

**Comment by the Leadership Conference of Women Religious in Opposition to Proposed
Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review**

The Leadership Conference of Women Religious (LCWR) would like to submit the following comments in opposition to the proposed rule by the Homeland Security Department and the Executive Office for Immigration Review “Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review” (RIN 1125-AA94, EOIR Docket No. 18-0002, A.G. Order No. 4714-2020)

The rule is inconsistent Catholic social teaching and the values and experience of Catholic sisters and it violates the law and principles of the United States of America.

LCWR is an association of leaders of congregations of Catholic women religious in the United States. The conference has approximately 1350 members, who represent about 80 percent of the more than 40,000 women religious in the United States. Founded in 1956, LCWR assists its members to collaboratively carry out their service of leadership to further the mission of the Gospel in today’s world. It is that mission that compels us to oppose the proposed [Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review](#).

Our sisters minister in Central America and on both sides of the U.S. Southwestern border. They have witnessed first-hand the violence to which asylum seekers are subject in their home countries and in Mexico where they are forced to wait for months for their chance to plead their case for asylum in the United States.

The story of a mother and her teenaged daughter are illustrative of the reality of many. They are from Honduras where the mother was a teacher for more than 15 years. Gang members had threatened to harm her and her colleagues at school. The threats and attacks against her colleagues became so severe that most teachers requested extended leaves and moved away. For the mother, the threats reached a tipping point when they were no longer directed at her, but at her teenage daughter. The family decided to separate for their safety. Mother and daughter traveled North to seek protection in the United States. However, once they entered the U.S., Customs and Border Patrol officials placed them under Migration Protection Protocols (MPP) and returned them to Ciudad Juarez, Mexico, to await their initial master calendar hearing.

In Juarez, members of organized crime kidnapped and held the mother and daughter for five days and six nights. They were kept in a small room in a house where people came and went and drugs were strewn in plain sight. The daughter remembers seeing a man snorting white powder. She said she saw “very bad things,” things she never had imagined before.

They were able to escape, but had no idea where they were and nowhere to go. They crawled through empty lots and hid in a ditch before reaching a public area where they sought help. They are now staying in a shelter, but rarely leave out of fear that they could be kidnapped again. They do not know what will become of them, but they understand that they are easy prey and that they will never be safe in Mexico or Honduras.

The Trump administration has been trying to dismantle the asylum process and deny the rights of those in need of protection for the past three years. This new rule [Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review](#), proposed by the [Homeland Security Department](#) (DHS) and the [Executive Office for Immigration Review](#) (EOIR) on June 15, 2020 may well be

the final nail in the coffin of the U.S. asylum system. It will certainly have life or death consequences for some of the most vulnerable people in the world.

All human beings are children of God and deserve to live in dignity. Each person has the right to thrive in their home countries. However, if conditions do not allow them to live a safe and dignified existence at home, every person has a right to seek asylum elsewhere.

The proposed rule fails on many levels. The rule violates U.S. and international human rights law and will effectively end asylum, and it violates the values that lie at the heart of our faith by targeting some of the most vulnerable people in the world, who need and deserve safety and have a right to be treated with dignity. That is precisely why we must oppose the proposed *Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review*.

First, the proposed rule fails to fulfill our nation's international and domestic legal obligations. As a nation of refugees and immigrants, the United States willingly obligated itself to provide the protections laid out in the [UN Convention Regarding the Status of Refugees of 1951](#) and the [UN Protocol Regarding the Status of Refugees of 1967](#). Congress passed the Refugee Act of 1980 to incorporate these obligations into U.S. law. Existing law recognizes the urgent dangers facing people fleeing from persecution and provides an avenue for protection from those dangers. Allowing denial of asylum for discretionary factors, such as entering the United States between ports of entry or transiting through a third country is wrong and it contradicts the plain language of international and domestic law. Neither the Department of Homeland Security (DHS) nor the President have the power to unilaterally amend the law.

Secondly, the proposed rule fails a basic moral test. Allowing individuals and families to seek asylum is not only the law, it is humane policy and a moral obligation. Our law on this matter flows from the experience that people fleeing for their lives have a desperate need to get themselves and their children to safety. Responding to that need is the moral obligation of all civilized societies. Raising the legal standard for passing a "credible fear" interview, which serves as the basis for whether an asylum seeker is allowed into the United States to pursue a protection-based claim is wrong. Redefining the asylum standard so that fear of harm by a known persecutor will not qualify as grounds for asylum, is a death sentence for those fleeing gender, domestic or gang-related violence.

Finally, our common humanity demands that we offer protection to vulnerable children and families fleeing from Central America to our southern border. They are seeking protection from lawlessness, violence and persecution. Many of them clearly qualify for asylum or other U.S. legal protections. Allowing immigration judges to summarily deny applications before the applicant even has a hearing is wrong. All those seeking asylum have a right to avail themselves of the measure of U.S. legal protections.

We know that dismantling the U.S. asylum system will not deter children and families from seeking protection in the United States because it does not alter the causes of forced migration. We urge the administration to restore and strengthen the U.S. asylum system at the border, making it humane and consistent with U.S. values, and with U.S. international and domestic legal obligations.

July 4, 2020

