

A Timeline of the Trump Administration’s Efforts to End Asylum

Last updated: January 2020

United States law enshrines the protections of the international Refugee Convention, drafted in the wake of the horrors of World War II. The law provides that any person “physically present in the United States or who arrives in the United States ... irrespective of such alien’s status, may apply for asylum....”¹ Since President Trump’s inauguration, the federal government has unleashed relentless attacks on the United States asylum system and those who seek safety on our shores. Internal memos have revealed these efforts to be concerted, organized, and implemented toward the goal of ending asylum in the United States as we know it.² This timeline highlights the major events comprising the administration’s assault on asylum seekers.

Date and Event	Policy Description and Status
January 2020	
Customs and Border Patrol (CBP) begins expanding two new programs to the Rio Grande Valley – cutting off asylum seekers from accessing legal counsel and rushing them through the credible fear process ³	✓ Two new programs – the Prompt Asylum Claim Review (PACR), applying to individuals from countries other than Mexico, and the Humanitarian Asylum Review Process (HARP), applying to Mexican nationals—were initially launched in the El Paso area in October 2019. ⁴ Under the PACR and HARP programs, asylum seekers remain in CBP custody rather than being transferred to Immigration & Custody Enforcement (ICE) for their credible fear processing (the threshold interviews for determining asylum eligibility). PACR and HARP result in asylum seekers being unjustly rushed through the credible fear process and ultimately sent back to dangerous situations. Additionally, asylum seekers are effectively precluded from receiving meaningful help and support from counsel or loved ones due to limited access to phone calls. ⁵ There are over 1,000 individuals currently in the PACR program; ⁶ unsurprisingly, preliminary rates of CFI passage in these programs are appallingly low because of the due process challenges. ⁷

√ Status: In December 2019, the ACLU filed a lawsuit in the U.S. District Court for the District of Columbia, challenging, among other things, the legality of the PACR and HARP programs.⁸

December 2019

The Departments of Homeland Security (DHS) and Justice (DOJ) publish a joint notice of proposed rulemaking (NPRM) severely curbing the number of individuals who may qualify for asylum⁹

√ This joint proposed rule adds seven new bars to asylum eligibility based on prior conduct or involvement in the criminal legal system, and significantly alters the way immigration adjudicators determine whether allegations of wrongful or criminal conduct render an individual ineligible for asylum.¹⁰ The proposed rule will severely impact asylum seekers and threatens U.S. compliance with its obligations under international and domestic asylum law.

√ Status: Awaiting issuance of the final rule. The 30-day comment period for the proposed rule closed on January 21, 2020.

November 2019

The Departments of Homeland Security (DHS) and Justice (DOJ) issue an interim final rule (IFR),¹¹ effectively immediately, that allows the U.S. to enter into *unsafe* third country agreements with Honduras, El Salvador, and Guatemala¹²

√ Under these agreements, known as “asylum cooperative agreements” (ACA), individuals would be prohibited from applying for asylum in the U.S. if the following four requirements are met: 1) the U.S. entered into a bilateral or multi-lateral agreement; 2) at least one of the signatory countries is a “third country” for the asylum seeker; the asylum seeker’s “life or freedom would not be threatened in that third country” on account of their race, religion, nationality, political opinion, or particular social group; and 4) the “third country provides [asylum seekers] removed there . . . ‘access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.’”¹³ Under this new rule, asylum officers and CBP would have the discretion to conduct threshold screenings to determine which country will consider an asylum seeker’s claim.¹⁴

√ Status: This policy is in effect¹⁵ but litigation is pending. On January 15, 2020, NIJC and several other organizations filed a federal lawsuit challenging the legality of the so-called “safe third country” agreements. The lawsuit, *U.T. v. Barr*, was filed in the U.S. District Court in Washington, D.C. and cites violations of the Refugee Act, Immigration and Nationality Act, and

Administrative Procedure Act. Plaintiffs are asylum seekers who fled to the U.S. and were unlawfully removed to Guatemala, as well as organizations that serve asylum seekers.¹⁶

The Department of Homeland Security (DHS) announces changes to the regulations controlling work permits while an asylum case is pending and blocks access to asylum for certain groups based on how and when they entered.¹⁷

- ✓ If finalized, the proposed rule would, among other changes, extend the time an asylum applicant would have to wait before submitting an application for a work permit from 180 days to 365 days; exclude individuals who did not lawfully enter the U.S. through a port of entry from being eligible to apply for asylum; and exclude individuals who did not file an asylum application within one year of their last entry from being eligible for asylum.¹⁸ The United States' legal and moral obligation to protect those seeking safety from persecution includes the obligation to ensure that those seeking and those granted asylum are able to access the benefits and services that enable them to live a full life. Chipping away at the ability of asylum seekers to access this form of relief and the ability to work directly contravenes these obligations.
- ✓ Status: Awaiting issuance of the final rule. The comment period for the proposed rule closed on January 13, 2020.

U.S. Citizenship and Immigration Services (USCIS) publishes a proposed rule that would eliminate the 30-day processing time for initial employment authorization documents (EADs) given to asylum seekers¹⁹

- ✓ A delay in the ability to work will cause grave consequences for asylum seekers. Swiftly gaining a work permit is a crucial first step for asylum seekers toward finding stability, safety, and the support necessary to begin rebuilding a full and productive life. Without first receiving a work permit, an asylum seeker would be unable to obtain any form of identification, such as a driver's license or social security number. This would effectively inhibit their ability to access social benefits and do things U.S. citizens take for granted such as opening a bank account, getting a library card, or even registering their child for school.
- ✓ Status: Awaiting issuance of the final rule. The comment period for the proposed rule closed on November 08, 2019.

September 2019

Administration reaches agreement with Honduras, effectively blocking asylum

- ✓ Similar to a deal reached with Guatemala and El Salvador, this new agreement will enable the U.S. to reject asylum seekers who have not first applied for asylum in Honduras.²¹ Once more, it is clear the Administration has a complete disregard for the underlying reasons many Central

<p>seekers from reaching the United States²⁰</p>	<p>Americans flee their home countries. In Honduras, “[t]wo-thirds of its roughly 9 million people live in poverty” with rampant gang and gender-based violence.²² Forcing asylum seekers to remain in a country with their persecutor can actually be a matter of life or death.</p>
<p>Acting Department of Homeland Security (DHS) Secretary McAleenan announces DHS will no longer allow any arriving asylum seekers to be released into the community²³</p>	<p>✓ Acting Secretary announced that asylum seeking migrant families, who do not express a fear of return to their home country, would no longer be released into the interior of the United States after being arrested and detained by U.S. Customs and Border Patrol (CBP); however, there will be some humanitarian and medical exceptions ²⁴ For those families who do express a fear, they will be returned to Mexico under Migrant Protection Persecution Protocols (MPP) policy.²⁵ This will only exacerbate the violence and danger asylum seekers stuck in Mexico currently face.²⁶</p>
<p>United States and El Salvador sign a bilateral agreement as a way to combat the flow of migration from Central America²⁷</p>	<p>✓ In another callous attempt to stop the flow of migration from Central America, the United States has entered into an agreement with El Salvador to have the Central American country develop its asylum process so that migrants will first seek asylum there.²⁸ Acting DHS Secretary McAleenan stated in a press conference with El Salvador’s foreign minister, Alexandra Hill Tinoco, that the agreement will “provide opportunities [for asylum seekers] to seek protection . . . as close as possible to the origin of individuals that need it”²⁹ The reality is that El Salvador should be one of the last places for an asylum seeker to be; in fact, the State Department’s travel advisory for El Salvador asks potential visitors to “[r]econsider travel to El Salvador due to crime,” stating “[v]iolent crime, such as murder, assault, rape, and armed robbery is common” and that “[g]ang activity, such as extortion, violent street crime . . . is widespread.”³⁰</p> <p>✓ Status: Neither text nor details of the agreement have been formally released and negotiations around the agreement are on-going.</p>

<p>Supreme court allows full implementation of Asylum Ban 2.0³¹ (barring migrants who cross through another country prior to arriving at the U.S. border from asylum eligibility)</p>	<ul style="list-style-type: none"> ✓ In July 2019, the administration published an Interim Final Rule banning all people, including children, who have traveled through another country to reach the United States from applying for asylum. This rule is a de facto asylum ban for nearly all asylum seekers seeking to enter the U.S. through the southern border. ✓ Status: The rule is now fully in effect, after the Supreme Court stayed a partial Temporary Restraining Order. A federal district court judge in California issued a Temporary Restraining Order on July 16, 2019 in California in <i>East Bay Sanctuary Covenant et al. v Trump</i>, finding the ban to likely violate the asylum provisions of U.S. federal law and raising concerns regarding the administration's failure to allow for notice-and-comment rulemaking.³² The government appealed to the U.S. Circuit Court of Appeals for the Ninth Circuit, which kept the injunction in place only with regard to the geographic region covered by the Ninth Circuit (California and Arizona) and allowed the government to implement the rule across the rest of the southern border. On September 11th, the Supreme Court issued a decision allowing the ban to be fully implemented during the pendency of litigation.³³
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July 2019

<p>All undocumented immigrants in the interior become targets for arrests and deportation through new Interim Final Rule expanding procedures that expedite deportation³⁴</p>	<ul style="list-style-type: none"> ✓ Pursuant to another major regulatory change implemented as an Interim Final Rule, any undocumented individual who cannot prove to have been continuously present in the U.S. for at least two years can be placed in a fast-track deportation process, without the opportunity to plead their case in front of an immigration judge or get the help of an attorney.³⁵ Expedited removal proceedings do allow individuals to seek referral to an immigration court proceeding to seek asylum, but the program has been consistently criticized for officers' failure to identify legitimate asylum seekers, resulting in the return of many to harm.³⁶ ✓ Status: Because of its issuance as an Interim Final Rule, the expansion of expedited removal is already in place. A lawsuit challenging this inhumane rule was filed on August 6, 2019.³⁷
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<p>Attorney General Barr certifies yet another case to himself and further</p>	<ul style="list-style-type: none"> ✓ Attorney General Barr reversed yet another BIA decision, this time strictly limiting asylum eligibility for individuals targeted and harmed due to their family membership.³⁹
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<p>diminishes grounds of asylum - <i>Matter of L-E-A</i>-38</p>	<p>✓ Status: This ruling effectively limits, or in some cases eliminates, the possibility of even presenting a claim for asylum for individuals who are fleeing harm on the basis of their membership in a particular family.</p>
<p>New pilot program gives border patrol officers the authority to conduct credible fear interviews⁴⁰</p>	<p>✓ Stephen Miller has been promoting the implementation and expansion of a pilot program that would allow CBP officers, rather than trained asylum officer working under USCIS supervision, to conduct credible fear interviews. Requiring asylum seekers, recently arrived and fleeing fresh trauma, to articulate their fear of return to uniformed CBP officers will certainly mean that many asylum seekers will be forcibly returned to harm and death.</p> <p>✓ Status: Mark Morgan, Acting Chief of CBP, testified to Congress in July 2019 that CBP officers are currently undergoing training in order to conduct these types of interviews.⁴¹ In September 2019, it was reported that CBP agents were beginning to screen families for credible fear, with CBP agents at the Dilley Family Residential Center identifying themselves to children and families as “asylum officers.”⁴²</p>
<p>The administration announces it has reached a deal with Guatemala to halt the flow of Central American migrants to the U.S.⁴³</p>	<p>✓ In July the U.S. government announced it had reached an agreement with the government of Guatemala. Although the details are uncertain, the administration seems to consider the agreement to set the stage for a “safe third country” agreement that would require all asylum seekers arriving at the southern border who passed through Guatemala, other than Guatemalans, to be transferred to Guatemala to present an asylum claim there. The announcement of the agreement has prompted widespread condemnation in both countries, as it appears to constitute a back-door sealing of the southern border to asylum in the U.S. and would likely prompt an unmitigated political and humanitarian crisis in Guatemala, one of the most dangerous countries in the world.⁴⁴</p> <p>✓ Status: The agreement was published in the Federal Register on November 19, 2019.⁴⁵</p>
<p>May 2019</p>	
<p>USCIS issues a memo⁴⁶ attempting to undercut</p>	<p>✓ The memo undermines the few but essential protections provided to unaccompanied children in their asylum proceedings, including exemption from the one-year filing deadline</p>

protections provided to unaccompanied children during the asylum process

and non-adversarial asylum interviews with an asylum officer, by requiring immigration adjudicators to continually re-adjudicate a child's designation as unaccompanied.⁴⁷ These new procedures undoubtedly impact children's ability to effectively access their right to asylum by stripping away protections specifically designed to reflect the vulnerability of children who arrive at a border alone.

- ✓ Status: The memo became effective June 30, 2019. In August 2019, a federal district court issued a Temporary Restraining Order prohibiting USCIS's implementation of the memo.⁴⁸

January 2019

Migrant Protection Persecution Protocols (MPP) a.k.a "Remain in Mexico"⁴⁹

- ✓ The MPP program constituted a dramatic undermining of the foundation of the U.S. asylum system by systematically returning asylum seekers who have been inspected at a port of entry and put into removal proceedings to Mexico to await their proceedings. Since its inception, the program has been implemented at ports of entry all across the southern border,⁵⁰ placing asylum seekers at risk for violence, exploitation at the hands of cartels, and death.⁵¹ Approximately one percent of people returned to Mexico under the program are able to find representation in their court cases⁵² and the program regularly results in family separations.⁵³
- ✓ Status: This policy is in effect and continues to cause massive harms and rights abuses. Human Rights First partners with other human rights organizations to publish a running database of publicly reported kidnappings and violent assaults on asylum seekers forced to return to danger in Mexico through this program.⁵⁴ The program has additionally caused wait times on the international bridges to increase⁵⁵ and asylum seekers to become so desperate that they cross between ports of entry and suffer injuries or even death.⁵⁶ A lawsuit challenging the policy is on-going (*Innovation Law Lab v. Nielsen*); although the district court issued a preliminary injunction in April 2019⁵⁷ the program continues to be operational.⁵⁸

November 2018

Asylum Ban 1.0

- ✓ In response to groups of asylum seekers from Central America arriving in the fall of 2018 (known colloquially as caravans), the administration, via proclamation, banned individuals

(barring migrants who cross between ports from asylum eligibility)

who do not present themselves at a point of entry from applying for asylum.⁵⁹ The proclamation was implemented through an Interim Final Rule, allowing for immediate implementation without the ordinary notice and comment period usually required for significant regulatory changes.⁶⁰

✓ Status: In *O-A v. Trump*,⁶¹ a Washington, D.C. federal court declared the rule illegal and prohibited its implementation.⁶² An appeal to this ruling is highly likely.

September 2018

DHS and the Department of Health and Human Services (HHS) attempt to **dismantle the Flores settlement agreement**⁶³ and the Trafficking of Victims Protection Reauthorization Act of 2008 (TVPRA)⁶⁴ through the regulatory process⁶⁵

✓ DHS and HHS both issued notices in the federal register of a proposed rule that would, among other things, allow for the indefinite detention of families, enable DHS to self-license family detention facilities, and undermine unaccompanied children's rights to a bond hearing.⁶⁶ Despite receipt of more than 100,000 comments on the proposed rule, DHS and HHS proceeded to publish the rule in final form in August 2019, with few meaningful changes from the proposed rule. The publication marks the latest step in the administration's ongoing efforts to irreparably alter the *Flores* settlement, a binding court settlement providing protections and guidelines related to the timing and conditions of detention for migrant children.⁶⁷

✓ Status: The final *Flores* rule was published on August 23, 2019 but is not yet in effect subject to pending litigation.

Official "**turn back**" (or **metering**) policy executed by CBP is confirmed in the Office of the Inspector General (OIG) report about family separations⁶⁸

✓ The OIG report stated that the practice of metering, which constitutes the turning-back of asylum seekers at ports of entry where they are forced to wait in haphazardly operated queues amounting to weeks or months of delay, had been a tactic used by CBP going back to 2016.⁶⁹ This policy "compounds other longstanding border-wide tactics that CBP has implemented to prevent migrants from applying for asylum in the U.S., such as lies, intimidation, coercion, verbal abuse, physical force, outright denials of access, unreasonable delays, and threats—including the threat of family separation."⁷⁰

✓ Status: Litigation challenging the legality of metering is pending in the U.S. District Court for the Southern District of California, where the judge has rejected the government's second attempt to dismiss the case (*Al Otro Lado v. McAleenan*).⁷¹

June 2018

Then-Attorney General Sessions severely limits the availability of asylum for **survivors of domestic violence and gang violence** (*Matter of A-B*).⁷²

✓ Again utilizing his ability to certify BIA cases to himself, Sessions overruled *Matter of A-B*, effectively limiting the availability of asylum to most individuals fleeing gender-based violence or violence at the hands of gangs and making it easier for ICE counsel to argue for deportation.⁷³

✓ Status: In December 2018, a federal court issued a decision generally preventing the administration from implementing this and other policies.⁷⁴ Recently, 21 state attorneys general⁷⁵ filed an amicus brief in support of the court's decision.⁷⁶ The next hearing date regarding the government's appeal has not yet been set.

April 2018

The Department of Justice (DOJ) requires immigration court judges to comply with **case quotas**⁷⁷

✓ Despite opposition from the National Association of Immigration Judges,⁷⁸ this policy requires immigration judges to make final rulings on 700 cases per year (about three per day) with repercussions—either being sent to a different immigration court or termination⁷⁹—if they do not comply. With judges under pressure to rush through court proceedings, the policy threatens the ability of asylum seekers to properly prepare and present their case.

✓ Status: This policy went into effect in the fall of 2018. The combination of this and several other unprecedented policies have resulted in chaos in the immigration court system, including increasing the backlog crisis by 25 percent rather than cutting down the number of pending cases that continues to creep closer to one million.⁸⁰

Attorney General Sessions introduces the **“zero-tolerance”** policy,

✓ The “zero tolerance” policy, announced by Sessions via memo, required that all arriving migrants, including asylum seekers, be referred to the DOJ for criminal prosecution for illegal entry or reentry. What resulted was the mass systemic separation of families, as parents were

triggering widespread **family separations**⁸¹

prosecuted and children were taken into custody, causing irreversible, life-long trauma to over 2,600 children.⁸² Subsequently revealed internal government memos show that this policy was explicitly intended to serve as a deterrence mechanism for asylum seekers.⁸³

- ✓ Status: Family separation is still happening on a mass scale despite an Executive Order⁸⁴ issued in July 2018 that allegedly ended the zero-tolerance policy and despite a court order enjoining the practice (more than 900 separations in the year following the court order).⁸⁵ Separations sometimes involve prosecutions but not always; in other cases⁸⁶ the Department of Homeland Security (DHS) cites vague and often unsubstantiated reasons such as the parent's criminal history, gang affiliations, or even medical issues such as HIV status⁸⁷ as justification for separation.

ICE, Customs and Border Protection (CBP), and the Office of Refugee and Resettlement (ORR) enter into an **agreement to share information** obtained from unaccompanied children amongst the three agencies, and inserting ICE into the approval process for reunification of unaccompanied children with sponsors⁸⁸

- ✓ The administration intended the information sharing agreement to provide ICE with the information it needed to target, arrest, and deport family members attempting to reunite with children entering the United States unaccompanied.⁸⁹ ICE arrested more than 300 potential sponsors from the date of the agreement until an appropriations bill prohibiting most arrests of sponsors was signed into law.⁹⁰
- ✓ Status: The agreement is still in place, as is the provision in appropriations law prohibiting enforcement against most sponsors.⁹¹ Although ORR has made some modifications in the implementation⁹² of this agreement, the fear it instilled in immigration communities remains; with many family members too afraid to come forward as sponsors, children remain in ORR custody for prolonged periods.⁹³ Children enduring prolonged detention face numerous barriers to presenting asylum or other claims to relief from removal.

March 2018

Attorney General Jeff Sessions vacates decision in *Matter of E-F-H-L*,

- ✓ In *Matter of E-F-H-L*, Sessions utilized a provision of law that was used only sparingly under previous administrations to certify to himself and then overturn a decision of the administrative appellate body known as the Board of Immigration Appeals (BIA), eviscerating

<p>eviscerating asylum seekers' due process rights in immigration court⁹⁴</p>	<p>the rights of asylum seekers to testify on their own behalf before they can be denied asylum and/or deported.⁹⁵</p> <p>✓ Status: In full force. Individual applicants may challenge the application of the case in the Circuit Courts of Appeal, but for the vast majority of immigrants who are unrepresented, this option is far out of reach.</p>
<p>July 2017</p>	
<p>U.S. Immigration and Customs and Enforcement (ICE) ends the Family Case Management Program, signaling a concerted policy of prolonged and indefinite detention of asylum seekers⁹⁶</p>	<p>✓ The Family Case Management Program allowed some asylum seekers to remain in the community during their asylum proceedings while receiving case management services including referrals to legal and social services. The Trump administration terminated the policy for blatantly political reasons in April 2017, and subsequently unrolled a de facto policy of the prolonged and indefinite detention of asylum seekers—in violation of ICE's own policy directive requiring that the agency release asylum seekers on humanitarian parole if they have a sponsor and pose no community safety risk.⁹⁷ By the summer of 2019, ICE's own data revealed it to be jailing approximately 9,000 immigrants who had already been found to have a credible or reasonable fear of persecution or torture.⁹⁸</p> <p>✓ Status: ICE is facing federal litigation for its systemic violation of its own parole guidance. In August 2018, a federal court in <i>Damus v. McAleenan</i> ordered ICE to resume individualized release considerations in five field offices, an order plaintiffs have had to go back to court to enforce.⁹⁹ In <i>Heredia-Mons v. McAleenan</i>, plaintiffs have produced evidence that only two of 130 cases out of the New Orleans ICE Field Office were granted in 2018.¹⁰⁰ Both cases are on-going.</p>
<p>February 2017</p>	
<p>U.S. Citizenship and Immigration Services (USCIS) raises the threshold for</p>	<p>✓ This new guideline ordered asylum officers to be stricter in assessing claims of fear made during "credible fear interviews," the threshold interview that is required before an asylum seeker is allowed to present their claim to an immigration judge. Immigration law experts</p>

demonstrating **credible fear** in asylum interviews¹⁰¹

warned that the heightened standards would result in erroneous deportations of asylum seekers back to harm or death.

✓ Status: The implementation of this policy quickly resulted in a high rate of denials,¹⁰² causing a significant rise in deportations of those with meritorious asylum claims they were never permitted to present fully.

January 2017

Trump issues **Executive Order** 13767, “Border Security and Immigration Enforcement Improvements”¹⁰³

✓ The Executive Order, which was issued along with a parallel Executive Order focusing on immigration policies in the interior of the United States, put forth a blueprint for many of the anti-asylum and anti-immigrant policies the administration has implemented since, including the construction of a border wall, the increased and prolonged jailing of asylum seekers, and the increased use of expedited deportation procedures.

✓ Status: Implementation is ongoing. Many of these policies, including expanded expedited case processing and the prolonged detention of asylum seekers, have already been actualized.

¹ 8 U.S.C. § 1158(a)(1).

² Anne Flaherty and Quinn Owe, ABC NEWS, *Leaked Memo Shows Trump Administration Weighed Separating Families at the Border, Sen. Merkley wants Nielsen investigated for perjury*, Jan. 18, 2019, available at <https://abcnews.go.com/Politics/leaked-memo-shows-trump-administration-weighed-separating-families/story?id=60459972>.

³ Valerie Gonzalez, *CBP Implements New Asylum Processing Program in the Rio Grande Valley*, KRGV (Jan. 01, 2020), available at <https://www.krgv.com/news/cbp-implements-new-asylum-processing-program-in-the-rio-grande-valley/>.

⁴ Kate Huddleston, *We’re Suing to Make Sure that CBP Can’t Keep Asylum Seekers from their Lawyers*, ACLU (Dec. 18, 2019), available at <https://www.aclu.org/news/immigrants-rights/were-suing-to-make-sure-that-cbp-cant-keep-asylum-seekers-from-their-lawyers/>.

⁵ *Las Americas Immigrant Advocacy Center v. Wolf*, No. 1:19-cv- (D.D.C. filed 2019) (complaint for declaratory and injunctive relief).

⁶ Valerie Gonzalez, *CBP Implements New Asylum Processing Program in the Rio Grande Valley*, KRGV (Jan. 01, 2020), available at <https://www.krgv.com/news/cbp-implements-new-asylum-processing-program-in-the-rio-grande-valley/>.

⁷ Adam Isacson, *Washington Office on Latin America*, “I Can’t Believe What’s Happening—What We’re Becoming,” a Memo from El Paso and Ciudad Juarez, Dec. 19, 2019, <https://www.wola.org/analysis/i-cant-believe-whats-happening-what-were-becoming-a-memo-from-el-paso-and-ciudad-juarez/>.

⁸ *Las Americas Immigrant Advocacy Center v. Wolf*.

⁹ Procedures for Asylum and Bars to Asylum Eligibility, 84 Fed. Reg. 244 (proposed Dec. 19, 2019) (to be codified at 8 C.F.R. pts. 208 and 1208).

¹⁰ *Id.*

¹¹ Issued as an interim final rule, this rule becomes effective immediately upon publication. However, the agencies could change parts of or the entire rule should they determine that it is warranted based on public comments. In this case, DHS and DOJ have allowed a 30-day comment period set to expire December 19, 2019.

¹² Implementing Bilateral and Multilateral Asylum Cooperative Agreements Under the Immigration and Nationality Act, 84 Fed. Reg. 223 (proposed Nov. 19, 2019) (to be codified at 8 C.F.R. pts. 208, 1003, 1208, and 1240).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Hamed Aleaziz, *The Trump Administration Will Begin Deporting Asylum-Seekers from Mexico to Guatemala*, BUZZFEED NEWS (Jan. 06, 2019), available at <https://www.buzzfeednews.com/article/hamedaleaziz/trump-immigration-deporting-refugees-mexico-guatemala-border>

¹⁶ National Immigrant Justice Center, *NIJC Joins Federal Lawsuit Challenging Trump Administration's So-Called 'Safe Third Country' Asylum Policy* (Jan. 15, 2020), available at <https://www.immigrantjustice.org/press-releases/nijc-joins-federal-lawsuit-challenging-trump-administrations-so-called-safe-third>; the full complaint is available at https://www.immigrantjustice.org/sites/default/files/content-type/press-release/documents/2020-01/COMPLAINT_UT-v-Barr_1-15-2020.pdf.

¹⁷ Asylum Application, Interview, and Employment Authorization Applicants, 84 Fed. Reg. 220 (proposed Nov. 14, 2019) (to be codified at 8 C.F.R. pts. 208 and 274a).

¹⁸ *Id.*

¹⁹ Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications, 84 Fed. Reg. 174 (proposed Sept. 09, 2019) (to be codified at 8 C.F.R. pt. 208).

²⁰ Michelle Hackman & Juan Montes, *U.S. Asylum Pact with Honduras Cements Trump Administration's Regional Strategy*, WALL STREET JOURNAL (Sept. 25, 2019), available at <https://www.wsj.com/articles/trump-administration-uses-u-s-leverage-to-seal-migration-deals-11569415931>.

²¹ *Id.*

²² *Why People Flee Honduras*, POLITICO MAGAZINE (June 07, 2019), available at <https://www.politico.com/magazine/story/2019/06/07/honduras-why-people-flee-photos-227087>.

²³ Kevin McAleenan, Acting Sec'y, Dep't of Homeland Sec., Acting Secretary McAleenan's Prepared Remarks to the Council on Foreign Relations (Sept. 23, 2019) (transcript available at <https://www.dhs.gov/news/2019/09/23/acting-secretary-mcaleenans-prepared-remarks-council-foreign-relations>).

²⁴ *Id.*

²⁵ Richard Gonzales, *Trump Administration to End 'Catch and Release' Immigration Policy, Says DHS Chief*, NPR, Sept. 24, 2019, available at <https://www.npr.org/2019/09/24/763645635/trump-administration-to-end-catch-and-release-immigration-policy-says-dhs-chief>.

²⁶ HUMAN RIGHTS WATCH, *"We Can't Help you Here" – US Returns of Asylum Seekers to Mexico*, July 02, 2019, available at <https://www.hrw.org/report/2019/07/02/we-cant-help-you-here/us-returns-asylum-seekers-mexico>.

²⁷ DEPARTMENT OF HOMELAND SECURITY, *The United States and El Salvador Sign Bilateral Cooperation Agreement on Security and Migration*, Sept. 20, 2019, available at <https://sv.usembassy.gov/bilateral-agreement-security-migration/>.

²⁸ Colleen Long & Astrid Galvan, *US, El Salvador Sign Asylum Deal, Details to be Worked Out*, Sept. 20, 2019, available at <https://www.apnews.com/de6a00632755415fad2a952c7cd4bd72>.

²⁹ *Id.*

³⁰ U.S. Department of State – Bureau of Consular Affairs, *El Salvador Travel Advisory*, Jan. 29, 2019, available at <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/el-salvador-travel-advisory.html>.

³¹ Third-Country Asylum Eligibility Rule, 84 Fed. Reg. 33829 (published July 16, 2019).

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- ³² Vishnu Kannan, *Court Grants Preliminary Injunction in Challenge to Asylum Ban*, LAWFARE, July 24, 2019, available at <https://www.lawfareblog.com/court-grants-preliminary-injunction-challenge-asylum-ban>.
- ³³ See Ian Millhiser, Vox, *The Supreme Court just let Trump close the Mexican border to nearly all migrants seeking asylum*, Sep. 11, 2019, available at <https://www.vox.com/policy-and-politics/2019/9/11/20861644/supreme-court-trump-border-migrants> (with a link to the full decision embedded).
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