



## **The Advocates to the Biden Administration: Playing Political Games with the Lives of People Seeking Safety Is Not Border Security**

Minneapolis, MN (May 13, 2024)—The Advocates for Human Rights condemns the Biden Administration’s [proposed regulation](#), issued late last week, which is yet another attempt to play politics with the lives of migrants and undermine U.S. commitments to the Refugee Convention.

“Illegal and harmful policies that target asylum seekers do nothing to address the broken immigration system; history shows they simply make it more dangerous for all,” **said Michele Garnett McKenzie, Deputy Director of The Advocates.** “If the goal is truly to remedy issues with our immigration system and at the border, our leaders should adopt any number of the proposals by experts rather than repackaging policies that have already been struck down as illegal, ineffective, and immoral.”

The new proposed rule would deny viable asylum applicants before they can meaningfully present their case, sending them to face harm, by imposing complex bars early in the process without judicial review or due process protections. Congress intentionally made Credible Fear Interviews (CFIs) broadly protective in recognition of the fact that individuals at that stage are largely unrepresented and vulnerable, presenting their claims shortly after arriving from perilous journeys, escaping torture and other harms. This proposed rule violates that intent and will result in illegal deportations. Rather than fixing the asylum system, the rule will arbitrarily and prematurely apply bars that are meant to be determined by immigration judges when applicants have the benefit of counsel, time to gather evidence, and have started to recover from the impacts of trauma.

“It is crucial to understand that the proposed bars involve extremely nuanced legal definitions that often turn on evidence and legal expertise, neither of which people escaping harm have in most cases. We know from our 40 years of work on these cases that many people who face such bars even at a full immigration hearing ultimately prevail, particularly when they have access to counsel and time to gather relevant evidence,” **continued Garnett McKenzie,** “This rule deprives people of that opportunity and will result in violations of the law in addition to immense harm to asylum seekers and the communities that welcome them.”

The American public and the world community have long supported the right to seek safety from harm—and have shown that we *can* welcome people through safe, orderly and fair pathways with dignity. Yet, proposals like this seek to subvert the rights of asylum seekers and those values of welcome in exchange for short-sighted political wins by sowing fear and misinformation. The Biden Administration must return to its election promises of upholding human rights and pursue informed, legal and welcoming policies. Until then, it is simply playing political games with the lives of real people and at great expense to the fabric of our nation.

The public can submit comments by June 12 to urge the Biden Administration to reconsider this harmful and illegal regulation.

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