**Template for Health Workers to Submit a Public Comment on the Proposed Asylum Rule**

Deadline: July 15, 11:59 PM EDT

Drafted by Harvard Student Human Rights Collaborative, July 2020

**INSTRUCTIONS:**

1. Go to [**https://www.regulations.gov/document?D=EOIR-2020-0003-0001**](https://www.regulations.gov/document?D=EOIR-2020-0003-0001)**.**
2. Click “**Comment Now**” on the right side.
3. Copy your comment directly into the text box, or upload as a PDF.
4. Enter your name, and contact information (optional).
5. Click “**Continue**” for a preview of the comment, then click “**Submit Comment**.”

**TEMPLATE:**

[Insert Date]

Lauren Alder Reid, Assistant Director,

Office of Policy,

Executive Office for Immigration Review,

5107 Leesburg Pike, Suite 1800, Falls Church, VA 22041

Office of Information and Regulatory Affairs,

Office of Management and Budget,

725 17th Street NW, Washington, DC 20503;

Attention: Desk Officer, U.S. Citizenship and Immigration Services, DHS

Submitted via <https://www.regulations.gov/comment?D=EOIR-2020-0003-0001>.

Re: EOIR Docket No. 18-0002; RIN 1125-AA94, Public Comment in Opposition to Proposed Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review, and Collection of Information OMB Control Number 1615-0067

Dear Director Reid,

I am submitting this comment to oppose the Department of Justice’s and the Department of Homeland Security’s proposed rules “Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review” and demand the departments withdraw them in their entirety.

I am a [give your credentials, any experience or work relevant to commenting on these changes. If you are part of an organization who works with immigrants, asylees, and/or refugees, give any relevant data that shows your perspective in being able to comment].

As a [position], I am extremely concerned about the proposed changes to the U.S. asylum system.

**Point 1: The commenting period is only 30 days, as opposed to the more typical 60-day timeframe for the public to provide comments.**

The DOJ and DHS’ proposed changes span a 161-page document, which altogether would be the biggest change to asylum law since 1996.

Thirty days is a vastly inadequate amount of time to fully read and research these rule changes, understand the implications for my practice and my patients. This is particularly difficulty in the context of an all-consuming pandemic. Given the inadequate time the public (including me) has had to review and process the effects of this proposal, **this proposal should be withdrawn**. Any future re-proposal must be under a 60-day timeframe as is typical for public comments.

**Point 2: These proposed changes will have a harmful impact on our patients, my practice as [insert practice type here], and public health in the United States.**

Asylum seekers often have experienced significant trauma and have complex health needs that should be treated with medical care, not punishment. [Share any anonymized stories of patients you have cared for who were asylum seekers or resettled refugees here].

By eliminating the potential of even being allowed to apply for asylum for the majority of applicants, you will be denying access to crucial health services (leading to untreated mental health needs and trauma), increased emergency service use, lower immunization rates, and the potential for deportation to lead to re-traumatization and worsening of health problems.

These severe restrictions will make my practice as a [position] more difficult -- we meet asylum seekers and refugees from their first arrival in their initial medical screenings, and continue to follow them over time in our clinics and hospitals. These proposed changes will make our ability to care for these patients extremely challenging, or even impossible if they are deterred from even coming to a visit.

**Point 3: Denying an applicant the chance to have a hearing in an immigration court means that they will never be able to tell their story.**

The proposed rules severely restrict due process, so that judges can “pretermit” asylum claims and deny asylum based on a written application -- hence an applicant may never get their day in court.

Taking away a person’s ability to share their narrative in court denies them the essential, cathartic role of telling one’s story knowing those who have the power to help them are bearing witnessing to that story. Importantly, solely relying on a written application creates tremendous challenges for asylum seekers given language barriers, lack of interpreter access, lack of access to counsel, and lack of support in disclosing and processing past traumas.

**Point 4: The proposed changes also rewrite important provisions of asylum law. I disagree with these changes and find it unconscionable that such changes would be made with such a short public comment period:**

1. Gender-based violence will no longer be grounds for asylum. This will exclude victims of domestic violence and LGBTQ+ individuals who experienced violence on the basis of their gender identity and/or sexual orientation.
2. Judges no longer need to consider the “cumulative impact” of multiple incidents of harm. This would exclude those who have experienced multiple, minor incidents of violence over time, if each individual incident was not severe. Such multiple, “minor,” incidents of violence still have enormous repercussions for a person’s health and well-being. If the person’s government is unwilling or unable to stop these continued “microaggressions,” they should still be able to seek asylum in the U.S. where such aggressions are not tolerated and they will be protected.
3. An asylum seeker who files for asylum more than 1 year after they arrived in the United States can be denied protection, without consideration of critical factors including severe mental health issues, medical concerns, disabilities, and other barriers to applying for asylum.
4. Asylum seekers will not being able to claim persecution as a means for seeking asylum if the persecutor(s) are/were not affiliated with the government (e.g. persecuted by a local gang for expressing opposition to gang-related activities). This change fails to take into account the fact that, while the government may not be the persecutor, the government is still unable to protect its citizens from such persecutors, either because it cannot or will not do so. Providing protection when a person’s own government fails to do so is a hallmark of asylum law and must not change.
5. Individuals who leave their home country and then spend more than 14 days in another country before arriving in the United States to seek asylum could have their asylum claim dismissed. We know that many of the countries that potential asylum seekers come through on their way to the U.S. have citizens of their own who leave to seek asylum here—because those countries also cannot or will not protect their citizens or others from certain types of persecution.

For these reasons, I strongly object to these proposed rules. Although I did not comment on every change among the many that were proposed, I oppose the entirety of the proposed regulation and urge that it is withdrawn completely.

Thank you for the opportunity to submit comments on the proposed rule on Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review. Please do not hesitate to contact me at [contact information] for further information.

[Name, title, and affiliations]