

Upcoming Meetings & Events

FUNDAMENTALS OF GENDER-BASED VIOLENCE FOR REFUGEE SERVICE PROVIDERS – JULY 7

On Tuesday, July 7 at 2 pm EDT, [Switchboard](#) will host a webinar titled “Fundamentals of Gender-Based Violence for Refugee Service Providers: What Does a Culturally Responsive Approach Mean?” The webinar is the first in a two-part series. To register, click [here](#).

FAQS ON THE PROPOSED ASYLUM RULE—JULY 7

On Tuesday, July 7 at 2 pm EDT, the Center for Gender and Refugee Studies at UC Hastings will host a webinar titled “Attack on the U.S. Asylum System: FAQs on the Proposed Asylum Rule.” To register, click [here](#).

ONCE UPON AN AMERICAN DREAM: ARRIVAL – JULY 9

On Thursday, July 9 at 4 PM EDT, the Heurich House Museum and the Bipartisan Policy Center will host a virtual panel to discuss the intersection of immigrants and the Black population in the Mid-Atlantic region shortly after the Civil War, the history of racism in the U.S. immigration system, and the effects of that history. For more information and to register, click [here](#).

ASYLUM ADVOCACY DAYS – JULY 14-16

The Asylum Working Group (AWG) and the Interfaith Immigration Coalition (IIC) will facilitate virtual advocacy days for asylum rights from Tuesday, July 14 - Thursday, July 16. To participate, [RSVP here](#).

ESSENTIAL AND EXPOSED: IMMIGRANT WORKERS IN A PANDEMIC – JULY 16

On Thursday, July 16, the Immigrant Youth Task Force at UCLA will host a webinar to discuss current legislation and rights of immigrant essential workers during COVID-19, with a specific focus on how the pandemic affects immigrant youth. For more information and to register, click [here](#).



The Biden Immigration Plan: Refugees, Asylum Protection, and Local Initiatives

By Mario Bruzzone

In early December, the Joe Biden campaign released its immigration platform. The plan hearkens to American values as a nation of immigrants and the ways that immigrants strengthen the U.S. At the same time, the plan often emphasizes the pain that the current immigration system causes to immigrants: “we must do better to uphold our laws humanely and preserve the dignity of immigrant families, refugees, and asylum-seekers,” and referring to “cruel and senseless policies” such as separating families from their children.

This brief is the first of two to discuss the Biden campaign’s immigration plan. Here, we discuss specific policy elements of the Biden immigration platform: refugee issues, asylum rights, and community-level initiatives for immigrant incorporation. Next week’s brief will discuss the Biden platform in its signaling—a qualitatively different type of information, but no less important.

Refugee Admissions

The Biden platform commits to several policies regarding refugees. Most prominently, it commits to raising “the annual global refugee admissions cap to 125,000, and seeks to raise it over time commensurate with our responsibility, our values, and the unprecedented global need.” Each year, the President determines the annual maximum number of refugees to be resettled, known as the Presidential Determination (PD). The PD is the maximum number, rather than a target for resettlement. More recently, Biden and his team have also committed to legislation that would establish a minimum number of refugees to be resettled—95,000 annually.

Read this week’s full brief [here](#).

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ASYLUM COMMENTS

The Executive Office for Immigration Review (EOIR), U.S. Citizenship and Immigration Services (USCIS), and the Department of Homeland Security (DHS) have published a [proposed rule](#) that would have an extremely detrimental impact on access to asylum protections. The proposed rule removes many categories of protection, bars the granting of asylum based on gender, and changes the definition of persecution, among other things. Formal comments on the rule are due on Wednesday, July 15 and can be submitted [here](#).

Final Rule Announcement: USCIS Not Required to Adjudicate EAD Applications Within 30 Days

U.S. Citizenship and Immigration Services (USCIS) published a final rule removing the requirement that USCIS must adjudicate applications for Employment Authorization Documents (EADs) within 30 days from the date an asylum applicant files the initial Form I-765, Application for Employment Authorization. The rule also removes the requirement that asylum applicants submit EAD renewal requests to USCIS 90 days before the expiration of their current EAD and instead may file up to 180 days prior. Read the rule [here](#).

USCRI COVID-19 RESOURCES

[Nonprofit Organizations and the CARES Act](#)

[COVID-19 Bill #1: Coronavirus Preparedness and Response Supplemental Appropriations Act](#) (March 6)

[COVID-19 Bill #2: Families First Coronavirus Response Act](#) (March 18)

[COVID-19 Bill #3: Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) (March 28)

[COVID-19 Bill #4: Paycheck Protection Program and Health Care Enhancement Act](#) (April 23, 2020)

[Executive Order: Suspension of Immigration Following COVID-19 Outbreak](#) (April 23)

[Flores Enforcement Actions and COVID-19](#) (April 27)

[The HEROES Act](#) (May 12, 2020)

[The Impact of COVID-19 in Refugee Camps](#) (June 9, 2020)

• U.S. District Court Strikes Down Restrictive Asylum Rule

On June 30, the U.S. District Court for the District of Columbia [struck](#) down the Administration's ban that barred asylum for any applicant who crossed the U.S. border with Mexico without first seeking protection from a third country during their journey to the United States. Capital Area Immigrants' Rights Coalition (CAIR), Human Rights First, Refugee and Immigrant Center for Education and Legal Services (RAICES), along with nine individual asylum seekers, first brought the [lawsuit](#) in July 2019, following the publication of the [rule](#) implementing the policy. In this case, the judge found for CAIR Coalition, et. al. and concluded that, because the Administration unlawfully failed to comply with the APA's notice and comment requirements, the rule must be vacated. While the judge did not consider the plaintiffs' other challenges to the rule, his decision will go into effect immediately, ending the application of the restrictive policy. Further, the judge also denied the government's request to stay his order pending appeal, meaning the thousands of asylum seekers who entered the United States when the policy was active will now be able to have their claims adjudicated.

• U.S. Department of State Releases Trafficking in Persons Report 2020

The U.S. Department of State (DOS) has released the Trafficking in Persons (TiP) Report 2020, the 20th [edition](#) of the agency's report. The report highlights the development of anti-trafficking efforts of the U.S. government over the past 20 years since the Trafficking Victims Protection Act (TVPA) was first passed. The report also focuses on trauma bonding between traffickers and victims, accountability for United Nations (UN) peacekeepers who engage in trafficking and exploitation, faith based anti-trafficking efforts, and trafficking of athletes, among other issues. As for country scores, Bhutan, Democratic Republic of Congo, Equatorial Guinea, The Gambia, Mauritania, and Saudi Arabia improved their anti-trafficking efforts to leave the lowest Tier 3 classification and moved to the Tier 2 Watchlist. Namibia was the only country to be reclassified from Tier 2 to Tier 1, the category designated for countries with the most comprehensive efforts.

• Seventh Circuit Halts Deportation of Crime Victim, Allows Immigration Judges to Close Cases

On June 26, the U.S. Court of Appeals for the Seventh Circuit [decided](#) in the case of *Yeison Meza Morales v. Barr* that an Indianapolis man who came to the United States as a child and subsequently qualified for a U visa as a victim of crime who cooperated with law enforcement was wrongly ordered deported. The court also held that immigration judges have unlimited ability to administratively close cases when warranted. The plaintiff had applied for a U visa in August 2017, but before his application could be acted upon, the Department of Homeland Security deemed him removable. The Board of Immigration Appeals (BIA) had affirmed the removal order. However, the Seventh Circuit found that immigration judges do have the ability to administratively close cases and that "prima facie eligibility for a U visa was the most important factor to consider in deciding whether to grant a continuance."

• Supreme Court Rejects Foreign Nongovernmental Organizations' Right to Free Speech

On June 29, the Supreme Court of the United States [held](#) in the case of *Agency for International Development et al. v. Alliance for Open Society International, Inc., et al.* that the requirement in the President's Emergency Plan for AIDS Relief (PEPFAR) that foreign nongovernmental organizations (NGOs) receiving funding have a policy opposing prostitution was allowed under the U.S. Constitution. In

Issue Updates (cont'd)

2013, the Supreme Court held the opposite for American NGOs, ruling that the provision violated the free speech rights afforded under the U.S. Constitution. PEPFAR is a U.S. governmental initiative to address the global HIV/AIDS epidemic. In the most recent case, the court held that these NGOs “are foreign organizations, and foreign organizations operating abroad possess no rights under the U. S. Constitution...affiliates possess no First Amendment rights, applying the Policy Requirement to them is not unconstitutional.”

• Uganda Opens Border for Refugees from the Democratic Republic of Congo

On July 1, the government of Uganda issued a decision to open part of its northwestern border to refugees fleeing the Democratic Republic of Congo (DRC). This decision comes after rapidly rising conflict over ethnic and mineral extraction tensions in the DRC that have been escalating since March. Further, DRC reports one of the highest number of cases of COVID-19 in the region, exacerbating the situation of those fleeing conflict. Refugees crossing into Uganda will be placed into a quarantine facility. Some 1,500 refugees have already entered the country, with thousands more expected to follow.

USCRI Time Machine

This week's Time Machine takes us back to Thailand in April 1986 with the report "Looking for Phantoms: Flaws in the Khmer Rouge Screening Process." The Khmer Rouge, led by the totalitarian dictator Pol Pot, controlled Cambodia between 1975 and 1979. The period was marked by widespread violence and resulted in thousands of refugees seeking safety in neighboring Thailand. Of these refugees, many were assumed to be former members of the Khmer Rouge and denied resettlement in the United States.

“Much of this rejected population has been languishing in fenced-in compounds in Thailand for more than six years. Most do not comprehend the process which has condemned them to despair, holding them back from joining a much larger group of Cambodians which has been resettled abroad over the years. To the United States Immigration and Naturalization Service (INS), most of the 14,500 Cambodians remaining in Khao I Dang Holding center are suspected 'Khmer Rouge,' supporters of the Democratic Kampuchea regime which ruthlessly ruled Cambodia from April 1975 to January 1979.”

“But the INS denial of refugee status for resettlement purposes to these 14,500 applicants actually springs from five basic flaws in its approach to evaluating their cases. These problems with what is commonly known as the “Khmer Rouge screening process” are as follows:

1) INS operates on the fundamentally flawed assumption that most or all of the 14,500 rejected applicants could well be Khmer Rouge.

2) Proceeding on this mistaken assumption, INS commonly weaves the details and inconsistencies in the applicants' personal histories into patterns suggesting that they are Khmer Rouge. Yet, again, in failing to consult expert opinion on the matter, INS makes a second basic error of incorrectly linking certain innocent aspects of individuals' backgrounds to culpable Khmer Rouge activity.

3) Even more significantly, by proceeding on the assumption that it is dealing with many thousands of possible Khmer Rouge, rather than just a relative handful, INS overlooks more plausible explanations for the real and apparent inconsistencies in applicants' statements.

4) Ironically, the process geared toward screening out suspected Khmer Rouge puts many applicants in a double bind. If they tell the truth about their personal histories, certain elements in those histories prompt INS to conclude, mistakenly, that they could well be Khmer Rouge. This loads the heavy burden of proving they are not Khmer Rouge onto the applicants' shoulders.

5) The present screening process is implicitly predicated on a dubious interpretation of relevant U.S. law. That interpretation holds that circumstantial evidence of links to organizations committing acts of persecution is sufficient for barring individuals from admission to the United States, whereas strong proof of meaningful and voluntary participation in acts of persecution was more likely the standard intended by Congress.”

Global Gigabyte

On June 25, Indonesian villagers defied government COVID-19 lockdown orders to rescue Rohingya refugees stranded in boats off the coast.

The villagers had urged Indonesian authorities to aid the refugees, but they were told the Rohingya group could not be brought to land for fear of spreading the virus. Fearing for the safety of those onboard the failing boat, the villagers decided to act. Wading into the water, they carried exhausted children to shore and ensured the rest were able to reach land safely.

“We didn't worry about getting into problems [with the authorities] because we believe that what we did was the right thing,” said Nasruddin, who is head of the nearby village of Lancok, “Just looking at the refugees, we were crying.”

Read more [here](#).

If you have any questions
or comments, please
contact
Kelly Ann Whelan at
kwhelan@uscmail.org.

