



Sept. 22nd - Oct. 24th, 2025

The United States is

#NoLongerSafe

An Update of Events That Exemplify That the United States No Longer Meets the Criteria to Be Considered a "Safe Country of Origin"

Photo: @Colin Llyod

Written by: D. Jey Poston, Fleurian Ray Filkins, & Qira

Sept. 22nd – Oct. 24th, 2025, The United States is #NoLongerSafe

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helpmeleave.us, info jey.havoc24@gmail.com

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Abstract

This document is an addendum to [#NoLongerSafe by D. Jey Poston](#), providing updated evidence to support the argument that the United States is no longer eligible to be designated as a “safe country of origin” on the lists that many countries use when considering applications for asylum. Events in the past month further demonstrate that the Trump administration is consolidating power and utilizing it to persecute transgender, gender expansive, and intersex people, and many other communities. As the executive branch increasingly violates human and civil rights, persecutes opposition, and occupies progressive cities, at-risk people have nowhere in the U.S. they can be assured of their safety. Foreign governments must act to recognize the legal persecution occurring within the United States and offer viable paths to safety for at-risk communities.

Executive Summary

The United States No Longer Meets the Criteria for a "Safe Country of Origin"

The United States no longer meets the criteria the European Union (EU) uses to define a “safe country of origin”. The United States violates multiple criteria by permitting torture and inhuman and degrading treatment and punishment, and engaging in acts of persecution. Laws and regulations that have historically protected some individuals from these conditions have been altered or are no longer reliably enforced. These violations impact transgender, gender expansive, and intersex (TGI) people, Latine people, Black, brown, and indigenous people and other people of color, people with disabilities, unhoused people, immigrants, asylees, refugees, people with uteruses, political “dissidents,” and a growing number of others. As the executive branch increasingly violates human and civil rights, persecutes opposition, and occupies progressive cities, at-risk people have nowhere in the U.S. they can be assured of their safety. Foreign governments must act to recognize the legal persecution occurring within the United States and offer viable paths to safety for at-risk communities.

Findings That Support the Conclusion that the United States No Longer Qualifies as a "Safe Country of Origin"

1. Deploying National Guard in U.S. Cities to Support ICE Activities

- The Trump administration has sent National Guard troops to Portland, Oregon and Chicago, Illinois to “protect” ICE facilities from protestors, including many protestors who are having their rights violated and are being bombarded with chemical weapons. Oregon and Illinois state governors have not sought or consented to the deployment of the National Guard.
- ICE is arresting and detaining a growing number of people, including U.S. citizens and Democrat politicians. ICE raids are often being done without warrants. Increasingly militarized and wide-sweeping methods are being used.

2. SCOTUS Is Expanding Executive Power

- The Supreme Court of the United States (SCOTUS) has made a number of rulings that further enable persecution by the executive branch, while limiting executive accountability and the ability of states to provide legal protection.

3. The Administration’s Entanglement with White Supremacy and Christian Nationalism

- Recent events demonstrate the Trump administration’s entanglement with groups associated with white supremacy and Christian nationalism.
- The administration is implementing many of the plans to install an authoritarian government detailed in “Project 2025.” A majority of Trump’s cabinet is composed of individuals with ties to “Project 2025” and its creators, The Heritage Foundation.
- The administration has a mutually-beneficial relationship with far-right groups who have been involved in past incidents of political violence, such as the Proud Boys.

4. Increased Military Presence in U.S. Cities

- Moving to a more progressive state or city is no longer a reliable option to escape persecution in the United States, even if someone can financially afford it.

- A growing number of progressive cities and states, such as those designated “sanctuaries,” are being occupied by the United States military and federal agents.
- The rhetoric used at a meeting of U.S. generals and high-ranking members of the administration suggests further escalation and violations of civil and human rights.

5. Impact on the Transgender, Gender Expansive, and Intersex (TGI) Communities

- Persecution of TGI people has grown in recent weeks. “X” gender markers are no longer recognized as valid for airport travel. Anti Discrimination protections for transgender health care have been struck down.
- Several executive orders have been released that erase the legal recognition of TGI identities, facilitate legal discrimination against TGI people, and incite social ostracization.
- ICE has allegedly placed transgender detainees into forced labor camps, subjecting them to abuse and inhumane conditions, including sexual assault and forced labor.

6. What Can Foreign Governments Do?

- Reevaluate whether the United States meets the criteria of a “safe country of origin.”
- Apply exceptions for individuals from at-risk communities, including the TGI community, that are seeking asylum from the United States. Consider the persecution of TGI people, Latine people, Black, brown, and indigenous people, and other people of color, people with disabilities, unhoused people, immigrants, asylees, refugees, people with uteruses, political “dissidents,” and other communities within the United States.
- Explore other avenues to help at-risk people find safety abroad, such as visas and “temporary permission to stay” designations.
- Discuss the domestic civil and human rights violations and persecution being conducted by the U.S. government within national and international bodies of government, including the EU.

Conclusion

The United States no longer satisfies the EU's criteria for a "safe country of origin." Power is increasingly concentrated by the Trump administration and is being used to enact state-based persecution against transgender, gender diverse, and intersex people, as well as many other communities. Failing to acknowledge that the U.S. is no longer a "safe place of origin" leaves people experiencing or at risk of government persecution without reliable legal recourse, safe domestic options, or clear paths to asylum. Pending reclassification, exceptions and protective provisions should be applied to persecuted communities, including TGI people, seeking asylum from the United States. While questioning the designation of the United States may inspire retaliation, the humanitarian consequences of failing to act are dire.

EU Criteria a Country Must Meet to Be a “Safe Country of Origin”

The European Parliament and the Council of the European Union defines a “safe country of origin” in Article 38(1) and Annex I of “[Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(recast\)](#)”. This is the metric that EU nations often use to determine if there is likely to be grounds for granting refugee status when initially reviewing applications. A person seeking asylum from a “country of safe origin” is assumed not to be likely to have grounds to claim asylum and is therefore processed through an abbreviated, less thorough claim procedure. This often drastically reduces the chances of a person's application being approved and can result in quick deportation to that original country.

ANNEX I

Designation of safe countries of origin for the purposes of Article 37(1)

A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict. In making this assessment, account shall be taken, *inter alia*, of the extent to which protection is provided against persecution or mistreatment by:

- (a) the relevant laws and regulations of the country and the manner in which they are applied;
- (b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture,

in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;

(c) respect for the non-refoulement principle in accordance with the Geneva Convention;

(d) provision for a system of effective remedies against violations of those rights and freedoms.

The United States violates these requirements by permitting torture and inhuman and degrading treatment and punishment. Laws and regulations that have historically protected some individuals from these conditions have been altered or are no longer reliably enforced.

The U.S. government has also engaged in acts of persecution as defined in [Article 9 of Directive 2011/95/EU](#), which describes qualifications for being a refugee.

QUALIFICATION FOR BEING A REFUGEE

Article 9

Acts of persecution

1. In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

(a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

(b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

2. Acts of persecution as qualified in paragraph 1 can, inter alia, take the form of:

(a) acts of physical or mental violence, including acts of sexual violence;

- (b) legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
- (c) prosecution or punishment which is disproportionate or discriminatory;
- (d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;
- (e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);
- (f) acts of a gender-specific or child-specific nature.

3. In accordance with point (d) of Article 2, there must be a connection between the reasons mentioned in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.

The U.S. government violates other elements of the criteria outlined above, but this report does not thoroughly explore them. The evidence provided in this report disproportionately, but not exclusively, focuses on recent persecution that impacts transgender, gender expansive, and intersex (TGI) people. The risk of persecution goes far beyond individuals and families with members who belong to these communities.

Latinx people, Black, brown, and indigenous people and other people of color, people with disabilities, unhoused people, immigrants, asylees, refugees, people with uteruses, political “dissidents,” and a growing number of others are currently experiencing or at heightened risk for varying forms of persecution within the United States. The team behind this report aspires to more clearly articulate some of the persecution executed by the U.S. government against additional communities in subsequent work.

Recent Events Disqualify the United States from Being Designated a “Safe Country of Origin”

Since the [publishing](#) of the first report, [*The United States is No Longer a Country of Safe Origin*](#), on September 22nd of 2025, there have been a significant number of actions that further demonstrate persecution and human and civil rights violations in the United States. These actions justify distress, alarm, and fear from at-risk people, including those who are transgender, gender expansive, and/or intersex (TGI).

The Trump administration has been forcefully implementing its agenda, including by empowering Immigration and Customs Enforcement (ICE) and using the National Guard to occupy U.S. cities. The Supreme Court of the United States (SCOTUS) has made a number of rulings that further enable persecution by the executive branch, while limiting executive accountability and the ability of states to provide legal protection. Many of these actions mirror plans [to install an authoritarian](#) government detailed in “Project 2025: A Mandate for Leadership,” and reflect the administration’s entanglement with white supremacist and Christian nationalist organizations, such as The Heritage Foundation and the Proud Boys.

The plans within Project 2025 include and rely on the violation of the civil and human rights and freedoms of specific communities and political opposition, explicitly including the transgender community. As the executive branch increasingly violates civil and human rights, persecutes opposition, and occupies progressive cities, at-risk people have nowhere in the U.S. they can be assured of their safety. Foreign governments must act to recognize the legal persecution occurring within the United States and offer viable paths to safety for at-risk communities.

Deploying National Guard in U.S. Cities to Support ICE Activities

ICE activities have been increasing in scope and severity in recent weeks. The Trump administration has sent National Guard troops to [Memphis, Portland, and Chicago](#). These deployments are allegedly done in part to “protect” ICE facilities from protestors, including many protestors who are having their rights violated and are being bombarded with chemical weapons. In Portland and Chicago, state governors

have not sought or consented to the deployment of the National Guard. These operations are part of a broader trend of ICE activity, resulting in the arrest of over [100,000](#) people just in the first half of 2025. ICE has even arrested and detained [U.S. citizens](#) and [Democrat politicians](#). The lack of warrants and due process for many of these incidents constitutes extrajudicial action.

On October 1st, roughly 300 ICE and other agents swept through an apartment complex in a largely Black community in [Chicago, IL](#). This middle-of-the-night sweep caught up 37 different people who were detained, [including at least four children](#) and many citizens. The tactics used in this raid, including the deployment of a Black Hawk helicopter, reflect the increasing militarization and discriminatory nature of ICE activities.

SCOTUS Is Expanding Executive Power

The Supreme Court of the United States (SCOTUS) has made a number of rulings that further enable persecution by the executive branch, while limiting executive accountability and the ability of states to provide legal protection. SCOTUS ruled in favor of allowing [racial profiling](#) by ICE, legalizing a form of discrimination. SCOTUS ruled in favor of [Presidential immunity](#), allowing the U.S. president to avoid legal accountability for unlawful actions performed as official duties. SCOTUS also [ruled that federal courts cannot issue universal injunctions](#), limiting the ability of federal courts to stop harm caused by executive actions outside of their own district. These rulings further dismantle the “checks and balances” of the United States federal government, empowering the executive branch to engage in civil and human rights violations.

The Administration’s Entanglement with White Supremacy and Christian Nationalism

Recent events demonstrate the Trump administration’s entanglement with far-right groups associated with white supremacy and Christian nationalism. Donald Trump has noted that the government shutdown is going to bring a lot of pain as he “[clear\[s\] out dead wood](#),” referencing massive Administration [layoffs at federal agencies and](#)

[consolidation of departments](#) – a plan laid out in “Project 2025”. “Project 2025” is a plan [to install an authoritarian](#) government, [systemically eroding measures that inhibit the power of the president , such as firing non-partisan administration staff and weakening Congressional oversight](#). The architects of “Project 2025” is a far right, Christian Nationalist, organization called [The Heritage Foundation](#). [The Heritage Foundation has significant political pull, with a majority of Trump's cabinet members having connections to the organization.](#)

The Trump administration is also engaged in mutually beneficial relationships with far-right groups who have been involved in past incidents of political violence. On January 20th of 2025, Donald Trump [pardoned nearly 1,600 insurrectionists](#) that had been indicted in the [January 6th, 2021 riots](#), including many who were part of the white supremacy groups called the Proud Boys and the Oath Keepers. Members of these groups are supporting ICE activities, with the [Proud Boys](#) asking ICE to consider [deputizing](#) their members while ICE is [advertising for more recruits](#).

The empowerment of white nationalists is happening at the local and state level, as well as the federal level. Many people are facing identity-related threats of violence and attack [from the public](#) that they cannot reliably address through local authorities. [Local police forces, who should help with such cases, have been found to have ties to white supremacist groups, including employing officers who are members of white supremacist groups.](#)

Increased Military Presence in U.S. Cities

Moving to a more progressive state or city is no longer a reliable option to escape persecution in the United States, even if someone can financially afford it. A [growing number](#) of progressive cities and states, such as those designated “sanctuaries,” are being occupied by the United States military and federal agents under the orders of Pete Hegseth and Donald Trump.

The rhetoric used at a meeting of U.S. generals and high-ranking members of the administration suggests further escalation and violations of civil and human rights. Trump and Hegseth both gave addresses, respectively saying “We should use some of these dangerous cities as training grounds for our military, National Guard, but military” ([Donald Trump, Military Times, 2025](#)) and “We don’t fight with stupid rules

of engagement" ([Pete Hegseth, Observer, 2025](#)). Some of the remarks Trump made suggest U.S. citizens should expect more [deployments in U.S. cities](#).

Impact on the Transgender, Gender Expansive, and Intersex (TGI) Community

Persecution of transgender, gender expansive, and intersex (TGI) people has grown in recent weeks. On October 14th, 2025, Customs and Border Protection (CBP) put a [policy in place that explicitly discriminates against transgender, gender expansive, and intersex people](#) by only recognizing male and female identifiers on passports as valid. This went into effect before the Supreme Court could make a decision about allowing [a stay requested by transgender and nonbinary Americans](#) that would have prohibited this policy. This forces people with the "X" gender marker on their passport to choose between an "M" or an "F" for airport travel. Once their passport expires, they will have to choose a binary marker to renew. This has left [confusion and fear among the TGI community](#), as the legal recognition of their identities is further threatened. This pattern of legalized discrimination was extended, on October 22nd, 2025 when a [Federal judge struck down a Biden administration extension of antidiscrimination protections for transgender health care](#).

Executive orders — many of which are now going into effect after the SCOTUS ruling in [Trump v. Casa](#) — are a serious threat to the TGI community. Executive orders like "[Defending Women From Gender Ideology Extremism and Restoring Biological Truth to The Federal Government](#)," "[Prioritizing Military Excellence and Readiness](#)," and "[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)" erase legal recognition of TGI identities, facilitate legal discrimination against TGI people, and incite social ostracization.

Within ICE activities, transgender people are reportedly being persecuted. [ICE has allegedly placed transgender detainees into forced labor camps, subjecting them to abuse and inhumane conditions](#), including sexual assault and forced labor. Reports mention a "night shift program" at a detention facility, wherein transgender men and masculine presenting LGBTQ+ people were targeted for hard manual labor without any protective equipment.

What Can Foreign Governments Do?

Foreign governments can help at-risk individuals find safety from harm in several ways:

- Reevaluate whether the United States meets the criteria of a “safe country of origin.” Update data and information to accurately reflect the rapidly declining state of human and civil rights in the United States when evaluating asylees.
- Pending reclassification, apply exceptions for individuals from at-risk communities, including the TGI community, that are seeking asylum from the United States. Consider the persecution of TGI people, Latine people, Black, brown, and indigenous people and other people of color, people with disabilities, unhoused people, immigrants, asylees, refugees, people with uteruses, political “dissidents,” and other communities within the United States.
- Take into account if there are other avenues, such as “Permission to Stay” options, that can be offered to at-risk people fleeing from the United States that do not meet all criteria to receive refugee status. This will help avoid returning at-risk people back to the United States where they will likely face scrutiny, interrogation, and potentially abuse and detainment when attempting to re-enter the country.
- Consider offering new visa pathways that would allow workers leaving the U.S. to bring their families with them. Digital nomad work visas would be especially helpful, allowing some people who flee to keep their source of income. Even temporary visas would be helpful.
- Discuss the domestic civil and human rights violations and persecution being conducted by the U.S. government within national and international bodies of government, including the EU.

Conclusion

The United States no longer meets the criteria to be a “safe country of origin.” By leveraging influence over members of the judicial and legislative branches and partnering with far-right groups, the Trump administration is consolidating power into the executive branch, utilizing tactics mirroring those outlined in “Project 2025”. This authoritarian-style power grab has been utilized to violate the human and civil rights of people from a variety of minority communities, including the transgender, gender expansive, and intersex (TGI) community. Moving to a more progressive state or city is no longer a reliably safe option for many persecuted communities. For many TGI people and people from other persecuted communities, there is no reliable escape from or protection from persecution in the U.S.

The European Union, and all nations should launch investigations to reconsider the status of the United States as a “safe country of origin” and the ability of people fleeing the U.S. to receive asylum in their countries. Failing to acknowledge that the U.S. is no longer a “safe place of origin” leaves people experiencing or at risk of government persecution without reliable legal recourse, safe domestic options, or clear paths to asylum. Pending reclassification, exceptions and protective provisions should be applied to persecuted communities, including TGI people, seeking asylum from the United States. While questioning the designation of the United States may inspire retaliation, the humanitarian consequences of failing to act are dire.

Resources

Chicago ICE Raid & Occupation

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