



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

March 27, 2023

Via Federal eRulemaking Portal

The Honorable Alejandro Mayorkas, United States Secretary of Homeland Security
The Honorable Merrick B. Garland, United States Attorney General
Daniel Delgado, Acting Director, Border and Immigration Policy, Office of Strategy, Policy, and Plans, U.S. Department of Homeland Security
Lauren Alder Reid, Assistant Director, Executive Office for Immigration Review, U.S. Department of Justice

RE: Comments on Notice of Proposed Rulemaking: Circumvention of Lawful Pathways, 88 Fed. Reg. 11,704, RIN: 1125-AB26 (Feb. 23, 2023)

Dear Secretary Mayorkas, Attorney General Garland, Mr. Delgado, and Ms. Reid:

We, the Attorneys General of California, Delaware, the District of Columbia, Illinois, Massachusetts, Michigan, Minnesota, Nevada, New York, Rhode Island, Vermont, and Washington (“the States”), write to express our concerns regarding the U.S. Department of Homeland Security (“DHS”) and U.S. Department of Justice (“US DOJ”) (collectively, “the Departments”) Notice of Proposed Rulemaking: Circumvention of Lawful Pathways, 88 Fed. Reg. 11,704, RIN: 1125-AB26 (proposed Feb. 23, 2023) (to be codified at 8 C.F.R. pt. 208 and 8 C.F.R. pt. 1208) (“the Proposed Rule”). The States support the Proposed Rule’s goal of “encourag[ing]” migrants to use the “lawful pathways” the Departments believe will result in “a lawful, safe, and orderly mechanism for migrants to make their protection claims,” particularly in light of the anticipated surge in asylum claims at the border when Title 42 is expected to be lifted on May 11, 2023. Proposed Rule at 11,706-07. However, we are concerned that the Proposed Rule’s presumption of ineligibility is in conflict with the Immigration and Nationality Act (“INA”). Additionally, we are concerned that the Proposed Rule could harm already vulnerable asylum seekers, and, by extension, the States.¹ Our desire is to avoid, or at

¹ The States have a significant interest in the Proposed Rule because every year they welcome thousands of asylees who have suffered persecution in their home countries. Ryan Baugh, Off. of Immigr. Statistics, U.S. Dep’t of Homeland Sec., *Annual Flow Report: Refugees and Asylees: 2021* 21, 23 (Sept. 2022), <https://tinyurl.com/Baugh2021>. In fiscal year 2022, immigration courts in the signatory States decided 30,656 asylum cases of the total 52,745 cases. Transactional Records Access Clearinghouse, *Asylum Decisions through February 2023*, <https://tinyurl.com/AsylumbyStates>.

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least mitigate, this potential harm, and to ensure that the Nation’s treaty obligations and the fundamental human right to seek asylum in the United States are respected.

I. The Proposed Rule’s Restrictions on Asylum Eligibility Circumvent the INA

It is the States’ position that the Proposed Rule conflicts with the INA’s asylum provisions because it improperly: (1) premises eligibility on manner of entry; (2) expands the circumstances under which an individual can be denied asylum based on third-country transit outside of the limits of the statute; and (3) raises the deliberately low credible fear screening standard. Under the Administrative Procedure Act (“APA”), an agency action must be set aside if it is “not in accordance with the law” or is in “excess of statutory . . . limitations”; thus, the Departments should reverse course on the Proposed Rule’s ineligibility presumption. 5 U.S.C. § 706(2)(A), (C).

First, the INA provides that “*any*” noncitizen who is present or who arrives in the United States—“*whether or not at a designated port of arrival*”—has the right to apply for asylum, regardless of how they entered or how they are arriving. 8 U.S.C. § 1158(a)(1) (emphasis added). The Proposed Rule undermines this right by hinging asylum eligibility on the applicant’s manner of entry or arrival. Individuals who do not present themselves at a port of entry with a CBP One appointment or possess parole documents would be presumptively ineligible for asylum unless they applied for and were denied asylum in a third country.²

Second, Congress spoke to the circumstances under which an applicant can be denied asylum based on their connection to a third country in codifying the INA’s “safe third country” agreement and “firm resettlement” bars to asylum. The safe third country bar is a narrow exception to the right to apply for asylum, requiring, among other things, that the third country has entered into an agreement with the United States guaranteeing protection for migrants. 8 U.S.C. § 1158(a)(2)(A). The Departments acknowledge these limitations on the safe third country bar and the difficulties involved in negotiating such agreements, Proposed Rule, 88 Fed. Reg. 11,731-32; nevertheless, the Proposed Rule would apply regardless of whether an agreement exists, whether the third country has a full and fair asylum procedure, whether

² The Departments make a distinction between migrants’ ability to *apply* for asylum and their ability to *receive* asylum. Proposed Rule, 88 Fed. Reg. 11,739-40. However, ostensibly allowing a migrant to file an asylum claim and denying the application because their manner of entry would vitiate the statutory right to seek asylum. The Ninth Circuit explained: “[t]he consequences of denial at the application or eligibility stage are, to a refugee, the same. . . . To say that one may apply for something that one has no right to receive is to render the right to apply a dead letter.” *East Bay Sanctuary Covenant v. Trump (EBSC III)*, 993 F.3d 640, 670-71 (9th Cir. 2021) (internal quotation marks and citations omitted). This is particularly so because the presumption of ineligibility will apply at the credible fear stage, before migrants have been had a chance to file their full asylum applications or have them heard before an immigration court. Proposed Rule, 88 Fed. Reg. 11,750.

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conditions in the third country are safe, and whether the applicant would be persecuted in the third country.

Likewise, the firm resettlement bar makes ineligible any applicant who “was firmly resettled in another country” that they transited through en route to the United States. 8 U.S.C. § 1158(b)(2)(A)(vi); 8 C.F.R. § 208.15. In order for the bar to apply, there must be “an individualized determination” of whether the applicant was “truly [...] firmly resettled” in another country (i.e., they had a permanent or indefinitely renewable legal status), or if they were only “offered” permanent resettlement (i.e., they were eligible for an indefinite status but did not apply), whether they have “too tenuous a tie to the country making the offer or [are] too restricted by that country’s authorities.” *East Bay Sanctuary Covenant v. Garland (EBSC II)*, 994 F.3d 962, 977 (9th Cir. 2020); 8 C.F.R. § 208.15(a). The Proposed Rule, however, would apply in circumstances where the firm resettlement bar does not; merely transiting through a third country, regardless of one’s ability to resettle there, would render applicants ineligible. This does not comport with the INA. *See Tandia v. Gonzales*, 437 F.3d 245, 249 (2d Cir. 2006) (holding that an applicant’s asylum claim cannot be denied based on a stay in a third country if they were not “firmly resettled” there).

Finally, the Proposed Rule effectively heightens the standard for the credible fear screening processes. Under the INA, an applicant who would otherwise be subject to expedited removal without a hearing, which is likely to be most applicants at the southern border who are subject to the Proposed Rule,³ will have full consideration of their asylum claim if an asylum officer “determines at the time of the [screening] that [they have] a credible fear of persecution.” 8 U.S.C. § 1225 (b)(1)(B)(ii). Because the consequence of failing at the credible fear stage—removal without a hearing—is so high, the standard for the credible fear screening is deliberately low. An individual can pass the screening and proceed to a full court hearing on their claim if there is only a “significant possibility [...] that the [non-citizen] could establish eligibility for asylum.” 8 U.S.C. § 1225(b)(1)(B)(v). This standard is so low that asylum officers have been instructed to grant credible fear screenings even if the non-citizen would be subject to a statutory mandatory bar for asylum, so long as they established a credible fear of persecution as defined by the statute. 8 C.F.R. § 208.30(e)(5)(i). Here, the Proposed Rule requires that when conducting the credible fear screening, rather than determining whether the applicant has a significant possibility of establishing statutory eligibility for asylum, asylum officers “*shall first determine* whether the [non-citizen] is covered by the presumption”; if so, and the applicant fails to rebut the presumption, the officer “shall enter a negative credible fear determination.”⁴ Proposed Rule,

³ Noncitizens subject to expedited removal include those at ports of entry who lack valid entry documents or those apprehended within 100 miles of the border and within 14 days of their entry who had not been admitted or paroled. U.S. Customs and Border Protection, Notice, Designating Aliens for Expedited Removal, 69 Fed. Reg. 48,877 (Aug. 11, 2004).

⁴ The Proposed Rule provides that if this occurs, the noncitizen will have a “reasonable fear” interview to determine their eligibility for withholding of removal or protection under the Convention

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88 Fed. Reg. 11,750 (emphasis added). Only if the presumption does not apply or is rebutted does the asylum officer determine whether the applicant has a significant possibility of meeting the INA’s statutory requirements. This adds a step to the credible fear determination that was never authorized by the statute—one unrelated to the statutory eligibility requirements for asylum—and is contrary to the low standard that Congress intended.

II. The Proposed Rule Would Unfairly Punish Asylum Seekers

The States recognize that the Departments have a valid interest in designing a more efficient process for seeking asylum in the United States, particularly in light of the lifting of Title 42, which will likely result in a major increase of asylum claims. To that end, once the significant issues with the CBP One app discussed below have been addressed, it can hopefully serve as a useful tool to humanely and effectively manage queues. However, as documented earlier this month in a letter from 35 Members of Congress,⁵ CBP One has a number of serious problems. Appointments have been filling up within minutes on the system every morning.⁶ The application is only available in select languages, and users of the application have encountered myriad technical difficulties.⁷ Applicants have reported that the facial recognition feature has failed to capture users with darker skin or fidgeting babies.⁸ And family units have found it nearly impossible to find appointments for their entire families at the same time, in some cases forcing families to split up or even send their children on alone.⁹

Against Torture. Proposed Rule, 88 Fed. Reg. 11,750. However, these screenings require the applicant to meet a higher standard of proof. *See id.*

⁵ Letter to Secretary Mayorkas from Rep. Jesús G. “Chuy” García, et al. (Mar. 13, 2023), <https://tinyurl.com/CongressRepLetter23>.

⁶ Andrea Castillo, *Asylum seekers face decision to split up families or wait indefinitely under new border policy*, L.A. Times (Feb. 24, 2023), <https://tinyurl.com/SeparationShortageAppointments>; *see also* Jack Herrera, *Fleeing for Your Life? There’s An App for That.*, Tex. Monthly (Mar. 2, 2023), <https://tinyurl.com/TexasMonthlyCBPOne>.

⁷ The application is also only available in English, Spanish, and as of recently, Haitian Creole. Nick Miroff, *How Biden officials aim to use a mobile app to cut illegal U.S. entries*, The Washington Post (Feb. 20, 2023), <https://tinyurl.com/MiroffCBPOne>.

⁸ *See* Kate Morrissey, *Asylum seekers in Tijuana are scrambling through mobile app error messages for few appointments into the U.S.*, San Diego Union Trib. (Jan. 22, 2023), <https://tinyurl.com/SDTribuneCBPOne>; Castillo, *supra* note 6.

⁹ *See, e.g.*, Corrie Boudreaux, *Hundreds of frustrated Venezuelan migrants block bridge linking El Paso and Juárez*, Tex. Trib. (Mar. 12, 2023), <https://tinyurl.com/TexasTribuneCBPOne>; Stephanie Leutert & Caitlyn Yates, *Asylum Processing at the U.S.-Mexico Border: February 2023 2*, Robert Strauss Ctr. for Int’l Security and L. at the U. of Tex. at Austin, <https://tinyurl.com/Feb-2023-Asylum-Processing>; Castillo, *supra* note 6.

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Beyond technical issues, attending an appointment through the application has been impractical, as only 8—out of 328—ports of entry use the application.¹⁰ And while migrants await the opportunity to get a CBP One appointment, they remain at increased risk of crime, exploitation, and persecution in dangerous border cities.¹¹

Likewise, while parole is certainly an effective tool at providing asylum seekers a means to enter the country to apply for protection, asylum should not be contingent on it, because it leaves too many people out. DHS has implemented parole programs for several countries,¹² and the programs have apparently been successful at stemming migration through the southern border from those countries. Proposed Rule, 88 Fed. Reg. 11,711-12. However, the programs only apply to five countries, and do not address the thousands of asylum seekers from other countries.¹³ And applicants must have a financial sponsor in the United States, which can be difficult for migrants who may not have family in the United States, let alone family who can attest to sponsoring them.¹⁴ Parole also generally requires possession of a valid passport, which those who suffered persecution in their home countries frequently lack.¹⁵ In addition, to be eligible for certain parole programs, the applicant must have flown into the United States—meaning that asylum seekers arriving at land ports of entry cannot access these programs.¹⁶ Overall, because these factors favor migrants with resources and connections—those who have a valid passport, a plane ticket, and the ability to secure a United States sponsor—the “long-term

¹⁰ *DHS Continues to Prepare for End of Title 42: Announces New Border Enforcement Measures and Additional Safe and Orderly Processes*, U.S. Dep’t of Homeland Sec. (Jan. 5, 2023), <https://tinyurl.com/DHSCBPonerollout>.

¹¹ See *East Bay Sanctuary Covenant v. Trump*, 349 F. Supp. 3d 838, 866 (N.D. Cal. 2018), *aff’d*, 950 F.3d 1242 (9th Cir. 2020), and *aff’d sub nom. East Bay Sanctuary Covenant v. Biden*, 993 F.3d 640 (9th Cir. 2021) (discussing “the extensive record evidence of the danger experienced by asylum seekers waiting to cross”).

¹² *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, U.S. Citizenship and Immigr. Servs. (Jan. 6, 2023), <https://tinyurl.com/USCISparole23> (hereinafter *Processes*.) The States note that prior to the White House’s 2021 initiation of the Root Causes Strategy “to align U.S. Government efforts to address the economic, governance, and security drivers of irregular migration from Central America”—a public/private partnership bringing \$1.2 billion dollars to the region—the vast majority of asylum seekers hailed from the Central American countries of Guatemala, Honduras, and El Salvador. The White House, *Report on the U.S. Strategy for Addressing the Root causes of Migration in Central America* (Apr. 19, 2022), <https://tinyurl.com/WHBriefingRootCauses>. These efforts are humane and effective, and preferable to restrictions on asylum eligibility.

¹³ See U.S. Dep’t of Homeland Sec., *CBP Releases October 2022 Monthly Operational Update*, (Nov. 14, 2022), <https://tinyurl.com/CBPOct2022> (noting that in October 2022 alone, CBP had over 60,000 encounters with migrants from Mexico and Northern Central America at the Southwest Border).

¹⁴ Gisela Salomon, et al., *Message from US asylum hopefuls: Financial sponsors needed*, Associated Press (Jan. 6, 2023), <https://tinyurl.com/Saloman-AP>.

¹⁵ *Processes*, *supra* note 12.

¹⁶ *Id.*

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result [...] could be a two-tiered system in which wealthier, more connected migrants end up in the United States, while poorer migrants end up in Mexico.”¹⁷

Finally, there are several reasons why going through the asylum process in a third country might be impractical for migrants. Among other things, they may have family connections in the United States that they do not have in those countries. Beyond that, several of the common transit countries do not have well equipped asylum systems, as demonstrated through very low asylum grant rates, making this process futile for many.¹⁸ More troublingly, asylum seekers would be in danger as their cases pend in a third country. In Mexico, migrants are often abused by criminal groups, police, and immigration officers, who reportedly threaten and extort asylum seekers and collude with human smuggling organizations.¹⁹ Violent crime has reached historic highs,²⁰ there is a high rate of femicide,²¹ and LGBTQ people face discrimination and physical harm.²² Guatemala is also unsafe: the country suffers from high

¹⁷ Adam Isacson, *Commentary: How the Biden Administration May Keep Asylum out of Reach After Title 42*, Wash. Off. on Lat. Am. (Feb. 17, 2023), <https://tinyurl.com/WOLAMigrationTrends>.

¹⁸ For example, Guatemala is one of the more common transit countries, and not a single one of the 945 asylum seekers the United States removed to Guatemala in 2020 under the former presidential administration’s “Asylum Cooperative Agreement” (ACA) program actually received asylum there. Dem. Staff of S. Comm. on Foreign Relations, *Cruelty, Coercion, and Legal Contortions: The Trump Administration’s Unsafe Asylum Cooperative Agreements with Guatemala, Honduras, and El Salvador* 15 (Jan. 18, 2021), <https://tinyurl.com/ForeignCommReport>. Panama approved less than 1 percent of asylum requests. Bureau of Democracy, Human Rights & Labor, U.S. Dep’t of State, *2021 Country Reports on Human Rights Practice: Panama* 10 (Apr. 2022), <https://tinyurl.com/DOSPanamaHumanRights>. In Colombia, of the approximately 37,000 asylum applications received from 2017 through June 2021, the government reported that it had approved 753, a mere 2 percent of applications. Bureau of Democracy, Human Rights & Labor, U.S. Dep’t of State, *2021 Country Reports on Human Rights Practice: Colombia* 23 (Apr. 2022), <https://tinyurl.com/DOSColumbia>. And while partnerships with the United States have helped to expand the programs in Mexico, Costa Rica, Ecuador, and Belize, these countries too may not be able to handle the significant increase of applications that could occur due to the Proposed Rule. Proposed Rule, 88 Fed. Reg. 11,722; U.S. Dep’t of State, *U.S. Relations with Mexico* (Sept. 16, 2022), <https://tinyurl.com/DOSRelationswithMexico>; Rosa Flores, *Mexico rethinks asylum initiative after controversial US announcement*, CNN (Feb. 24, 2023), <https://tinyurl.com/RosaFloresCNN>.

¹⁹ Human Rights Watch, *Mexico: Asylum Seekers Face Abuses at Southern Border* (June 6, 2022), <https://tinyurl.com/HRWMexicoAsy2022>; Lilly Quiroz, *Is the American dream worth the risk? These migrants hope so*, Tex. Pub. Radio (Sept. 24, 2022), <https://tinyurl.com/QuirozTPR>.

²⁰ Human Rights Watch, *Mexico: Events of 2022*, <https://tinyurl.com/HRWMexicoEvents2022>.

²¹ Amnesty Int’l, *Justice on Trial: Failures in criminal investigations of femicides preceded by disappearance in the State of Mexico*, 13, 14 (Sept. 20, 2021), <https://tinyurl.com/AmIntUSAJusticeonTrial>.

²² U.S. Dep’t of State, *Mexico 2021 Human Rights Report* 36 (Apr. 2022), <https://tinyurl.com/DOSRepMexico2021>.

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levels of violence;²³ reports of rape have recently skyrocketed;²⁴ and extreme violence against LGBTQ persons is a persistent issue.²⁵ In Colombia, another frequent transit country, violence against Venezuelan refugee women has spiked exponentially in recent years,²⁶ and armed groups have established checkpoints and their own curfew and movement restrictions to expand their territorial control.²⁷

III. The Proposed Rule's Potential Impact on the States

The signatory States welcome thousands of asylum seekers each year,²⁸ and expect to continue to do so with the anticipated lifting of Title 42 in May 2023. Notably, the Departments acknowledge the impact of the migration of asylum seekers on States and local communities—but only as a justification to restrict asylum. Proposed Rule, 88 Fed. Reg. 11,731. However, the States have an interest in ensuring that lawful asylum remains accessible; in fact, the States stand to be harmed by the improper denials of asylum to individuals that will flow from the Proposed Rule's presumption of ineligibility. The States are impacted by the Proposed Rule's restrictions because if asylum is unduly or improperly restricted (1) asylum seekers are blocked from integration into our workforces and (2) state-funded services for asylum seekers will be put under strain.

Asylees work in a number of critical fields, including healthcare, transportation, food services, and technology.²⁹ Indeed, refugees and asylees have established numerous businesses, large and small, in the States, employing thousands of Americans.³⁰ Without employment

²³ Bureau of Democracy, Human Rights & Labor, U.S. Dep't of State, *Guatemala 2021 Country Report* 1 (Mar. 30, 2021), <https://tinyurl.com/GuatemalaCountyReport>.

²⁴ *Id.* at 24.

²⁵ *Id.* at 25, 34, 35.

²⁶ Amnesty Int'l, *Americas: Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru* (July 12, 2022), <https://tinyurl.com/AIColombia>; Human Rights Watch, *Colombia: Events of 2022*, <https://tinyurl.com/HRWColumbia2022>.

²⁷ Bureau of Democracy, Human Rights & Labor, U.S. Dep't of State, *Colombia 2021 Country Report* 20 (Apr. 2022), <https://tinyurl.com/DOSColumbia>.

²⁸ In fiscal year 2022, immigration courts in the signatory States decided 58% of the asylum cases nationwide. *Asylum Decisions through February 2023*, *supra* note 1. Almost one-third of those granted asylum in 2021 (over 17,000 people) settled in California alone. *Fiscal Year 2021 Refugees and Asylees Annual Flow Report*, *supra* note 1, at 21, 23.

²⁹ See, e.g., Kate Goettel, *Failure to Reauthorize Employment Harms Asylum Seekers and the U.S. Economy*, Am. Immigr. Council (Nov. 12, 2021), <https://tinyurl.com/GoettelAsyEAD>.

³⁰ See, e.g., Mohammad Husain, *David "Sriracha" Tran: From refugee to billionaire*, LinkedIn (Feb. 6, 2023), <https://tinyurl.com/RefugeetoBillionaire>; Tatiana Sanchez, *From refugees to Bay Area entrepreneurs: How one family started over*, Mercury News (Nov. 4, 2018), <https://tinyurl.com/SanchezMercuryNews>; Nat'l Immigr. Forum, *Immigrants as Economic Contributors: Refugees Are a Fiscal Success Story for America* (June 14, 2018), <https://tinyurl.com/NatImmForumEcon> (noting that the founders of Google, WhatsApp and PayPal came to the United States as refugees).

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authorization, undocumented immigrants (including would-be asylees) are pushed to the side, unable to legally work and fearful of removal.³¹ Thus, the Proposed Rule will likely diminish the States' workforce at a time of acute labor shortages.³²

There is also a concern that the Proposed Rule will strain state-funded services providers—including those who provide mental health, physical health, and education services—as well as specialized services to meet immigrants' needs such as legal services.³³ After enduring additional trauma seeking asylum in a third country or waiting at the border in potentially dangerous conditions for a CBP One appointment, many asylees will require significantly more of these types of services, putting pressure on these organizations and their funders, including the States.

CONCLUSION

The States recognize that there may be an unprecedented surge in asylum claims following the lifting of Title 42, and that it will be critical to ensure that there is a lawful, safe, and orderly mechanism to process these claims. However, seeking asylum is a statutory right under the INA, and is also enshrined in international treaties and protocols. The Proposed Rule circumvents that right, and potentially harms asylum seekers and the States that welcome them.

³¹ See S. Rep. No. 96-256, at 9 (1979), as reprinted in 1980 U.S.C.C.A.N. 141, 149 (noting that asylees' clear legal status was meant to remedy the fact that previous "practice ha[d] often left the refugee in uncertainty as to his own situation and ha[d] sometimes made it more difficult for him to secure employment and enjoy . . . other rights").

³² See Nicole Narea, *Immigrants could fix the US labor shortage*, Vox (Oct. 26, 2021), <https://tinyurl.com/NareaImmigration>.

³³ See, e.g., Cal. Dep't of Soc. Servs. (CDSS), *Immigration Services Funding*, <https://tinyurl.com/CDSSImmServices2022to2024>; CDSS, *Services for Refugees, Asylees, and Trafficking Victims*, <https://tinyurl.com/CDSSRefServices>; Wash. Dep't of Soc. & Health Servs., *Briefing Book for State Fiscal Year 2022*, <https://tinyurl.com/2022WADSHS>; N.Y. Dep't of State, *Office For New Americans*, <https://tinyurl.com/NYOFNA>; N.Y. St. Off. of Temp. & Disability Assist., *Refugee Servs., Overview*, <https://tinyurl.com/NYRefugee>; Nev. Gov. Off. for New Americans, *Resources for Immigrants and Refugees*, <https://tinyurl.com/NVONAResources>; Ill. Dep't of Human Servs., *PM 06-21-00: Medical Benefits for Asylum Applicants and Torture Victims*, <https://tinyurl.com/Ill-Med>; Mayor Bowser Celebrates National Citizenship Day by Awarding Funds to Organizations Committed to Protecting Immigrant Residents in the District, DC.gov (Sept. 16, 2022), <https://tinyurl.com/DC2023Budget>; Rhode Island Dep't of Hum. Servs., *Refugee Assistance Program*, <https://tinyurl.com/RIRefugeeProgram>; *Office of Global Michigan*, <https://tinyurl.com/OffGlobalMich>; Minn. Dep't of Health, *Minnesota Immigrant and Refugee Health Network*, <https://tinyurl.com/MinnIRHN>; Minn. Dep't of Employment and Economic Development, *Immigrant and Refugee Affairs*, <https://tinyurl.com/MinnIRA>; Vt. Agency of Hum. Servs., *State Refugee Office*, <https://tinyurl.com/VermontSRO>; Del. Dep't of Justice, *Office of Immigration Assistance*, <https://tinyurl.com/DelawareOIA>.

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Moreover, an issue as critical as this merits longer than the 30-day period in which the public was afforded an opportunity to comment on this proposal. We urge the Departments to allow for more time—at least another 30 days—for the public to analyze this proposal and formulate meaningful comments.

We welcome a continuing conversation with the Departments to explore common-sense solutions for a more efficient and orderly processing of asylum claims, while ensuring access to asylum is preserved and that barriers are not enacted that violate the INA. If the Departments are so inclined, we would welcome the opportunity to meet with the Departments to provide further suggestions and information for the Departments' consideration.

Sincerely,



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