

Congress of the United States
Washington, DC 20515

January 31, 2020

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
301 7th Street, SW
Washington, D.C. 20528

Dear Acting Secretary Wolf:

We write to express our deep concern with the Trump Administration's new asylum programs, Prompt Asylum Claim Review (PACR) and the Humanitarian Asylum Review Process (HARP). Both programs appear designed to deny asylum-seekers access to counsel while rushing vulnerable families fleeing persecution through life-or-death legal screenings behind closed doors. The PACR and HARP programs appear to be dismantling our established asylum system, undermining due process, and potentially violating domestic and international law by swiftly returning vulnerable populations to life-threatening situations. We call for the immediate end to these abusive programs and a full accounting of the Administration's design and implementation of the programs.

The PACR and HARP programs are joint initiatives between the Department of Homeland Security (DHS) and the Department of Justice (DOJ), and the Administration began testing these programs with pilot initiatives in El Paso, Texas in October 2019.¹ The last information we received from DHS indicated that USCIS completed 398 PACR cases and 189 HARP cases between October 11, 2019 and December 9, 2019.² On December 31, 2019, we saw multiple reports indicating that CBP had expanded PACR to the Rio Grande Valley and the pilot phase had ended.³ CBP confirmed that 1,000 migrants had been placed in the program at that time. Reports also indicate PACR has now expanded to Arizona.⁴

The PACR and HARP programs reportedly aim to conduct initial fear screening interviews within the first 24 hours of a person's detention, making it nearly impossible for families to consult with counsel or have sufficient time to obtain supporting evidence. As you know, an asylum-seeker's initial administrative review is typically the only time the asylum-seeker has an opportunity to state a claim for protection. Despite the importance of this

¹ *Trump Administration Testing Rapid Asylum Review, Deportation Process in Texas*, Washington Post (Oct. 24, 2019) (online at www.washingtonpost.com/immigration/trump-administration-testing-rapid-asylum-review-deportation-process-in-texas/2019/10/24/caa91a62-f5d8-11e9-a285-882a8e386a96_story.html).

² Data provided to the House Judiciary Committee by the Department of Homeland Security.

³ *CBP Implements New Asylum Processing Program in the Rio Grande Valley*, KRGV (Jan. 1, 2020) (online at www.krgv.com/news/cbp-implements-new-asylum-processing-program-in-the-rio-grande-valley/).

⁴ *The Homeland Security Inspector General Is Reviewing Two Controversial Trump Administration Immigration Programs*, BuzzFeed (Jan. 24, 2020) (online at www.buzzfeednews.com/article/hamedaleaziz/inspector-general-homeland-security-immigration-review-trump).

review, individuals and families subject to the programs are not provided routine and reliable access to telephones, and attorneys have reported that they are unable to contact potential clients to assist those seeking protection. Taken together, these programs mean that families and vulnerable populations must endure screenings without their supporting evidence or the benefit of legal counsel, all while they are held in unsanitary conditions in detention. The PACR and HARP programs appear designed to prevent asylum seekers from obtaining asylum.

Even if an asylum-seeker is able to secure an attorney within the initial 24-hour period, attorneys are reportedly barred from entering CBP facilities.⁵ Therefore, attorneys are unable to meet with their clients in person and provide meaningful counsel or review physical evidence. By law, an asylum-seeker has a right to “consult with a person or persons of the alien’s choosing prior to the interview,” and to present evidence in support of their claim.⁶ Both the PACR and HARP programs obstruct access to counsel and supporting evidence, violating fundamental due process principles.

We are alarmed that the PACR and HARP programs result in CBP’s detention of families for weeks at a time, particularly given the unsanitary conditions for children and families in CBP facilities. We were disturbed to learn of a breastfeeding mother who remained in CBP custody for 20 days with her child because of the PACR program.⁷ During their detention, the mother became so malnourished she stopped producing breastmilk and was unable to nurse. Her child stopped eating and became gravely ill. Despite their dire conditions, they were deported to El Salvador under the PACR program.

DHS and DOJ should immediately end the PACR and HARP programs. Please also produce the relevant documents, data, and communications listed below by February 6, 2020:

1. All documents and communications relating to the implementation of PACR and HARP in El Paso.
2. All documents and communications relating to the expansion of PACR and HARP to any and all sectors in which the agencies are currently implementing the programs or are considering implementing the program in the future.
3. All policy guidance regarding the application of PACR and HARP, including who is eligible and how individuals and families are selected for PACR and HARP, and all guidance pertaining to the procedures for providing access to counsel to those in CBP custody.
4. All policy guidance regarding the interaction between PACR and HARP and DHS’s recently implemented Asylum Cooperation Agreements with Central American countries.

⁵ See First Amended Complaint, *Las Americas v. Wolf*, 1:19-cv-03640 (D.D.C. Dec. 5, 2019) (online at www.aclutx.org/sites/default/files/aclu_complaint_expedited_removal_program_pacr_harp.pdf).

⁶ *Id.*

⁷ *Id.*

5. The total number of individuals subjected to PACR and HARP in each sector and breakdown of this number by nationality, gender, and age.
6. The total number of family units subjected to PACR and HARP in each sector and a breakdown of this number by nationality.
7. The number of individual and family units subjected to PACR and HARP that passed credible fear screening interviews, the number of negative decisions upheld by immigration judges, and the outcomes of cases (i.e. the number of deportations and number of release or transfers to ICE custody).

Thank you for your attention to this urgent matter.

Sincerely,



Joaquin Castro
Chairman
Congressional Hispanic Caucus



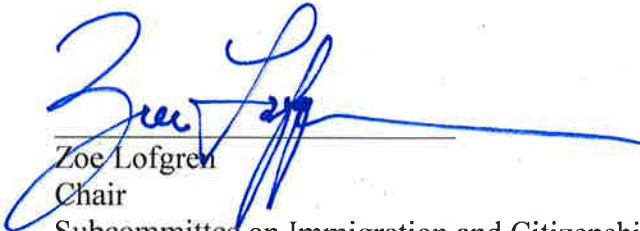
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