



Attorney General Raoul Opposes Federal Effort To Upend Existing Asylum System

July 16 2020 1:02 PM

Chicago – Attorney General Kwame Raoul today joined a coalition of 23 attorneys general in filing a [comment letter](#) opposing the federal government’s proposal to make several significant changes to the asylum system that would effectively nullify the meaningful right to apply for protection in the United States.

By severely restricting asylum eligibility and eliminating several procedural protections, the proposed rule will result in the deportation of asylum-seekers who are certain to face persecution or torture in their home countries.

“If the proposal were to move forward, thousands of current and future residents in Illinois and across the country would be deprived of humanitarian protection, and in many cases, would be deported without having the opportunity to be heard,” Raoul said. “I will continue to join my fellow attorneys general to fight this administration’s unlawful and discriminatory asylum policies.”

In the comment letter, Raoul and the coalition argue that the proposed rule violates the Administrative Procedure Act and the Immigration and Nationality Act, and would make it all but impossible for asylum-seekers to secure protection. The attorneys general highlight that the proposed rule would explicitly deny claims based on gender, gang membership, or opposition to a terrorist group, which district courts have previously recognized as valid bases for asylum. The categorical elimination of these claims is also problematic, as each claim from an asylum applicant is supposed to be considered on an individual basis.

Raoul and the coalition also argue that the proposed rule contains several substantive changes to the asylum process that would effectively block most current and future applicants from receiving protections. For instance, the rule imposes “significantly

adverse” discretionary factors that would provide a basis for unilaterally denying even meritorious asylum applications. Some of those discretionary factors would end up barring asylum-seekers who have traveled through another country without seeking protection there, or for failing to enter the United States with inspection through a port of entry. Courts have previously held that relying on such factors in making asylum determinations violates the law. Moreover, the proposal applies discretionary factors to unaccompanied children, making them more likely to be denied asylum and undermining the very procedural protections that are meant to avoid traumatizing them.

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