

ACLU FILES LAWSUIT CHALLENGING PROGRAMS THAT RUSH MIGRANTS THROUGH ASYLUM SCREENINGS WITHOUT ACCESS TO ATTORNEYS IN BORDER PATROL FACILITIES

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WASHINGTON - The ACLU of Texas, the ACLU National, and the ACLU of the District of Columbia today filed a lawsuit challenging an “expedited removal” pilot program used by the federal government to hold asylum seekers in Customs and Border Protection facilities without effective access to attorneys before they are removed from the United States.

The lawsuit states that the new programs – known as Prompt Asylum Claim Review (“PACR”) and the Humanitarian Asylum Review Process (“HARP”) – require the detention of asylum seekers in dangerous CBP facilities known as “hieleras” (or “iceboxes” for their freezing temperatures) with no meaningful way to obtain or consult with an attorney before their hearings. Since the PACR/HARP programs were launched in the El Paso area, over 500 asylum seekers have been sent to the hieleras and ordered back to their country of origin without access to their legally guaranteed right to access counsel. DHS has stated that it intends to expand PACR/HARP to other parts of the border.

“In flagrant disregard for our laws, the Trump administration is now forcing asylum seekers to plead their case while trapped in horrific Border Patrol facilities purposefully designed as legal black holes where people are held without any meaningful way of getting help from a lawyer,” said **Andre Segura, legal director for the ACLU of Texas**. “If asylum proceedings continue under the cover of darkness, countless families will be swiftly sent back into immediate danger and even death.”

Previously, individuals who cross the border seeking asylum are transferred to Immigration and Customs Enforcement detention centers, where ICE is required to provide access to a telephone and the ability to meet with attorneys and other individuals to prepare for an initial asylum screening and review by an immigration judge.

Under the PACR/HARP programs, which are currently in use in the El Paso area, asylum seekers are instead sent to CBP facilities, which do not allow the necessary communication with counsel or any in-person meetings. PACR/HARP detainees are granted an approximate 30-minute window in which to attempt to contact counsel or family members by telephone. Detainees report being unable to reach any attorneys from a list provided by CBP. Because the agency does not provide a system to locate people in its custody or any means for attorneys or family members to reach detainees

by telephone, asylum seekers go through the process without the right to access counsel for help.

The lawsuit was filed on behalf of two Salvadoran families and one Mexican family who sought asylum in the U.S., were put into the program, and were ordered quickly removed back to their home countries, where they now face the threat of horrific violence. The lawsuit was also brought on behalf of Las Americas, a non-profit organization that provides legal services to immigrants detained by the federal government in the El Paso area.

“Regardless of what stage immigrants are at in their claims, they should know what their rights are, they should be well informed of the process, and advocates like us should always be available and accessible to them,” said **Linda Corchado, director of legal services for Las Americas**. “These programs are built to deny asylum seekers these protections.”

The lawsuit was filed in the United States District Court for the District of Columbia and seeks an order declaring PACR/HARP illegal and blocking the removal of asylum seekers until they are granted adequate opportunity to access counsel.