

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MARIA M. KIAKOMBUA, et al.,

Plaintiffs,

– *versus* –

KEVIN K. MCALEENAN,
Acting Secretary of Homeland Security, et al.,

Defendants.

Case No. 1:19-CV-1872-KBJ

**AMICUS CURIAE BRIEF OF
THE ADVOCATES FOR HUMAN RIGHTS
IN SUPPORT OF PLAINTIFFS AND THEIR OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT**

CORPORATE DISCLOSURE STATEMENT

The Advocates for Human Rights is a 501(c)(3) non-profit corporation. It does not have a parent corporation and does not issue stock.

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IDENTITY OF *AMICUS CURIAE*

The Advocates for Human Rights (“Advocates”), based in Minneapolis, Minnesota, is a nonprofit 501(c)(3) organization dedicated to creating and maintaining change related to immigration and human rights on a local, national, and global scale. The Advocates investigates human rights violations; represents immigrants and refugees seeking asylum; trains and assists groups that protect human rights; engages the public and policy-makers; pushes for legal reform; and advocates for sound immigration and human rights policies. The Advocates is considered to be at the forefront of the human rights movement.

The Advocates submits this *amicus curiae* brief to provide the Court with supplemental briefing on Plaintiffs’ challenge to the U.S. Citizenship and Immigration Services’ recently implemented policy that makes reliance of U.S. State Department human rights reports mandatory for asylum officers. In particular, the Advocates relies on case law from federal Circuit Courts, State Department human rights reports, other governmental agency publications, NGO reports, and articles by legal scholars. The Advocates believes this additional argument could prove helpful to the Court.

All parties have consented to the filing of this *amicus curiae* brief, with Defendants consenting to its filing on or before September 19, 2019. No party or party’s counsel authored any part of this brief. No person or entity, other than *amicus*, its members, or its counsel, has made a monetary contribution to its preparation or submission.

INTRODUCTION

Each year, the U.S. Department of State publishes reports on internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights and other international treaties. Human Rights Report, U.S. DEPARTMENT OF STATE, <https://2009-2017.state.gov/j/drl/rls/hrrpt/index.htm> (last visited September 2, 2019). These State Department Country Condition Reports (“SDRs”) are produced for every nation receiving U.S. assistance and all United Nations Member States. *Id.* The State Department claims that it gathers the information through U.S. embassies, foreign governments, legal experts, journalists, academics, and activists. 2018 Country Reports on Human Rights Practices, U.S. DEPARTMENT OF STATE, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/> (last visited September 2, 2019). The reports are used to document foreign human rights abuses, hold violators accountable, to inform Congress on foreign aid decisions, and to help asylum officers (“AOs”) make determinations on asylum cases. Stephanie Schmid, “*Reproductive Rights at Home and Abroad*”, Foreign Policy (October 23, 2018), <https://foreignpolicy.com/2018/10/23/trump-administration-erasing-reproductive-rights/>.

Under existing statutory and regulatory law, AOs *may* consult SDRs in making credible fear determinations. That said, it is *not* required. The statutory and regulatory definition of a “credible fear of persecution” provides that AOs make their determinations by “taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts as are known to the officer.” 8 U.S.C. § 1225(b)(1)(B)(v); *see also*, 8 C.F.R. § 208.30(e)(2). Neither requires that the AO take into consideration anything specific beyond the statements made by the asylum seeker. Similarly, statutory and regulatory law itself explicitly states that “. . . the asylum officer *may* rely on material provided by the Department of State,

other USCIS offices, or other credible sources, such as international organizations, private voluntary agencies, news organizations, or academic institutions” when making credible fear determinations. 8 C.F.R. § 208.12(a) (emphasis added). Again, there is no requirement that the AO consult or take into consideration anything in particular.

In April 2019, U.S. Citizenship and Immigration Services (“USCIS”) issued a revised Lesson Plan (hereinafter, “Lesson Plan”) to provide guidance to AOs on how to determine whether someone has a credible fear of persecution or torture. *See*, AR 1-37. Contradicting decades of policy and practice, the Lesson Plan mandates that AOs *must* consult State Department Reports (“SDRs”) in making credible fear determinations. While the revised Lesson Plan indicates that AO’s *may* derive country of origin information from several sources and mandates that AOs “*must* consider information about the country from which the alien claims refugee status,” the only specific source of such information it lists is the SDR. *Id.* at 11, 13, 17, 21, 23, 24, 29, 30, 36. Moreover, the revised Lesson Plan repeatedly describes SDRs (and no other sources of information about country conditions) as “objective,” despite concerns from numerous sources (reviewed later in this brief) about their lack of objectivity. *Id.* at 23, 24, 29, 30, 36,

The characterization of SDRs as “objective” and the encouragement of their exclusive use by AOs in the credible fear process is at odds with long-standing USCIS policy, which had not preferred SDRs over any other potential source of country condition information and had not opined about the objectivity of any such source. Indeed, through a 2015 training module in the administrative record entitled “Researching and Using Country of Origin Information in RAIO Adjudications” (hereinafter “COI Guidance”), USCIS encourages AOs to do the following:

- Cite to multiple relevant sources of country of origin information, including government reports, intergovernmental reports, media reports, academic journals, and non-governmental sources such as refugee advocacy groups, human rights monitoring groups, humanitarian aid agencies, and election monitoring groups, AR 298, 315, 316;
- Assess reliability of country of origin sources that are relevant to the adjudication, *Id.* at 298, 316;
- Use multiple sources to corroborate all country of origin information, *Id.* at 316; and
- Be aware of what a preponderance of the reporting reflects about a certain region or event *before drawing conclusions from a single source. Id.* (emphasis added).

The revised Lesson Plan is a radical departure from the era of reasoned consideration of a variety of sources, the aim of which was to arrive at as accurate a portrayal of conditions within an applicant's country of origin as possible. This change in emphasis and direction will have serious consequences. Because the revised Lesson Plan *mandates* that AOs consult SDRs, while repeatedly describing them (and only them) as "objective", it is reasonable to assume that AOs will only reference the SDRs while conducting credible fear determinations. Given the many limitations of SDRs, as recognized by U.S. courts and other commentators for the past several decades, this reliance on only the SDRs in making such determinations places thousands of asylum-seekers at risk.

ARGUMENT

I. The State Department’s Country Conditions reports have only limited use for determining credible fear.

Requiring AOs to refer to SDRs is improper and will frustrate the credible fear interview process. It will increase reliance on SDRs, even though U.S. Circuit Courts have long recognized their limited value. In particular, these courts have directed immigration courts to not extensively rely on SDRs because they are neither comprehensive nor objective. *Tian-Yong Chen v. U.S. I.N.S.* 359 F.3d 121, 130 (2nd Cir. 2004). *See also*, Jordan K. Cameron, *Creating a Refuge Within the United States: Correcting the Problems of the Asylum Applicant’s Hybrid Burden of Proof*, UTAH L. REV., 1171, 1172 (2007)(finding that using SDRs as a primary source to establish evidence in a credible fear assessment is an “inherently flawed approach to determining asylum eligibility.”).

A. The State Department’s Country Conditions reports are not comprehensive and are meant to provide merely an overview of a country’s conditions.

Several U.S. Circuit Courts have noted that SDRs are not comprehensive. For example, in *Tian-Yong Chen*, the Second Circuit characterized SDRs as merely an “overview of the conditions in the applicant’s home country” and explained that an applicant’s particular circumstances may not be adequately reflected in SDRs. 359 F.3d at 130. Therefore, the court noted that SDRs do not automatically discredit contrary evidence that an applicant presents. *Id.* Nor are immigration courts bound by SDRs. *Id.*

The Second Circuit’s opinion in *Tian-Yong Chen* emphasizes that sources other than SDRs must also be considered, as SDRs are neither comprehensive nor binding. *Id.* at 130 (concluding that “where a report suggests that, *in general*, an individual in the applicant’s circumstances would not suffer or reasonably fear persecution in a particular country, the

immigration court . . . is obligated to consider also . . . the particular circumstances of the applicant's case demonstrated by testimony and other evidence.”). *See also, Yuk v. Ashcroft*, 355 F.3d 1222, 1225 (10th Cir. 2004) (finding that SDRs may not “substitute for an analysis of the facts of each applicant's individual circumstances.”). Such additional sources will provide immigration officials, including AOs, with a plethora of information that will enable them to accurately and efficiently evaluate an applicant's credibility and claims. The COI Guidance, as indicated earlier in this brief, recognizes the utility of additional sources of information in obtaining a comprehensive view of country of origin conditions.

Similarly, the Seventh Circuit has also noted that SDRs are “brief and general, and may fail to identify specific, perhaps local, dangers to particular, perhaps obscure, individuals.” *Galina v. I.N.S.*, 213 F.3d 955, 959 (7th Cir. 2000). The court there was parsing the State Department's 1998 SDR on Latvia, in which the Department concluded that the country generally respected human rights. *Id.* at 958. However, the SDR also briefly mentioned Latvia's inefficient and corrupt judiciary, deplorable prison conditions, prevalent child prostitution, and human rights abuses by police and other security forces. *Id.* Thus, the overall conclusion of the 1998 SDR on Latvia downplayed the various human rights abuses by characterizing the country conditions in an overwhelmingly positive light. The *Galina* court also noted that SDRs contain statements the precise meaning and factual basis of which are obscure. *Id.*

These concerns about the limited scope of the SDR are reflected in the agency's 2015 COI Guidance. *See*, AR 298. Indeed, that document specifically references the Seventh Circuit's opinion in *Galina* for its criticism of the BIA's “overreliance and misallocation of COI, which did not specifically refute an asylum-seeker's claim.” *Id.* at 313. Recognizing the limitations of any one source of country of origin information, the COI Guidance explicitly directs AOs to

collect and cite to multiple sources of country of origin information. *Id.* at 298, 315. It also directs AOs to view all COI (from whatever source) “critically” and to corroborate such information by multiple sources. AR 316. The Lesson Plan is completely inconsistent with such directions, as it assumes that reliance on the SDR is all that is necessary in assessing country of origin information.

Until the implementation of the Lesson Plan, USCIS itself did not make such a confident statement regarding any reports’ reliability relative to other country of origin information. *See*, AR 298. Instead, the 2015 module refers to SDRs as part of a large batch of potential country of origin information sources from which USCIS officials can draw. *Id.* at 317. In addition to USCIS’ own research service, according to the COI Guidance, sources such as the UNHCR catalog of information and the European Country of Origin Information Network are “excellent places to start your research.” *Id.*

B. The State Department's Country Conditions reports are not objective, often influenced by the governing administration’s foreign policy agenda.

In addition to being non-comprehensive, SDRs are not objective. USCIS recognizes this lack of objectivity in its COI Guidance. In that document, USCIS recounts that because of concerns about a lack of objectivity in country of origin information, the Resource Information Center (subsequently referred to as the Research Unit) was created in order to gather information from a wide variety of “governmental and non-governmental sources.” AR 314. Moreover, USCIS notes that the Research Unit provided information independent of other government agencies (presumably the State Department, most prominently) “to ensure that foreign policy considerations and other non-objective considerations do not play a role in the adjudication of asylum requests.” *Id.* at 315. It is difficult to conceive of a clearer means of communicating

USCIS's concern about the lack of objectivity in any country of origin information report, in particular the SDRs, given the State Department's paramount concern with U.S. foreign policy.

U.S. courts have echoed these concerns about the lack of objectivity in SDRs, suggesting that AOs or other decision-makers should not place undue weight on them. *Gramatikov v. I.N.S.*, 128 F.3d 619, 620 (7th Cir. 1997). In particular, U.S. courts have noted that the State Department is known to downplay human rights violations in its reports on countries friendly to the U.S. *Id.* at 620. Moreover, SDRs are often skewed toward the governing administration's foreign policy goals. *Tian-Yong Chen*, 359 F.3d 121 at 130 (citing David Sloss, *Hard-Nosed Idealism and U.S. Human Rights Policy*, 46 ST. LOUIS U. L.J. 431, 432 (2002)). For these reasons, the Seventh Circuit stated that IJs should treat SDRs with "healthy skepticism," rather than as "Holy Writ." *Galina* at 959.

As noted above, USCIS acknowledges these objectivity issues in its COI Guidance. Compared to the current lesson plan, COI Guidance also notes that country of origin information "plays a fundamental role in the adjudication" of immigration-related matters. AR 304. Such information, which includes SDRs as well as NGO materials, can help officers assess an applicant's testimony and also help determine whether an individual meets the legal requirements for admissibility. *Id.* Because of the high stakes involved, the COI Guidance notes that "[any] source of information is only as useful as it is reliable" and that sources may "[distort] facts to promote an agenda." *Id.* at 318. The COI Guidance encourages AOs to ask themselves a series of questions when determining the reliability of a government source, including the source government's human rights record, the ability to corroborate the information contained in the report, press freedom in the reporting country, and whether "foreign policy considerations may be at play that might influence" the report. *Id.* at 320. The COI

Guidance applies this advice to all country-based reports. *See, Id.* This advice, which provides key instructions about the non-objective potential in any government report—including SDRs—is inconsistent with the 2019 Lesson Plan, which makes no mention of potential objectivity problems.

Non-governmental organizations also have criticized the SDR's reliability as objective sources on country conditions. In 2018, Amnesty International USA criticized the U.S. government for an "unprecedented and alarming level of politicized editing" in the SDRs. Tarah Demant, *A Critique of the US Department of State 2017 Country Reports on Human Rights Practices*, Amnesty International, (May 8, 2018), <https://medium.com/@amnestyusa/a-critique-of-the-us-department-of-state-2017-country-reports-on-human-rights-practices-f313ec5fe8ca>.

There is striking evidence to support such a criticism. *See*, Amanda Klasing & Elisa Epstein, *US Again Cuts Women from State Department's Human Rights Report*, HUMAN RIGHTS WATCH, <https://www.hrw.org/news/2019/03/13/us-again-cuts-women-state-departments-human-rights-reports>.

For example, the State Department recently removed the SDR's sections on women's reproductive health and rights while simultaneously limiting assistance to foreign organizations that provide comprehensive reproductive health services. Klasing & Epstein, *US Again Cuts Women from State Department's Human Rights Report*. Additionally, these particular cuts to the SDRs occurred around the same time the government instituted a rule prohibiting Title X funding for health care clinics that refer women to abortion providers. Health and Human Services Department, *Title X Final Rule Compliance and Enforcement*, <https://www.hhs.gov/opa/title-x-family-planning/about-title-x-grants/statutes-and-regulations/compliance-with-statutory-program-integrity-requirements/myth-vs-fact/index.html>.

Deleting reproductive human rights information from the SDRs delineates the Administration's political objectives in terms of reproductive access, information, and human rights.

References to human rights issues affecting women and LGBTI (lesbian, gay, bisexual, transgender and intersex) individuals also have diminished. *See*, Rebecca Rewald, *Sins of Omission: Women's and LGBTI Rights Reporting Under the Trump Administration*, OXFAM AMERICA, <https://www.oxfamamerica.org/explore/research-publications/sins-of-omission/>. For example, overall mentions of LGBTI issues including discrimination and sodomy criminalization decreased by 10 percent from 2016 to 2018. *Id.* at 10. Reporting on women's rights issues decreased 29 percent during the same period. *Id.* Many of these changes affected countries with which the United States has important strategic relations, such as Afghanistan and India, while others affected prominent countries of origin for asylum applicants, such as El Salvador. *Id.* at 7. The State Department has "cut back on discussing women's rights and issues to a greater extent for the countries that send the most asylum seekers to the U.S.," despite ongoing dangers to women and high femicide rates in those countries. *Id.* at 11.

In addition to omitting information on reproductive rights, the State Department omitted human rights abuses by "private" actors (i.e., non-state actors). *Id.* The SDRs scaled back its reporting on LGBTI rights and other rights to non-discrimination. *Id.* Other examples of omissions from the 2017 reports include: rape and domestic violence, protection of refugees, female genital mutilation/cutting, and freedom of expression. *Id.*

Such politicized edits result in SDRs that "do not actually speak to the root causes of human rights violations and, in fact, ignore the lived reality of people in relation to those rights." Demant, *A Critique of the US Department of State 2017 Country Reports on Human Rights Practices*, Amnesty International. By ignoring human rights abuses that impact millions of

individuals worldwide, the SDRs effectively erase these realities and make victims of this discrimination unable to pass the credible fear interview because the AOs are required to consult the incomplete reports.

Differences between the 2016 and 2018 State Department reports on El Salvador graphically demonstrate this increased politicization. The 2018 El Salvador SDR predominantly cites Salvadoran governmental entities and omits information provided by any non-governmental organization. U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, El Salvador 2018 Human Rights Report (March 13, 2019). In stark contrast, the 2016 report references statistics from a Central American Human Rights NGO, Cristosal, in its discussion on fatal police confrontations. U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, El Salvador 2016 Human Rights Report (2016). The 2018 report does not refer to Cristosal and instead relies on information from the Attorney General and Ombudspersons, who are government officials. Similarly, the 2016 report includes facts provided by the NGO Association for the Search of Missing Children (Pro-Busqueda) for its analysis on politically motivated disappearances. *Id.* The 2018 report, in contrast, relies solely on information from the Ministry of Defense and Sonsonate Court. The 2016 report cites information provided by the NGOs Foundation of Studies for the Application of Law, the Passionist Social Service, International Rescue Committee, Civil Society Roundtable against Forced Displacement, Salvadoran Institute for the Development of Women (ISDEMU), Social Initiative for Democracy, Hablemo de Respeto (“Speak to me about respect”), Colectivo Feminista, and Space for Lesbian Women of Diversity—none of which are cited in the 2018 report. *Id.*

El Salvador is not an anomaly in this regard. The 2016 Brazil Report references information from several NGOs, including Amnesty International, Human Rights Watch,

Committee to Protect Journalists, and Reporter Brasil. U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, Brazil 2016 Human Rights Report (2016), <https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/brazil/>. The 2018 Report only references facts from two NGOs. U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, Brazil 2018 Human Rights Report (2018), <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/brazil/>.

The diminution (or outright erasure) of information from NGOs in SDRs is problematic because political entities typically seek to protect the rights of their own constituents, not human rights broadly. They also seek to advance their own interests or programs. Andrew T. Guzman, *A Compliance Based Theory of International Law*, 90 CALIF. L. REV. 1823, 1827 (2002). The COI Guidance, as noted above, explicitly recognizes the tendency of governmental reports to shape facts in order to forward their political agenda. AR 315 (stating that “the Research Unit provides information independent of other government agencies to ensure that foreign policy considerations and other non-objective considerations do not play a role in the adjudication of asylum requests.”). The 2019 Lesson Plan ignores the wisdom of the COI Guidance on this point (and others). By limiting the sources which inform SDRs, those reports are susceptible to containing non-objective and ultimately unreliable information.¹

¹ The politicized editing of SDRs is unlikely to cease anytime soon, considering such editing seems to be part of a broader agenda to foreclose asylum claims en masse. I, Emma Platoff, et al., *While Migrant Seek Shelter from Violence, Trump Administration Narrows Path to Asylum*, The Texas Tribune (July 10, 2018), <https://www.texastribune.org/2018/07/10/migrant-families-separated-border-crisis-asylum-seekers-donald-trump/>. Moreover, the current Administration is in the process of re-examining the kinds of rights which constitute “human rights.” To wit, the recently formed Commission on Unalienable Rights is responsible for determining the role of human rights in American foreign policy and determining which human rights are truly rights and which are not worth protecting. Michael R. Pompeo, *Remarks to the Press*, July 8, 2019. The Commission is not made up of a group of career, non-partisan human rights experts. *Letter to Michael Pompeo from Members of Congress Opposing the Commission on Unalienable Rights*, (July 18, 2019). Rather, its members are overwhelmingly politicized. *See, Letter to Michael Pompeo from Non-Governmental Organizations Opposing the Commission on Unalienable Rights*, (July 23, 2019) (expressing concern that the Committee, when taken as a whole, fails to achieve the legal requirement that a federal advisory committee be fairly balanced in its views). In particular, most members have

In sum, SDRs are neither comprehensive nor objective. SDRs merely provide an overview of a country's conditions, often failing to address the specific dangers that a particular asylum applicant faces. Moreover, to the extent they are based on official government reports from an applicant's country of origin, they are more likely to downplay human rights abuses in that country. Furthermore, the U.S. government's own political and foreign policy agendas will impact the way any particular SDR is drafted and edited. For example, SDRs often gloss over human rights abuses in countries that are, at the time, friendly with the U.S. These inherent limitations of the SDR have been widely recognized and documented by courts, NGOs, independent observers, and (until recently, at least) USCIS itself. The 2019 Lesson Plan ignores them. Indeed, by deeming the SDR (and only the SDR) "objective" (without any supporting evidence) the 2019 Lesson Plan effectively allows those limitations to infect the credible fear determination process. The result will be a loss of independent adjudication of credible fear.

II. Because of the Lesson Plan's mandate and the pressure to decide credible fear cases quickly, Asylum Officers will be inclined to exclusively rely on State Department Country Conditions reports.

AOs are under immense pressure to quickly make credible fear determinations due to (1) an increase in asylum-seekers in the U.S. over the past several years, and (2) USCIS policy that emphasizes expeditious consideration of credible fear claims. As to the first of these phenomena, the number of credible fear interviews conducted by the U.S. government increased from 5,171 in 2007 to 91,786 in 2016 (a 1,675 per cent increase). Manuela Tobias, *Has there been a 1,700 percent increase in asylum claims over the last 10 years?*, Politifact (June 21, 2018). *See also*,

taken extreme positions opposing LGBTI and reproductive rights. *Id.* As such, the Commission is seemingly set up to push aside modern international human rights norms established by non-partisan experts. Letter to Michael Pompeo from Members of Congress. Considering the Commission is responsible for advising the State Department on the role of human rights in American foreign policy, Pompeo, *Remarks to the Press*, there is little doubt that the Commission will exacerbate the current politicized editing of SDRs, ultimately decreasing their effectiveness as a source and further frustrating the CFI process.

Michael D. Shear, “The U.S. Immigration System May Have Reached a Breaking Point,” The New York Times (April 10, 2019), <https://www.nytimes.com/2019/04/10/us/immigration-border-mexico.html>; Department of Homeland Security, “Credible Fear Cases Completed and Referrals for Credible Fear Interview,” <https://www.dhs.gov/immigration-statistics/readingroom/RFA/credible-fear-cases-interview> (last visited Sept. 6, 2019).

As a result, AOs’ workloads have significantly increased, no doubt putting pressure on them to move more quickly through individual cases. *See*, USCIS, “Agenda,” USCIS Asylum Division Quarterly Stakeholder Meeting (May 20, 2019) (reporting that the Asylum Division prioritizes credible and reasonable fear processing but only about 200 AOs are assigned to conduct CFIs weekly).

Second, USCIS’ policy has placed AOs under pressure to move through as many credible fear cases as possible. For example, USCIS’ website states that AOs will make credible fear determinations “as expeditiously as possible.” USCIS, “Credible Fear FAQ,” <https://www.uscis.gov/faq-page/credible-fear-faq#t12831n40242> (last updated July 8, 2019). Similarly, USCIS allows a person to undergo a CFI as quickly as one calendar day after expressing a fear of return. *Id.* Therefore, AOs are under pressure from USCIS itself to rapidly process credible fear determinations. Indeed, USCIS appeared aware of these logistical difficulties when it issued its 2015 COI guidance, which recommends that AOs conduct electronic country of origin information searches *before* they visit a detention facility and have printed copies of human rights and government reports on hand for such visits. AR 333.

When combined with the pressures under which AOs operate, the Lesson Plan’s mandate that AOs consult SDRs will likely result in exclusive reliance on SDRs during credible fear determinations. Under the Lesson Plan, AOs will be inclined to end their inquiries immediately

upon consulting SDRs, comfortable that their decision-making is up to agency standard, in an effort to save time and resolve the staggering number of credible fear cases.

CONCLUSION

In its guidance to Asylum Officers in force prior to the 2019 Lesson Plan, USCIS had correctly noted that “basing decisions on reliable, publicly available information promotes accountability and fairness, and prevents arbitrary decision-making.” AR 306. The 2019 Lesson Plan will do exactly the opposite. By *requiring* reliance on SDRs (and only SDRs), whose reliability has been questioned in many quarters, credible fear determinations are likely to become less accountable, less fair, and more arbitrary. SDRs are not comprehensive; rather, they provide an overview of a country’s conditions and often omit details pertinent to a particular applicant’s situation. They are typically not derived from a variety of sources. Moreover, SDRs are not objective. They are frequently edited in order to align with the governing administration’s foreign relations and policy goals. Depicting them as objective and forcing AOs to rely on them in making credible fear determinations means that those determinations will be based on incomplete, biased and ultimately unreliable information. Those seeking refuge in the United States will suffer the consequences.

For these reasons, the Advocates urges the Court to deny the Defendants’ motion for summary judgement.

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2019 the foregoing was served by filing a copy using the Court's ECF filing system, which will send notice of the filing to all counsel of record.

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