

August 15, 2019

Lauren Alder Reid, Assistant Director, Office of Policy,  
Executive Office for Immigration Review,  
5107 Leesburg Pike, Suite 2616,  
Falls Church, VA 22041

*Submitted via Regulations.gov portal*

**RE: Interfaith Joint Public Comment on EOIR Docket No. 19-0504, Asylum Eligibility and Procedural Modifications**

Dear Ms. Reid,

We, the 260 undersigned leaders of diverse faith communities and faith-based organizations write to request that the interim final rule, Asylum Eligibility and Procedural Modifications, be withdrawn in its entirety. The rule puts people fleeing for their lives at risk of further harm, is inconsistent with our nation's historic and moral commitment to human rights, and violates existing asylum law duly enacted by Congress.

Our country's asylum laws are based upon the international principle of *non-refoulement*—a promise that the United States will not send people back to countries where their lives or freedom will be at risk. These laws were intentionally designed by Congress to protect the world's most vulnerable people from persecution. They codify longstanding U.S. principles and our commitment to be a beacon of hope for those in need of safety and security.

Our request is rooted in morality, humanity, and the teachings of our faiths: we must welcome, protect, and offer hospitality to those in need. The Torah and Old Testament command, "You shall have one standard for stranger and citizen alike: for I the LORD am your God." Similarly, the Quran teaches: "They love those who emigrated to them and find not any desire in their hearts of what the emigrants were given, but rather give them preference over themselves, even though they are in privation. Whoever is protected from the greediness of his own soul, then those will be successful."

Accordingly, the rule must be withdrawn for the following reasons:

**I. The rule puts the majority of asylum seekers at the U.S.-Mexico border at risk of further harm:**

The interim final rule is a backdoor asylum ban. It denies access to asylum to people who have passed through any other country before arriving at the southern border, requiring them to have applied for asylum in at least one country they passed through in order to ask for safety in the United States.

The individuals who arrive at the U.S.-Mexico border seeking protection are fleeing some of the most dangerous countries in the world. Although the asylum seekers at the southern border come from all over the world, including Africa and South America, many come from the Northern Triangle countries of

El Salvador, Honduras, and Guatemala. According to UNHCR reports, these countries are experiencing epidemic levels of violence.<sup>1</sup>

The rule fails to understand or acknowledge the realities of asylum seekers' journeys and the lack of options they have been left with. No one flees their home or country by choice. Asylum seekers may have little to their name as they travel to the United States. They may not have been able to bring any belongings with them at all if they were forced to escape in a hurry. As a result, asylum journeys are incredibly dangerous as people may have little or no access to food, clean water, health care, appropriate shoes or clothing. The requirement to apply for asylum in another country before seeking asylum in the U.S. will add time and risk to people already facing these desperate situations.

Given their typical lack of resources, navigating the process of applying for asylum in any country is incredibly difficult and may be wholly insurmountable. This is particularly true in countries that do not have a fair and accessible asylum process that meets international standards, infrastructure to process asylum seekers' claims, or public resources. For those passing through Northern Triangle countries and Mexico, applying for asylum and waiting for a decision from a country that has little or no ability to process such claims may put the asylum seeker at further risk of harm. For example, Guatemala's asylum system is new and barely functioning.<sup>2</sup> In Mexico, immigration agents have been known to threaten and abuse migrants and force them to accept voluntary deportation or discourage them from seeking asylum.<sup>3</sup> People may also encounter language or literacy barriers or fear persecution approaching government officials. For those who are able to navigate asylum systems, they may be forced to wait for long periods of time without resources or public services, adding to the risk of harm. For example, according to the U.S. State Department's 2017 Mexico Country Report, asylum seekers and others are at risk of kidnapping, extortion, robbery, disappearance, trafficking, and sexual assault, among other harms.<sup>4</sup>

As a result of these realities, the rule will drive people to take even more dangerous journeys to save their lives and the lives of their families. Left with no option, people may turn to smugglers and traffickers to take them by sea, facing dangerous journeys like those that have cost thousands of lives in the Mediterranean Sea.<sup>5</sup> As people of faith, we remember and bear witness to Alan Kurdi, the three-year-old boy who drowned as his family was desperately trying to save him from the Syrian war, along with all the other child asylum seekers lost at sea. This rule and the risks it creates will undeniably put vulnerable children—including unaccompanied children who are specifically not exempt from the rule—in life-threatening situations.

## **II. The rule violates existing U.S. asylum law and the due process rights of asylum seekers:**

The rule undermines the due process rights of asylum seekers. Under this rule, anyone seeking asylum in the United States, who has not applied for asylum in a third country, would be automatically disqualified and eligible only to apply for lesser forms of relief— withholding of removal and protection under the Convention Against Torture. To succeed on an application for these lesser forms of protection, the asylum seeker must meet a higher burden of proof. Those who succeed under this heightened standard

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<sup>1</sup> *Claims from Central America*, UNHCR, [www.unhcr.org/en-us/claims-from-central-america.html](http://www.unhcr.org/en-us/claims-from-central-america.html) (last accessed July 31, 2019).

<sup>2</sup> *2018 Country Reports on Human Rights Practices: Guatemala*, U.S. STATE DEPARTMENT, [www.state.gov/reports/2018-country-reports-on-human-rights-practices/guatemala/](http://www.state.gov/reports/2018-country-reports-on-human-rights-practices/guatemala/) (last accessed July 31, 2019).

<sup>3</sup> *2018 Country Reports on Human Rights Practices: Mexico*, U.S. STATE DEPARTMENT, [www.state.gov/reports/2018-country-reports-on-human-rights-practices/mexico/](http://www.state.gov/reports/2018-country-reports-on-human-rights-practices/mexico/) (last accessed July 31, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> *Mediterranean situation*, UNHCR <https://data2.unhcr.org/en/situations/mediterranean> (last accessed July 31, 2019).

can never apply for family members to reunite with them in the United States, leaving families torn apart. Additionally, unlike our current law which provides an asylum seeker a pathway to citizenship, under the rule, individuals seeking protection at the southern border will not be eligible for any kind of permanent status that would allow them to stabilize and integrate into American society. This would create division and second-class citizenship in the United States. The rule also unfairly applies to asylum seekers currently stuck in Mexico under the Remain in Mexico and metering policies, making them ineligible to apply for asylum after waiting for months to enter the United States.

### **III. Conclusion:**

By definition, asylum seekers are the most vulnerable people in the world, coming to the United States seeking refuge. Catholic Social Teaching and other faith values make clear that people have the right to cross borders to save their lives and the lives of their families.

As Pope Francis writes in his prepared speech for 2019's World Refugee Day: "That is why it is not just about migrants. When we show concern for them, we also show concern for ourselves, for everyone; in taking care of them, we all grow; in listening to them, we also give voice to a part of ourselves that we may keep hidden because it is not well regarded nowadays."<sup>6</sup>

As people of faith, we call on our government to uphold the law and the values on which this country is built. We welcome and offer safety and assistance, not rejection, to those in need. It is our sacred and American duty. Accordingly, the interim final rule must be withdrawn in its entirety.

Sincerely,

### **Faith organizations**

African American Ministers In Action  
Apostle Immigrant Services  
Asian Ministry Connection  
Bread for the World  
Bridges Faith Initiative  
Cabrini Immigrant Services of NYC  
Caminando Juntos  
Capuchin Franciscan Province of St. Mary  
CASA REINA  
Catholic Charities of SW Kansas  
Catholic Charities of the Archdiocese of Washington  
Catholic Charities of West TN  
Catholic Community Services of Utah  
Catholic Family Center  
Catholic Legal Immigration Network, Inc.  
Christian Reformed Church Office of Social Justice

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<sup>6</sup> Pope's message for 2019 World Day of Migrants and Refugees: Full text, VATICAN NEWS (May 27, 2019) [www.vaticannews.va/en/pope/news/2019-05/pope-francis-message-world-day-migrants-refugees-full-text.html](http://www.vaticannews.va/en/pope/news/2019-05/pope-francis-message-world-day-migrants-refugees-full-text.html) (last accessed July 31, 2019).

Church World Service  
Community of the Holy Spirit  
Conference of Presentation Sisters  
Congregation of Sisters of St. Agnes  
Crossing Borders – Dubuque  
DC-MD Justice for Our Neighbors  
Disciples Refugee & Immigration Ministries  
Dominican Sisters of Adrian  
Dominican Sisters of Houston  
Faith Communities Organizing for Sanctuary  
Faith in Public Life  
Franciscan Action Network  
Franciscan Brothers of Brooklyn  
Franciscans for Justice  
Holy Name of Mary Catholic Chapel  
Holy Spirit Missionary Sisters, U.S.A.-JPIC  
HOPE Border Institute  
Ignatian Solidarity Network  
Interfaith Welcome Coalition  
Jesuit Social Research Institute  
Justice For Our Neighbors East Texas  
Justice for Our Neighbors North Central Texas  
Justice, Peace and Reconciliation Commission, Priests of the Sacred Heart, US Province  
Leadership Conference of Women Religious  
Loretto Community  
LUCHA Ministries, Inc.  
Lutheran Episcopal Advocacy Ministry NJ  
Maryknoll N.M.  
Muslim Public Affairs Council  
National Council of Jewish Women  
National Justice for Our Neighbors  
NETWORK Lobby for Catholic Social Justice  
New Sanctuary Movement of Atlanta  
Pax Christi USA  
Presbyterian Church (USA)  
Presentation Lantern Center  
Presentation Sisters S.F. CA  
Project IRENE  
Province of St. Joseph of the Capuchin Order  
Reconstructionist Rabbinical Association  
Sisters of Charity of Nazareth Western Province Leadership  
Sisters of Charity, BVM  
Sisters of Mercy of the Americas- Justice Team

Sisters of Social Service  
Sisters of St. Francis of the Providence of God  
Sisters of St. Francis, Sylvania, OH  
Sisters of St. Joseph of Carondelet  
Sisters of the Presentation, S.F.  
The Council of Churches of Greater Bridgeport  
The Interfaith Center on Corporate Responsibility  
The Interfaith LGBTI Clergy Association  
The Literacy Connection  
Thrive International Programs, Inc.  
T'ruah: The Rabbinic Call for Human Rights  
Union for Reform Judaism  
Unitarian Universalist Service Committee  
United Church of Christ, Justice and Witness Ministries  
Ursulines of the Roman Union - Eastern Province  
US Federation of the Sisters of St Joseph  
Wheaton Franciscan Sisters  
Wisconsin Faith Voices for Justice

### **Faith leaders**

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Assistant Provincial Jocelyn A. Quijano  
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Bro. Brian McLauchlin  
Brother Mark Schroeder, O.F.M.  
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Co-Director of Justice, Peace and Integrity of Creation Sharon Havelak  
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Congregational Leadership Carolyn Miller  
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Deacon Thomas Mariconda

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Director Rev. Jimmie Hawkins  
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Dr. Sr. Jacquelyn Cramer  
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Father Jim Hoffman  
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Pastor Emeritus William Connor  
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Pastoral Minister Tom Cordaro

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Provincial Mary Elizabeth Miller  
Provincial Sr. Julie Kubasak  
Provincial Superior Patricia Cormack  
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Rabbi David Fox Sandmel  
Rabbi David Mivasair (retired)  
Rabbi Deborah S. Bronstein  
Rabbi Elyse Wechterman  
Rabbi Jessica K. Shimberg  
Rabbi Jonathan Biatch  
Rabbi Maurice Harris  
Rabbi Michael Feinberg  
Rabbi Michael Rothbaum  
Rabbi Renee Bauer  
Rabbi Salem Pearce  
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Retired Pastor Rev. John Fernandes  
Rev. Allan Anderson  
Rev. David Farrell  
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Rev. Doctor Julian Watson  
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Rev. Dr. Paul C. Shupe  
Rev. Dr. Sharon Stanley-Rea  
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Reverend Genevieve Sprinkle  
Reverend Helen DeLeon  
Reverend Mark Lukens  
Reverend Paul A. Hagedorn  
Reverend Sean Carroll  
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Sister Dominica Bianco  
Sister Dorothy Schwendinger  
Sister Ella Binz  
Sister Frances Murray  
Sister Frances Nadolny  
Sister Irene Lukefahr  
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Sister Janet Luecke  
Sister Joan Argo  
Sister Joanne Vander Heyden  
Sister JT Dwyer  
Sister Judith Cannon  
Sister Karen Conover  
Sister Kathleen Kanet  
Sister LaDonna Hadro Manternach  
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Sister Margretta Wojcik  
Sister Maria Orlandini  
Sister Marie Lucey  
Sister Marilyn Wilson  
Sister Mary Ann Penner  
Sister Mary Ann Zollmann  
Sister Mary Beth Hamm  
Sister Mary Joyce Moeller  
Sister Mary Kealy  
Sister Mary Martens  
Sister Mary McMahan  
Sister Mary Ruth Brody  
Sister Mary Waddell  
Sister Matry Antonio Heaphy  
Sister Maura McCarthy  
Sister Maureen Delaney, Provincial, US.-Ontario Province

Sister Maureen Duignan, OSF  
Sister Maureen Leach  
Sister Nancy McCarthy  
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