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FOR IMMEDIATE RELEASE

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The American Immigration Lawyers Association New England Chapter denounces the Administration's use of the COVID-19 crisis to eliminate the US asylum system under the pretense of protecting public health and national security, part of a continuing stream of Executive Orders and Proclamations whose goal is to restrict legal immigration without Congress.

Boston, Massachusetts

The American Immigration Lawyers Association New England Chapter denounces the July 9, 2020 proposed rule issued by the Department of Homeland Security (DHS) and Department of Justice (DOJ) that would severely restrict if not eliminate the availability of asylum in the U.S. for vulnerable people who have been persecuted or legitimately fear persecution in their home countries. This rule undermines the U.S. as a place of compassion, adherence to the rule of law, and a leader in protecting those in need of refuge.

Under this proposed rule, someone would be ineligible for asylum simply for having been from or passing through a country or region that is under threat of serious disease such as COVID-19. At its legal core, this rule allows DHS and DOJ to consider public health risks based on communicable diseases to determine whether someone is a danger to U.S. security, which would make that person ineligible for asylum or withholding of removal. This proposed rule is the first instance that the national security bar to immigration has included communicable diseases. The proposed rule references COVID-19 but would apply to any other "infectious disease" designated by the U.S. government.

This rule targeting asylum seekers is unnecessary. The Centers for Disease Control (CDC) and other federal agencies already have the tools to address serious communicable disease, including stringent immigration screening procedures and laws. Moreover, the U.S. already has one of the highest COVID-19 infection rates in the world.

COVID-19 is a pretext to eliminate the current U.S. asylum system. This proposed rule is the Trump administration's latest attempt to use the current COVID-19 public health emergency to eliminate asylum without congressional action or consent.

This most recent bar to asylum based on COVID-19 is the latest in a series of proposed new bars to asylum that will apply not only to new or future asylum seekers, but also to hundreds of thousands of people with pending asylum applications.

On June 11, 2020, the administration proposed new grounds for denying asylum. Asylum could be denied to anyone who has:

- 1) travelled through at least two countries before arriving in the United States,
- 2) stayed in another country for at least 14 days on the way to the United States
- 3) ever been unlawfully present in the United States for at least a year, or
- 4) ever failed to pay taxes, paid taxes late, or failed to report any income to the IRS.

The rules also instruct asylum officers or judges to use any unlawful entry as a significant adverse factor in an asylum decision.

These rules and regulatory changes follow earlier changes to the asylum system meant to severely limit asylum using very narrow interpretations of eligibility based on political opinion, race, religion, nationality, or membership in a particular social group.

The recent and repeated series of restrictions on asylum completely alter the reputation and perception of the United States as a welcoming place of refuge and a land of opportunity. If unchecked, it undoubtedly will create a chilling effect for years to come. Immigrants have contributed their considerable talents, skills and work ethic to our country for hundreds of years. Now future immigrants may question whether this is a place that is worth all the effort. This is surely not the legacy we wish to leave.