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Founded in 1986, the Immigration Reform Law Institute (IRLI) is a public-interest legal education and advocacy law firm dedicated to achieving responsible immigration policies that serve national interests.

IRLI is a supporting organization of the Federation for American Immigration Reform.

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August 15, 2019

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VIA Federal eRulemaking Portal

EOIR Docket No. 19-0504: Public Comment of Immigration Reform Law Institute Regarding Asylum Eligibility and Procedural Modifications

Dear Director Reid:

The Immigration Reform Law Institute (IRLI) submits the following public comments the Departments of Justice and Homeland Security in response to the notice of the agencies' joint interim final rulemaking (IFR) as published in the Federal Register, 84 Fed. Reg. 33829 (July 16, 2019).

IRLI is a non-profit public interest law organization that exists to defend individual Americans and their local communities from the harms and challenges posed by mass migration to the United States, both lawful and unlawful. IRLI works to monitor and hold accountable federal, state, and local government officials who undermine, fail to respect, or fail to comply with our national immigration and citizenship laws. IRLI also provides expert immigration-related legal services, training, and resources to public officials, the legal community, and the general public.

IRLI strongly supports the policy rationales articulated in the IFR, which notes the extraordinary strain placed on the nation's immigration system by the unprecedented surge in meritless asylum claims at the southern land border since 2013; the inordinate consumption of limited enforcement resources by both DHS and DOJ;

the consequent caseload backlogs caused by the record numbers of asylum applications being filed; the compelling need to maintain the agencies' ability to protect the most clearly endangered applicants; and in particular the urgent need to curtail the humanitarian crisis created by smugglers trafficking women, children, and entire family units between the Guatemalan and United States borders. 84 Fed. Reg. 33831.

IRLI's comment focuses primarily on the compatibility of the subject regulations with controlling federal immigration law and existing regulations. IRLI notes that the state of the law is in flux even during the attenuated thirty-day public comment period authorized for interim final rules. For example, while a district court in California has granted a preliminary injunction against the proposed rule, the Department of Homeland Security and the Guatemalan Ministry of Government have negotiated a memorandum agreement to begin implementation of a safe third country agreement between the two nations.

Issuance of the regulations under an interim final rule was justified under the APA's foreign affairs exception.

The agencies have properly invoked the foreign affairs exception to APA rulemaking procedures to justify rulemaking on an interim final basis. 84 Fed. Reg. 33841-42. The exception is based on the separation-of-powers doctrine that Article II of the Constitution places in the President the "vast share of responsibility for the conduct of our foreign relations." *Am. Ins. Ass'n v. Garamendi*, 539 U.S. 396, 414, (2003) (quoting *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 610-611 (1952) (Frankfurter, J., concurring)). *See* also *First Nat. City Bank v. Banco Nacional de Cuba*, 406 U.S. 759, 767 (1972) (plurality opinion) (holding that the President has the lead role in foreign policy). As a first principle the exercise of the foreign affairs power "must stem either from an act of Congress or from the Constitution itself." *Youngstown, supra*, at 585, *quoted in Dames & Moore v. Regan*, 453 U.S. 654, 668, (1981). Once that authority is invoked in the immigration context, deference is of special importance because of the foreign-affairs implications inherent in immigration policy. *Negusie v. Holder*, 555 U.S. 511, 517 (2009).

The IFR notes "ongoing discussions" between the United States and Mexico "regarding both regional and bilateral approaches to asylum" in the context of "a current foreign affairs crisis." 84 Fed. Reg. 33842. In an intervening development, on July 26, 2019, Acting Homeland Security Secretary Kevin McAleenan and Guatemalan Minister of Government Enrique Degenhart executed an Agreement on Cooperation Regarding the Examination of Protection Claims. When operational, the agreement will function as a bilateral safe third county agreement.

While U.S.-Mexico diplomatic negotiations are in themselves a sufficient ground to invoke the foreign-affairs exception, the new U.S.-Guatemala agreement, which provides for immediate and ongoing consultations to implement a new bilateral safe third country agreement, should end any doubts about the urgent diplomatic context in which the IPR was published.

With a safe third country agreement in place, the demographic subject to enforcement of the IFR will be reduced to the minimal number of third country credible fear claimants transiting Mexico from Belize, as all other nationalities will have become ineligible under a separate section 208 mandatory ground. 8 U.S.C. § 1158(a)(2)(A) (Exceptions—Safe third country).

The new regulations are "consistent" with the asylum statute and "not inconsistent" with the comprehensive Immigration and Nationality Act.

The IFR relies for specific authority on two provisions of the Immigration and Nationality Act (INA), § 208 (Asylum), 8 U.S.C. § 1158(b)(2)(C) (Conditions for granting asylum—exceptions—additional limitations); and 8 U.S.C. § 1158(d)(5)(B) (Asylum procedure—consideration of asylum applications—additional regulatory conditions). 84 Fed. Reg. 33833-34.

The two agencies responsible for construing and administering these two provisions have previously invoked them as the basis for regulating asylum application procedures and eligibility. *See* e.g. 63 Fed. Reg. 31945 (June 11, 1988) (New Rules Regarding Procedures for Asylum and Withholding of Removal); 65 Fed. Reg. 76121 (Dec. 6, 2000) (Asylum Procedures). The IFR Supplementary Information, parts III and IV, appear to be the first occasion on which the agencies have published a full construction of the scope of these statutory requirements, a duty delegated by Congress to the agencies' expertise. 84 Fed. Reg. 33831-33840.

The key statutory terms "consistent" and "inconsistent" as enacted in subsection §1158(b) and § 1158(d) are not defined in the asylum section or elsewhere in federal immigration law. This strongly supports a conclusion that Congress did not precisely address the phrasing at issue in this rulemaking, which it left for DHS and DOJ. *See, e.g., R-S-C v. Sessions*, 869 F.3d 1176, 1184 (10th Cir. 2017).

Federal statutes authorize the Secretary of Homeland Security in his discretion (under authority transferred by the Homeland Security Act from the Attorney General) to grant asylum to an alien who demonstrates "persecution or a well-founded fear of persecution . . . on account of . . . [a protected ground]." They require the Attorney General to withhold deportation where the alien's "life or freedom would be threatened" for that reason. *INS v. Ventura*, 537 U.S. 12, 13 (2002). INA § 208(a)(1), 8 U.S.C. §1158(a)(1), only permits "an alien … present in the United

States or who arrives … [to] *apply for asylum*…" Application must be "in accordance with the requirements and procedures established by the Secretary of Homeland Security or the Attorney General…." INA § 208((b)(1)(A).

8 U.S.C. § 1158(b)(2)(C) authorizes the Secretary, in the exercise of discretion ("may"), to "establish by regulation" certain "additional limitations and conditions … under which an alien shall be ineligible for asylum," so long as those additions are "consistent with this section," that is, consistent with INA § 208. While 8 U.S.C. § 1158(b)(2)(C) authorizes additional limitations and restrictions on eligibility, 8 U.S.C. 1158(d)(5)(B) authorizes the Secretary of Homeland Security) to "provide by regulation" in the exercise of discretion ("may") … "for any other conditions or limitations on *the consideration of an application* for asylum," as long as those conditions or limitations are "not inconsistent with this Act," that is, the INA (emphasis added).

Both provisions thus expand DHS authority to impose additional limitations that may result in the denial of asylum in the exercise of discretion. This distinguishes these additional discretionary authorities from the six mandatory grounds and two "special rule" restrictions of ineligibility for asylum listed at 8 U.S.C. § 1158(b)(2)(A) and (B), including the mandatory bar to eligibility for firm resettlement in a third country in clause § 1158(b)(2)(A)(vi).

"The delegation of authority [in 8 U.S.C. 1158(b)(2)(C)] means that Congress was prepared to accept administrative dilution of the asylum guarantee in § 1158(a)(1)." *R-S-C*, 869 F.3d at 1187. Structurally, sub-clause (C) ("*Additional* limitations") expands clause (b)(2) ("Exceptions"), which in turn restricts the applicability of paragraph (b)(1)(A) (the general discretionary authority of the Secretary of Homeland Security to grant asylum to an alien who has properly applied for such relief, as well as paragraphs (b)(1)(B)(i) (placement on the applicant of the burden to establish that the applicant is a refugee, (b)(1)(B)(ii) (specifying when and how the applicant's testimony can sustain the alien's burden, and (b)(1)(B)(iii) (specifying how a totality of the circumstances analysis is to be used by the trier of fact to assess the alien's credibility). The use of "*additional* limitations or restrictions" in sub-clause (b)(2)(C) is congressional direction that the Secretary is not authorized to lessen the applicant's evidentiary burden with respect to consistency and credibility—"[t]here is no presumption of credibility" during the application process itself. 8 U.S.C. § 1158(b)(1)(B)(iii). As the Tenth Circuit explained,

> the Attorney General's denial of asylum eligibility flows naturally enough from the statutory scheme, and it is conceivable that Congress was willing to accept a collision with international law in order to address what it perceived was a severe illegal-immigration problem.

R-S-C, 869 F.3d at 1187.

In a footnote, the Tenth Circuit rejected the alien appellant's argument on the meaning of "consistent with this section":

> R-S-C makes much of the caveat that the Attorney General's "additional limitations" must be "*consistent with* [*section 1158*]," which is the section establishing asylum eligibility and rules for awarding asylum. § 1158(b)(2)(C) (emphasis added). She argues that carving out a subset of aliens who may not apply for asylum is *not* consistent with the § 1158(a)(1)'s guarantee of asylum eligibility for "any alien . . . irrespective of such alien's status[.]" We reject this reading of the statutory text. It would mean that the Attorney General could not impose *any* limitations on asylum eligibility because any regulation that "limits" eligibility *necessarily* undermines the statutory guarantee that "any alien . . . irrespective of such alien's status" may apply for asylum. Thus, R-S-C's preferred construction would render § 1158(b)(2)(C) meaningless, disabling the Attorney General from adopting further limitations while the statute clearly empowers him to do so.

Id. at 1188 n.9. But *cf East Bay Sanctuary Covenant v. Trump*, No. 18-17274, 2018 U.S. App. LEXIS 34542, *42-44 (9th Cir. December 7, 2018).

The new regulations are consistent with the Secretary's discretion to order removable asylum applicants arriving at the southern border to wait in Mexico for adjudication of their cases in Mexico.

In construing the new regulatory ground for ineligibility in the IFR, 8 U.S.C. § 1225(b)(2)(C) (Inspection of other aliens—Treatment of aliens arriving from contiguous territory needs) is highly relevant. That provision grants the Secretary of Homeland Security discretion ("may") to "return" any alien applicant for admission, other than an alien who indicates an intention to apply for asylum, who "is arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the United States… to that territory pending a proceeding under section 240." 8 U.S.C. § 1225(b)(2)(C). The provision is currently implemented pursuant to a valid DHS enforcement policy. *See* U.S. DHS, *Migration Protection Protocols*; *Historic Action to Confront Illegal Immigration* (Dec. 20, 2018) available at https://www.dhs.gov/news/2018/12/20/secretary-nielsen-announces-historic-action-confront-illegal-immigration.

Sub-clause § 1225(b)(2)(C) has especially broad application to the demographic of asylum applicants subject to the IFR. Most asylum seekers who transit Mexico are placed in an expedited removal (section 235) proceeding. But all of those aliens who are then determined to have a "credible fear" of persecution are by statute transferred from DHS to EOIR jurisdiction for a section 240 removal proceeding. 8 U.S.C. §1225(a)(1)(B)(ii).

When the asylum statute (section 208) is read, as it must be, together with the expedited removal and return-to-Mexico provisions of the inspection statute (section 235), it becomes clear that Congress has clearly legislated that, on the southern border, unadmitted arriving aliens who have received a positive credible fear determination may nonetheless be required to return to Mexico, pending the availability of an immigration judge to conduct their section 240 proceeding.

Once placed in a section 240 proceeding, the alien will only be permitted to make a *defensive* application for removal. Section 208 does not require or permit either agency to accept an *affirmative* application for removal from an alien in section 240 proceedings. Once the asylum officer—or under 8 U.S.C. § 1125(b)(1)(B)(iii)(III), an immigration judge—determines that the alien has credible fear, that alien becomes subject to a statutory bar to their "right" to file an *affirmative* asylum application. In other words, regardless of whether or not the unadmitted arriving alien is described under one of the humanitarian or *nonrefoulement* exceptions to the new regulations, that alien may only file his or her asylum application defensively, with the immigration court having jurisdiction over that alien's removal proceeding. If the Secretary has exercised his discretion to direct that the alien return to Mexico until their section 240 proceeding commences, by operation of law the alien must wait to apply defensively for asylum until that hearing date.

Pending the section 240 proceeding, the return of an arriving alien to Mexico would seem to preclude a finding that the alien was firmly resettled in Mexico under § 1158(b)(2)(A)(vi), and thus would be "not inconsistent" with that mandatory bar. By contrast, the arriving alien at the southern border who, after placement in a section 235 expedited removal proceeding, receives a *negative* credible fear determination from an asylum officer and immigration judge, is statutorily precluded from *filing an application* for asylum. The bar arises from neither a mandatory nor a discretionary ground of ineligibility "consistent with" § 208, but from the independent mandate of § 235, that is, 8 U.S.C. § 1225(b)((1)(B)(iii) (Removal without further review if no credible fear of persecution). As implemented by regulation under the IFR, that § 235 bar thus is "not inconsistent with …this Act." 8 U.S.C. §1158(d)(5)(B).

The expedited removal statute does exclude unaccompanied alien minors, and accordingly they are not subject to the additional limitations under the IFR.

To summarize, the intricate interplay between INA §§ 208 and 235 is strong evidence that the general rule on authority to apply for asylum in 8 U.S.C. § 1158(a)(1) is consistent with both § 208 and "the Act," and does not foreclose the additional regulatory limitation on asylum eligibility implemented in the IFR.

Strong evidence exists that implementation of the IFR will significantly reduce the incidence of alien trafficking in transit through Mexico and its tragic consequences.

The policy basis for the IFR rulemaking is not merely rational, but compelling. As reported by IRLI to the Department of Homeland Security in November 2018, and noted in the IFR, there is no legal impediment to the processing of Central American humanitarian claims in Mexico. *See* IRLI, *Public Comment Regarding Apprehension, Processing, Care and Custody of Alien Minors and Unaccompanied Alien Children*, ICEB-2018-0002, at 6 (Nov. 9, 2018); 84 Fed. Reg. 33835. Under Article 27(1) of the 1951 Convention relating to the Status of Refugees, Mexico qualifies as a "country of first asylum," that is, it may be the first country reached by a person seeking asylum status that (a) has offered the person refugee status, and (b) also offers sufficient protection from the conditions causing the refugee to seek asylum. *Id.* Any debate is one about the efficacy of domestic and international management of resources available to Mexico, not the sufficiency of Mexican legal protections.

Mexico enacted a new immigration law in 2011 to address migration to, from, or returning to Mexico, and regulate migration in transit through Mexico. *Ley de Migración* (May 25, 2011) (available in English translation at https://www.albany.edu/~rk289758/documents /Ley_de_Migracion_en_Ingles.pdf); *see also* Castilla Juárez, K.A.. *Ley de Migración mexicana: Algunas de sus inconstitucionalidades*. Migración y desarrollo, 12 (23) 151-183 (2014). The *Ley de Migración* provides many relevant protections, including special attention to vulnerable groups, including minors, women, indigenous peoples, adolescents, seniors, and victims of crime. The 2011 law also provides specifications for detention, including facility conditions and services, such as three meals a day, medical, psychological, and legal services, the separation of criminal detainees from non-criminal detainees, and the separation of men and women. *Id.* Detainees must be informed of the basis for their detention and location, and have the rights to apply for asylum, consular protection, an interpreter or translator, and legal representation, as well as visits from family members. Fleury, Anjali, *Women Migrating to Mexico for Safety: The Need for Improved Protections and Rights*, United Nations University Institute on Globalization, Culture and Mobility (UNU-GCM), Policy Report No. 03/08 at 8-9 (2016).

Evidence cited by the United Nations of Mexico's robust foreign affairs regime for protection of migrant women and children under international law includes not just the 2011

refugee law, but Mexico's ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Optional Protocol to CEDAW, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). *Ley Sobre Refugiados, Protección Complementaria y Asilo Político* (ultima reforma DOF 30-10-2014); *see also* Luna, K., *Mexico's Refugee Law*, CIS (June 24, 2018) (available at https://cis.org/Luna/Mexicos-Refugee-Law).

In addition, the UN has repeatedly reported that the inducement of extended temporary residence and employment in the United States, offered to aliens who wait until committing an illegal entry into U.S. territory to express an intent to apply for asylum from persecution in the Northern Triangle nations of Central America, exposes a very high percentage of transiting migrants to violence, sexual abuse, trafficking, and extortion *en route* to the United States. Fleury, at 4-9.

According to the UN report, one study found that of 52 percent of migrants had been robbed and 33 percent experienced extortion during their transit of Mexico. In a second 2013 study, 43 percent of detained migrant women interviewed were victims of extortion in Mexico, while the majority of Northern Triangle-origin migrants had experienced extortion. Mexican criminal gangs kidnap more than 20,000 migrants each year. *Id.* The UN study reports that female and child migrants are also vulnerable to sexual and gender-based violence, including rape and sexual assault, particularly near the southern and northern Mexican borders. According to a 2010 Amnesty International report, 60 percent of migrant women and girls are raped while migrating, with other studies cited by the UN indicating that 80 percent of women experience rape and sexual assault during the migration process. The hesitance of migrants to report sexual violence, abuse, and sexually transmitted diseases contracted *en route* to the United States is well-established. The UN notes that while data is difficult to collect, all available studies suggest that migrant women and children controlled by criminal groups are at high risk of being sold into prostitution and human trafficking. *Id.*

By making it highly probable that the inducement of non-Mexican women and children to enter trafficking networks will be substantially diminished, the IFR will "curtail the humanitarian crisis created by human smugglers" and fulfill its compelling policy rationale, "to reduce human smuggling and it tragic effects." 84 Fed. Reg. 33831.

The agencies should clarify that the new regulation creates a strong presumption of ineligibility in the exercise of discretion and not an absolute mandatory bar to asylum.

IRLI recommends that the phrase, "shall be found ineligible for asylum, unless" in interim final regulations 8 C.F.R. §§ 208.13(c)(4) and 1208.13(c)(4) be amended to read "shall be presumptively ineligible for asylum in the exercise of discretion, unless." The proposed amendment would clarify that authority for the regulation is found in 8 U.S.C. § 1158(b)(2)(C), and also in § 1158(d)(5)(B), which, in an apparent oversight, is not cited as a second direct authority.

The regulatory creation of a strong presumption that certain actions by criminal or illegal aliens will be an adverse or strongly negative factor when assessing whether, under a totality of the circumstances standard, agency discretion should be exercised favorably is preferable, for statutory, due process, and administrative reasons, to a discretionary but still general bar to eligibility. For example, in 2002 the Attorney General instructed the Board of Immigration Appeals (BIA) presumptively to treat all drug trafficking offenses as particularly serious crimes under 8 U.S.C § 1231(b)(3)(B). *In re Y-L-,* 23 I. & N. Dec. 270 (B.I.A. 2002). The Attorney General stated that his decision did not create a *per se* rule:

> I do not consider it necessary . . . to exclude entirely the possibility of the very rare case where an alien may be able to demonstrate extraordinary and compelling circumstances that justify treating a particular drug trafficking crime as falling short of [being a particularly serious crime].

Id. at 276. The Ninth Circuit agreed, presuming that "*Y-L-* will be interpreted consistent with this statement and there will be some cases in which its exception applies. . . . Thus, *Y-L- creates a strong presumption, not a per se rule*." *Miguel-Miguel v. Gonzales*, 500 F.3d 941, 947 (9th Cir. 2011) (emphasis added). Citing *INS v. Aguirre-Aguirre*, 526 U.S. 415, 424 (1999), the Ninth Circuit "afford[ed] the Attorney General's interpretation deference," because it determined that the "statute is silent or ambiguous with respect to the Attorney General's authority to create strong presumptions with regard to it," and that the Attorney General's presumption was a permissible construction of the statute. *Id.*at 947-48.

The Ninth Circuit's holding is directly relevant to the phrasing in the IFR. Sections 8 U.S.C. § 1158(b)(2)(C) and (d)(5)(B) are in intent and function congressional invitations for the agencies to apply strong but rebuttable presumptions against eligibility. Every asylum applicant bears the burden to "satisfy the trier of fact that the applicant's testimony is credible, is persuasive and refers to specific facts sufficient to demonstrate that the applicant is a refugee." 8 U.S.C. § 1158(B)(1),

see 8 C.F.R § 208.13(a). Even under the expedited removal statute, the alien in a credible fear interview must still convince the asylum officer that "there is a significant possibility, taking into account the credibility of the statements made by the alien . . . and other facts known to the officer, that the alien could establish eligibility for asylum . . . ." 8 U.S.C. § 1225(b)(1)(B)(v); *see also* 8 C.F.R. § 208.30(e)(3). The scope of "significant possibility," the undefined statutory standard for a finding of credible fear, is fully amenable to presumptions as to eligibility created by the agencies for individualized adjudications.

Findings of ineligibility for asylum pursuant to the new IFR criteria would not constitute an abuse of discretion.

The new provisions in the IFR for discretionary denial by of eligibility for asylum are not at risk of judicial reversal as an abuse of agency discretion. The leading case on abuse of discretion in the denial of asylum based on time spent by the applicant in a third country prior to arrival in the United States is *Andriasian v. INS*, 180 F.3d 1033 (9th Cir. 1999). In *Andriasian*, petitioners sought asylum in the United States after having fled Azerbaijan because of ethnic persecution. However, between their departure from Azerbaijan and the point at which asylum in the United States was sought, petitioners resided in Armenia. On the basis of their intermediate residence in Armenia, the BIA denied petitioners asylum. The Ninth Circuit reversed and remanded on the basis that

> the BIA had exercised its discretion to deny asylum to Mr. Andriasian *solely* on the ground that subsequent to his persecution in Azerbaijan he had '"spent a considerable amount of time" in Armenia. Despite its citation to the proper regulatory authority governing consideration of firm resettlement as a *mandatory* ground for denial of asylum, the BIA did not even acknowledge the regulation governing *discretionary* consideration of the opportunity for resettlement in a third country, 8 C.F.R. § 208.13(d). Instead it relied exclusively upon a BIA decision that predated the applicable regulation.

Id. at 1039-40 (emphasis added). "[I]n the absence of any regulatory guide, the BIA's authority to consider various factors in exercising its discretion would be relatively unconstrained." *Id.* at 1045 (quoting *Padilla-Agustin v. INS*, 21 F.3d 970, 973 (9th Cir. 1994)). "It is the *failure to abide by its own regulations* that renders the BIA's decision 'contrary to law,'" the Ninth Circuit explained, "and therefore an abuse of discretion." *Id.* "We are not contesting the INS's interpretation of the governing statute. *Cf. INS v. Aguirre-Aguirre*, 526 U.S. 415 (1999). Rather, our decision is based on its failure to apply its own construction of the statute as embodied in the applicable regulations." *Id.*

By contrast, in the IFR the agencies have jointly amended the same regulations in effect under *Andriasian* to create a new bar to eligibility, the bar against transit through Mexico by third country nationals who decline or otherwise fail to apply for asylum in Mexico. *See* 8 C.F.R. 208.13(c).

With a correctly promulgated regulation that does not threaten any alien's right to *nonrefoulement*, the agencies have properly exercised their discretionary authority delegated to them by Congress. The new regulations expressly exclude aliens who have been involuntarily trafficked through Mexico, and aliens who demonstrate a reasonable fear of injury to their person or freedom if denied asylum, *see* new 8 C.F.R. §208(c)(4)((i)-(ii), and thus continue to ensure that "the refugee will not be forced to return to a land where he would once again become a victim of harm…." *Andriasian*, at 1046. The IFR thus fully complies with the mandatory protection of *nonrefoulement* for all aliens transiting Mexico pursuant to entry without documentation across the southern border. 8 U.S.C. § 1231(b)(3) (Restriction on removal to a country where alien's life or freedom would be threatened). *See* 84 Fed. REg. 33834 (Other Forms of Protection).

Conclusion

Especially with the clarifying suggested technical amendments, the regulatory amendments in the IFR will significantly reduce the incentive for the massive surge in trafficking of Central American women and children across Mexico, with all its attendant abuses and dangers, and will contribute materially to reducing both the detention of these vulnerable populations and the debilitating backlogs in asylum processing. Considering the intricate provisions of the INA together shows that they operate, as Congress intended, to authorize the Departments of Justice and Homeland Security to impose the limitations on application and eligibility for asylum at issue, and that these limitations are fully consistent with both the asylum statute and federal immigration law as a whole.

Respectfully submitted,

Immigration Reform Law Institute

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