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Hawaii Attorney General Joins Multistate Coalition Challenging Trump Administration's Proposed Changes to Asylum Standards

HONOLULU – Attorney General Clare E. Connors today joined a group of 21 State Attorneys General to challenge the Trump administration's proposed changes to asylum standards. If implemented, these changes would allow the Executive branch to arbitrarily deny asylum claims to immigrants seeking haven from domestic or gang violence. In a friend-of-the-court brief filed in *Grace v. Barr* before the United States Court of Appeals for the District of Columbia Circuit, the AGs argue that these stringent revisions—which would effectively bar violence-based asylum claims—go against longstanding federal law and judicial precedent, undermining the rule of law itself.

“Arbitrarily denying asylum claims based on domestic or gang violence violates federal law,” said Attorney General Connors. “Such a policy also goes against well-established protections in place for victims of violence.”

The District of Columbia and partner states filed this *amicus* brief in *Grace v. Barr*, in support of the plaintiffs' challenge to the Trump administration's heightened asylum standards. The lawsuit was first filed by the American Civil Liberties Union (ACLU), Center for Gender & Refugee Studies, the ACLU of Texas, and the ACLU of D.C., in response to a policy former Attorney General Jeff Sessions implemented in June 2018.

Sessions articulated this policy change in *Matter of A-B-*, while intervening in the Board of Immigration Appeals (BIA)'s decision to grant an Salvadoran woman asylum based on her claim of spousal abuse. In his ruling, Sessions broke sharply from existing precedent to argue that BIA should reject asylum claims regarding domestic or gang violence. Shortly after, the United States Customs and Immigration Service issued guidelines for implementing this policy, emphasizing denial of such claims.

In December 2018, the United States District Court for the District of Columbia struck down the change, ruling it incompatible with existing law. The Department of Justice is now appealing the ruling in the Court of Appeals for the District of Columbia.

In this *amicus* brief, the states collectively argue that the District Court's decision to reject the administration's heightened standards should be upheld, on the basis that:

- The standards violate established federal law: A near categorical bar to asylum claims based on domestic or gang violence, as *Matter of A-B-* recommends, would illegally prevent victims of such violence from attaining asylum protection. The asylum process is rooted in the Immigration and Nationality Act. Among other things, that legislation makes it legal for anyone who arrives at the U.S. border to apply for asylum over a "well-founded fear of persecution" in one's home country. Subsequent court cases have validated the legitimacy of claims made based on gang or domestic violence.
- The standards are inconsistent with state, federal, and international policies protecting victims of violence: All 50 states have enacted provisions in their criminal and civil codes to protect victims of domestic violence, and the federal government has acknowledged the need to assist immigrant women who have been victimized by domestic violence. Both have dedicated programs and resources to gang violence prevention. Furthermore, in signing the 1967 United Nations Protocol Relating to the Status of Refugees, the United States vowed to protect individuals escaping persecution. The Trump administration's policy clashes with these commitments.
- The standards restrict states' abilities to grow their economies: Immigrants make significant contributions to the economy, and American society more broadly. This is borne out in study after study, and through recent experience nationwide. For example, nearly half of all new residents in the Great Lakes region between 2000-2015 were foreign-born, arriving at a moment when the region's population growth lagged the national average. This influx of foreign-born residents boosted jobs and wages in the region. Given that the majority of asylum grantees are of working age and can contribute to a state's economic activity, the Trump administration's standards would limit states' access to a valuable source of labor.

The brief as filed in *Grace v. Barr* is available at:

<https://oag.dc.gov/sites/default/files/2019-08/Grace-v-Barr-Amicus.pdf>

The multistate coalition was led by District of Columbia Attorney General Karl A. Racine and was joined by the Attorneys General of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

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