



**Welcome the stranger.
Protect the refugee.**

Statement submitted to U.S. Senate Committee on the Judiciary

Markup of S.1494, “The Secure and Protect Act of 2019”

August 1, 2019

HIAS, the oldest refugee serving organization in the world, has been assisting refugees and immigrants for nearly 140 years. We started by assisting Jewish refugees arriving at Castle Garden in New York. In 1904, we expanded our work and began to provide legal assistance to immigrants facing deportation. Today, we provide comprehensive legal services to those of all faiths and nationalities seeking safety in the United States.

Guided by the Jewish value of welcoming the stranger, HIAS remains on the front lines of refugee protection in the United States and in 14 countries around the world. For example, at the U.S.-Mexico border, through our Border Fellows program, we have pro bono attorneys working with legal service organizations in San Diego, California and El Paso, Texas. Our fellows provide legal representation to asylum seekers, including those in detention and those forced to wait in Mexico due to the Migrant Protection Protocols, also known as the “Remain in Mexico” policy. A HIAS Border Fellow in El Paso is one of only a handful of attorneys who regularly crosses into Mexico to provide legal guidance to asylum seekers who are trying to assert their legal right to seek asylum in the United States. He has seen firsthand what devastation is wrought when the United States turns its back on asylum seekers. It is because of our history and current work assisting asylum seekers that HIAS opposes S.1494, *The Secure and Protect Act of 2019*.

The Secure and Protect Act of 2019 would codify the administration’s most harmful asylum policies, including barring from asylum anyone who does not present at an official port of entry, even though doing so is not illegal. The bill also particularly targets children. They would lose many of the legal protections they currently have under the *Flores Settlement Agreement* and the *Trafficking Victims Protection Reauthorization Act (TVPR)*, both of which are intended to protect them from prolonged detention in unsafe conditions and make sure that they are treated like children, rather than adults, as they pursue their asylum claims.

HIAS is also troubled by the provision that would amend the credible fear standard. This bill would increase the standard of proof for applicants from “a significant possibility” that they would face persecution if returned to the country from which they fled, to requiring that they prove that they are “more likely than not” to face persecution. Changing the parameters of credible fear interviews so that asylum seekers must meet an exceedingly high bar to prove eligibility for protection will make it exponentially more difficult to access the U.S. asylum system and have their individual cases fully heard.

It will also increase the likelihood that they will be sent back to the countries from which they fled, violating domestic and international non-refoulement principles.

While HIAS is supportive of the development of a robust Northern Triangle regional refugee resettlement plan, we cannot support any refugee resettlement plan that is premised on curtailing the legal right to seek asylum, which is exactly what this bill would do. *The Secure and Protect Act of 2019* would ban asylum seekers from countries in Central America that have refugee application and processing centers (to be established through this legislation) or from contiguous countries (not including Mexico). In addition, refugee applicants should not have to pay application fees as they seek protection in the United States. These fees could prove to be cost-prohibitive for some of the most vulnerable applicants. While the bill's regional admissions ceiling of 9,000 is a reasonable starting point, there must be flexibility to increase in future years, as necessary. Furthermore, as the current administration takes additional steps to drastically reduce the overall refugee admissions cap, there must be guarantees that the overall cap will increase to accommodate robust resettlement from the Northern Triangle, but not at the expense of refugees from other parts of the world.

This is a bill that would decimate the U.S. asylum system, violate longstanding legal norms, and return people to harm without any efforts to address the root causes that forced them to flee in the first place. For the reasons detailed above, HIAS urges the Committee to vote no on advancing S.1494.