



Editorial by Kate Semple Barta  
July 10, 2020

## The End of the US Asylum System?

The U.S. began to see its role as a protector of the human rights of ‘others’ in the aftermath of World War II. During that conflict, migrants fleeing the genocide of the holocaust were turned away when they sought safety in the U.S., largely out of fear of U.S. infiltration by Nazis. A few Nazi spies may have been turned away, but along with them, thousands of Jewish refugees. One can only assume that many of those innocent men, women, and children were then murdered because of their religion.

The U.S. became a party to the UN Convention on the Protection of Refugees in 1967, and is still a signatory, as are 140 other countries. More importantly, the U.S. Congress enacted the Refugee Act in 1980, which lays out our formal system of refugee protection. “The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands. The objectives of this Act are to provide a permanent and systematic procedures for the admission to this country of refugees.”

This system is not perfect. No asylum system is, or even can be, because it is a response to the most imperfect of human behaviors—the persecution of individuals in violation of their human right to expression of political, religious, or cultural beliefs. Our system was challenged most intensely when thousands of Central Americans fled persecution by government condoned gangs during the Obama administration and clogged up the system—causing long delays in processing which continue today. However, the fix for a challenged system that aims to protect lives is not to weaken it further--unless you believe that there are some human rights, or some humans, not worth protecting.

By design, the Refugee Act protects human rights of non-U.S. Citizens. It was enacted to provide a path to permanent protection when people are tortured, murdered, or systematically harassed by their governments—or private actors their governments cannot, or choose not to, control. When a person cannot live in their country because it is illegal to be homosexual there, or because they cannot effectively flee domestic violence without alerting police, who believe it is a man’s right to abuse his spouse, they may have no other option but to die or flee. Our Congress has never acted to change this system. Judges have made law along the way, as is necessary, which limit and expand the protections created under law.

However, the Trump administration has been chipping away at our protection of asylum seekers—many of whom are likely refugees as defined by law--through changes in policies at

the southern border, unilateral action by the Attorney General, and executive orders/proclamations. It is unclear what public policy goals are being served by doing so, other than xenophobia and racism. On June 15<sup>th</sup>, the administration published proposed regulations that would effectively be the nail in the coffin of the U.S. asylum system. They gave only 30 days for comments, instead of the standard 60-90. These regulations will make it nearly impossible for people to get asylum if they come over the southern border, if they are poor, or if their persecution is on account of their resistance to gangs, terrorist groups, domestic violence, or other gender-based violence.

Many will suffer if these regulations become encoded. Many have already suffered as a direct result of American policy limiting the ability of asylum seekers to have their claims heard. There is an opportunity to make your voice heard by submitting a comment on the proposed rule. The more comments submitted the better—the longer it will take the agency to finalize the rule. Every day these restrictions are not in place means that more people have a chance to find safety here—to build a life free from fear.

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