and action organization that challenges America to live up to its ideals. We believe American leadership is essential in the struggle for human rights so we press the U.S. government and private companies to respect human rights and the rule of law. When they don't, we step in to demand reform, accountability, and justice. Around the world, we work where we can best harness American influence to secure core freedoms.

We know that it is not enough to expose and protest injustice, so we create the political environment and policy solutions necessary to ensure consistent respect for human rights. Whether we are protecting refugees, combating torture, or defending persecuted minorities, we focus not on making a point, but on making a difference. For over 40 years, we've built bipartisan coalitions and teamed up with frontline activists and lawyers to tackle issues that demand American leadership.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

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Acknowledgements

This report was researched and written by Rebecca Gendelman. Cora Wright provided research and drafting assistance. Lamisse Abdel Rahman, Katie Czapansky, and Ana Ortega provided additional research. Eleanor Acer, Robyn Barnard, Jim Bernfield, Kennji Kizuka, Licha Nyiendo, Kareem Shora, and Elizabeth Yates contributed edits to the report. A team at the Human Rights Center Investigations Lab at U.C. Berkeley, including student team leads Catey Vera and Vyoma Raman; team members Aayush Patel, Aliyah Behimino, Carolyn Wang, CJ Manna, Ellie Wong, Karina Cortes Garcia, Maggie Carroll, Rosie Foulds, and Upasana Dilip; and project advisors Dr. Alexa Koenig, Stephanie Croft, and Sofia Kooner analyzed publicly available immigration court data discussed in this report. Our thanks to the many colleagues, including those from Abogados Para Hispanos LLC, The Advocates for Human Rights, Al Otro Lado, Aldea—the People's Justice Center, American Friends Service Committee, Americans for Immigrant Justice, Asylum Defense Project, Cambria & Kline PC, El Paso Immigration Collaborative, Immigration Equality, Immigration Services and Legal Advocacy, Innovation Law Lab, Las Americas Immigrant Advocacy Center, Law Offices of Bashir Ghazialam, Lawyers for Good Government, Migrant Center for Human Rights, New Mexico Immigrant Law Center, Northwest Immigrant Rights Project, Rocky Mountain Immigrant Advocacy Network, Refugee and Immigrant Center for Education and Legal Services, Santa Fe Dreamers Project, Southeast Immigrant Freedom Initiative, University of San Francisco Immigration & Deportation Defense Clinic, University of Texas School of Law Immigration Clinic, and other attorneys and advocates who provided information and case examples and assisted in referring asylum seekers for interview and the many other organizations and individuals serving asylum seekers who assisted with our research. Colleagues from Southeast Immigrant Freedom Initiative, Immigration Services and Legal Advocacy, and Miriam Crespo joined Human Rights First in touring detention centers in Louisiana in December 2021. Human Rights First is grateful to the donors and foundations who provide invaluable support for the organization's research on access to asylum and representation of asylum seekers. We thank the numerous asylum seekers who bravely shared their stories in hopes of bettering the system for all those who seek protection and refuge in the United States.

