

# US Not Alone in Restricting Asylum Eligibility



U.S. Customs and Border Protection officers reopen the border gate of the Gateway International Bridge that connects downtown Matamoros, Mexico with Brownsville, Texas, Oct. 10, 2019.

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NEW YORK – U.S. President Donald Trump’s effort to dramatically curtail claims for asylum in the United States — cheered by the administration’s supporters and condemned by immigration rights advocates — is unprecedented on America’s southern border but not unique on the world stage.

Europe, in particular, has imposed restrictive rules for asylum-seekers that predate this year’s flurry of activity in the United States.

Recent months have brought sweeping changes in how the U.S. handles asylum claims at the border. Those changes are expected to preclude asylum for the vast majority who seek it.

Washington has forged pacts with Guatemala, Honduras, and El Salvador, designating them as asylum destinations where claims are to be filed before protection is sought in the U.S. The accords work hand-in-hand with a Trump administration policy, temporarily greenlighted by the U.S. Supreme Court, stipulating that non-Mexicans must seek asylum in a third country they transited on route to the U.S. border before filing a claim in the U.S.

The result, according to critics, is a de facto asylum ban that forces people to file claims in some of the most impoverished and violent nations in the Americas.

“No one is seeking protection in countries from which everyone is fleeing,” said Helena Olea, an international human rights lawyer, and Alianza Americas human rights adviser.



President Donald Trump addresses a campaign rally, Oct. 10, 2019, in Minneapolis.

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For his part, Trump on Thursday proudly touted his immigration agenda at a political rally in Minnesota, saying, “My administration is taking historic action to secure the border. We have reduced illegal border crossings by over 60% since May, and we are building the wall [between the United States and Mexico] faster than anyone ever anticipated it could be built.”

For all the attention the White House’s border initiatives have drawn, the United States is not alone in forging regional asylum deals in which nations share responsibility for processing claims filed by people fleeing persecution, conflict, violence, or human rights violations.

### **The “safe third” model**

It has been 29 years since the European Union adopted its first “safe third country” asylum initiative, known as the Dublin Regulation. In its present-day form, any migrant who requests asylum at an E.U. country’s borders, having entered from another E.U. country (or Norway or Switzerland), is refused entry.

The procedure was intended to share the burden of asylum-seekers among nations party to the 1951 Refugee Convention and the European Convention on Human Rights (ECHR).

As the Syrian refugee crisis has worn on, leaders representing some of the involved nations have grown weary of burden-sharing responsibilities. Denmark, a member of the E.U., declined to participate in the Malta Agreement, a stop-gap effort to expedite screenings and redistribute migrants rescued in the Mediterranean Sea. The pact was signed by Finland, France, Germany, Italy, and Malta in September.

On Oct. 4, Italy signed a decree designating 13 non-E.U. countries across West Africa and Eastern Europe as “safe countries of origin.” The move gave Italy greater discretion to examine and reject asylum claims from those countries.

The U.S., meanwhile, has had a “safe third country” agreement in place since 2004 — with its northern neighbor, Canada. Like its recently signed agreements

with Central American countries, the U.S.-Canada pact requires asylum-seekers who transit through either country to seek protection there first, regardless of their preference for an ultimate destination.

## **Economic migrants**

In its interim final rule — the basis for the current U.S. asylum ban — the Department of Justice (DOJ) and Department of Homeland Security (DHS) questioned whether some “aliens genuinely fear persecution or torture, or are simply economic migrants seeking to exploit our overburdened immigration system.”

Trump has long said that U.S. immigration law contains loopholes for economic migrants.

That sentiment, too, has reverberated among right-wing voters in Europe opposed to accepting asylum-seekers in their countries. In January, Italy’s then-Deputy Prime Minister Matteo Salvini said his country had taken in “too many fake refugees.”

Some see a more complicated dynamic — “mixed flows” of people fleeing both violence and economic distress — at a time of heightened migration overall.

“In the U.S. now, and Europe during their crisis, the entire human rights apparatuses were never designed to actually deal with that level of people,” said Cristobal Ramón, immigration project senior policy analyst at the Bipartisan Policy Center. “[They] crumbled under the weight of all this.”

The United Nations High Commissioner for Refugees (UNHCR) New York director, Ninette Kelley, says the agency has been working on a “holistic approach” with partners in the Central American region to address asylum capacity.

“We need to invest in trying to help the governments get control of their countries and impose law and security in accordance with human rights principles and, at the same time, reinforce asylum systems along routes so that we don’t see this mass exodus in an unmanageable way for any country,” said Kelly.



Acting Department of Homeland Security (DHS) Secretary Kevin McAleenan

reacts while protesters interrupt his remarks at the Migration Policy Institute annual Immigration Law and Policy Conference in Washington, Oct. 7, 2019.

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## **Funding asylum pacts**

According to the U.S. Department of Homeland Security, planned efforts to increase regional asylum capacity include \$47 million in aid to Guatemala through the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

“The goal is to build the shared capacity to extend asylum protections in partner countries in the region and ensure that those who need protection from persecution for political, racial, religious, or social group membership can seek them as close to home as possible, without putting themselves or their family in the hands of dangerous smugglers,” Acting Homeland Security Secretary Kevin McAleenan wrote in prepared remarks for an immigration policy conference that was interrupted by protesters.

According to UNHCR’s 2018 Global Trends Report, 3.5 million people were awaiting decisions on their asylum applications by the end of 2018, while an additional 1.7 million had submitted new claims.

The U.S. was the world’s largest recipient of new individual applications (254,300). Peru, with a population one-tenth the size of the U.S., received 192,500 claims, followed by Germany (161,900), France (114,500), and Turkey (83,800), according to UNHCR.



A policeman observes the scene as immigrants who arrived aboard a cargo ship from Turkey queue for meals in a basketball arena where they have been given temporary shelter in the town of Ierapetra, Crete, Nov. 28, 2014.

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In Turkey — where 1 in 22 people is a refugee — a March 2016 deal with the European Union determined that Syrian refugees on the Greek Islands could be returned to Turkey. In exchange, Europe would accept Syrian asylum-seekers already in Turkey.

Like the U.S.-Central American pacts, human rights activists have decried the E.U.-Turkey deal. Human Rights Watch reported in July that Turkish officials have been forcibly returning Syrian asylum-seekers to Syria, under the pretense of voluntary return.

The Bipartisan Policy Center's Ramón says the U.S. should learn from the experiences of other nations that have sought to redirect flows of asylum-seekers.

"If there isn't any capacity [in Central American nations], they [asylum-seekers] will likely just look at the situation, and say, 'You know what? I'm not being processed. I'm going to try to go back to the United States,' or in some cases, [they] may go back home," Ramón said.

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