



PRESS RELEASE

Attorney General Frosh Continues Opposition to Federal Rule Restricting Asylum Access

BALTIMORE, MD (October 15, 2019) – Maryland Attorney General Brian E. Frosh today joined a multistate coalition in opposition to the Trump administration’s rule illegally limiting access to the asylum process. Under the rule, most individuals entering the United States at the southern border are no longer able to seek asylum, unless they applied for and were denied protection in at least one other country prior to their arrival. In an [amicus brief](#), the attorneys general urge the U.S. Court of Appeals for the Ninth Circuit to uphold the District Court’s preliminary injunction that prevented the rule from going into effect.

“This rule essentially criminalizes those who seek asylum in the United States,” said Attorney General Frosh. “Its purpose seems to be to instill fear in those who are already fleeing violence and persecution.”

In the brief, the attorneys general argue that the rule significantly departs from core values enshrined in federal law and harms asylum-seekers and the states that welcome them. The rule forces asylum-seekers to go through what is likely a fruitless asylum process in another country before they are eligible for asylum in the United States. This unnecessarily subjects asylum-seekers to peril and trauma, and could encourage individuals and families to enter the United States undetected.

The rule will have a particularly negative effect on unaccompanied children, LGBTQ applicants, and women, for whom applying for asylum in a third country is extremely dangerous. Two-thirds of LGBTQ Central American asylum-seekers reportedly suffer sexual violence while traveling through Mexico, and children in Guatemala are frequently targets of recruitment by criminal gangs.

In promulgating this rule, the Trump administration also failed to provide adequate notice, in violation of the Administrative Procedure Act.

In a September decision, the U.S. Supreme Court stayed the District Court’s nationwide preliminary injunction pending the proceedings that are currently before the U.S. Court of Appeals for the Ninth Circuit, allowing the rule to be in effect while the case is litigated.

Attorney General Frosh previously signed on to a comment letter dated August 15, 2019, to the U.S. Department of Justice opposing this rule, *Asylum Eligibility and Procedural Modifications*. In filing today’s amicus brief, Attorney General Frosh is joined the attorneys general of

California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.