



International Refugee
Assistance Project

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IRAP & RAICES FILE CHALLENGE TO TRUMP ADMINISTRATION'S LATEST ATTACK ON ASYLUM SEEKERS

(Washington, D.C.) – Last week, the International Refugee Assistance Project (IRAP) and the Refugee and Immigrant Center for Education and Legal Services (RAICES) filed a lawsuit on behalf of several asylum seekers who have been deported or are at imminent risk of being returned to the countries from which they fled. The lawsuit challenges new rules imposed by the Trump Administration that make it far more difficult for asylum seekers to pass their “credible fear interviews.” The interviews, which are conducted by asylum officials to determine whether an asylum seeker has a credible fear of persecution if returned to their home country, represent a life or death scenario for many of those who enter the U.S. in order to reach safety.

As intended by Congress, the “credible fear” assessment is supposed to ensure that the United States complies with its international and domestic humanitarian obligations not to deport individuals back to the dangerous conditions they fled.

In contravention of U.S. law, however, the Administration has deliberately sought to drive down the number of those who pass the credible fear assessment through the adoption of new rules that are outlined in a training manual for asylum officers distributed in April of this year. These new rules turn what is supposed to be a non-adversarial screening mechanism into a biased and contentious hearing, during which the asylum officers are expected to find any reason possible that the asylum seeker lacks a “credible fear”—and can therefore be immediately deported back to their home country.

The first named plaintiff in the lawsuit is Maria Kiakombua, a native of Angola who fled to the United States seeking safety from members of the military who threatened, beat, and raped her. Notwithstanding her clear need for protection, she was found not to have a “credible fear” under the new rules issued on April 30. After IRAP and RAICES filed the lawsuit on her behalf on June 25, the government reversed course and found that she did have “credible fear”.

In a filing on Friday, IRAP and RAICES added several more plaintiffs to the lawsuit: asylum seekers from El Salvador fleeing gang violence and domestic violence, and a political dissident from Cuba. At the time of filing, these plaintiffs have either been deported back to the dangerous conditions they fled from or remain at imminent risk of deportation back to persecution and abuse in their home countries.



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The lawsuit seeks the Court's intervention to vacate the rules that have put in danger their lives and the lives of all asylum seekers now being subjected to the Administration's biased and unlawful credible fear screening process.

Plaintiffs are represented by the International Refugee Assistance Project (IRAP) and Refugee and Immigrant Center for Education and Legal Services (RAICES).

In her declaration, plaintiff Maria Kiakombua wrote: "I am terrified of being deported to Angola. I believe that my boyfriend will carry out his threat to kill me now that I have left him. He is very powerful and I don't believe that authorities in Angola can or will protect me. I am also afraid that the authorities will continue to target me and harm me because of my boyfriend's association with the military."

Justin Cox, Senior Supervising Attorney in IRAP's Litigation Department, said: "Like many others seeking refuge, Maria fled unspeakable violence, and she came to the United States to ask for protection, as is her right by law. The Trump Administration made clear that it did not care if she got deported back to the same men who have raped and beat her, only changing its mind when confronted with this lawsuit. We are proud to stand with Maria and others like her as they stand up for themselves against the Administration's latest inhumane attack on our vital humanitarian asylum system."

Manoj Govindaiah, Director of Litigation at RAICES, said: "These latest rules are yet another attempt by the Trump Administration to subvert the rule of law and ignore international and domestic legal obligations. By changing the criteria used to decide preliminary steps in the asylum process, the Administration practically ensures that many asylum seekers, who are dealing with the effects of trauma, fear, and uncertainty, will be unable to pursue their legal right to seek protection. We look forward to supporting these brave asylum seekers in their challenge to these unjust and callous changes."

The complaint was filed in U.S. District Court for the District of Columbia.

The Asylum Seeker Advocacy Project (ASAP), Center for Gender and Refugee Studies (CGRS), and American Gateways are serving as Consulting Counsel to this litigation.

To view the complaint, [click here](#).

To view the press release, [click here](#).

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