



## DEPARTMENT OF THE ATTORNEY GENERAL

**DAVID Y. IGE**  
GOVERNOR

**CLARE E. CONNORS**  
ATTORNEY GENERAL

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### **Hawaii Attorney General Joins Multistate Coalition in Friend-of-the-Court Briefs Opposing “Death to Asylum” Rule**

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of 22 attorneys general, led by California, in two amicus briefs in support of two separate challenges to a Trump Administration rule that guts major aspects of the existing asylum system and effectively eliminates the meaningful right to apply for protection in the United States. By severely restricting asylum eligibility and abolishing certain procedural protections, the so-called “death to asylum” rule will result in the deportation of bona fide asylum seekers who are certain to face persecution or torture in their home countries. As a result, the rule will inflict direct harm on asylum seekers and the states that welcome them across the country.

“This rule means our country no longer will serve as a place of refuge for people legitimately seeking asylum because of persecution,” said Attorney General Connors. “It also will burden the states by driving individuals underground and into the margins of our society.”

Set to go in effect on January 11, 2021, the final rule will make it nearly impossible for people to successfully obtain humanitarian relief in the United States. These consequences will fall hardest on survivors of trauma, and victims of gender, gang, and homophobic violence. The rule threatens to do so through a wide range of artificial and arbitrary new barriers. For example, the rule creates a list of adverse discretionary factors that would provide a basis for unilaterally denying even meritorious asylum applications. These discretionary factors include barring asylum seekers who do not enter with inspection through a port of entry or who do not seek protection from a third country through which they have traveled, even if seeking asylum in the third country is dangerous or infeasible. In addition, the rule inexplicably applies many of these same discretionary factors to unaccompanied children, making them more likely to be denied asylum and undermining critical safeguards for minors. Ultimately, the rule will make it all but impossible for asylum seekers to secure protection.

In the friend-of-the-court briefs, the coalition argues, among other things, that the rule will:

- Undermine our country's and the states' commitment to being a safe haven for asylees fleeing persecution by upending the current asylum system and increasing family separation;
- Hinder enforcement of legal protections and criminal laws by pushing those who might otherwise seek asylum into the shadows where they are more vulnerable to exploitation;
- Burden state programs, leading to an increased need for legal representation to navigate the extremely complex asylum process made even more complex by this rule, as well as medical and mental health services; and
- Harm the states' economies and workforces, robbing them of essential workers and their contributions to local businesses.

In filing the amicus briefs, Attorney General Connors joins the attorneys general of California, Colorado, Connecticut, Delaware, Illinois, 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 amicus brief in *Pangea Legal Services v. U.S. Department of Homeland Security* is available [here](#). A copy of the amicus brief in *Immigration Equality v. U.S. Department of Homeland Security* is available [here](#).

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For more information, contact:

Krishna F. Jayaram  
Special Assistant to the Attorney General  
(808) 586-1284  
Email: [ATG.PIO@hawaii.gov](mailto:ATG.PIO@hawaii.gov)  
Web: <http://ag.hawaii.gov>  
Twitter: @ATGHlgov