

Raoul Files Brief Supporting Asylum-Seekers Trapped at The Border

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CHICAGO – Attorney General Kwame Raoul, as part of a coalition of 21 attorneys general, filed an amicus brief in support of asylum-seekers who have been trapped at the border for months, waiting to apply for asylum as a result of unlawful changes to the federal government’s asylum policies.

Raoul and the coalition filed the brief in support of Al Otro Lado, a nonprofit legal services provider seeking to protect asylum-seekers from additional arbitrary changes to the asylum process. The federal rule change at issue would bar tens of thousands of people from seeking asylum if they did not apply in a third country while en route to the United States. In the amicus brief filed in the U.S. Court of Appeals for the 9th Circuit, Raoul and the coalition urge the court to uphold the preliminary injunction entered by the district court. The coalition asserts that the government is harming communities across the country by effectively punishing people fleeing violence and persecution.

“Families who leave everything behind, including their home countries, to make the dangerous journey to seek asylum in the United States do so because they have no other option,” Raoul said. “I will not stop opposing unlawful, discriminatory asylum policies that put vulnerable people in peril.”

The lawsuit brought by Al Otro Lado centers on asylum-seekers who sought entry to the United States prior to the government’s efforts to implement an interim final rule prohibiting people from seeking asylum unless they applied for and were denied protection in at least one country through which they traveled prior to arrival. If the government is successful in this case, it could result in the denial or delay of access to the asylum process for at least 26,000 applicants, including parents with infants, unaccompanied minors and LGBTQ individuals. The asylum-seekers in the case have already been stuck at the U.S. border as a result of the unlawful federal “Turnback Policy.” Under the policy, border officials have used various methods to deny asylum-seekers access to the asylum process, including misrepresentations, threats and intimidation, coercion, verbal and physical abuse, and “metering,” the practice of putting artificial, daily limits on the number of asylum-seekers allowed to cross the border.

In the amicus brief, Raoul and the coalition describe the harms the interim final rule could have on the states and asylum-seekers. For instance, the coalition points to the lack of access to medical care, drinkable water and appropriate shelter available to asylum-seekers, including referencing current examples of people living under tarps held up only by sticks as temperatures drop below freezing.

The coalition maintains that allowing the rule to go into effect would harm the states in that it would:

Prevent otherwise-eligible asylum-seekers who could become valuable members of the states' communities from entering or staying in the country.

Block access to critical humanitarian relief and incentivize people to dangerously enter the country without inspection.

Force people to apply for asylum in countries that may be dangerously unequipped to offer adequate protections or services, thereby increasing their eventual need for state-funded services.

Joining Raoul in filing the brief are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.