



Attorney General Raoul Files Brief Opposing Federal Government's Effort To Block Access To Asylum

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Chicago – Attorney General Kwame Raoul today joined a coalition of 22 attorneys general in filing an amicus brief opposing the federal government's unlawful regulation prohibiting individuals from applying for asylum if they have entered the United States between ports of entry. A federal district court previously found the regulation contradicts statutes Congress has passed allowing all individuals who flee persecution in their countries of origin to apply for protection, regardless of how they enter the U.S. The federal government is now asking the U.S. Court of Appeals for the District of Columbia to overturn that decision.

In the amicus brief, Raoul and the attorneys general argue that the federal government's unlawful policies harm the coalition states — where the majority of asylum-seekers resettle — by leaving states with the responsibility of mitigating the unnecessary suffering that these policies cause. The attorneys general further assert that the rule, in conjunction with the federal government's other unlawful restrictions on asylum, traps asylum-seekers in unsanitary camps at the southern border. The attorneys general state that the camps put these individuals at greater risk of contracting COVID-19 and exposes them to numerous other dangers.

“The federal government's anti-immigrant policies have long targeted certain immigrants, namely those who attempt to cross our southern border as they flee violence, persecution and poverty in their countries of origin,” Raoul said. “These discriminatory policies now put thousands of families and individuals at higher risk of contracting COVID-19. I will not stop fighting bigoted anti-immigrant policies that target the most vulnerable migrants.”

The federal government's rule barring people from applying for asylum if they enter between ports of entry is part of a mosaic of restrictive and punitive policies aimed at

dismantling the existing asylum system. Raoul and the coalition argue in the brief that this rule, combined with existing policies to turn away people at the border, makes it difficult or impossible for asylum-seekers to present their claims.

Some of the alleged tactics employed by border officials include falsely informing people that the United States no longer provides asylum and intimidating asylum-seekers by threatening to take away their children if they do not renounce their claim for protection. These tactics and other policies amount to a de facto denial of asylum. As a result, the rule violates the law and creates inhumane conditions at the border, subjecting already vulnerable families to additional trauma and persecution. The rule also results in families and individuals being denied basic health services, education, and other life essentials, all the while being put at greater risk of contracting COVID-19. Despite these conditions, the federal government has stopped processing asylum-seekers at ports of entry, leaving approximately 14,400 migrants stuck waiting for an opportunity to have their claims heard.

The amicus brief — building on earlier successful efforts to block the federal government’s interim final rule on port of entry requirements in the 9th Circuit — asserts that the anti-asylum rule:

- Threatens to exacerbate inhumane border conditions and cause additional trauma to already vulnerable migrants and their families, including LGBTQ immigrants.
- Would harm states by creating greater challenges in their efforts to help asylum-seekers resettle and contribute to communities across the country.
- Violates the Administrative Procedure Act by failing to provide any meaningful opportunity for states and communities to provide public comment.

Joining Attorney General Raoul in filing today’s brief are the attorneys general of California, Colorado, 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.