



**Disciples Refugee & Immigration Ministries**  
**Christian Church (Disciples of Christ) in the U.S. and Canada**  
**5 Thomas Circle NW, Washington, D.C. 20005**  
*A Ministry of Disciples Home Missions*

July 15, 2020

Lauren Alder Reid, Assistant Director  
Office of Policy  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 1800  
Falls Church, VA 22041

Maureen Dunn, Chief  
Division of Humanitarian Affairs, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
20 Massachusetts Ave., NW  
Washington, DC 20529

**Re:** U.S. Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS) and Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) (the Departments) Joint Notice of Proposed Rulemaking (NPRM): Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review; RIN 1125-AA94 / EOIR Docket No. 18-0002, published in the Federal Register on June 15, 2020.

Dear Assistant Director Reid and Division Chief Dunn:

Disciples Refugee & Immigration Ministries is a faith ministry unit of Disciples Home Missions, affiliated with the Christian Church (Disciples of Christ) denomination in the U.S. and Canada. Our ministry has provided leadership support, since the time of World War II, to congregations throughout the U.S. and Canada who are engaged in refugee resettlement, asylum seeker accompaniment and advocacy, farmworker partnerships, and the strengthening of immigrant communities.

Immigrants are critical to the vitality of our denomination and society, including the many who serve in leadership as pastors and layleaders in our congregations around the U.S. and in Canada. Indeed, as a faith community birthed on the American frontier, the Christian Church (Disciples of Christ) was founded by immigrant leadership, and is committed to being “a movement of wholeness for a fragmented world” as expressed through “unity not uniformity.” Such wholeness is built through core values that recognize the contributions of each human life, the importance of cooperative work with global partners for shalom, and a passion to answer God’s call for justice particularly in the areas of care for the earth, the challenges for women and children, the alleviation of poverty and hunger, and immigration.

These core values align with the importance of protecting the calling of our faith which urges us repeatedly to “welcome the sojourner.” Likewise, they are congruent with international humanitarian law, as asylum was created under the Universal Declaration of Human Rights in 1948, and expanded upon in a 1951 Refugee Convention treaty written following the Holocaust. And, our faith values of compassionate healing and welcome correspond with our nation’s values set forth in the U.S. Refugee Act of 1980. In that act, the application processes for asylum seekers in the U.S. and at the border were linked to protections available through the U.S. to treaty standards in the U.N.

We are deeply disturbed about the multiple ways the proposed “Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review” rule degrades this heritage of values so deeply important to both our faith and national heritage. As the proposed rule turns away from our legal commitment domestically and internationally to provide refuge to persons fleeing persecution, it eviscerates eligibility opportunities for asylum. **Therefore, we strongly**

***oppose the rule due to the following damages it is likely to cause, and we urge your departments to withdraw the proposed rule in its entirety:***

**1) The rule will strongly limit protections for religious community members who have endured persecution.** Vast

new procedural hurdles, added bars to eligibility, and other arbitrary obstacles in the rule would block access to safety for all those fleeing persecution, including those who flee religious persecution. Due to the narrow re-definition of persecution “on account of political opinion,” it would include only activities in “furtherance of political control of a state or unit thereof”. We are aware that often many activists are from faith communities, and are engaged in human rights struggles because of faith motivations. If they are not, per se, targeted for their religion, they would not be allowed under the proposed rule, to claim asylum based on “religious persecution.” This could be construed to deny asylum protection in the U.S. to those whose commitments to freedom and human rights would promote American ideals.

Our work has shown us, tragically, that religious minorities suffer horrific persecution worldwide from which their own governments cannot, or will not, protect them. Indeed, our ministry office receives reports consistently from refugee members in our Montagnard congregations in North Carolina, who share information about ways their communities are still persecuted on account of their religion in Vietnam. Whether there or in other locations, reports such as [Closed Doors](#), produced by World Relief and Open Doors, document the depth of ongoing religious persecution. Such realities necessitate why, when their home countries fail to protect them, survivors of religious persecution need international protection in the form of asylum. We [stand with](#) other faith communities in urging they should not be denied safety based on arbitrary and unreasonable exclusions from eligibility.

**2) The rule will remove protections for women and girls fleeing domestic violence, rape, human trafficking, forced marriage, “honor” violence, female genital mutilation/cutting, and other types of gender based violence.**

Within our Christian Church (Disciples of Christ) denomination, many thousands of “Disciples Women” members have focused for the past four years on elimination of trafficking and gender related violence. Throughout their efforts, Disciples Women understand how the root causes of poverty, violence, and gangs often push families to make heartbreaking decisions to migrate, or to send family members to migrate in hopes of family improvements. Instead, the travel of immigrants is too often riddled with additional dangers, extortion, and human trafficking. The elimination of asylum claims based upon domestic violence is especially disturbing, due to concerns that women who are deported into conditions of domestic violence from which they had escaped are at heightened risk of punishment or death upon return.

**3) The rule makes changes to asylum considerations which discount the merits of the claim and severity of persecution already faced, or which would be faced by the asylum seeker upon return to their country.** The proposed rule includes provisions that would subject an individual’s asylum claim to greater scrutiny if the person traveled through at least one country while en route towards the U.S. but did not seek refuge there. Our congregations’ experiences in accompaniment of asylum seekers and their families has convinced us of the many dangers experienced en route before arrival to the U.S. To give one example, \*Jose from Guatemala spoke multiple times of gang members repeatedly chasing and tracking his family, despite their moving to four different locations. As a father, he was even targeted and beat up after having moved across the border from Guatemala into Mexico. As he has reported, “I **knew** I had no choice but to continue traveling towards the U.S. to seek safety.” Furthermore, additional asylum seekers have likewise reported the repeated accounts of extortion—including from government “officials” of nations they were traveling through, while en route. Such dangers and lawlessness underline the need to continue to follow previously existing guidelines—not those in this rule—when considering asylum merits. Requiring claims be made en route are unrealistic and cruel.

**4) The rule counts as a “significant adverse factor” and urges asylum officers to deny asylum to a person who has been unlawfully present in the United States for at least a year, or who has ever failed to pay taxes, paid them late, or failed to report any income to the U.S.** From our congregational experience in accompanying asylum seekers, family members arrive to the U.S. deeply traumatized, and have been much further traumatized by existing policies, such as metering, and MPP, implemented along the southern border. Even those who are in the U.S. often face additional detention; all factors which can make it difficult due to mental health or logistics to even access opportunities to seek asylum.

**5) The rule penalizes migrants who seek to enter peaceably for safety in the U.S. between ports of entry;** calling upon a migrant's unlawful entry to be deemed a "significant adverse factor," despite the reality that many are being consistently turned away from legal entry points due to "metering." Persons who feel forced to seek entry between legal entry points would now be forced to win relief through higher challenges under withholding of removal or under the Convention Against Torture.

**6) The rule effectively seems to exclude most, if not all, Central Americans, from access to the protections of asylum; especially as it would no longer allow for asylum declarations on grounds of opposition to "particular social groups" relating to gangs or terrorist organizations.** Again and again, our faith community accompaniment of asylum seekers continues to unearth life threatening gang violence; such as that enacted against a Guatemalan mother named \*Ana, who was threatened for her life, and for her family's, as the gang repeatedly sought to make her grant them access to the funds in the bank where she worked.

**7) Procedurally, the rule's change that will no longer allow for persons who have passed the first stage of the asylum process to receive full immigration court proceedings is discriminatory.** Instead, they could only be allowed into court proceedings that permit narrow opportunities, for asylum only; resulting in eliminating their opportunity to perhaps access other forms of protections for which they could be eligible. Our faith teaches in Luke 18:8 that "God will carry out justice for those who cry out to him day and night." Indeed, this rule seems intent to remove opportunities for justice and turn away from human needs.

**8) The new rule likewise would allow for judges to deny asylum applications even without a hearing.** Such changes would no longer allow asylum applicants to testify about their case—and then could deny those same asylum seekers the protections of asylum on grounds that they did not supply ample evidence in their asylum application. This stipulation entraps asylum seekers; punishing the very persons who have been persecuted already and endured horrific trauma.

In Jeremiah 22:3, the prophet urged, "This is what the Lord says, 'Do what is just and right...Do no wrong or violence to the foreigner, the fatherless, or the widow, and do not shed innocent blood in this place.'" The reasons listed above for urging the proposed rule to be removed do not begin to be exhaustive. Rather, we sincerely pray they are illustrative of our moral affront to the letter and spirit of many stipulations in this proposed rule. It is our sincere hope that your departments will, instead, continue to live into the long heritage of our international and national values of compassionate welcome.

Sincerely,



Rev. Dr. Sharon Stanley-Rea, Director,  
Disciples Refugee & Immigration Ministries