

Center for the Victims of Torture

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.cvt.org/news-events/press-releases/cvt-denounces-trump-administration%E2%80%99s-misguided-attempt-ban-individuals>

Public Facing Advocacy Writing

ST. PAUL, Minn. & WASHINGTON The Trump administration published today an [Interim Final Rule](#) that bars from seeking asylum individuals who transited through another country, such as Mexico or Guatemala, before arriving at the U.S. southern border. This rule is yet another attempt by the Trump administration to close our doors to asylum seekers principally from Central America. A significant number are survivors of torture and other types of severe trauma, and for many this rule is a death sentence.

Whats the rule?

The rule would amend federal regulations to bar from asylum those people, including children, who present themselves or are apprehended at the southern border on or after July 16, 2019 and fail to establish that they obtained a final judgement denying asylum in a third country en route to the United States. Its not sufficient for an individual to have applied for asylum to still qualify at our border, but needs to demonstrate the country denied the application.

Who will be affected?

The rule will affect exclusively those seeking asylum at the U.S. southern border. This includes anyone attempting to reach the United States by crossing through Mexico and/or Guatemala. Asylum seekers from Honduras, El Salvador, Guatemala and Venezuela will be impacted most severely.

Whats the administrations rationale for imposing this rule?

The Trump administration continues to claim that the humanitarian crisis at the border is caused by smugglers bringing economic migrants. This fully ignores the fact that a significant number of individuals are fleeing because they are being persecuted in their home countries.

How many of those affected are survivors of torture?

According to the Office of Refugee Resettlement, [as many as 44% of refugees and asylum seekers](#) living in the United States are survivors of torture. Given the conditions in [Northern Triangle](#) countries and [Venezuela](#), there is no reason to believe that the torture prevalence rate among refugees arriving at our southern border is meaningfully different.

Is this action legal?

No. The rules violate both domestic and international law. The Immigration and Nationality Act, the instrument of domestic immigration law, states that a third safe country has to be capable of processing asylum seekers and where asylum seekers would not be at risk of persecution. Similarly, the 1951 Refugee Convention requires that [\[a\]s a precondition to return or transfer of an asylum-seeker or refugee to another country, it is crucial to establish that s/he has access in that country to standards of treatment commensurate with the 1951 Convention, its 1967 Protocol and international human rights standards](#). Neither Mexico nor Guatemala complies with the standards under domestic or international law.

Is this retroactive?

No. This rule will apply to those who arrive at our borders on or after July 16, 2019.

What happens next?

The public has 30 days to provide comment, which serves to educate the administration on the effects this Interim Final Rule will have on asylum seekers, including survivors of torture. The legality of the rule may also be challenged in Federal Court.

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The Center for Victims of Torture is a nonprofit organization headquartered in St. Paul, MN, with offices in Atlanta, GA, and Washington, D.C.; and healing initiatives in Africa and the Middle East. Visit www.cvt.org.

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