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Immigration Groups File Lawsuit Challenging Trump Administration Efforts to Bar More from Asylum

Groups Say Broad Rules Could Bar Asylum Seekers Convicted of Low Level Offenses and Even People Who Are Not Convicted of a Crime

New York/Washington/San Francisco - Four immigrant rights organizations—Pangea Legal Services, Dolores Street Community Services, Catholic Legal Immigration Network, Inc. (“CLINIC”), and Capital Area Immigrants’ Rights Coalition—filed a lawsuit in the U.S. District Court for the Northern District of California against the Department of Homeland Security and the Department of Justice, challenging a new rule dramatically restricting asylum eligibility. The plaintiffs are represented by the National Immigration Project of the National Lawyers Guild (“NIPNLG”), the Harvard Immigration and Refugee Clinical Program, the Immigrant Defense Project, and the law firm of Sidley Austin LLP.

The lawsuit challenges proposed rule changes to the U.S. asylum process which are slated to go into effect on November 20. These rules are the latest step in the Trump Administration’s effort to drastically cut down the number of applicants and recipients of asylum protections in the U.S.

The U.S. has obligations under international law to make asylum broadly available, and to make any exceptions narrow and reserved only for the most serious offenses. The new rules drastically expand the current, narrow set of bars related to criminal convictions. The rules further restrict asylum eligibility by creating bars based on broad categories of low-level offenses, including using a false ID, that would bar asylum seekers from even getting a hearing on their application irrespective of the threat of persecution they face. Under the newly published regulations, an asylum officer or immigration judge can also categorically deny relief based on mere allegations of domestic violence even without a conviction, or based on convictions that are vacated or expunged.

The complaint filed today asserts that the new rule conflicts with the asylum statute, which incorporates international law obligations, and unlawfully “threatens to send bona fide asylum-seekers to countries where they will likely face violence, torture, and even death.”

Plaintiffs also assert that the rule is invalid because it violates the Administrative Procedure Act and U.S. Constitution in multiple respects, and ask the court to hold the rule unlawful, set it aside, and enjoin its enforcement.

The rules build on the systemic racism of U.S. immigration and asylum policies that have become increasingly harsh and narrow over the past several decades. These laws rely increasingly on fear-mongering and criminalization of immigrants. As the plaintiffs assert in their complaint, the rule will disproportionately impact individuals who are subject to racist policing and surveillance.

“This Administration’s relentless onslaught of attacks on asylum seekers continues to chip away at the limited due process available in immigration courts,” says Etan Newman, Co-Director and Immigration Attorney at Pangea Legal Services. “The rule prohibits immigration judges from acknowledging the totality of a person’s humanity and ability to rehabilitate. Because of our sanctuary policies that prioritize the health and safety of our communities, the San Francisco Bay Area has been a primary target of this Administration, and our communities would suffer particular harm under this rule.”

“The new rule is another transparent attempt to demonize and deny protection to the most vulnerable individuals seeking protection in the U.S.,” said Katherine Mahoney, Litigation Director at Dolores Street Community Services. “It is a vast departure from decades of legal precedent, policy, and international norms, and an insult to what little due process still remains in our immigration system.”

“These rules take the administration’s tactic of demonizing asylum seekers to a new extreme,” said CLINIC Managing Attorney Victoria Neilson. “They are unlawful and immoral.”

“The United States is a country where the rule of law and access to asylum protection for those fleeing for safety cannot be tossed aside for political whims. This new rule seeks to erect yet another unjust barrier to protection for many of the individual asylum seekers we fight alongside with at the Capital Area Immigrants’ Rights (“CAIR”) Coalition and further entrench false narratives about immigrants who are Black, indigenous, and/or people of color,” said Claudia Cubas, Litigation Director at CAIR Coalition.

“This drastic and unprecedented expansion of categorical bars to asylum eligibility is part of the Trump Administration’s vicious targeting of immigrants of color. It is illegal and inhumane, designed only to further the Administration’s agenda to end asylum as we know it,” said Sirine Shebaya, Executive Director of the National Immigration Project of the National Lawyers Guild.

“The new asylum rule is the most recent attempt by the Trump Administration to place insurmountable barriers on the asylum process to push its xenophobic agenda. It will place countless lives at risk. Together with our partners, we will continue to fight against the push to criminalize and deport our community members,” said Leila Kang, IDP’s Supervising Litigation Attorney.

“The new asylum rule is yet another example of the Trump Administration’s obsession with criminalizing immigrants and shutting down our country’s asylum system. Not only does the new rule violate a litany of federal laws, but it also stands in stark contrast to our nation’s long history of protecting refugees,” said Philip Torrey, Managing Attorney of the Harvard Immigration and Refugee Clinical Program and Director of the Harvard Law School Crimmigration Clinic.

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Pangea Legal Services is a San Francisco Bay Area-based nonprofit whose mission is to stand with immigrant communities and to provide services through direct legal representation, especially in the area of deportation defense. In addition to direct legal services, we are committed to advocating on behalf of our community through policy advocacy, education, and legal empowerment efforts. Visit www.pangealegal.org and follow us on Twitter @PangeaLegal.

Dolores Street Community Services is a San Francisco-based non-profit organization that serves low-income and unstably housed individuals in and around San Francisco, California. DSCS’s legal team strives to advance the rights of immigrants through direct legal representation, primarily through deportation defense, as well as advocacy, policy, and litigation. Visit www.sfdeportdefense.org and follow us on Twitter @sfdeportdefense.

***The Capital Area Immigrants’ Rights (CAIR) Coalition** strives to ensure equal justice for all immigrant adults and children at risk of detention and deportation in the Capital region area and beyond through direct legal representation, know your rights presentations, impact litigation, advocacy, and the enlistment and training of attorneys to defend immigrants. More information can be found at www.caircoalition.org.*

***The Catholic Legal Immigration Network, Inc.**, or CLINIC, advocates for humane and just immigration policy. Its network of nonprofit immigration programs — almost 400 affiliates in 48 states and the District of Columbia — is the largest in the nation. CLINIC provides substantive legal, trial skills, and program management training and resources, legal challenges to anti-immigrant policies and regulations, advocacy support at state, local and national levels, and remote-based crisis response models to immigration enforcement.*

*The **National Immigration Project of the National Lawyers Guild** (NIPNLG) is a national non-profit membership organization of lawyers, law students, legal workers, advocates, and jailhouse lawyers working to defend and extend the rights of all noncitizens in the United States, regardless of immigration status. We pursue all forms of legal advocacy on behalf of immigrants and provide technical assistance and support to legal practitioners, community-based immigrant organizations, and advocates seeking and working to advance the rights of noncitizens. Learn more at nipnlg.org. Follow NIPNLG on social media: **National Immigration Project of the National Lawyers Guild** on Facebook, @NIPNLG on Twitter.*

The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for immigrants in the racially-biased U.S. criminal and immigration systems. IDP fights to end the current era of unprecedented mass criminalization, detention, and deportation through a multi-pronged strategy including advocacy, litigation, legal support,

community partnerships, and strategic communications. Visit www.immigrantdefenseproject.org and follow [@ImmDefense](https://twitter.com/ImmDefense).

The [Harvard Immigration and Refugee Clinical Program](#) is one of the oldest immigrants' rights programs in the country. Established nearly forty years ago at Harvard Law School, the Program represents immigrants seeking immigration protection in administrative tribunals, pursues impact litigation seeking to advance immigrants' rights, and engages with community-based organizations on policy advocacy strategies. Follow the Program on [Facebook](#) and Twitter [@HLS_Immigration](https://twitter.com/HLS_Immigration).