

Attorney General Raoul Opposes ‘Death to Asylum’ Rule

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Chicago – Attorney General Kwame Raoul today joined a coalition of 22 attorneys general in [two amicus briefs](#) in support of two separate challenges to a federal rule that guts major aspects of the existing asylum system and effectively eliminates the meaningful right to apply for protection in the United States. By severely restricting asylum eligibility and abolishing certain procedural protections, the so-called “death to asylum” rule will result in the deportation of bona fide asylum-seekers who are certain to face persecution or torture in their home countries.

“The federal government’s new standards will divide families, many of whom have already sacrificed so much to flee political and economic instability,” Raoul said. “I am committed to fighting these discriminatory anti-immigrant policies that put vulnerable people at risk.”

Set to go in effect on Jan. 11, the final rule will make it nearly impossible for people to successfully obtain humanitarian relief in the United States. These consequences will fall hardest on survivors of trauma, and victims of gender, gang and homophobic violence. The rule threatens to do so through a wide range of artificial and arbitrary new barriers. For example, the rule creates a list of adverse discretionary factors that would provide a basis for unilaterally denying even meritorious asylum applications. These discretionary factors include barring asylum-seekers who do not enter with inspection through a port of entry or who do not seek protection from a third country through which they have traveled, even if seeking asylum in the third country is dangerous or unfeasible. In addition, the rule inexplicably applies many of these same discretionary factors to unaccompanied children, making them more likely to be denied asylum and undermining critical safeguards for minors. Ultimately, the rule will make it all but impossible for asylum-seekers to secure protection.

In the amicus briefs, Raoul and the coalition argue, among other things, that the rule will:

- Undermine our country’s and the states’ commitment to being a safe haven for asylees fleeing persecution by upending the current asylum system and increasing family separation.
- Hinder enforcement of legal protections and criminal laws by pushing those who might otherwise seek asylum into the shadows where they are more vulnerable to exploitation.
- Burden state programs, leading to an increased need for legal representation to navigate the extremely complex asylum process made even more complex by this rule, as well as medical and mental health services.
- Harm the states’ economies and workforces, robbing them of essential workers and their contributions to local businesses.

Joining Raoul in filing the briefs 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.