



Migrant Center for Human Rights **Protecting the Persecuted**

For Immediate Release

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PRESS RELEASE

San Antonio, Texas (January 4, 2023): **Biden to Speak on Border Security – We Call on Him to Scrap Discriminatory Proposal to Deny Asylum Seekers based on Nationality**

Biden [announced plans](#) to speak on border security tomorrow. The Administration is [discussing](#) only allowing in asylum seekers from Cuba, Nicaragua, and Haiti who have the money and know-how to take a flight to the U.S., not to mention the time and ability. In doing so, the Administration is demonstrating a disregard for the desperate and a fundamental misunderstanding of what it means to be an asylum seeker.

The Administration already did something similar on October 12, 2022 when it [closed the borders to Venezuelan asylum seekers](#) but allowed in 24,000 people who had 1) the knowledge – of the program process, English language, etc – and capacity to apply for humanitarian parole (including the ability to get a passport and travel to an airport), 2) a legal sponsor in the U.S. who could fill out and file paperwork on their behalf, and 3) a situation that was not so urgent that they could not take the time required to go through this process. See our [Press Release](#).

While it is a good idea to expand this humanitarian program to Cubans, Nicaraguans, and Haitians, it is not a good idea to accompany this with exclusions of asylum seekers at the border. In fact, such exclusions would constitute unlawful discrimination based on nationality, would seriously put people's lives in danger (there have been [over 13,000](#) documented instances of violence in Mexico against children, adults and families expelled under Title 42), and would be a violation of our laws that protect asylum seekers, such as [8 U.S.C. §1158\(a\)\(1\)](#).

The Administration [cannot legally](#) take away the right to asylum for a whole class of people, based on nationality or otherwise. Legal bars to asylum are, and must be, written into statute. It is not for the Executive branch to write legislation and it is important for our democracy to uphold this separation of powers.

The Migrant Center is a 501(c)(3) non-profit organization that provides legal services to immigrants detained at the South Texas ICE Processing Center in Pearsall Texas. This facility is the third largest in the country and holds up to 1,900 immigrants on a given day. The Migrant Center works almost exclusively with asylum seekers and has served over 2,000 asylum seekers since summer 2017.



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Further information:

The Administration is making three major errors regarding asylum seekers. First, most of these asylum seekers are fleeing repressive dictatorships. In fleeing their governments, it is often difficult, if not impossible, to obtain a passport and go through government security in order to board a flight. Even attempting to do so may result in the person being detained, interrogated, and tortured.

Second, the Administration is assuming that people can wait in a country where they are being persecuted for the time it takes to apply and have their application decided. For people fleeing imminent harm, this is simply not realistic. In the last several years USCIS's case processing backlog has ballooned by over [80%](#) so either the Administration's new process will be significantly slow or other pending cases will be further delayed as resources are shifted.

Third, the Administration is discriminating against asylum seekers who simply don't know about this process, who may already be on their journey to the U.S. to seek protection, or who may already be in the U.S. such as many of our Venezuelan clients who had entered before the October 12, 2022 policy and who still remain in detention because they do not have access to this new humanitarian parole process. The Migrant Center for Human Rights and over 130 other groups [expressed concern](#) about this policy to DHS on October 14, 2022.

And these issues are all in addition to the fundamental unfairness inherent in a program that only offers a legal pathway to those who are financially well-off and already have established connections in the U.S. to sponsor them. In fact, this proposal has much more in common with family-based consular processing. It is an admirable humanitarian effort to assist those suffering under repressive regimes. But it cannot be a replacement for our asylum processing at the border.

It is critical that the Administration not cave in to political pressure and stand strong for people seeking protection at our border. We cannot abdicate the values our nation was founded on and must continue to be that beacon on the hill to those seeking freedom and safety.