185 West Broadway
New York, NY 10013
t 212-324-6558 | **f** 347.368.2213
www.safepassageproject.org

Via Federal e-Rulemaking Portal
https://www.regulations.gov/comment?D=EOIR-2020-0003-0001

Lauren Alder Reid
Assistant Director, Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1800
Falls Church, VA 22041

RE: RIN 1125-AA94 or EOIR Docket No. 18-0002, Public Comment Opposing Proposed Rules on Asylum, and Collection of Information OMB Control Number 1615-0067

July 15, 2020

I. INTRODUCTION

Our organization, Safe Passage Project, submits this comment urging the Department of Justice (DOJ) and the Department of Homeland Security (DHS) to withdraw these proposed rules in their entirety. Asylum is a lifeline for tens of thousands of vulnerable refugees, and the proposed regulations violate the United States' duties under domestic law and international law. Just as importantly, these rules—which would eliminate asylum for the vast majority of asylum seekers—are morally wrong. If these rules are published as written, the United States will cease to be the leader in providing humanitarian protection to the most vulnerable. Safe Passage Project opposes the changes.

II. BACKGROUND AND MISSION OF SAFE PASSAGE PROJECT

Safe Passage Project was founded with the goal of helping young people who come to the United States as unaccompanied alien children (UACs). We work to ensure that those who are eligible for substantive immigration relief receive high quality legal representation. We advocate for the fair treatment of children facing deportation by ensuring they are well represented either by a member of our own staff or by one of the hundreds of pro bono attorneys that we mentor. Safe Passage Project currently provides free legal representation to over 700 children. The majority of our clients come from the Northern Triangle in Central America (El Salvador, Guatemala, and Honduras) as well as Mexico.

The children we represent come from varied backgrounds. Many of them are attempting to escape abuse or turmoil in their home countries, while others are victims of smugglers or

traffickers. While these traumas often trigger our clients' initial decision to leave their homes countries, their suffering is often not limited to their experiences there. The journey north toward the United States is filled with dangers. A large portion of our clients pass through countries including Mexico on their way to the United States. Immigrants in transit have long been easy targets for exploitation by criminal groups and many of our young clients suffer re-victimization during their journey to the United States. The lack of protection available in their home countries, coupled with factors such as family re-unification, contribute to the rise in UACs seeking asylum in the United States. These proposed rules would decimate the asylum system as we know it, and further endanger these vulnerable populations.

III. OBJECTION TO 30-DAY TIME PERIOD TO RESPOND TO COMMENT ON THE NOTICE OF PROPOSED RULEMAKING (NPRM)

As discussed below, the proposed regulations would completely eviscerate asylum protections. These regulatory changes seek to rewrite the laws adopted by Congress and would be the most sweeping changes to asylum since the 1996 overhaul of the Immigration and Nationality Act via the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA). The NPRM is over 160 pages long, with more than 60 of those pages being the proposed regulations themselves—including dense, technical language and sweeping new restrictions that have the power to send the most vulnerable back to their countries where they may face persecution, torture, or death. Any one section of these regulations, standing alone, would merit 60 days for the public to fully absorb the magnitude of the changes proposed therein, perform research on the existing rule and its interpretation, and then respond thoughtfully. Instead, the agencies have allowed a mere 30 days to respond to multiple, unrelated changes to the asylum rules, issued in a single, mammoth document.

Under any circumstance, it would be wrong for the government to give such a short time period to comment on changes that are this extensive, but the challenges to respond to the NPRM now are magnified by the ongoing COVID-19 pandemic. Our office has been closed since March 2020, when the state of New York was put under a stay-at-home order. Throughout this pandemic, our staff has had to work remotely, making it more difficult to access files, communicate with clients, and coordinate with colleagues. Many of our staff members have children or other family at home that they care for. Our new normal makes impractical getting work done at a normal pace. The challenges presented by the ongoing health crisis are not unique to our organization; many other groups who wish to respond to these proposed rules have likely been similarly, if not more severely, impacted by the pandemic. These COVID-19 related challenges make responding to even one proposed rule more difficult and time-consuming than it would be under normal circumstances. Given the sheer number of proposed rules and the severe impact of the pandemic on work conditions, providing a 30-day comment period is violative of due process.

For this procedural reason alone, we urge the agency to rescind the proposed rule. If it wishes to reissue the proposed regulations, it should grant the public at least 60 days to have adequate time to craft and submit comprehensive comments.

IV. STATEMENT OF OBJECTION TO THE PROPOSED RULES IN THEIR ENTIRETY

Although we object to the agencies' unfair 30-day timeframe in which to submit a comment to the proposed rule, we submit this comment, nonetheless, because we feel compelled to object to the proposed regulations which would gut asylum protections. By removing due process protections, imposing new bars, heightening legal standards, changing established legal precedent, and creating sweeping categories of mandatory discretionary denials, the proposed rules would result in virtually all asylum applications being denied. In a best-case scenario, the result of these changes would be to leave a higher percentage of those fleeing harm in a permanent state of limbo—if they are able to meet the higher legal standard to qualify for withholding of removal under INA § 241(b)(3). Since those who qualify for withholding of removal have no ability to petition for derivative beneficiaries, these rules would result in permanent family separations.

As noted above, we may have not covered every topic which we would like to have covered because of the restricted timeframe to respond.

V. OBJECTION TO PRETERMISSION OF CLAIMS (PROPOSED REGULATION ADDING 8 CFR §1208.13(e))

Safe Passage Project offers strong objections to a Proposed Regulation adding 8 CFR §1208.13(e), which would permit an Immigration Judge to pretermit an asylum application without further hearing *sua sponte* or on motion by DHS, after notice and a ten-day opportunity to respond in writing. The DOJ claims a desire to streamline the asylum process in immigration court and avoid spending overtaxed resources on asylum applications which present no chance of success because they are deemed legally deficient; the rule would authorize the dismissal of an application for asylum where an applicant has not established *prima facie* eligibility for asylum in the application itself. However, the proposed regulation will not achieve this goal. Safe Passage Project opposes this regulatory change in the strongest possible terms because it will adversely impact all asylum seekers, but especially will prevent the most vulnerable asylum seekers, including the unaccompanied minors whom Safe Passage Project represents, from fair adjudication of their applications for protection from persecution.

A. Laws Governing Asylum Are Too Complex for Early Adjudication Divorced from the Facts

Establishing eligibility for asylum under the law of the United States is a difficult task that requires sophisticated knowledge of the laws that govern asylum and deep understanding of

the particular facts of a case. Determining which deeply-held characteristics and beliefs are properly categorized as "political" or "religious" or evince one's "membership in a particular social group" and thus can qualify for asylum protections demands a case by case approach, *Matter of Acosta*, 19 I. & N. Dec. 211, 232–33 (BIA 1985) ("The particular kind of group characteristic that will qualify under this construction remains to be determined on a case-by-case basis"), which is incompatible with the notion of pretermission. Further, any procedure that deprives an applicant the opportunity to meet her burden of proof through testimony alone violates the INA's guarantee of an opportunity to present evidence. INA §208(b)(1)(B)(ii) and 240(b)(4)(B).

B. The Regulation Elevates Efficiency Concerns Over Compelling Due Process Concerns

This regulation will encourage immigration judges, in the name of efficiency, to abandon their roles as impartial adjudicators and instead look for reasons to dismiss asylum applications in order to manage their dockets. It erodes due process protections and errs on the side of returning refugees to danger, rather than protecting them from harm. The most vulnerable refugees with the least access to paid counsel and the least sophisticated understanding of the asylum laws will be most affected by this change in the system, as they will be least able to articulate a claim in the stylized legal jargon that will survive *prima facie* review. The standard to qualify for asylum is quite low. The Supreme Court has set a one in ten chance of persecution as the threshold. *INS v. Cardoza-Fonseca*, 480 US 421 (1987). With adjudicators keeping that low hurdle in mind, it is difficult to believe that an objective assessment would yield any significant numbers of cases to be pretermitted. Nevertheless, this regulation inappropriately allows immigration judges to clear their dockets of pending asylum cases unless eligibility for relief is clear from the application, which is quite rare.

C. The Regulation Imperils Due Process Protections

The regulation is incompatible with other long-standing regulations requiring immigration judges to ensure fairness in the adjudications process by advising asylum applicants of their opportunity to present evidence, and to hold an evidentiary hearing and examine the asylum seeker under oath. 8 CFR §§ 1240.10(a)(4) and 1240.11(c)(3). These regulations help secure due process in asylum adjudications, and will be directly undercut by the new procedures offered in this regulation.

D. The Regulation Imposes New Burdens Rather than Streamlining the Adjudicatory Process

In the name of so-called efficiency, this regulation adds an additional step in the adjudication process which will *increase*, not decrease, the burden on the immigration courts. It will force represented and unrepresented applicants to present robust and detailed legal arguments in response to a notice of intent to pretermit an application, to which DHS must then respond, and in turn an immigration judge must consider, all before pretermitting the application.

While Safe Passage objects to the adoption of the pretermission regulation, we must be clear that any regulation that permits pretermitting an asylum application must include this notice and response process in order to meet the minimum threshold required by the Constitution's Due Process clauses. *Mathews v. Eldridge*, 424 US 319 (1976). At a minimum, this process requires notice and an opportunity to be heard before the government takes adverse action in a particular matter. However, instead of increasing efficiency in asylum cases, pretermitting asylum cases without a hearing on the evidence, and instead imposing a notice and opportunity to be heard regime prior to pretermission, will increase litigation for represented applicants for asylum, and may prolong the process. Furthermore, child applicants for asylum are uniquely ill-suited to respond to a notice from an immigration judge announcing the intention to pretermit, and so they will be uniquely burdened by the adoption of this regulation.

E. The Regulation Ignores the Nature of Asylum Claims and Violates the Immigration and Nationality Act

All five of the statutory legal bases for asylum (race, religion, nationality, membership in a particular social group and political opinion) are highly fact-dependent and require a detailed examination of the motives of an entity who is not before the Court, the persecutor. *INS v. Elias-Zacarias*, 502 US 478 (1992). The statutory "one central reason" standard requires asylum adjudicators to assess the totality of an applicant's circumstances and tease apart a persecutor's sometimes conflicting motives for causing harm. INA §208(b)(B)(i). Further, an applicant for asylum can meet her burden of proof through testimony alone. INA §208(b)(B)(ii). Thus, in order to begin conducting the legal analysis of an asylum claim, even to assess for *prima facie* eligibility, an immigration judge *must* understand the highly fact-dependent context for the claim. To assess whether or not a person has or will experience persecution on account of race, religion, nationality, political opinion or membership in a particular social group, the fact finder must understand not only the situation of the applicant, but also the circumstances surrounding the persecutor, including the political, religious, and cultural environments in which the persecution may occur, the geography of the locus of the persecution, and the way in which the society in question organizes itself into groups. *Only* with such a fact-specific and contextual understanding can the adjudicator begin to perceive the viability of a claim for asylum. Allowing an adjudicator to pretermit an application without conducting a fact-finding hearing will result in the erroneous return of genuine refugees to the path of harm, and violate the guarantees of protection inherent in the asylum laws. Especially when applied to the particularly vulnerable, youthful asylum seekers Safe Passage Project represents, pretermission would circumvent the processes and protections Congress has established for asylum seekers.

F. *Prima Facie* Eligibility Adjudications Will Make It More Difficult For Judges To Apply Special Rules For Children's Asylum Claims

Current asylum rules and procedures recognize that children's asylum claims are different and may require a special approach to evidence and legal analysis. See *Jorge-Tzoc v. Gonzales*, 435 F.3rd 146 (2d Cir. 2006) ("combination of circumstances could well constitute persecution to a small child totally dependent on his family and community"). As the Seventh

Circuit has noted, "age can be a critical factor in the adjudication of asylum claims and may bear heavily on the question of whether an applicant was persecuted or whether she holds a well-founded fear of future persecution." *Liu v. Ashcroft*, 380 F.3d 307, 314 (7th Cir.2004); *see also* Jeff Weiss, U.S. Dep't of Justice, Guidelines for Children's Asylum Claims, at 1998 WL 34032561 (1998) ("The harm a child fears or has suffered, however, may be relatively less than that of an adult and still qualify as persecution."). The proposed regulation makes no exception for child asylum applicants, who may be subjected to pretermission without any ability to present evidence about their special circumstances that would be relevant to an eligibility determination.

VI. OBJECTION TO MANNER OF ENTRY RULE

The proposed rule seeks to reframe "manner of entry" as a "significant adverse factor" under the guise of "discretion" in direct contradiction to congressional intent.

A. BIA and Circuit Caselaw Correctly Gives Little Weight to Unlawful Entry

Under the current standard, in addition to meeting the statutory and regulatory eligibility guidelines, asylees must further meet the burden of showing that the Attorney General should exercise their discretion to grant asylum. See *Matter of A–B–*, 27 I&N Dec. at 345 n.12; *Matter of Pula*, 19 I&N Dec. 467, 474 (BIA 1987). In the immigration context, both the Circuit courts and the BIA have undertaken to balance adverse factors against the public interest in a robust asylum program: discretion requires a balancing of "the adverse factors evidencing an alien's undesirability as a permanent resident with the social and humane considerations presented in his behalf to determine whether … relief appears in the best interests of this country."[1] In determining whether an asylum seeker merits a grant of asylum, the United States has long held that "the danger of persecution should generally outweigh all but the most egregious of adverse factors." *Matter of Pula*, 19 I&N Dec. at 474. The proposed regulation ignores precedential case law regarding how discretion is applied. It radically departs from agency precedent. It must be rescinded.

Under the proposed rule, the agencies seek to designate an asylum seeker's unlawful entry or unlawful attempted entry into the United States as a significant adverse factor for the purposes of discretionary determinations. While it has long been established that an adjudicator may consider an asylum seeker's failure to comply with established immigration procedures, they may not do so to the practical exclusion of all other factors. *Matter of Pula* first established that adjudicators should not weight unlawful entry heavily in its discretionary decisions, and the BIA's explication of how discretion should be wielded is worth quoting: "Yet while we find that an alien's manner of entry or attempted entry is a proper and relevant discretionary factor to consider in adjudicating asylum applications, we agree with the applicant that *Matter of Salim*…places too much emphasis on the circumvention of orderly refugee procedures....We therefore withdraw *Matter of Salim* insofar as it suggests that the circumvention of orderly

[1] U.S. Citizenship & Immigration Services., RAIO Directorate, *RAIO Combined Training: Discretion* (Dec. 20, 2019), https://www.uscis.gov/sites/default/files/files/nativedocuments/Discretion_LP_RAIO.pdf.

refugee procedures alone is sufficient to require the most unusual showing of countervailing equities." *Id.* at 473.

Circuit courts have agreed that unlawful entry should not be so weighted as to ignore other factors. *See, inter alia, Hussam F. v. Sessions,* 897 F.3d 707, 718 (6th Cir. 2018) ("In other words, although the BIA may consider an alien's failure to comply with established immigration procedures, it may not do so to the practical exclusion of all other factors. Here, Petitioner certainly should have been more forthcoming with immigration officials. But under *Pula*, the Board's analysis may not begin and end with his failure to follow proper immigration procedures."), *Zuh v. Mukasey,* 547 F.3d 504, 511 n.4 (4th Cir. 2008) (holding that immigration law violations should be considered in "a totality of the circumstances inquiry" and should not be given "too much weight"), *Huang v INA*, 436 F.3d 89, 100 (2d Cir. 2006) ("*[i]f illegal manner of flight and entry were enough independently to support a denial of asylum, ... virtually no persecuted refugee would obtain asylum*") (emphasis added).

In direct reference to the weight given to the manner of entry, or the circumvention of orderly refugee procedures, courts clearly assert that such a factor "should not be considered in such a way that the practical effect is to deny relief in virtually all cases." *Matter of Pula*, 19 I&N Dec. at 473–75. The manner in which an asylum seeker entered the country is worth little, if any, weight in the balancing of positive and negative factors, such that in some cases, an alien entering the United States illegally is "wholly consistent with [a] claim to be fleeing persecution." *Id.* at 473, *Akinmade v. INS,* 196 F.3d 951, 955 (9th Cir. 1999), *Mamouzian v. Ashcroft,* 390 F.3d 1129, 1138 (9th Cir. 2004). If promulgated, the proposed regulation would effectively allow an adjudicator to condition asylum eligibility on a single heavily weighed individual factor that, on its own, has long been understood as worth little, if any, weight in adjudicating whether a migrant should be granted asylum. *E. Bay Sanctuary Covenant v. Trump*, 950 F.3d 1242, 1259 (9th Cir. 2020).

B. The Department's Justifications for this Regulation Incorrectly Interpret INA § 208 and its Discretionary Power and Fail to Acknowledge that the Strain on the Immigration System is a Crisis Created by the Trump Administration's Own Policies

The Department offers two justifications for this proposed change: the penalties associated with unlawful entry, and the current conditions on the southern border. First, the Department incorrectly interprets the statutory language in INA § 208. Second, the Department incorrectly interprets its powers of discretion under INA § 208. Finally, the Department willingly ignores that the Trump Administration's policies have caused the Immigration Courts to be overwhelmed and provides no rationale for why aliens' rights must be abrogated in order to remedy this problem.

i. The Department Incorrectly Believes INA § 208 Grants the Department the Power to Restrict Based on Unlawful Entry

The Department argues that because unlawful entry is a federal offense, it renders an alien ineligible for asylum in general. See INA § 212(a)(6)(A), 8 U.S.C. § 1182(a)(6)(A); INA §

275(a)(1), 8 U.S.C. § 1325(a)(1). This blanket assertion is incorrect. The statute's language clearly conveys that individuals may apply for asylum "irrespective of such alien's status." INA § 208(a)(1) ("The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum…"). First, the language of the statute specifies that it applies to aliens "at a land border or port of entry" *or* aliens "present in the United States." This suggests the statute was meant to encompass not just aliens presenting themselves at a port of entry, but even those who have unlawfully entered, who are "present…irrespective of such alien's status." Had Congress intended for manner of entry to be considered above other factors, or for it to carry additional weight, it would not have used such clear and expansive language such as "irrespective of such alien's status."

Additionally, if Congress intended to make manner of entry a significant factor in asylum determinations, it would have included it amongst the list of automatic asylum bars. While felony conviction for a particularly serious crime *can* be grounds for an asylum bar, merely crossing the U.S. border without inspection does not qualify as such. Unlawful entry is merely a misdemeanor and not a particularly serious crime. 8 U.S.C. § 1325. While a crime *may* trigger the bar even if it is not classified as an aggravated felony, USCIS has historically focused its analysis on "the nature of the conviction, the sentence imposed, the circumstances and facts of the conviction, and whether the type and circumstances of the crime indicate that the alien would be a danger to the community."[2] Furthermore, the INA already enumerates a series of aggravated felonies that *do* constitute bars to asylum. INA § 101(a)(43). This section only references a person's manner of entry "*after deportation or removal for conviction of an aggravated felony*" (emphasis added). Congress could have included *any* unlawful entry as a bar, but it chose not to. The Department cannot act in place of Congress to add unlawful entry as a bar. Treating every unlawful entry as a heavily negative factor is contrary to long standing agency practice, is contrary to Congressional intent, and constitutes an abuse of agency discretion.

ii. <u>The Department Incorrectly Believes that Discretionary Power Permits it to Develop Exclusionary Factors Not Contemplated by INA § 208</u>

The Department also asserts that since asylum is discretionary under INA § 208(b)(1)(A), it can restrict the circumstances under which such discretion is exercised. The proposed rule, however, essentially eliminates the "discretion" delegated to the finder of fact and turns it into a form of automatic exclusion, which is not contemplated by the statute.[3]

Courts have held that discretion does not permit the Department to develop *de facto* exclusionary factors not contemplated by the statute. For example, in cases involving a waiver of

[2] U.S. Citizenship and Immigration Services, *Lesson Plan Overview; Mandatory Bars to Asylum Discretion* (Mar. 5, 2009), http://myattorneyusa.com/storage/upload/files/etc/bars-to-asylum-discretion-31aug10.pdf , at 16.

[3] *See* Daniel Kanstroom, *Surrounding the Hole in the Doughnut: Discretion and Deference in U.S. Immigration Law*, 71 Tul. L. Rev. 703, 800–801. Kanstroom describes how this constitutes "interpretive discretion" that exists before the actual "delegated discretion" where the immigration judge weighs the case individually. Such acts of "interpretive discretion" as are being proposed by the current regulation must still be permissible constructions of the underlying statute and cannot be so restrictive as to erode the "delegated discretion." *Id*.

inadmissibility per INA § 212(c), the BIA had developed an unwritten *de facto* categorical exclusion of those convicted of drug crimes, even though § 212(c) had only prohibited drug offenders who had served at least five years in prison for serious drug crimes from applying for the waiver. Several circuits noted the problems with such *de facto* exclusion.

The 9th Circuit argued that the agency did not have the power to codify discretion in such a categorical way, especially when the statute had chosen to make a distinction between prisoners who served at least five years in prison and those who had not served that amount of time; such extension not contemplated by the statute contradicts the discretion granted by the statute. *Yepes-Prado v. United States INS*, 10 F.3d 1363, 1371–1372 (9th Cir. 1993) ("it is the agency's responsibility to decide the proper weight to give the various factors involved in 212(c) petitions involving narcotics offenses," but "it may not categorically deny 212(c) relief to drug offenders who have served less than five years incarceration.").

When the BIA revealed that it had only provided a waiver to one applicant convicted of a serious drug crime in *De Gonzalez v. INS* among 3,000 cases, the 6th Circuit argued that this could be an abuse of discretion, although it did not find it to be so in that particular case. 996 F.2d 804, 811 (6th Cir. 1993). The Court pointed out that when discretion is granted to the immigration courts, it is a tool of relief, not restriction:

> "Court and administrative agencies are given discretionary power in order to individualize the application of law, make it flexible and adaptable to circumstances. With it, the law is apt to be criticized as harsh, unfeeling and unjust. In deportation cases, the Attorney General or her designees, in this case the INS and the BIA, are entrusted with the authority to exercise discretion in order to ameliorate the harsh results that deportation wrecks on aliens and their families by allowing, in certain circumstances, a waiver of deportation. The BIA's failure to exercise its discretion may well be an abuse of discretion."
>
> *Id.* at 810–811.

The 5th Circuit noted that when the BIA treated serious drug crimes as a dispositive factor, it ignored its obligation to exercise discretion. *Diaz-Resendez v. INS*, 960 F.2d 493, 497 (5th Cir. 1992) ("The Board considered some but not all of the relevant factors. The Board must do more than just refer to relevant factors in passing."). In this case, the BIA had failed to adequately analyze the noncitizen's efforts at rehabilitation and "*actually consider*" all of the relevant factors. *Id.* at 497–498 (quoting *Zamora-Garcia v. United States Dep't of Justice & Naturalization Service*, 737 F.2d 488, 491 (5th Cir. 1984) (emphasis in original)).

The Department's efforts to make unlawful entry a significantly adverse factor would similarly create an exclusion not permitted by the statute, limit what is intended to be a tool of relief, and mitigate the positive factors that asylees can present in their favor by preventing adjudicators from "actually consider[ing]" these factors. *Id.*

The Department may argue that labeling unlawful entry a "significantly adverse factor" does not amount to a complete exclusion of asylum seekers. In truth, however, such a heightened standard on an element that, as noted above, has previously been given little weight, makes it *de facto* exclusionary. This is the very opposite result Congress expected when it delegated discretion to the Department. The Department, under the statute, is charged with deciding individual cases and weighing the relevant and particular equities of each asylee's story. To prevent immigration judges from making such individualized determinations is an abuse of discretion and a misreading of INA § 208(b)(1)(A).

iii. The Department Fails to Acknowledge that the Immigration Courts are Overwhelmed as a Result of Deliberate Policy Choices by the Trump Administration

Finally, the Department asserts that the increasing strain on the immigration system at the southern border necessitates the regulation. In truth, our government's own policies are at the very core of the current immigration crisis; we should not shift the blame to refugees attempting to exercise their statutory and treaty-based rights.

In 2005, the Bush Administration began Operation Streamline in a few sectors of the southern border: a "zero-tolerance" policy which involved detaining and charging every migrant with illegal entry.[4] In 2015, despite the Inspector General of Homeland Security declaring that this program had little to no effect on illegal border crossings, the Obama administration increased the number of sectors employing this strategy.[5] The Trump administration then expanded the term "criminal" to include *anyone* who entered the US without border inspection in order to expand its enforcement priorities.[6]

On April 6, 2017, then Attorney General Jeff Sessions announced the administration would begin criminally prosecuting *all immigrants*, including first-time entrants, who entered the United States without inspection.[7] The Trump Administration also began prosecuting parents who traveled with children.[8] In June 2018, the government prosecuted 46% of adults apprehended at the border.[9] Attorney General Sessions put forth a goal of 100% prosecution at the time.[10] In 2019, Attorney General Barr declared that the government will only grant parole or reasonable bond to asylum-seekers who have shown a credible fear of persecution in exceptional

[4] Joanna Jacobbi Lydgate, Comment, *Assembly-Line Justice: A Review of Operation Streamline*, 98 Calif. L. Rev. 481, 483–484 (2010).
[5] John Burnett, *The Last 'Zero Tolerance' Border Policy Didn't Work*, NPR (June 19, 2018), https://www.npr.org/2018/06/19/621578860/how-prior-zero-tolerance-policies-at-the-border-worked.
[6] Jennifer Medina, *Trump's Immigration Order Expands the Definition of Criminal*, New York Times (Jan. 26, 2017), https://www.nytimes.com/2017/01/26/us/trump-immigration-deportation.html.
[7] Thomas M. McDonnell & Vanessa H. Merton, *Enter at Your Own Risk: Criminalizing Asylum-Seekers*, 51 Colum. Human Rights L. Rev. 1, 21–23 (2019).
[8] *Q&A: Trump Administration's "Zero-Tolerance" Immigration Policy*, Human Rights Watch (August 16, 2018), https://www.hrw.org/news/2018/08/16/qa-trump-administrations-zero-tolerance-immigration-policy.
[9] *Id.*
[10] *Id.*

cases.[11] This administration's draconian enforcement measures have left us with dangerously overcrowded detention facilities and an immigration system that is stretched beyond its limits.[12] The Department has made a purposeful choice to continue to overwhelm both the courts and the detention system through its "zero-tolerance" policy. To argue that this regulation is necessary to alleviate a problem that the Trump administration itself is perpetuating is both logically fallacious and cruel. The strain on the immigration system, which the proposed rule purports to relieve, is self-imposed. Solutions to this strain should not be borne on the backs of those lawfully requesting relief under our laws.

For the aforementioned reasons, we oppose the Department's proposal that unlawful entry or unlawful attempted entry in the United States be considered a significantly adverse for the purposes of the discretionary determination. Such a change would lead to an unjust exclusion of most asylum seekers who are deserving of such protection and constitutes an arbitrary and capricious agency action under the APA.

VII. OBJECTION TO THIRD COUNTRY RULE

In addition to meeting a complex legal standard, asylum seekers must merit a favorable exercise of discretion. *I.N.S. v. Cardoza-Fonesca*, 480 U.S. 421, 423 (1987). For decades, the United States has recognized the unique situation of asylum seekers and found that "the danger of persecution should generally outweigh all but the most egregious of adverse factors." *Matter of Pula*, 19 I&N Dec. 467, 474 (BIA 1987). The proposed rule would turn on its head years of jurisprudence to deny most asylum applications on so-called discretionary grounds. The actual discretion adjudicators exercise would be so severely limited that their power to make determinations on a case-by-case basis would be essentially revoked. This proposed rule must be rescinded.

The rule would bar most refugees who spent 14 days in any country en-route to the United States. This change would conflict with established concepts of firm resettlement and would disqualify most asylum seekers who travel through Mexico—where the administration blocks asylum seekers, forcing them to wait for months to request protection at ports of entry. These rules place asylum seekers in an impossible position where they will be denied asylum if they wait on the "metering" lists at a port of entry, but will also be denied asylum if they cross the border in order to make their requests for protection.

A. An Almost Identical Third Country Rule has Already Been Overturned by the Courts

This administration has already proposed a so-called "Third Country Rule," which would have barred asylum seekers who passed through a country with which the United States has an Asylum Cooperative Agreement (ACA, otherwise known as "safe third-country agreement")

[11] McDonnell, *supra* note 7, at 31–34.

[12] In one border processing center in El Paso, 900 migrants were being held in a facility designed for 125 people. Cells designed for 35 people were holding 155 people. *See* Caitlin Dickerson, *'There Is a Stench': Soiled Clothes and No Baths for Migrant Children at a Texas Center*, New York Times (June 21, 2019), https://www.nytimes.com/2019/06/21/us/migrant-children-border-soap.html.

unless they applied for and were denied asylum in that country. This means that if an asylum seeker passed through more than one such country, they would have to apply in each country through which they transited and be denied before becoming eligible to apply in the United Sates. Asylum seekers who failed to do so could be removed to one or more of the countries through which they transited unless they could prove that it was more likely than not that they would be persecuted in those third countries. In this way, the rule not only broadly denied eligibility to the vast majority of Central American asylum seekers, but it also drastically increased the evidentiary standard to apply for asylum. That version of the rule was recently overturned by the United States District Court for the District of Columbia as violative of the Administrative Procedures Act (APA). *See Capital Area Immigrants' Rights Coalition v. Trump*, __ F. Supp. 3d __ (D.C.C. 2020), 2020 WL 3542481. The Court also noted that the Immigration and Nationality Act (INA) generally permits that anyone who reaches American soil, with some exceptions, can seek asylum. *Id.* Similarly, an injunction against the third country rule was upheld by the Ninth Circuit Court of Appeals. *E. Bay Sanctuary Covenant v. Barr*, Nos. 19-16487, 19-16773, 2020 U.S. App. LEXIS 21017 (9th Cir. July 6, 2020). The Court again held that the rule stood in direct contrast to the INA and well-established precedent. Even the lone dissenting judge agreed that for such a rule to be implemented, the DHS and the DOJ would at the very least have to carefully balance the safety risks to asylum seekers with the benefits of reducing applications. Nothing about the proposed rule indicates that these departments have done so. Given this precedent, the proposed rules should be rescinded in their entirety.

B. The Third Country Rule Ignores Realities of Asylum Law in Transit Countries

Requiring asylum seekers to apply in countries of transit overlooks serious inadequacies in the asylum systems of these so called "safe countries." Mexico, through which the majority of Central American migrants pass, is completely unequipped to handle the increase in asylum applications that this policy will create. In the past few years, the United States has pressured Mexico into taking measures to curb the number of migrants reaching the U.S.-Mexico border. In response to these pressures, Mexico has drastically increased its immigration enforcement and apprehension efforts without taking the necessary steps to guarantee that qualifying migrants are able to seek asylum.[13] From January to November of 2019, 60,000 asylum petitions were filed in Mexico compared to only 5,000 asylum petitions filed in 2015.[14] Despite the skyrocketing number of applications, the budget for the departments tasked with adjudicating these claims decreased from approximately $1.3M USD in 2015 to approximately $1M USD in 2019.[15] To put that into perspective, in 2019 there were 48 staff members adjudicating the 60,000–80,000 asylum claims that were filed. This has created a huge backlog of asylum applications waiting to be granted. Of the more than 90,000 asylum applications filed between January 1, 2018 and October 25, 2019, 70.6% have yet to be considered, including claims by more than 17,000

[13] *Mexican Asylum System for U.S. Immigration Lawyers FAQ*, Asylum Access (Nov. 5, 2019), asylumaccess.org/faq-on-the-mexican-asylum-system.
[14] *Id.*
[15] *Id.*

children.[16] Meanwhile, in response to pressure from the Trump administration, Mexico deployed 20,000 National Guard Troops to its southern border; the militarization thereof drastically increased detention and deportation.[17] With such a significant disparity between enforcement and protection efforts, asylum seekers were routinely denied their rights—often being deported before having the opportunity to apply for asylum.[18]

With respect to UACs, policies aimed at protecting vulnerable young people have been implemented unevenly and ineffectually. Indeed, even though Mexican law requires that unaccompanied children be screened for protection needs and informed of their rights, studies show that only a small fraction of children are interviewed or given age-appropriate information about asylum.[19] This, coupled with the fact that children are often held in adult immigrant detention centers—despite laws that they should be placed in less hostile shelters—has led to extremely low numbers of unaccompanied children applying for asylum in Mexico.[20]

Furthermore, lengthy processing times, travel restrictions, and inadequate services mean that it is extremely difficult for migrants to follow through on Mexican asylum applications. Once a person applies for asylum in Mexico, they are supposed to be issued a *constancia* document, which proves legal status and protects against deportation during the pendency of their claim. However, due to significant administrative delays, asylum applicants are left vulnerable to deportation during the weeks to months it takes to receive documentation.[21] Even those who are able to get the necessary documentation may still be denied access to their rights.[22]

The asylum process itself can be lengthy. The Mexican government has not increased the budget for agencies tasked with adjudicating asylum claims despite the significant rise in asylum applications in recent years. This has created a significant backlog in applications. What was once a 45-day long process now regularly exceeds the 90-day deadline the government has to give a decision. Applications now regularly take 6 months to a year to process.[23] While an application is in process, migrants must remain in the state in which they initially applied. This is not always possible, since the states with the highest numbers of applications—such as those along Mexico's northern and southern borders—are among the poorest states, and are characterized by few economic opportunities, high rates of violent crime, and the presence of dangerous criminal organizations.[24] At the end of the process, the majority of Central American asylum seekers are not granted asylum in Mexico. Despite boasting a 71% approval rating, only 41.4% of applicants from Honduras, 58.8% of applicants from El Salvador, and 34.7% of

[16] *Asylum in Mexico by the Numbers*, Asylum Access (2020), asylumaccess.org/wp-content/uploads/2020/01/Asylum-in-Mexico-by-the-Numbers.pdf.
[17] *Id.*
[18] *Id.*
[19] Ridrigo Dominguez-Villegas, *Strengthening Mexico's Protection of Central American Unaccompanied Minors in Transit*, Migration Policy Institute (Oct. 23, 2019), www.migrationpolicy.org/research/strengthening-mexicos-protection-central-american-unaccompanied-minors-transit.
[20] *Id.*
[21] *Mexican Asylum System for U.S. Immigration Lawyers FAQ*, *supra* note 13.
[22] *Id.*
[23] *Id.*
[24] *Id.*

applicants from Guatemala are granted asylum.[25] [26] These numbers also do not reflect cases that were abandoned or people that were deported without the opportunity to apply for asylum.[27]

C. Migrants are Often Forcibly Detained or Kidnapped in Transit Countries; the Proposed Rule Makes No Exception for Them

Immigrants, especially unaccompanied minors, are at an increased risk of becoming victims of violent crimes in Mexico, whether in transit to the United States or while they await adjudication of an asylum case there. Many of the vulnerable young people our organization helps have been the victims of violent crime on their journey through Mexico. One client, who will be referred to as "Client" to protect his identity, described how he and a group of people he traveled with were stopped by the Mexican police. The police then called several gang members with whom they were working. The cartel members held them at gunpoint and robbed them of their money and belongings. Several of the migrants, including Client, were then taken to a house where they were subjected to horrific violence. Client was hit with the butt of a gun for moving his head just slightly. The cartel members then released some of the migrants, including Client, while the rest were held for ransom—likely because of some connection to people in the United States.

Sadly, Client's story is not unique. Organizations such as the United Nations Children's Fund (UNICEF),[28] Human Rights Watch (HRW),[29] and Doctors Without Borders/Médecins Sans Frontières (MSF)[30] have all published articles casting doubt on the designation of Mexico, Honduras, and Guatemala as "safe third countries." These organizations cite the U.S. Department of State's own travel advisories to these countries warning against travel there due to high rates of violent crime. The police in transit countries such as Mexico are largely unable or unwilling to help protect migrants and are often themselves implicated in crimes against asylum seekers.[31] In a report released earlier this year, MSF states that of those interviewed, 57.3% of migrants were exposed to some kind of violence along the migration route; of this group, 39.2% were violently attacked and 27.3% were threatened or extorted on their transit through Mexico.[32] The report also states that the actual figures are known to be much higher, but are underreported due to corruption, fear for retribution, and lack of faith in the system.[33] Per MSF's reporting, as of October 2019, 75% of people they treated who were returned to Mexico under the MPP program

[25] *Id.*
[26] *Refugees in Mexico: Figures and Development*, Worlddata.info, www.worlddata.info/america/mexico/asylum.php.
[27] *Mexican Asylum System for U.S. Immigration Lawyers FAQ*, *supra* note 13.
[28] Eitan Peled, *Immigration Policies Put Migrant Families at Serious Risk of Violence*, UNICEF USA (Dec. 18, 2019), www.unicefusa.org/stories/immigration-policies-put-migrant-families-serious-risk-violence/36827.
[29] *US: Investigate 'Remain in Mexico' Program*, Human Rights Watch (July 8, 2020), www.hrw.org/news/2020/06/02/us-investigate-remain-mexico-program#.
[30] *No Way Out: Central American Migration*, Médecins Sans Frontières International (Feb. 11, 2020), www.msf.org/report-no-way-out-central-american-migration.
[31] *US: Investigate 'Remain in Mexico' Program, supra* note 29.
[32] *No Way Out: Central American Migration*, *supra* note 30.
[33] *Id.*

were kidnapped and extorted.[34] Asylum seekers, who are easily recognizable and targeted due to their accents and congregation in border towns, are at significant risk of being re-victimized during their transit. Transit countries like Mexico maintain high rates of violent crime, corruption and instability, making it impossible for them to provide protection to their own citizens and even less so asylum seekers. Many of the same criminal organizations even operate within transit countries. Requiring asylum seekers to apply first in these unsafe countries will only further proliferate the cycles of violence which causes them to flee in the first place. Implementing this rule is not only an unprecedented and cruel shift in U.S. asylum law, but it also actively promotes the re-victimization of vulnerable populations.

D. Unaccompanied Minors Have Legitimate Reasons, Including Family Reunification, For Seeking Protection in the United States

Even without considering the above factors, it would still be implausible to enforce a third country rule against unaccompanied minors, many of whom seek to re-unify with family in the United States. Data collected by the United Nations High Commissioner for Refugees indicates that 49% of UACs from El Salvador, 27% of UACs from Guatemala, 47% of UACs from Honduras, and 22% of UACs from Mexico have at least one parent in the United States.[35] To force children fleeing from their home countries, and who have a parent or family member in the United States, to seek asylum in the first country they encounter is unsafe, absurd, and cruel.

The cornerstone of international and domestic law with regards to children is the "best interests of the child."[36] A policy that forces children to apply for asylum in a country in which they have no ties, rather than a country in which they could be reunified with family members, is certainly not in the "best interests of the child." This proposed rule embodies such policy and should be rescinded along with all the other proposed rules

VIII. OBJECTION TO EXCLUSION OF GENDER/NEXUS

The proposed rule introduces a "nonexhaustive" list of situations in which asylum and withholding of removal claims will be denied. Those claims include claims based on personal animus or retribution; interpersonal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue; most generalized opposition to gangs and similar organizations; wealth or the perception of wealth; criminal activity; gang affiliation; and gender.[37] Safe Passage Project strenuously objects to the entirety of this list. Based on the experiences of our clients, we focus our comment on the blanket denial of asylum and withholding claims pertaining to gender

[34] *Id.*
[35] *Children on the Run*, United Nations High Commissioner for Refugees (2014), www.unhcr.org/en-us/about-us/background/56fc266f4/children-on-the-run-full-report.html.
[36] Dominguez-Villegas, Rodrigo, *supra* note 19.
[37] RIN 1125-AA94 or EOIR Docket No. 18-0002, Public Comment Opposing Proposed Rules on Asylum, and Collection of Information OMB Control Number 1615-0067 at 36281.

A. The Decision to Deny all Claims Involving Gender Conflicts with Established Law

This proposed rule change runs counter to and directly contradicts United States law governing nexus and particular social groups in asylum cases. This is additional evidence that the proposed rule is not simply an effort to provide "clearer guidance" to speed up adjudications, as rule makers claim,[38] but attempt to block otherwise meritorious cases and a continuation of this administration's attacks on survivors of gender-based violence.

Strangely, the proposed rule discussed gender in the context of nexus and not particular social group – a much more logical fit. Both the Board of Immigration Appeals (BIA) and U.S. Federal Circuit Courts have stated that, as a matter of law, sex or gender can form part of the basis of an asylum claim.[39] *See, e.g.*, *Matter of Acosta*, 19 I&N Dec. 211, 233; *Hassan v. Gonzales*, 484 F. 3d. 513 (8th Cir. 2007) (recognizing Somali females as a particular social group); *In re Kasinga*, 21 I&N Dec. 357, 377 (BIA 1996) (discussing that women fleeing gender-based persecution can be eligible for asylum). Gender on its own satisfies the requirements that a particular social group be immutable or fundamental, socially distinct, and particular. *See Matter of Acosta,* 19 I&N at 233; *Matter of M-E-V-G,* 26 I&N Dec. 227, 227 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208, 208 (BIA 2014). For example, the BIA has noted that "the mutability of age is not within one's control, and that if an individual has been persecuted in the past on account of an age or faces such persecution at a time when the individual's age places him within the group, a claim for asylum may still be cognizable." *Matter of S-E-G*, 24 I&N Dec. 579, 583 (BIA 2008). So too is gender immutable in that it is entrenched, innate, and central to identity. Perhaps gender's clear satisfaction of the rules for particular social groups led the rule makers to claim it should be discussed in the context of nexus instead.

In any case, the proposed rule's complete rejection of gender-based claims conflicts with the Immigration and Nationality Act. Per the INA, eligibility for asylum may be established even when the persecutor has multiple motives for inflicting harm on the applicant as long as one of these protected grounds was at least "one central reason" for the persecution. INA § 208(b)(1)(B)(i), as amended by Section 101(a) of the REAL ID Act. As a practical matter, "[a]lthough the category of protected persons [within a particular social group] may be large, the number of those who can demonstrate the required nexus likely is not." Under the proposed rule, it seems that asylum seekers who face harm based on their gender and for other reasons will nonetheless be shut out from asylum, contrary to the edicts of the INA.

Gender often intersects with other protected characteristics to form the basis of asylum claims. Particularly relevant to our clients fleeing gender violence and settling in New York, the Second Circuit recognizes social groups at the nexus of gender, including a social group defined by nationality, gender and subjection to forced marriage. The Circuit found that "women who

[38] *Id.*

[39] In *Matter of A-B-*, 27 I&N Dec. 316, 321 (A.G. 2018), the attorney general decided that "El Salvadoran women who are unable to leave their domestic relationships where they have children in common" with their partners" does not constitute a particular social group, but that ruling reflects a rejection of only that single particular social group based upon the facts of the individual case.

have been sold into marriage … and who live in a part of China where forced marriages are considered valid and enforceable" as a social group. *Gao v. Gonzales*, 440 F.3d 62, 70 (2d Cir. 2006). Further, understanding the intersection of "petitioners' gender – combined with their ethnicity, nationality, or tribal membership – [has] satisfied the social group requirement" in Second Circuit cases. *Bah v. Mukasey*, 529 F.3d 99, 112-13 (2d Cir. 2008); *see also Kone v. Holder,* 596 F.3d 141, 149 (2d Cir. 2010). Such a rule change would ignore the reality of intersecting identities and attempt to upend circuit precedent to the great detriment of our young clients.

B. Removing Gender as a Potential Basis for Asylum Would Place Our Clients with Otherwise Meritorious Asylum Claims Back at Risk of Extreme Harm

In addition to being logically indefensible, the omission of gender as a basis for asylum would have a devastating practical impact. In many countries, women and girls face extreme harm that is inextricably linked to their gender. An estimated 35% of women worldwide—over 1.3 billion people—have experienced domestic violence or sexual violence by a non-partner.[40] In some countries, more than 70% of women have experienced intimate partner violence.[41] To bar asylum claims relating to gender is to willfully ignore the reality that gender and violence are deeply connected.

Of course, few of these women will seek asylum in the United States, and even fewer will qualify even under current rules; a successful case requires more than just a nexus and a particular social group. If rulemakers fear that allowing gender-based claims to go forward will crush our asylum system, those fears are misplaced.

Still, Safe Passage Project interacts daily with young asylum seekers who have suffered severe gender-based violence and been met with indifference from their home countries' governments. As discussed above, the majority of our clients come from Guatemala, Honduras, and El Salvador. In Honduras, the rate of femicides—gender-motivated killings of women—is twelve times the global average.[42] In El Salvador, it is almost six times the global average, and in Guatemala it is three.[43] Importantly, our clients' own governments are unwilling or unable to protect these women and girls. In Guatemala, for example, 99% of charges for violent crimes against women are dismissed.[44]

Because our clients are so young, they are often even more vulnerable than the older women in their communities. Although every client's story is unique, in our work with young asylum seekers, we have recognized several particularly prevalent forms of gender-based

[40] *Global and Regional Estimates of Violence Against Women: Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence*, World Health Organization (2013), https://apps.who.int/iris/bitstream/handle/10665/85239/9789241564625_eng.pdf;jsessionid=5054A87B6D16B22A049CA44870DE566F?sequence=1, at 2.
[41] *Key Facts about Violence Against Women*, World Health Organization (Nov. 27, 2017), https://www.who.int/news-room/fact-sheets/detail/violence-against-women.
[42] *Asylum Means Survival,* Immigrant Women Too, https://www.immigrantwomentoo.org.
[43] *Id.*
[44] *Id.*

violence against young girls in Central America. For example, many of our clients have experienced severe physical and sexual abuse from older male family members. Although such violence may seem "private," governments fail to intervene to protect children from abuse. Moreover, the same family power structures that allow abusers control over children in the first place also makes it impossible for girls to escape from their abusers in their own country. For a child, it is extremely difficult to hide from family.

Many of the girls who come to Safe Passage have fled to the United States after being forced into "relationships" with gang members. Gang members, who operate with near impunity in much of the Northern Triangle, frequently force girls into sexual relationships by threatening to harm the girls themselves or their friends and family should they refuse to comply. We have worked with many girls who had no choice to stop attending school and hide at home, because any foray outside—even the walk to school—resulted in threats and harassment from gangs.

Under existing asylum regulations, Safe Passage Project has helped our clients pursue and succeed in their asylum cases based on these experiences, where all other requirements for asylum also are met. However, the proposed rule's blanket rejection of claims relating to gender would cause them to lose automatically. Without legal means of remaining in the United States, they would be forced to return to home countries where they risk tremendous physical, emotional, and sexual violence and even death.

The catastrophic consequences of this rule for young survivors of sexual violence are deeply unfair. The effects of sexual violence include depression, post-traumatic stress disorder, and traumatic flashbacks, all of which make it more difficult for a survivor to process and talk about their experiences[45]—a necessary step to applying for asylum. Even as we go through this rulemaking process, countless girls hope to apply for asylum, but are not yet able to confront their assaults in order to do so. The proposed rule cruelly pulls the rug out from under them, effectively punishing them for the time they have needed to heal.

In addition to denying many women and girls the protections of asylum, the proposed rule would do significant symbolic damage. It would send the message to women and girls that although the United States could step in to protect them from danger—and indeed, has been doing so for years—it no longer finds their safety important enough to merit intervention. Women across the world will hear this message, but so too will women here in the United States, who will wonder how much their own country values them.

Finally, although this comment focuses upon young girls in order to center the most common experiences of our clients, this rule change has the potential to harm a much broader population. Men and boys experience sexual assault and domestic violence as well, and the proposed rule could hinder their claims. Furthermore, children worldwide, including our clients, face violence as a result of their sexual orientation, transgender status, and gender

[45] *Effects of Sexual Violence*, RAINN, https://www.rainn.org/effects-sexual-violence (last accessed July 8, 2020).

nonconformity—characteristics deeply relating to gender. It is not clear whether their claims would survive the changes of the proposed rule.

IX. CONCLUSION

All of the proposed rules described above are attempts to radically rewrite the U.S. asylum system. Taken together, these proposed rules would eviscerate asylum protections that have been in place for decades. It would throw out established precedent and would essentially re-write the INA—a task that is constitutionally entrusted to the Legislature, and that is not for an executive agency to undertake.

If these rules are enacted, the vast majority of asylum seekers will likely be denied even if they have well-founded fears of persecution—which, of course, may very well be the point. It is difficult to imagine that any asylum seeker arriving at the southern border would not be subject to at least one of the bars or limitations these rules seek to impose. Even if they were not subject to one of these discretionary bars it is highly unlikely they would be able to meet the elevated evidentiary standards, both in preliminary border fear screenings, in asylum interviews and proceedings before immigration judges.

The United States has long been a symbol of hope for those fleeing persecution. We are a nation founded by immigrants on the promise that those seeking shelter may come here, experience freedom, and have the opportunity to better their lives. These rules seek to snuff out that hope and destroy that dream for the tens of thousands of people seeking safe haven. We call upon the administration to withdraw these proposed rules in their entirety, and instead to redirect its energy towards promoting the United States' highest ideals, rather than give in to its basest notions of bigotry and exclusion.

Signed,

Safe Passage Project