

Trump's 'Death to Asylum' Rule Will Go Into Effect Days Before He Leaves Office

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Humanitarian Protection



The Trump administration has finalized a sweeping regulation that will effectively end asylum protection in the United States.

The [regulation](#), which was proposed in June, is set to go into effect on January 11—only nine days before President Trump leaves office. If implemented, it will mean that very few people fleeing persecution will be able to obtain refuge in the United States.

The Trump Administration's War on Asylum

Asylum protection (which stems from the United Nations Refugee Convention) has since 1980 been [available to people fleeing persecution](#) in their home countries on the basis of race, religion, nationality, political opinion, and membership in a particular social group.

Because of the United States' commitment to this humanitarian protection, there has always been a way for anyone who makes it here to apply for asylum, no matter how they arrive or enter the country—until this administration.

Guided by [racist animus](#) against asylum seekers and other immigrants, the Trump administration has used every possible tool to obstruct anyone from obtaining asylum.

The administration has blocked asylum seekers from entering the U.S. in multiple ways. This has included forcing asylum seekers [to live in inhumane conditions](#) for many months in Mexico and sending [them to Guatemala](#) without a hearing. In the wake of the COVID-19 pandemic, asylum seekers have been expelled [immediately under the pretext of “public health.”](#)

It has issued attorney general decisions aimed at blocking certain groups (notably people fleeing [gender-based, gang-based, or family-related](#) violence) from getting asylum. It [rejected asylum application forms](#) for nonsensical reasons. And it has issued regulation after regulation aimed at making asylum impossible.

The Devastating Impact of the New Regulation

This “death to asylum” regulation is the most sweeping and draconian of the [long list of asylum-limiting rules](#) from the Trump administration.

Despite a massive public outpouring of over 80,000 [comments opposing the proposed regulation](#), the administration pushed the rule forward at lightning speed.

Implementation of this rule—set to take effect on January 11, 2021 just before Trump leaves office—will make it nearly impossible for to obtain asylum in the U.S.

The regulation imposes radical new bars and obstacles in almost every aspect of asylum law and procedure. Its guiding assumption is that asylum seekers are cheats and liars. Some of the more devastating provisions include:

- Making it harder to pass the “credible fear” screening at the border.

- Letting immigration judges deny asylum without a hearing.
- Severely narrowing the definition of key terms like “political opinion,” “persecution,” and “particular social group.”
- Barring asylum for people who traveled through more than one country on their way to the U.S.
- Restricting the types of evidence that asylum seekers may present.
- Letting immigration judges label many more asylum applications as “frivolous”—which has serious negative consequences for people who seek other immigration protections.
- Restricting eligibility for protection based on a fear of torture.

Together, these provisions and many others amount to a radical end-run around Congress erasing asylum protections in the U.S.

The Biden Administration Should Immediately Overturn

this Regulation

Implementation of this regulation will lead to untold suffering for asylum seekers.

The regulation represents a death knell to the U.S.'s long-standing commitment to safe harbor for people whose lives are in danger because of a protected ground. The Biden administration should move as swiftly as possible to overturn this regulation.

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