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RE: Public Comment Opposing Proposed Rules on Security Bars and Processing - RIN 1615-AC57 / USCIS Docket No. 2020-0013; RIN 1125-AB08 / A.G. Order No. 4747-2020

On behalf of the Unitarian Universalist Service Committee (UUSC), I write to express our strong opposition to the Departments' proposed rules on Security Bars and Processing, which constitute a grave threat to the legal rights and physical safety of persons seeking asylum in the United States. By establishing new bars to asylum and statutory withholding of removal during a pandemic, these rules risk deporting people to places where they may face persecution, torture, or death. We urge you to withdraw these rules in their entirety and work to ensure that your Departments honor our nation's legal and moral obligations to refugees at our borders.

UUSC is a national human rights organization with over 40,000 members and supporters throughout the country. At our founding 80 years ago, UUSC was created as a rescue operation to assist people escaping religious and political persecution in Nazi-occupied Europe. Throughout the period of the Holocaust and World War II, our organization worked to help Jewish refugees, political dissidents, and others establish new lives in the United States, at times working in coordination with the U.S. federal government, including through the War Refugee Board created by President Roosevelt in 1944.

This legacy informs our opposition to the Departments' proposed rules, which cut at the heart of both our values as an organization and the best in our nation's history. Specifically, these rules would enable executive agencies to invoke a public health pretext to bar people from gaining asylum or statutory withholding of removal protections, regardless of whether or not they meet the legal definition of a refugee, and regardless of the extremity of the risk they face in their home countries of persecution or death.

As drafted, the proposed rules contemplate only a single form of relief that would remain available to a person barred under these pretexts. Namely, if that individual is able to establish that they are more likely than not to face torture in the proposed country of removal, they remain eligible for deferral of removal under the Convention Against Torture. Apparently not content to leave intact any avenue of humanitarian protection under U.S. law, however, the proposed rules also state that persons who qualify for this limited form of relief may be removed to third countries, rather than allowed to find a safe haven in the United States.

If permitted to go into effect, these rules would annihilate the existence of humanitarian protection in the United States during the present global health emergency, as well as any future pandemic. As such, they constitute a brazen rewriting of the laws passed by Congress, as well as international treaties our nation has pledged to uphold. Human rights doctrine has long held that no person may be returned to a country where they face persecution and torture. This principle of *non-refoulement* is core to the United Nations Convention Relating to the Status of Refugees, which the United States is obliged to uphold as a signatory to the convention's 1967 Protocol. U.S. laws relating to asylum and withholding of removal were enacted to bring our nation's immigration system into harmony with these international commitments. Like other laws, they do not apply only at the government's convenience, but under all conditions, until specified otherwise.

Executive agencies do not have the power to override the will of the American people, as expressed through our elected officials. By trampling on the letter, spirit, and intent of our nation's asylum and withholding of removal statutes, the proposed rules far exceed the bounds of the Departments' legitimate regulatory authority. Sadly, however, these rules are far from unique among recent administrative actions in doing so. The proposed rules come on the heels of another major proposed regulatory overhaul of the asylum system, as well as an ongoing "temporary" ban on asylum-seekers at the U.S. border that has resulted in the unlawful expulsion of tens of thousands of refugees and unaccompanied children without due process.

These actions by the present administration not only conflict with the laws enacted by our elected representatives; they also erode the ideals that our nation has long represented in the world. At UUSC's founding, our country had recently emerged from an ugly period of nativism, isolationism, and anti-Semitism, which had resulted in the turning back of Jewish refugees at U.S. shores—some of whom later perished in the Holocaust. By the time of the Second World War's end, however, UUSC was able proudly to work hand-in-glove with our nation's government to assist European refugees, showing that the United States is capable of learning from our mistakes and doing better.

Sadly, racism, nativism, anti-Semitism and kindred ideologies have long been all-too present in U.S. life. Yet our history also proves that we have the capacity to rise above these forms of bigotry and injustice. At our nation's founding, the writer Thomas Paine prophesied that the United States would serve as an "asylum for the persecuted lovers of civil and religious liberty" as well as an "asylum for [hu]mankind." While we have not always lived up to these high ideals, our nation's asylum laws are among our best claims to have embodied Paine's fond hopes in the concrete reality of our immigration system.

Today, as at our nation's founding two centuries ago, we have a sacred obligation to serve as a haven and refuge for people escaping oppression. Paine's words should serve as a commission to your Departments to withdraw the proposed rules and to restore avenues for refugees to gain permanent humanitarian protection in the United States.

Sincerely,
Josh Leach
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