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organizations write to request that the interim final rule, Asylum Eligibility and Procedural Modifications, be withdrawn in its entirety.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Accordingly, the rule must be withdrawn for the following reasons: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.¹

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.² 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.³ 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.⁴

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.⁵ 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

⁴ Id.
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.”6

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

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

Assistant Congregational Minister Theresa Darga
Assistant Council Sister Louise Alff
Assistant General Sr. Mary Catherine Smith
Assistant Provincial Jocelyn A. Quijano
Bishop Julian Gordy
Bold Action Task Force Member Sr. Eileen Schieber
Bro. Brian McLauchlin
Brother Mark Schroeder, O.F.M.
Charism Team Member Lisa Schmidt
Co-Chair of Church and Society Judy LeBlanc
Co-Director of Justice and Peace Dr. Patricia Gardner
Co-Director of Justice, Peace and Integrity of Creation Sharon Havelak
Communion Minister Marianne Ferguson
Congregation Justice and Peace Coordinator Sister Barbara Juszkiewicz
Congregation Secretary Sr.Mary Shimo
Congregational Leader Kristine Vorenkamp
Congregational Leadership Carolyn Miller
Congregational Sister Marcella O’Rourke, BVM
Coordinator Peace & Social Justice Committee Karen Jackson
Coordinator, Office of Justice, Peace and Integrity of Creation Sr. Kathleen Nolan
Councilor Nancy Schramm
Deacon Thomas Mariconda
Director of Campaigns Jason L. Miller, Franciscan Action Network/Our Lady Queen of Peace Church
Director of CSR Sr. Mary Anne Hoope
Director of Hispanic Ministry Sr. Patricia Pora
Director Rev. Jimmie Hawkins
Director, Office for Hispanic Ministry, Sister Mary Jude
Dr. Catherine Dunn, BVM
Dr. Sr. Jacquelyn Cramer
Elder Maria Studer
Father Gary Gabriel Nicolosi
Father Jim Hoffman
FSSJ Global Concerns Coordinator Sister Sharon Goodremote
General Councilor Elise Garcia, OP
General Minister Sr. Margaret Mary Efkeman
Immigrant Minister Kathleen Grace
Justice and Peace Chair Mary Kozmik
Justice and Peace Office Sr. Mary Shaw
Justice Promoter Beatrice Haines
Justice Promoter Mary Carr
Justice, Peace, Integrity of Creation Coordinator Sr. Diane Smith
Justice, Peace, Integrity of Creation Coordinator Sr. Ruth Battaglia
Leadership Council Sr. Janet Lander
Liturgy Team Camilla Lee Frances Hemann
Local Leader Sr. Stella Olson, Sisters of the Presentation of the Blessed Virgin Mary
Minister Rev. Kate Lore
Mission Chair James Reed
Mission Coordinator Sr. Kathleen Hook
Missionary Grace Bunker
Moderator and Clergy Randy Orso
Outreach Coordinator Ashley Ponce, Church of the Gesu
Pastor and Teacher Robert Hamm
Pastor Coe Hutchison
Pastor Emeritus William Connor
Pastor Fr. Daniel C. Storrs
Pastor Jason Bense
Pastor Marcus Schlegel-Preheim
Pastor Rev. Dr. Paul Ziese
Pastor Rev. Kenneth B. Hawkes
Pastor Sam Varghese Chacko
Pastor Steven Alan Klemz
Pastoral Health Care Helen Wiegmann
Pastoral Leader Toby Lardie
Pastoral Minister Dolores J. Myers
Pastoral Minister Tom Cordaro
Prioress Patricia Siemen
Prioress Sister Patricia Kirk
Province Justice Coordinator Sister Doreen Glynn
Provincial Mary Elizabeth Miller
Provincial Sr. Julie Kubasak
Provincial Superior Patricia Cormack
Rabbi Bonnie Margulis
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
Religious Sister Alexine Knotek
Retired Clergy Dale Hempen
Retired Pastor Rev. John Fernandes
Rev. Allan Anderson
Rev. David Farrell
Rev. David L. Morton, Retired
Rev. Diane Mettam
Rev. Doctor Julian Watson
Rev. Dr. Lyle J. Dykstra
Rev. Dr. Paul C. Shupe
Rev. Dr. Sharon Stanley-Rea
Rev. Frank Bergen
Rev. JL Angell
Rev. John L. McCullough, President and CEO
Rev. Laura Speiran
Rev. Martha C. Sexton
Rev. Teresa Jones Cowan
Reverend Emmanuel Orendain
Reverend Genevieve Sprinkle
Reverend Helen DeLeon
Reverend Mark Lukens
Reverend Paul A. Hagedorn
Reverend Sean Carroll
Reverend Steve Garnaas-Holmes
Rite of Christian Initiation of Adults (RCIA) Director Catherine Burke
Senior Fellow Joan Neal
Senior Minister Arlene Nehring
Senior Minister Rev. Nathan Detering
Senior Pastor Dave Bean (retired)
Senior Pastor Sunny Kang
Sister Barbara Gaul
Sister Barbara SP Battista
Sister Bernadine Karge
Sister Carol DeAngelo, Director of Office of Peace, Justice and Integrity of Creation
Sister Carren Herring
Sister Cecelia Byrnes
Sister Dominica Bianco
Sister Dorothy Schwendinger
Sister Ella Binz
Sister Frances Murray
Sister Frances Nadolny
Sister Irene Lukefahr
Sister Janet Horstman, DOJ-Accredited Rep
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
Sister Linda J. Lutz
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 McMahon
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
Sister Nancy Miller
Sister Patricia Ann Rogucki, Sisters for Christian Community
Sister Penelope Dunn
Sister Richelle Friedman
Sister Rita Specht
Sister Rose Therese Nolta
Sister Rosemary Russell
Sister Ruth Margaret
Sister Sally Duffy, CLINIC Board Member
Sister Sarah Ferriell
Sister Sharon Altendorf
Sister Simone Campbell
Sister Teresita Saavedra
Sister Theresa Caluori
Sister Veronia Roche
Sister Wiona Engel
Sister Yliana Hernandez
Social Justice Leader Yvonne Mattio
Social Justice Promoter Benita Coffey, OSB
Spiritual Guidance Counselor Damian Maureira
Sr. Cecilia Fandel, OSM
Sr. Kathleen Cordes, Province Leadership Team
Sr. Mary McLaughlin
Teacher Sr. Gemma Pires, Presentation Sisters
The Rev. Cass L. Shaw
The Rev. Christine Payden-Travers
The Reverend Philip G. Emanuel
The Venerable Catherine Cooke
Wisconsin Conference United Methodist Women VP Ruby Dow