

Center for the Victims of Torture

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

<https://www.cvt.org/blog/healing-and-human-rights/explainer-details-trump-administration%E2%80%99s-final-efforts-destroy-asylum>

Campaign and Advocacy

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As the Electoral College officially affirmed President-elect Joe Bidens victory, the Trump administration has been making a last sprint to decimate access to asylum. In the past few weeks the administration published several final rules, four of which will be particularly harmful to individuals fleeing from persecution and torture.

A Biden/Harris administration can still reverse these rules, but because they are final, the administration would have to go through the rulemaking process to do so, which will likely take at least several months.

At the same time, the implementation of these rules can be halted through litigation, so stay tuned as we continue to follow relevant cases and flag any new developments.

Here is a summary of the four most harmful new rules:

[*Torture Rehabilitation Programs Comment on the Rule*](#)

Agencies: Department of Homeland Security (DHS) and Department of Justice (DOJ)

Publication: Published as [final rule](#) on December 11, 2020.

Effective date: **January 10, 2021** (see update, below)

Litigation: there are at least three lawsuits in the works.

UPDATE: This rule was **BLOCKED in court as of Jan. 8 and was not implemented on Jan. 10.**

The rule does the following:

For a technical summary, you can access the [EOIR \(DOJ\) Guidance document](#).

[*CVTs Comment on the Rule*](#)

Agency: DOJ Executive Office for Immigration Review

Publication: Published as a [final rule](#) on December 16, 2020.

Effective date: **January 15, 2021** (see update, below)

Litigation: likely to be litigated.

UPDATE: This rule was **halted by a Temporary Restraining Order as of Jan. 15 and did not take effect.**

The rule does the following:

[*CVTs Comment on the Rule*](#)

Agencies: DOJ and DHS

Publication: Published as [final rule](#) on December 17, 2020

Effective date: **January 16, 2021** (see update, below)

Litigation: Groups are working on a strategy to challenge this rule, given an injunction on the initial issuance of the same rule previously but as an Interim Final Rule.

UPDATE: The transit ban rule was enjoined effective Feb. 16, 2021.

The rule does the following:

[*CVT Comment on the Rule*](#)

Agencies: DOJ and DHS

Publication: Published as [final rule](#) on December 23, 2020

Effective date: **January 22, 2021** (see update, below)

Litigation: None yet filed but challenges are being discussed now.

UPDATE: As of Jan. 21, the effective date has been changed to March 21, 2021.

The rule does the following:

We **heal victims** of torture through unique services and professional care worldwide.

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We **strengthen partners** who heal torture survivors and work to prevent torture.

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We **advocate** for the protection & care of torture survivors and an end to torture.

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