

Immigrant Asylum-Seekers May Get Less Time To Prepare Their Cases Under A New Trump Administration Rule

Critics say it's just the latest Trump administration attempt to make the process of applying for asylum harder for immigrants.

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Families seeing asylum slip through through the US–Mexico border fence.

Megan Jelinger / Sipa USA via AP

The Trump administration is attempting to speed up initial screenings of immigrants seeking asylum, a move that advocates say will give immigrants less time to prepare for their interviews or recover from dangerous journeys.

Asylum officers have had to wait at least 48 hours after an immigrant has been detained for crossing into the US to interview them and hear their case. However, under a new directive implemented by US Citizenship and Immigration Services Acting Director Ken Cuccinelli, that window has been reduced to one calendar day, according to a policy change released to staffers on Monday and obtained by BuzzFeed News.

The policy is also the latest in a string of maneuvers pushed by the Trump administration — and Cuccinelli — that advocates believe is aimed at restricting asylum.

“This is another way to limit the process — that will lead to fewer positive credible fear interviews, more deportations,” said Ur Jaddou, a former chief counsel at USCIS. “This goes right along with his mistaken view that he is there to limit the number of people that obtain a benefit and remove people beyond his authority.”

Agency officials, however, said the new policy was an attempt to reduce a significant portion of the processing timeline and make the system move more efficiently as the administration deals with record numbers of families crossing the border.

“As part of our efforts to make the expedited removal process more

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spokesperson for USCIS. “This will make the entire expedited removal process more expeditious and help prevent bottlenecks in the system as DHS components continue to process the record number of people arriving at the Southern border.”

Just last month, Cuccinelli, who has repeatedly appeared on television decrying asylum “loopholes” and advocating for stricter policies, appeared to push officers to stop allowing some people seeking refuge in the US passage at an initial screening at the border.

In an initial screening — called a credible fear interview — immigrants must prove there is a significant possibility that they could establish they have a well-founded fear of persecution in their home country. In the lead-up to the interview in custody, immigrants use the time to consult with attorneys or others to help them prepare.

Sarah Pierce, an analyst at the Migration Policy Institute, said the move would be a “significant change” from current practice.

“Right now, half of asylum applicants wait 10 days or more before having their case heard by an asylum officer,” she said. “Significantly speeding that timeline will mean asylum applicants will be waiting in detention for less time, but it also means they will have less time to prepare for the interview, including contacting attorneys.”

The interview is the first step toward applying for asylum and one that has come under fire by the Trump administration for what they believe is too low of a standard.

“Removing the prohibition on credible fear interviews within the first 48 hours of being placed into detention will prevent asylum applicants from accessing an attorney or taking advantage of their rights under the law to obtain evidence and consult with the person of their choosing,” said Shalyn Fluharty, managing attorney of the Dilley Pro

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It could also force asylum officers to speed up their work, according to Jaddou, the former chief counsel.

“It puts pressure on them to rush through things in a way they can’t,” she said.

The new policy also makes it so immigrants cannot reschedule their interview unless there are extraordinary circumstances.

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