Controlling the Asylum Tsunami at the Southern Border
Reconsidering the Trump Administration's Interim Final Rule on Procedures for Asylum and Withholding of Removal.

Policy Brief

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Executive Summary

The Biden Administration's decision to rescind the 2019 Trump Administration's Interim Final Rule (IFR) on the Asylum Cooperative Agreements or "safe third country" agreements is a premature action that may have residual implications of increasing numbers of migrants who are seeking entry into the United States via the southern U.S.-Mexico border that has only added to the swelling numbers of migrant encounters recorded during President Biden's term in office. While on its face the IFR may seem subjective and discriminatory, the rule is well within the parameters of responsible immigration policy which allows the U.S. to permit sustainable numbers into the country for asylum, reduce overbearing numbers at the southern border, and make more efficient determinations of asylum to those who require it. While parts of the rule can be changed to reflect more parity with the shared border with Mexico, much of the rule should be implemented to reduce southern border encounters, deter unfounded asylum claims from Northern Triangle countries, and deter further migration from seeking asylum on those unfounded claims. While the rule may not entirely reduce the immigration count, it can relieve some stress from the already overburdened U.S. immigration system.

Issue

On July 16, 2021, the Departments of Justice (DOJ) and the Department of Homeland Security (DHS) under the Donald Trump administration issued an interim final rule (IFR) regarding third country asylum. Specifically, the rule sought to bar those seeking asylum in the United States who entered or tried to enter into the country by means of the southern U.S.-Mexico border without seeking asylum from a third country from which those immigrants transited from (Department of Homeland Security, 2019). DHS then-Acting Secretary Kevin McAleenan described the rationale behind the issuance of the rule as one of necessity to "help reduce a major 'pull' factor driving irregular migration to the United States and enable DHS and DOJ to more quickly and efficiently process cases originating from the southern border, leading to fewer individuals transiting through Mexico on a dangerous journey" (Department of Homeland Security, 2019). Such a move would reduce the burdens placed on immigration and Border Patrol officers on encounters, apprehensions, investigation, and processing claims. The rule was implemented by the authority of Congress and delegated by Congress contained in Section 208(b)(2)(c) of the Immigration and Naturalization Act (INA) "to enhance the integrity of the asylum process by placing further restrictions or limitations on eligibility for aliens who seek asylum in the United States" (Department of Homeland Security, 2019). Former Attorney General William Barr in support of the rule noted that the move was necessary to reduce number of migrants who exploit the U.S. asylum process while at the same time move to the front of the line those legitimate claims of asylum seekers.

On June 30, 2020, U.S. District Court Judge for the District of Columbia Timothy Kelly declared the law to be illegal mostly on procedural grounds that it violated the Administrative Procedure Act, or APA, for public review and considerations and concerns on the rule and noted the Trump administration exceeded the scope of subjectively making its own determination of exempting to rule from the APA (Capital Area Immigrants' Rights Coal. v. Trump, 2020). In response the DOJ and DHS issued a forum for commentary and concern, made its responses, considered changes to the rule, amended the rule where necessary, and published these findings in the Federal Register of December 17, 2020 under "Asylum Eligibility and Procedural Modifications" (Federal Register, 2020) and planned to re-implement the IFR on January 19, 2021 (Immigration Policy and Tracking Project, 2020).

The Biden administration on February 6, 2021, announced that it was suspending the IFR regarding third-country Asylum Cooperative Agreements with Guatemala, Honduras, and El Salvador in a move to establish "the first concrete steps on the path to greater partnership and collaboration in the region laid out by President Biden" according to Secretary of State Antony Blinken (Reuters, 2021). While the move may signify better collaboration with neighboring Latin American countries, the move also appeared statistically to increase the workload that the rule sought to diminish. In updated statistics regarding immigration, refugees, and asylees from the Department of Justice (2022) the number of asylum applications for fiscal year (FY) 2022 is expected to exceed 108,000 as the first quarter of the fiscal year already recorded 27,117 individuals filing for asylum (Department of Justice, 2022). For FY 2022, data generated

January 19, 2022, the total number of asylum decision rates for Guatemala, El Salvador, and Honduras is respectively; 3,290, 2,926, and 2,198 totaling 8,414 for just the first quarter of FY 2022 alone (Department of Justice, 2022). Add to that number Mexican nationals who received asylum decisions (1,936) and the total number jumps to 10,350. This is nearly double the amount of the remainder 5,154 decisions for asylum received from people of other nationalities seeking asylum (China was 5th in total with 1,1032 applications).

While the COVID-19 global pandemic may have played a role in the declining numbers reflected in the statistics between the start of the pandemic and up to the end of FY 2021, it is reasonable to consider that over time human migration will once again pick up in response to declining COVID restrictions allowing for such movement. The IFR issued by the Trump administration to reduce the number of asylum seekers crossing the southern border, while not directly responding and addressing the end of such restrictions was put in place to reduce the lopsided numbers of asylum seekers coming from the "Golden Triangle" countries of Guatemala, El Salvador, and Honduras. It is believed and argued here that the rule was carefully thought out and considered a viable means to address such high numbers of asylum seekers coming from these countries and to defer them to other safe third countries that are party to the 1951 Convention on the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture or CAT). In addition, after carefully applying the mandates of the APA for public review and comment, the rule was within the standards outlined in the former mentioned conventions and protocols and obligations set by them. The argument for and recommendation to re-implement the rule with adjusted rule change recommendations is as follows.

Argument and Rationales

The United States is no stranger to immigration and since the end of WWII has consistently opened its shores and ports of entry to admit those who seek to find opportunity and citizenship. Since 1999 the number of new legal permanent residents in the U.S. totaled 22,285,025 individuals, averaging 1,012, 955 people a year (Migration Policy Institute, n.d.). Categorically, the Americas region (comprising the Caribbean, Central America, North America, and South America) is the numerically leading originating region for this group of new legal residents in this time span outpacing Asia every year except for the years between 2011 to 2014. Considering subregions within the Americas, the Central American subregion takes up the majority of legal permanent resident status yearly for the Americas and in some years has numbers half as that as the entire Asian continental region. Within Central America the countries of El Salvador, Guatemala, and Honduras since 2003 have consistently had the highest numbers of immigration if one excludes Mexico (Migration Policy Institute, n.d.). These numbers are disproportionate as compared to the other countries in Central America (again excluding Mexico). Such high numbers reflect the available opportunities afforded to nationals of those three countries applying for legal immigrant/visa status into the U.S. The problem arises when these ceilings are met and nationals from these countries make the journey to the United

States via the southern U.S.-Mexico border and make claims for asylum. Such claims often are frivolous and found to be without merit. The purpose of the IFR thus was to reduce such applications for asylum officers and judges that unnecessarily flood the system and delay other legitimate claims for asylum so the processing system can move faster.

Amnesty International recognizes the many reasons why people migrate from their homeland to other countries; some seek educational opportunities or better employment opportunities to enhance the livelihoods for them and their family if they accompany the migrant. For others, and more pressing, they may seek safer havens from "persecution or human rights violations such as torture…armed conflicts (civil war or international armed conflict) (Amnesty International, n.d.), and even being part of a demographic (race, sex, political party affiliation, sexual orientation, and religion) that has been targeted by the regime in power in their home country. It is the right of every human to migrate to find a better life or flee persecution for their own safety; such rights have been declared in the United Nations Universal Declaration of Human Rights, under Article 14 which states "everyone has the right to seek and to enjoy in other countries asylum from persecution…(but at the same time) may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations" (United Nations, 1948). People fleeing such persecution or displacement due to armed conflict are considered asylum-seekers. According to DHS an asylee is "a person who meets the definition of refugee and is already present in the United States or is seeking admission at a port of entry" (Department of Homeland Security, 2022), essentially, a refugee who has at the very least, made it to a U.S. port of entry. The concept of a refugee is derived from the 1951 UN Convention Relating to the Status of Refugees which the U.S. was not originally a signatory of but later signed on after the 1967 Protocols Relating to the Status of Refugees (Human Rights First, n.d.). The definition of "refugee" as found in the General Provisions of the 1951 Convention notes that a refugee is one who "owing to (his) well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (United Nations, 2010, p.14). In addition and found within the same document, the signatory states (and extending to those states that joined after the 1967 Protocols have obligations toward refugees under Article 33 concerning refoulment in that "no Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion" (United Nations, p. 30). These salient points make up the parameters from which the IFR was constructed and implemented and found to be within the 1951 Convention, 1967 Protocols, the CAT, and UN guidance and recommendations.

When the rule was drafted and implemented to address those seeking asylum by way of the southern border it considered the route of passage and available opportunities existing for those who sought entry into the U.S. who were claiming asylum based on credible fear claims but opted not to secure such opportunities of safe havens prior to reaching the U.S. border. When

such circumstances existed for those who were found to satisfy those elements the concept of *first country of asylum* was taken into consideration. The concept has been formulated within the European Union (EU) to address the number of refugees/asylees that had been encountered within the Member States of the Union and the need to address fair burden sharing for accepting those seeking asylum and refuge. In a directive dated 2013 concerning "common procedures for granting and withdrawing international protection" the directive addresses in Section 3, Article 35 that a country can be considered a first country for asylum for a person if that person "has been recognised in that country as a refugee and he or she can still avail himself/herself of that protection; or…he or she otherwise enjoys sufficient protection in that country, including benefiting from the principle of nonrefoulement, provided that he or she will be readmitted to that country" (Official Journal of the European Union, 2013, p. 80). In sum, the concept has considered the burdens of states in their immigration obligations while at the same time ensured that the right of movement by people is protected. The concept was commented upon by the United Nations High Commissioner on Refugees (UNHCR) twenty-two years earlier and noted the scale of the refugee problem was a global phenomenon and requires foreign states to address the matter through cooperation and inter-state agreements (UNHCR, 1991). The High Commissioner recognized that the 'safe country of asylum' concept "poses fewer difficulties than arise with countries of origin, as long as the concept is accompanied by appropriate safeguards" (UNHCR, 1991) but at the same time recognizes difficulties in applying the concept, particularly length of stay in the third (safe) country. Various European states that have applied the concept of safe country of asylum have applied the length of stay in different ways. For example, the Netherlands has described length of stay in their immigration laws (the Aliens Act), and considers an asylum seeker's intention to travel to the Netherlands while still in the third country. The threshold for consideration is that if the asylee stayed in that third country for more than two weeks, then that person did not intend to travel to the Netherlands for asylum purposes. The UNHCR commented that the facts and circumstances could be argued based on other factors but that if no movement toward The Netherlands was made then protection and safe haven was available in that country or interestingly enough ", the claim can also be rejected if the applicant did not stay in that third country, for two weeks or at all - but <u>could</u> have stayed there" (no author, n.d., p. 12). Ultimately, the UNHCR position regarding the safe country concept and determination fell on "in principle each State Party to the 1951 Convention and 1967 Protocol (having) a responsibility to examine refugee claims made to it, "burden-sharing" arrangements allowing for readmission, and determination of status elsewhere are reasonable, provided they always ensure protection of refugees and solutions to their problems" (UNHCR, 1991) and recommended such measures are not made unilaterally but in "internationally agreed arrangements" (UNHCR, 1991) that incorporate safe country determinations as well as procedural safeguards concerning the treatment of asylum-seekers during the process to prevent refoulment.

Migration of individuals from the Northern Triangle countries (Guatemala, Honduras, and El Salvador), typically traverse through Mexico to the United States (Chatham House, 2021) and while the Trump administration implemented the IFR to address this migration, a number of individuals from these three countries remained in Mexico rather than attempt to enter the United States, showing the efficacy of the rule. Just three years earlier, people seeking refugee/asylum

status originating from El Salvador, Guatemala, and Honduras were 132,000, 92,400, and 78,300, respectively, amounting to 302,700 people (numbers reported to mid-2018) (Center for American Progress, 2019). In that same year (up to mid-2018), the recipient countries that processed or accepted asylum-seekers and refugees from Western Hemisphere countries were as follows; United States 516,300, Brazil 68,400, Ecuador 61,700, Canada 46,600, and Mexico 28,000 (Center for American Progress, 2019). This reflects the lack of burden sharing of immigrants of recipient countries in the Western Hemisphere especially when considering refugees and asylum seeker numbers as compared to the recipient total population where the percentage in Canada was 0.19% of the total population, the United States was 0.16% and Mexico was 0.02% (Center for American Progress, 2019). It should be noted here that El Salvador, Honduras, Guatemala, and Mexico all ratified or were signatories of the Convention against Torture protocols (United Nations, 2022) and both the 1951 Convention relating to the Status of Refugees and the 1967 Protocol (UNHCR, 2015). All four countries earn moderate ratings for Global Freedom Scores and political rights and civil liberties as assessed by Freedom House (n.d.) with Mexico earning the highest scores out of all four nations. Thus, migrants moving from any of the three Northern Triangle nations into Mexico can find such asylum relief if they are making asylum claims. In fact, in addressing comments and concerns in the Federal Register concerning the IFR, both the DOJ and DHS note that;

> *UNHCR has documented a notable increase in asylum and refugee claims filed in Mexico—even during the ongoing COVID–19 pandemic—which strongly suggests that Mexico is an appropriate option for seeking refuge for those genuinely fleeing persecution… Mexico has continued to register new asylum claims from people fleeing brutal violence and persecution, helping them find safety.''). Asylum and refugee claims filed in Mexico increased 33 percent in the first 3 months of 2020 compared to the same period in 2019, averaging almost 6,000 per month.* (Federal Register, 2020).

As such, it should be lauded that Mexico has, since the numbers have shown in 2018, taken on more asylum seekers. But based on those recent numbers of 2018, Mexico can certainly do more to take on burden sharing since the country is not considered an authoritarian state that oppresses its citizens. Again, this is one of the goals of the rule was intended for, burden sharing of such asylees and refugee seekers. Such movement of migrants, *irregular movement*, has also been considered by the UNHCR as far back as 1985 and noted that the phenomenon was "of growing concern" (UNHCR, 1985). In addition, they note that such irregular movement is made by those refugee and asylum seekers are "composed of persons who feel impelled to leave, due to the absence of educational and employment possibilities and the non-availability of long-term durable solutions by way of voluntary repatriation, local integration and resettlement" (UNHCR, 1985). The UN stresses however that those migrants should not continue to make such irregular movements to "find durable solutions elsewhere but should take advantage of durable solutions available in that country through action taken by governments and UNHCR as recommended" (UNCHR, 1985).

The UNHCR goes on to assert that "international refugee law does not confer upon refugees the right to choose their country of asylum. It also does not authorize their irregular movement

between successive countries solely in order to benefit from more favourable conditions" (UNHCR, 2019, p.2) and stresses that asylum-seekers and refugees have obligations to respect the immigration processes and laws of states. Reinforcing this position, the UNHCR notes that;

"While international law establishes the right to 'seek and to enjoy… asylum,' the 1951 Convention and other international legal instruments do not confer a right upon refugees to decide in which State they will receive international protection. There is no obligation under international law for a person to seek international protection at the first effective opportunity, but asylum seekers and refugees do not have an unfettered right to choose the country that will determine their asylum claim in substance and provide asylum" (UNHCR, 2019, p.5).

Regardless of the moral obligations or illegalities that many commenters expressed concern with that the IFR appeared to go against, the rule when considering the totality of the circumstances appears to be valid and within the bounds of UN frameworks concerning refugee and asylee movement.

Recommendations

While the IFR would not fully address solving the issue of high numbers of migrants seeking entry over the U.S.-Mexico southern border (that never was the intention) it did address one particular aspect of the demographic that sought asylum/refugee status in the United States. As noted in the statistics above, this is a high number of individuals that according to UNHCR recommendations could have found asylum/refuge in coming to the first country that opened their border to them but chose not to despite the increasing number of claims for asylum in Mexico, designating that nation as a safe third country. In addition, the concept of burden sharing between the United States and Mexico concerning these individuals from Guatemala, Honduras, and El Salvador has been heavily skewed with the United States taking much of the brunt compared to the proportion taken in by Mexico. The IFR made attempts to address that disparity. However, before it even had a chance to make a significant effect on the immigration strain, the Biden administration removed the rule to "create better relations" with its Latin American neighbors. While this is a noble and diplomatic move, the effects of rescinding the rule has been evident in statistical reporting concerning the southern border and has caused the United States to be at a disadvantage when seeking to control the high number of migrants seeking to enter across its borders. Migrant encounters at the southern border reached their all-time high since 1960 with a record 1,659,206 individuals in 2020 surpassing the previous all-time high of 1,643,679 made in 2000 (Gramlich and Scheller, 2021). Of that 1,659,206 count, just over 1 million, or 63%, came from countries other than neighboring Mexico. Over half of this one million of non-Mexican southern border encounters involved countries from the northern triangle (308,931 from Honduras, 279,033 from Guatemala, and 95,930 from El Salvador) (Gramlich and Scheller, 2021). This number clearly reflects the effects of rescinding the rule and the need to reinstate it to curb these numbers.

The rule could use some slight revisions but the bulk of the rule as it stands is sound and stands within the international conventions and protocols regarding refugees and asylees, and the obligations states have toward this migrant classification. One of the proposed changes is to establish equal burden sharing of asylee quotas between Mexico and the United States so that

Mexico can, to the best extent possible, equally share the burden of Northern Triangle asylum seekers. Referring back to the aforementioned 2018 statistics of countries that were recipients of asylum seekers from the Western Hemisphere, Mexico should receive a larger share of northern triangle asylum seekers given the paltry number of 0.02% of its total population. For example, if Mexico was given the additional responsibility of processing 0.05% more asylum claims to 0.07% in 2018, it would have increased its asylum-seeker population by around 62,000, increasing that total number to around 90,000 people. That 62,000 that Mexico assumed would have reduced the U.S. asylum encounter total to around 454,000. While it did not fully eradicate the total number of asylum seekers primarily from the Northern Triangle countries, it made the number somewhat manageable and relieved the stress of the overburdened U.S. immigration system. While it is clear that Mexico's population is a little over one-third of the total U.S. population Mexico should still be able to share the burden of an additional population that still would not have totaled over 100,000 individuals who were seeking asylum through mid-2018. This small percentage increase proposed for Mexico is not a static figure; over time Mexico should be able to assume more burden sharing until figures could be proportionate to total population for each country. Obviously helping the Mexican immigration system financially would need to be done and this could provide an incentive to assist those seeking asylum from the northern triangle countries and to maintain a declining population of Mexican nationals that the United States encounters yearly who migrate north. In 2020 the proposed budget for Mexico's immigration agency assigned to handle refugee and asylum matters, the Comisión Mexicana de Ayuda a Refugiados (COMAR) had requested a budget of only $2.35 million USD (Meyer and Isacson, 2019). While this budget proposal was double the actual operating budget of COMAR for 2019 (Meyer and Isacson, 2019)(Federal Register, 2020, p. 82272), it is still woefully adequate to handle existing and proposed future claims of asylum handled by the Mexican immigration agency. The UN High Commissioner on Refugees in 2019 financially supported COMAR with around $60 million USD. In 2021 the U.S. government announced that it was providing $20 million dollars to help "meet urgent humanitarian needs for the nearly 700,000 asylum seekers, refugees, and vulnerable migrants in Central America and Mexico" (Price, 2021) adding to the nearly $330 million dollars going to the region. Matching UNHCR's assistance amount should be matched as it would assist the COMAR in its asylum assistance efforts, help the IFR rule structurally, and show an international commitment in financial burden sharing for asylees. In addition, extra financial incentives in the form of job creation and education, industry building, and subsistence and commercial farming initiatives for newly arrived asylum seekers can be introduced to convince northern triangle migrants to not practice irregular migration and movement patterns. While the processes and debate as to how much and where such funding will come from is beyond the scope of this brief, such considerations should begin to be discussed in U.S.-Mexico foreign relations.

An additional consideration to support this IFR would be to address the root causes of why people from the northern triangle countries migrate to begin with. While Guatemala, El Salvador, and Honduras have far better governance and economies than many nations globally, it can be easy to understand why these countries' citizens move beyond their borders to either make a better life for them and their families, escape food or water insecurity, or escape persecution from their government for merely belonging to a particular demographic. In FY 2019, the Trump administration wrongly suspended aid to these three countries in response for what was claimed as poor management of reducing the number of migrants who were leaving

those countries to the United States (U.S. Government Accountability Office, 2021). This is the wrong approach. Withholding funding that aids programs in that region of the northern triangle will cause a push effect of immigration where funding was used to provide more opportunities and quality of life. The effects of withholding such funding proved costly to not only on the ground conditions in those countries but also to U.S. relations in the northern Triangle countries. Prior to the suspension of aid in FY 2019, in FY 2018 the U.S. provided $57.7 million to El Salvador, $108.5 million to Guatemala, and $79.7 million to Honduras (proximate to exact figures) (Meyer and Martin, 2021). Along the same lines as assisting Mexico's COMAR agency, funding to these three countries should be resumed in addition to 10% additional aid to address root causes of migration from these countries. Again, processes and debate as to how much and where such funding will come from is beyond the scope of this brief, but to address the U.S.'s immigration issues at the southern border, the U.S. should begin its efforts beyond its southern border and address issues beyond it.

Conclusion

According to the UNHCR (1991), "the refugee problem is international in scope and character. International problems require an international solution which, in turn, depends on international cooperation." At the same time, the UNHCR (2019) also acknowledges that irregular or onward movement of migrants "creates significant challenges for states" (p. 1) where such movement is seen "as a form of misuse of the asylum system, which may consequently strain political and public support for refugee protection" (P. 2). Such activity the Agency notes result in excessive backlogs, costs, and inefficiencies where the entire immigration system could get easily clogged up. This description is easily reflected in the United States' immigration system. It is often at the mercy of the sheer number of migrants seeking entry into the southern border and the countries from which these migrants come from resulting in animosity between the U.S. and these nations that further lead to lack of cooperation between them, further exacerbating the problem of immigration. While international cooperation is needed to address the issue of mass migration movements "states have a sovereign right to manage and control their borders, and to define the rights of individuals to enter and stay" (UNHCR, 2019) provided they fall within the bounds of international law and protocols. This gives the right of asylum to be considered by the state from which the individual is seeking, not the other way around. "Asylum is a discretionary benefit offered by the United States Government to those fleeing persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" (United States Department of Homeland Security, 2019) and should not be abused to take advantage of countries who offer such benefits and take away opportunities from others that have legitimate claims of asylum. The Interim Final Rule issued by the Trump Administration addressing such abuses, though small in scope, sought to relieve the large numbers of asylum claims coming from the southern border. As such, the Biden administration should reconsider in implementing the rule in much of its current state with only minor changes to allow for burden sharing between the U.S. and Mexico to handle these asylum claims and provide additional aid and assistance to Mexico's immigration/asylum handling efforts as well as finding additional aid and assistance to the Northern Triangle countries of Guatemala, Honduras, and El Salvador to make their native state a safe state. Continuing on this current path of high, unsustainable immigration and claims

of asylum on the southern border will only continue to strain the overworked U.S. immigration system and cause tensions with America's southern neighbors.

Appendix 1

Link to Part 208 – Procedures for Asylum and Withholding of Removal as it was in effect on January 19, 2021, https://www.ecfr.gov/on/2021-01-19/title-8/chapter-I/subchapter-B/part-208

Link to Federal Register, Vol. 85, No. 243, dated Thursday, December 17, 2020, Rules and Regulations concerning Asylum Eligibility and Procedural Modifications, https://www.govinfo.gov/content/pkg/FR-2020-12-17/pdf/2020-27856.pdf

References

Amnesty International. (n.d.). *Refugees, Asylum Seekers, and Migrants.* Retrieved 3/25/22. https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/

Capital Area Immigrants' Rights Coal. v. Trump, F. Supp. 3d ---, 2020 WL 3542481. (D.D.C. June 30, 2020). https://cases.justia.com/federal/district-courts/district-of-columbia/dcdce/1:2019cv02117/209244/72/0.pdf?ts=1593595075

Center for American Progress. (2019, June 24). *Getting Migration in the Americas Right, A National-Interest Driven Approach.* CAP. https://www.americanprogress.org/article/getting-migration-americas-right/

Freedom House. (n.d.) *Countries and Territories.* Accessed 3/26/2022. https://freedomhouse.org/countries/freedom-world/scores

Gramlich, J. and Scheller, A. (2021, November 9). *What's happening at the U.S.-Mexico border in 7 charts.* Pew Research Center. https://www.pewresearch.org/fact-tank/2021/11/09/whats-happening-at-the-u-s-mexico-border-in-7-charts/

Human Rights First. (n.d.). *Asylum Law and Procedure.* Accessed 3/26/2022. https://www.humanrightsfirst.org/asylum/asylum-law-and-procedure

Immigration Policy and Tracking Project. (2020, December 17). *DHS and DOJ issue joint third country asylum final rule.* https://immpolicytracking.org/policies/dhs-and-doj-issue-joint-third-country-asylum-interim-final-rule/

Meyer, M. and Isacson A. (2019, December 17). *The 'Wall' Before the Wall: Mexico's Crackdown on Migration at its Southern Border.* Washington Office on Latin America (WOLA). https://www.wola.org/analysis/mexico-southern-border-report/#comaronthe

Meyer, P. and Martin, R. (2021, January 7). *U.S. Foreign Assistance to Latin America and the Caribbean: FY2021 Appropriations.* Congressional Research Service. https://sgp.fas.org/crs/row/R46514.pdf#:~:text=For%20FY2021%2C%20the%20Trump%20Administration%20requested%20%241.4%20billion,and%20the%20U.S.%20Agency%20for%20International%20Development%20%28USAID%29.

Migration Policy Institute (n.d.). *U.S. Immigration Trends. Immigration Over Time, Legal Immigrants by Country of Origin 1999-2020.* Retrieved 3/25/2022. https://www.migrationpolicy.org/programs/data-hub/us-immigration-trends

No Author. (n.d.). *Section 11, The concept of first country of asylum.* https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=4bab55da2

Official Journal of the European Union. (2013, June 29). *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013, on common procedures for granting and withdrawing international protection (recast). L 180,* 60-95.

Price, N. (2021, October 15). *The United States Announces New Humanitarian Aid in Central America and Mexico, Press Statement.* United States Department of State. https://www.state.gov/the-united-states-announces-new-humanitarian-aid-in-central-america-and-mexico/

Reuters. (2021, February 6). *Biden administration suspends Trump asylum deals with El Salvador, Guatemala, Honduras.* *https://www.reuters.com/article/us-usa-immigration-centralamerica/biden-administration-suspends-trump-asylum-deals-with-el-salvador-guatemala-honduras-idUSKBN2A702Q*

Sabatini, C. and Wallace, J. (2021, October 6). *Migration in Latin America.* Chatham House. https://www.chathamhouse.org/2021/10/migration-latin-america

United Nations. (2022, March 25). *Chapter IV Human Rights, 9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984.* United Nations Treaty Collection. https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=_en

United Nations. (2010, December). *Convention and Protocol Relating to the Status of Refugees.* https://www.unhcr.org/en-us/3b66c2aa10

United Nations. (1948, December 10). *Universal Declaration of Human Rights*. https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2014,principles%20of%20the%20United%20Nations.

United Nations High Commissioner on Refugees. (1991, July 26). *Background Note on the Safe Country Concept and Refugee Status EC/SCP/68.* UNHCR The UN Refugee Agency. https://www.unhcr.org/en-us/excom/scip/3ae68ccec/background-note-safe-country-concept-refugee-status.html

United Nations High Commissioner on Refugees. (2010, December). *Convention and Protocol Relating to the Status of Refugees.* https://www.unhcr.org/en-us/3b66c2aa10

United Nations High Commissioner on Refugees. (2019, September). *Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-seekers.* https://www.refworld.org/pdfid/5d8a255d4.pdf

United Nations High Commissioner on Refugees. (1985, September 20). *Irregular Movements of Asylum-Seekers and Refugees EC/SCP/40/Rev.1*. https://www.unhcr.org/en-us/excom/scip/3ae68cbb2c/irregular-movements-asylum-seekers-refugees.html#:~:text=Such%20irregular%20movements%20involve%20entry,with%20false%20or%20fraudulent%20documentation

United Nations High Commissioner on Refugees. (2015, April). *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.* https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf

United States Department of Homeland Security. (2019, July 15). *DHS and DOJ Issue Third-Country Asylum Rule.* Homeland Security. https://www.dhs.gov/news/2019/07/15/dhs-and-doj-issue-third-country-asylum-rule

United States Department of Homeland Security, (2022, March 17). *Refugees and Asylees.* Homeland Security. https://www.dhs.gov/immigration-statistics/refugees-asylees

United States Department of Justice (2022, January 19). Executive Office for Immigration Review Adjudication Statistics, Total Asylum Applications. https://www.justice.gov/eoir/page/file/1106366/download

United States Department of Justice (2022, January 19). Executive Office for Immigration Review Adjudication Statistics, Asylum Decision Rates by Nationality. https://www.justice.gov/eoir/page/file/1107366/download

United States Government Accountability Office. (2021, September 24). *Northern Triangle of Central America, The 2019 Suspension and Reprogramming of U.S. Funding Adversely Affected Assistance Projects. GAO-21-104366.* https://www.gao.gov/products/gao-21-104366