



To: New York City Council  
From: Stephanie Lopez, Managing Attorney of The Door's Legal Services Center  
Re: Resolution No. 1173 in support of *Matter of AB*  
Date: February 10, 2020

The Door is a comprehensive youth development organization that assists vulnerable young people, between the ages of twelve and twenty-four, access a variety of services such as housing, GED classes, job training and legal services. Our Legal Services Center represents many young people in New York City in their Special Immigrant Juvenile Status (SIJS) and asylum claims. For years, we have represented unaccompanied children who by and large are fleeing violence in their home countries. Most recently, we began representing such children while they are detained in local Office of Refugee Resettlement shelters in the State of New York and are awaiting reunification with a family member or family friend. All of these children are placed in removal proceedings and are expected to apply for relief to avoid their deportation.

The current administration has made it its prerogative to create obstacles for people who seek refuge in this country. Many of our clients, who are children, have been subjected to violence in their home country by their family, strangers or by gangs. Many of the policies of the current administration and decisions issued by the Attorney General have made our clients more vulnerable to deportation to their country of origin where they are unsafe. Due to the recent erosion of asylum related protections for families and children we are in support of Resolution No. 1173 to ensure that survivors of domestic violence and gang violence receive the protection they desperately need and urge this Council to condemn this administration's curtailment of due process rights of immigrants seeking asylum.

In representing countless young people, we have seen how the current administration has assaulted a very vulnerable community with its policies and Attorney General decisions which have overturned long standing Board of Immigration Appeals precedent. First, In July 2019, the Trump administration published the Interim Final Rule (IFR) which banned all people, including children who traveled through another country to reach the United States via the southern border from applying for asylum. As such, anyone who entered the United States on or after July 16, 2019 is barred from applying for asylum, regardless of the merits of his or her asylum case. The IFR places children and families at a higher risk of swift deportation as they are unable to present their asylum claims. The IFR is patently ridiculous. It demands that children, regardless of age, trauma history, or language skills, apply for asylum in a transit country. The unaccompanied children we serve, by definition, come to the United States alone, without adult support or guidance. They are fleeing circumstances that are pervasive throughout Central America and Mexico, and they cannot be expected to apply for asylum in countries where they have no support, and where they likely be exposed to continued violence and victimization.

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Second, on May 31, 2019, USCIS issued a memo with instructions to asylum officers. The memo limits crucial protections for unaccompanied asylum-seeking children. Specifically, if the child turned 18 or obtained a guardian through a family court process, the child would no longer be considered an “unaccompanied child” (UAC). No longer considered a UAC, the child would have to pursue the asylum claim in immigration court—an extremely adversarial setting that can prove to be overwhelming and traumatic for a child. Fortunately, in November 2019, after litigation, the Government agreed to not apply the policy memo.

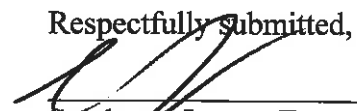
Third, the Attorney General at the time, Jefferson Sessions directed the Board of Immigration Appeals to review two decisions. Unsurprisingly, the Attorney General decisions overturned decisions from the Board and in so doing, his decisions redefined and limited the ability of children and families to obtain asylum.

Both the *Matter of L-E-A* and *Matter of A-B* decisions have had disastrous effects on the viability of the asylum claims of children and families. Well settled law in many federal circuits held that a family unit could be considered a particular social group. *Matter of L-E-A* held that in an ordinary case a nuclear family will not be considered a “particular social group” because nuclear families are not inherently socially distinct. After the implementation of the decision many asylum seekers have been found to have failed to meet the requirement proving they have been persecuted because of their membership a particular social group despite being targeted for violence because they are members of a family in their country of origin.

In *Matter of A-B* the Attorney General unilaterally precluded domestic violence survivors from obtaining asylum. In so doing, the decision barred asylum claims for people who are harmed by non-state actors. Despite their home country’s acquiescence to the violence. Additionally, this decision proved to discourage children and families to pursue asylum claims when they are subject to *any* violence—including gang violence. Even though many countries are unwilling and unable to protect people from the persistent gang violence. Gangs in many countries are *de facto* government actors and are given free reign because of the deep seeded corruption in many countries in Central America and Mexico. As such, children and families fleeing institutionalized gang violence are unable to find permanent safety in the United States.

Due to the blatant roll back of protections for asylee seekers, we ask that this council pass this resolution to protect not only survivors of domestic violence, but all asylum seekers.

Respectfully Submitted,



Stephanie Lopez, Esq.