

Supplement to Petition Concerning Asylees and Refugees:

Prompt Asylum Claim Review (PACR) and Humanitarian Asylum Review Process (HARP) Programs

Individuals who are not subject to the *Migrant Protection Protocol* (The Remain in Mexico Program) are generally placed in “expedited removal” at the border. Under this process, people who express a fear of returning to their home country are generally sent to ICE detention, where they are interviewed by an Asylum Officer to determine if they have a “credible fear” of persecution. While awaiting this interview, individuals are permitted by law to gather evidence, contact an attorney, and consult with anyone of their choice so long as that would not unreasonably delay the process.

If the officer determines that an asylum seeker’s fear is credible, they are placed into removal proceedings where they can file an asylum application in front of an immigration judge. If the asylum officer determines that a person does not have a credible fear of persecution, that decision can be appealed in front of an immigration judge. Individuals determined not to have a credible fear of persecution may then be deported to their home country.

In late October 2019, United States Customs and Border Patrol (CBP) began two pilot programs in El Paso: the *Prompt Asylum Claim Review* (PACR) program and the *Humanitarian Asylum Review Process* (HARP). The HARP program applies to Mexican nationals, and the PACR program applies to non-Mexican nationals. Although they bear different names and apply to different populations, the programs operate almost identically.

Under both programs, individuals are never transferred to ICE detention. Instead, they remain locked in CBP short-term detention facilities throughout the entire expedited removal process. People in these programs are given only 30 minutes to an hour to contact a lawyer or family members before the credible fear interview, and are not permitted any further phone calls outside of CBP detention. If they do not pass the credible fear interview, the immigration judge appeal occurs over the telephone.

Although CBP is not supposed to hold anyone in custody for more than 72 hours, individuals put through the PACR and HARP programs are often held for a week or longer. During this time, individuals may be forced to sleep on the floor for days at a time in freezing cells with limited access to hygiene and inadequate food and water.

The brief phone call is often the only opportunity asylum seekers are given to contact anyone for support. Lawyers who represent people placed into these programs say that they are not permitted to talk to their clients during this process, unless their client can contact them during the brief period where they are permitted to use the telephone. Asylum seekers may also be unable to access evidence in their belongings, which are usually locked up while they remain in CBP custody.

On December 31, 2019, the PACR and HARP programs were expanded to the Rio Grande Valley Sector. The Department of Homeland Security (DHS) indicated at the end of December that more than 1,000 people had already been put through the programs. In February 2020 Acting Director Cucinelli said the program was operational across the border.

The information regarding these programs originated from documents at the links below:

American Immigration Council’s “**Policies Affecting Asylum Seekers at the Border**” Fact Sheet, January 29, 2020, located at <https://www.americanimmigrationcouncil.org/research/policies-affecting-asylum-seekers-border>.

Roll Call's "**DHS expands programs that fast-track asylum process**" article, February 26, 2020, located at <https://www.rollcall.com/2020/02/26/dhs-expands-asylum-programs-that-fast-track-deportations/>