



## DEPARTMENT OF THE ATTORNEY GENERAL

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### **Hawaii AG Joins Multistate Effort to Protect the Rights of Asylum-Seekers**

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of 20 attorneys general, led by California, in filing a comment letter to protect the rights of asylum-seekers. Under a new interim final rule, the Trump Administration is effectively attempting to ignore asylum claims by sending people, many of whom are fleeing violence and persecution, to third countries that have signed asylum cooperative agreements with the federal government. The rule, which went into immediate effect, will block states from welcoming asylum-seekers who make significant cultural and economic contributions to communities across the country and threatens to tear families apart.

“Immigrants are an important part of our community and make significant contributions to the state economy,” said Attorney General Connors. “We join our fellow states in opposing yet another federal policy that will needlessly harm individuals and families who are already vulnerable.”

Giving asylum-seekers a safe haven from persecution is an essential value of the United States. In contrast, the Trump Administration’s interim final rule harms thousands of already vulnerable individuals by barring them from seeking protection in the United States and forcing them into dangerous circumstances in third countries that are not equipped to handle their claims. Currently, Guatemala is the only country where an asylum cooperative agreement is officially in effect. However, Guatemala has insufficient staff to handle humanitarian claims. There are only 12 officials working on asylum cases in the entire country, and only three of them are tasked with interviewing applicants. The federal government has already announced agreements with Honduras and El Salvador and under the interim final rule this process could apply to those countries and any other country other than Canada that signs an asylum cooperative agreement with the United States. Disturbingly, the rule provides no safeguards against family separation. In fact, it has no requirement that families who arrived together in the United States be removed to the same country, raising the specter of additional trauma that could have significant health consequences for families and children.

Under the rule, asylum-seekers will be subjected to an additional screening to determine if they should be barred from applying for asylum in the United States. During the screening, asylum-seekers must affirmatively state a fear of persecution or torture in another country that has signed an asylum cooperative agreement. However, asylum-seekers will only receive a written notice of this condition and nothing in the new regulation requires the federal government to provide notice in a language the asylum-seeker can actually read and understand. For individuals who are fleeing violence and traveling on foot for thousands of miles, this is an extremely high burden that requires an extensive understanding of U.S. immigration laws and a working knowledge of the conditions of countries they may have never even visited. With limited time to prepare a response and potentially without access to legal counsel, the additional screening risks simply being an empty, discriminatory formality that violates the Equal Protection Clause of the U.S. Constitution. In the comment letter, the coalition also argues that the rule is arbitrary and capricious and is contrary to the Immigration and Nationality Act.

In submitting the comment letter, Attorney General Connors joins the attorneys general of California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and the District of Columbia.

A copy of the comment letter is available [here](#).

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