

**IACHR 186th Period of Sessions
Civil Society Meeting: The Human Rights Situation in the United States
March 10, 2023**

**Testimony of Blaine Bookey
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Esteemed Commission. My name is Blaine Bookey, and I am here representing the Center for Gender and Refugee Studies.

I am grateful for the opportunity to speak regarding the fundamental human right to seek asylum in the United States from persecution and torture, a right recognized in [Inter-American law](#), which is at grave risk in this country and with global implications.

As several Commissioners heard during yesterday's [hearing](#) on the ongoing, shameful deportations to Haiti, the U.S. government recently announced its intention to adopt a new [rule](#) that would bar from asylum those who enter the U.S. without having first applied for asylum in Mexico or another country through which they traveled—regardless of whether those countries are safe or even have the capacity to hear their claims.

The new rule would apply unless they are able to make an advanced appointment through [an app](#) on their phone. That is of course if they have a smartphone, can read and understand the language the app is offered in, and, most importantly, if they can even secure one of the extremely limited appointments available each day, which go faster than tickets to Taylor Swift.

This may sound eerily similar to the Trump administration's policies that were [struck down](#) as unlawful by multiple U.S. federal courts. That's because it is—despite the government's claims to the contrary. Make no mistake: this new rule constitutes an [asylum ban](#) that would result in [violations](#) of the bedrock principle of nonrefoulement and result in [family separation](#). In fact, the stated purpose of this rule has nothing to do with whether individuals barred from asylum under it have any diminished fear of being raped, beaten or killed if returned to their home countries. Instead, it has everything to do with the [failed politics](#) of deterrence.

We support the administration's initiative allowing new [pathways](#) for certain citizens of four countries in the Americas to reach the U.S. without having to make a dangerous journey on foot. But these extremely limited pathways *are* not and *should* not be considered a substitute for the right to seek asylum.

What is most concerning is that the U.S. approach flies in the face of the [Los Angeles Declaration on Migration and Protection](#) adopted at last year's Summit of the Americas, by

offloading our protection obligations onto our neighbors to the south. Former presidents of [Costa Rica](#) and [Colombia](#) have spoken out against the proposed rule precisely because it will increase the burden on their countries that have already shouldered a disproportionate share of refugees traveling in the region.

The government's proposed policy, requiring individuals to register on a [smartphone app](#), makes a mockery of asylum. [Leading members](#) of [Congress](#) have called on the administration to reverse course.

Last weekend, I spoke with more than 200 asylum seekers languishing in Tijuana, Mexico. None had been able to successfully schedule an appointment for themselves or their entire family, with many families forced to separate to improve their chances. Two examples illustrate the scenario:

- A Haitian couple showed up at the border with an appointment notice that did not list their young child; a border official callously told them their only options were to send one parent through, forgo the appointment, or leave the child behind. They have yet to be able to reschedule the family together.
- A Cuban family missed their scheduled appointment because, while waiting in Mexico, they were kidnaped and held for ransom during which time the kidnappers repeatedly raped the mother. Unable to reschedule, the family fears the mother—who is also suffering from advanced cervical cancer—will die before they have the opportunity to reunify with family in the United States.

We are at a critical moment: the government is accepting [public comment](#) on the proposed rule through March 27. As this body has done before, we urge the Commission to express its concern regarding this policy undermining asylum as a violation of international law. Policies such as these must be universally rejected if the right to seek asylum is to have any worth beyond the written word.

In conclusion, I echo the demands of my colleagues here today regarding the need for additional [oversight](#) of the United States' compliance with its human rights obligations, with civil society participation.