



July 15, 2020

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Office of Information and Regulatory Affairs,  
Office of Management and Budget,  
725 17th Street NW  
Washington, DC 20503  
Attention: Desk Officer, U.S. Citizenship and Immigration Services/ DHS

**Re: RIN 1125-AA94 or EOIR Docket No. 18-0002,  
Public Comment Opposing Proposed Rules on Asylum  
OMB Control Number 1615-0067**

Community Legal Advocates of New York Inc. (CLA) is a non-profit organization based on Long Island, NY, that is dedicated to closing the social justice gap by advancing the rights of low- and moderate-income clients. CLA stays true to the vision of its founders by assisting clients with a variety of immigration matters, including asylum. It is CLA's goal to advance the rights of immigrants through high-quality and reliable legal representation. CLA submits this comment strongly encouraging the Department of Justice (DOJ) and Department of Homeland Security (DHS) to retract the above-referenced proposed rules that effectively seek to eliminate asylum. CLA represents people fleeing persecution from political, gender and sexual violence and gang recruitment and violence. As such, CLA has a direct understanding of how these proposed rules would impact asylum applicants and refugee populations, for whom asylum is often a literal lifeline.

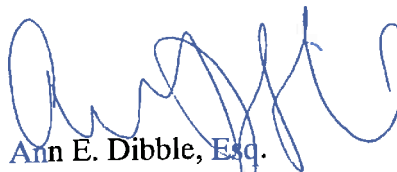
For example, CLA has represented multiple men fleeing violence and death threats in Jamaica because they are gay, women who have fled Northern Triangle countries after being threatened by gangs and a family fleeing political persecution in Haiti. For these people and many other refugees, asylum serves as a source of protection and security, guarding them from persecution or the well-grounded fear of persecution on the basis of race, religion, nationality, membership in a particular social group, or political opinion. Asylum is a safety net for the guaranteed protection of fundamental human rights to life, liberty, and freedom from inhumane treatment for those who cannot be guaranteed such in their home countries. In proposing these rules, however, the United States would not only undermine, but also infringe upon, its responsibility to provide humanitarian relief and safeguard the lives of the helpless and needy by essentially obliterating the already narrow asylum protections for all but a few, putting thousands of asylum seekers in danger.

In principle, the proposed rules are a shocking violation of asylum seekers' due process rights and function only as a cruel and unjust bar to those otherwise-eligible asylum seekers living in fear in their home countries. We submit this comment because the effects of the proposed rules and their heightened legal standards would essentially amount to eradication of the American asylum process. Some of the most egregious proposed changes are:

- The proposed changes to 8 CFR § 1208.13 (e) would provide immigration judges with unfettered discretion, allowing them to summarily deny an asylum application before the asylum seeker has had their day in court. In an already disadvantaged position, as most asylum seekers cannot speak English nor afford an attorney, these changes would strip them of the right to a hearing and the ability to testify on the nature of their circumstances, thereby closing their path to protection.
- The proposed changes to 8 CFR § 208.1(f) and 8 CFR § 1208.1(f) would eliminate adjudication of asylum applications on a case-by-case basis and instead implement sweeping denials of asylum claims through its use of a laundry list of harms adjudicators need not consider in their nexus evaluations.
- The proposed changes to Sections 8 CFR § 208.1(c) and 8 CFR § 1208.1(c)] would make successful claims for asylum on the basis of membership in a particular social group (PSG) nearly impossible. It would impose a grossly unfair burden on vulnerable, ill informed, and often scared asylum seekers to articulate every potential PSG before the immigration judge in a manner that satisfies legal requirements with which he is unfamiliar.

Injustices like these examples plague the proposed regulations throughout. The fact that we may not have discussed other examples in our comment should not be interpreted as an expression of our agreement with them. To be sure, we fervently oppose these regulations in their entirety. The proposed rules cast a dark shadow on the hopes of those escaping danger and send a bleak message for the future of immigrants to the U.S. We strongly oppose, and encourage the administration to withdraw, these proposed rules.

Sincerely,



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