



DEPARTMENT OF THE ATTORNEY GENERAL

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Hawaii Attorney General Joins Coalition Opposing Trump Administration Effort to Upend Existing Asylum System

HONOLULU – Hawaii Attorney General Clare E. Connors joined a coalition of 23 attorneys general, led by California, in filing a comment letter opposing the Trump Administration’s proposal to make several significant changes to the asylum system that would effectively nullify the meaningful right to apply for protection in the United States. By severely restricting asylum eligibility and eliminating several procedural protections, the proposed rule will result in the deportation of bona fide asylum seekers who are certain to face persecution or torture in their home countries. Immigrants, including asylum seekers, are the backbone of Hawaii’s workforce and economy. If the proposal were to move forward, current and future residents of Hawaii could be deprived of humanitarian protection, and in many cases, would be deported without having the opportunity to be heard or present evidence in their cases.

“This is yet another attempt by the Administration to harm those who are lawfully seeking refuge,” said Attorney General Connors. “Immigrants are contributing members of our community, and these rules will disproportionately harm children, women, and LGBTQ asylum applicants.”

In the comment letter, the coalition argues that the proposed rule violates the Administrative Procedure Act and the Immigration and Nationality Act, and would make it all but impossible for asylum seekers to secure protection. For example, the coalition highlights that the proposed rule would explicitly deny claims — such as those based on gender, or opposition to a terrorist or organized criminal groups — that district courts have previously recognized as valid bases for asylum. The categorical exemptions of these claims is also problematic, as each claim must be considered on an individual basis.

Moreover, the proposed rule contains several substantive changes to the asylum process that would effectively block most current and future applicants from receiving protections. For instance, the rule lists “significantly adverse” discretionary factors that

would provide a basis for unilaterally denying even meritorious asylum applications. Some of those discretionary factors would end up barring asylum-seekers who do not seek protection from a country through which they traveled or for failing to enter with inspection through a port of entry. Courts have previously held that relying on such factors in making asylum determinations violates the law. Moreover, the proposal applies discretionary factors to unaccompanied children, making them more likely to be denied asylum and undermining procedural protections meant to avoid traumatizing children. In fact, the proposed rule would change the process so substantively that it could lead to the termination of asylum cases before they even reach a judge.

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

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

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