



## April 2019 “Presidential Memo On Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System” (April 2019 Asylum Memo)

Credit: CNS/Nancy Wiechek

### What Is the April 2019 Asylum Memo?

President Trump issued a [memorandum](#) on April 29, 2019, directing the Attorney General and Secretary of Homeland Security to issue new regulations on asylum.<sup>1</sup>

### What Does It Do?

The April 2019 Asylum Memo mandates the following four actions to restrict asylum:

- (1) implementation of new procedures that would limit the ability of certain asylum-seekers from pursuing immigration relief other than asylum or withholding of removal;<sup>2</sup>
- (2) requirement that final administrative adjudication or decision on asylum cases occur within 180 days of the claim filing;<sup>3</sup>
- (3) imposition of application fees for asylum claims and corresponding work permit requests;<sup>4</sup> and
- (4) implementation of a new bar on anyone entering the United States without inspection as an asylum seeker from receiving a work permit unless and until they are granted relief and protection from removal.<sup>5</sup>

### Are These Changes from What Occurs Now?

Yes, these actions would significantly change current practice. For example, currently, asylum seekers do not have to pay to apply for asylum as it is a humanitarian protection. Additionally, all asylum seekers are allowed to apply to work legally while their asylum case is pending.

## What Is the Timeframe for These Actions?

The President directed the Attorney General and Secretary of Homeland Security to issue regulations to implement these actions within 90 days of the April 29<sup>th</sup> Memo (or by Sunday, July 28, 2019).

## Are There Any Other Additional Measures That Are Outlined?

Yes. The Department of Homeland Security (DHS) is required to reprioritize the assignment of personnel and allocation of resources to focus on credible and reasonable fear claims and the asylum interview process generally.<sup>6</sup>

## Will This Improve Asylum Processing?

These changes to asylum processing will not likely lead to improvements. Many of the changes proposed must still go through a regulatory process and could take months or even years to be implemented.<sup>7</sup> Given the likelihood that these rules will be challenged in court, it is highly unlikely that these changes can be implemented within the next few months to materially speed up or “improve” asylum processing. Moreover, the proposed changes could result in the government having to create a separate asylum-only docket and adjudicate cases as quickly as possible, which could lead to access to counsel and due process concerns.<sup>8</sup>

## Why Is This Harmful For Asylum Seekers?

The April 2019 Asylum Memo proposes several changes that would be harmful to asylum seekers and would limit their access to other forms of protection.

- Currently, individuals with pending asylum cases can apply for employment authorization, however, the April 2019 Memo would strip new asylum applicants who did not enter at a port of entry from the opportunity of acquiring a work permit and legally supporting themselves through the duration of their immigration proceedings, a process that could take years.
- For those who are eligible to apply for work authorization, the memo proposes an application fee. Further, requiring that asylum cases be adjudicated or decided within a 180-day time frame would make it difficult for many asylum-seekers to find proper legal counsel and adequately prepare their cases, which are very fact intensive.
- Finally, requiring individuals to pay a fee for their asylum application contradicts international law and creates a financial obstacle for an already vulnerable population.<sup>9</sup>
- Together, these changes would undermine due process for those who are fleeing persecution.<sup>10</sup> Not only do the proposed fees put asylum seekers at further risk of being exploited, harmed, abused, or trafficked, they are also against U.S. economic interests as the fees would deprive the country of many of the talents and skills that asylum-seekers are eager to contribute to our country, as well as the tax dollars that they pay in earnest.<sup>11</sup>

## Why Is the Catholic Church Concerned?

The Catholic Church recognizes the inherent right of vulnerable individuals seeking refuge to access protection. While the Church recognizes the right of sovereign nations to protect their borders, it also believes that right should be balanced and humane. In addition, the Church is concerned with the ability of asylum seekers to access legal and dignified work in order to support themselves as they await decisions in their immigration cases. The Catholic faith places a high value the dignity of work and the ability of people to meaningfully support themselves and their families in the pursuit of a decent life.

## Endnotes

1 *Presidential Memorandum on Additional Measures to Enhance Border Security and Restore Integrity to Our Immigration System*, WHITE HOUSE (Apr. 29, 2019), available at <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-additional-measures-enhance-border-security-restore-integrity-immigration-system/>.

2 *Id.*

3 *Id.* at §3(b).

4 *Id.* at §3(c).

5 *Id.* at §3(d).

6 *Id.* at §4.

7 Dara Lind, *Trump wants to make asylum seekers' stay in the US harder—and shorter*, VOX (Apr. 30, 2019), <https://www.vox.com/2019/4/30/18523990/trump-asylum-border-new>.

8 *Id.*

9 *AILA Quicktake #264: White House Releases a Presidential Memorandum on Asylum*, AMERICAN IMMIGRATION LAWYERS ASS'N, (Apr. 30, 2019), <https://www.aila.org/publications/videos/quicktakes/quicktake-264-white-house-releases-a-presidential>.

10 *Id.*

11 Lindsay M. Harris & Joan Hodges-Wu, *Asylum seekers leave everything behind. There's no way they can pay Trump's fee.*, THE WASHINGTON POST (May 1, 2019), available at [https://www.washingtonpost.com/outlook/2019/05/01/asylum-seekers-leave-everything-behind-theres-no-way-they-can-pay-trumps-fee/?utm\\_term=.728d28ebdd98](https://www.washingtonpost.com/outlook/2019/05/01/asylum-seekers-leave-everything-behind-theres-no-way-they-can-pay-trumps-fee/?utm_term=.728d28ebdd98).



*we are one family under God*