

Congress of the United States
Washington, DC 20510

August 27, 2019

The Honorable Kenneth T. (Ken) Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue NW
Washington, D.C. 20529

Director Cuccinelli:

We write to express our opposition to U.S. Citizenship and Immigration Services' (USCIS) decision to indefinitely suspend new asylum interviews in the Boston Asylum Sub-Office and re-assign staff to the southern border.¹ This unfair and unjustified shift of resources will mean that 40,000 pending affirmative asylum cases in New England will be essentially frozen, and represents what one advocate has called a "direct war on asylum."²

We remain gravely concerned with the ongoing humanitarian crisis at the southern border and continue to call on the Trump Administration to take urgently needed steps to address that crisis. We worry, however, that the decision to gut USCIS's New England asylum offices will fail to address the humanitarian border crisis and will exacerbate the already-strained backlog of asylum cases in our communities. We therefore ask that you provide additional information to assist us in understanding the rationale for and impact of your decision.

On August 15, 2019, USCIS reportedly told attorneys via e-mail that, effective August 19, 2019, a "majority of interviewing officers" in the Boston Asylum Sub-Office and Newark Asylum Office will be re-assigned to work on asylum cases at the southern border.³ The notice stated that an "increasing number" of officers will be traveling to the southern border to conduct credible fear and reasonable fear interviews in-person or telephonically, and, as a result, "no new interviews" will be scheduled in the Boston office and only "a small number" will be scheduled in the Newark office.⁴ These two offices are the only offices that conduct asylum interviews for New England residents.⁵

¹ Boston Globe, *Trump's Move Halts Virtually All Asylum Cases in New England*, August 22, 2019, <https://www.bostonglobe.com/metro/2019/08/22/trump-halts-virtually-all-asylum-cases-new-england/QEmTFufwmcGkovPIfRlWMN/story.html>.

² *Id.*

³ Notice from Susan Raufer, Director, Newark Asylum Office, USCIS, and Meghann Boyle, Sub-Office Director, Boston Asylum Sub-Office, USCIS, to Newark Asylum Office and Boston Asylum Office Stakeholders, August 15, 2019, <https://www.documentcloud.org/documents/6320112-USCIS-Email-2019-08-15.html>.

⁴ *Id.*

⁵ Boston Globe, *supra* note 1.

We support legitimate efforts to address the urgent needs of migrants at the southern border, but we have no reason to believe that the Trump Administration seeks to meaningfully address this problem. In fact, the Administration has taken a series of actions that have exacerbated the humanitarian crisis. In addition to the unconscionable expansion of detention camps for immigrants and the separation of thousands of children from their parents, the Administration has:

- slashed hundreds of millions of dollars in critical aid to El Salvador, Guatemala, and Honduras⁶—countries from which the vast majority of refugees at the southern border are fleeing;
- severely restricted the types of claims for which migrants can seek asylum;⁷
- instituted a Remain in Mexico policy that places migrants in harm's way;⁸ and
- ended the case-management program that assisted migrants in appearing for their court dates and navigating the complicated immigration process.⁹

A legitimate effort to solve the humanitarian crisis at the southern border must start with reversing each of these actions and the many other decisions that inflame the root causes of the crisis and inflict further harm on children and families fleeing violence, persecution, and poverty. The decision to forestall new asylum interviews in the Boston Asylum Sub-Office and Newark Asylum Office will not achieve these goals. Instead, it will halt the processing of 40,000 pending cases, forcing applicants who have been waiting, in many cases, several years for adjudication to wait even longer in uncertainty.

This appears to be another cruel and unnecessary action by the Trump Administration to hurt immigrants. In order to better understand the full impact of this decision, we ask you provide written responses to the questions below on or before September 10, 2019.

- (1) When did USCIS first decide to re-assign staff in the Boston Asylum Sub-Office to work on the Credible Fear/Reasonable Fear workload in the Southwest border region?
 - a. What was the basis for this decision?
 - b. Why did USCIS choose staff from the Boston office for re-assignments?
 - c. What alternatives did USCIS consider other than re-assigning staff from the Boston Asylum Sub-Office?
- (2) How many asylum officers does the Boston Asylum Sub-Office employ?

⁶ Reuters, As promised, Trump slashes aid to Central America over migrants, June 17, 2019, <https://www.reuters.com/article/us-usa-immigration-trump/as-promised-trump-slashes-aid-to-central-america-over-migrants-idUSKCN1T12C7>.

⁷ Politico, DOJ restricts asylum claims based on family relations, July 29, 2019, <https://www.politico.com/story/2019/07/29/doj-asylum-claims-family-relations-1624028>.


⁸ The Intercept, Trump's "Remain in Mexico" Policy Exposes Migrants to Rape, Kidnapping, and Murder in Dangerous Border Cities, July 14, 2019, <https://theintercept.com/2019/07/14/trump-remain-in-mexico-policy/>.

⁹ NBC News, This Obama-era pilot program kept asylum-seeking migrant families together. Trump canceled it, June 24, 2018, <https://www.nbcnews.com/storyline/immigration-border-crisis/obama-era-pilot-program-kept-asylum-seeking-migrant-families-together-n885896>.

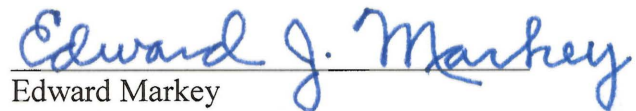
- a. How many of those officers have been re-assigned to work on the Credible Fear/Reasonable Fear workload in the Southwest border region?
 - b. For how long will they be deployed?
 - c. How many have been assigned to work on other processing workloads, including workloads related to the Remain in Mexico Policy and the Third Country Transit Ban Interim Final Rule screenings?
- (3) How many affirmative asylum cases are pending in the Boston Asylum Sub-Office?
- a. What is the average wait time for decisions in those cases?
 - b. By how much will the average wait time increase given the decision to re-direct staff from the Boston Asylum Sub-Office to work on southern border cases?
- (4) Which other regional asylum offices have had staff re-directed to work on the Credible Fear/Reasonable Fear workload or any other processing workloads, including workloads related to the Remain in Mexico Policy and the Third Country Transit Ban Interim Final Rule screenings? Please list each impacted regional office as well as the following information per office:
- a. Number of asylum officers
 - b. Number of asylum officers who have been or will be re-assigned
 - c. Workload to which asylum officers have been or will be re-assigned
 - d. Number of pending cases
- (5) When does USCIS plan to lift the suspension on scheduling new asylum interviews in the Boston Asylum Sub-Office?
- a. What criteria will USCIS use in its decision regarding when to lift the suspension?
- (6) What will the intake process be like for individuals who file new affirmative asylum petitions during this time?

We look forward to your prompt response.


Sincerely,



Elizabeth Warren
United States Senator



Edward Markey
United States Senator



Ayanna Pressley
Member of Congress