

## Lawsuit Demands Information on the Expansion of CBP's Role in the Screening of Asylum Seekers

WASHINGTON - The American Immigration Council and Tahirih Justice Center filed a Freedom of Information Act [lawsuit](#) today in federal court to compel the government to release records about the Trump administration's troubling new practice of allowing Customs and Border Protection officers to screen individuals seeking asylum in the United States. The lawsuit seeks these documents to shed light on changes to the asylum screening process, CBP's role in conducting interviews and making determinations regarding an asylum seeker's "credible fear" of persecution, and the measures taken by CBP, U.S. Citizenship and Immigration Services and the Department of Homeland Security to implement this new practice.

"Credible fear" interviews mark the first step in the lengthy [asylum process](#) and serve as a threshold screening to provide asylum seekers an opportunity to recount details of their fear of persecution. Congress intended this screening to serve as a safeguard to summary removal for asylum seekers. For decades, these interviews have been conducted by a corps of USCIS asylum officers, trained specifically to determine asylum claims, including the handling of sensitive matters.

According to media reports and immigration advocates on the ground, the government has begun to replace experienced USCIS asylum officers with officers from CBP—a law enforcement agency with a history of abuse and misconduct towards asylum seekers—in the credible fear screening process. This expansion of CBP's role, which has occurred outside the public eye, threatens to undermine the asylum vetting process that ensures the protection of individuals fearing persecution, torture, or death in their countries of origin.

The lawsuit, filed in the U.S. District Court for the District of Columbia, challenges the failure of CBP, USCIS, and DHS to disclose critical information—in response to FOIA requests submitted in May, July, and August—about changes in the asylum screening process, and the decision to replace experienced USCIS asylum officers with CBP officers in this process.

"This troubling transfer of functions in the asylum screening process has been shrouded in secrecy and is exactly the type of government operation that warrants public scrutiny," said Claudia Valenzuela, FOIA attorney at the American Immigration Council. "When federal law enforcement officers who are historically hostile to asylum claims take on the role of asylum screeners, we must press the government to explain itself."

"Using Border Patrol officers—CBP's federal law enforcement arm—to conduct credible fear interviews wrongly puts the fate of survivors of gender-based violence, and other asylum seekers, in the hands of law-enforcement officials who do not have expertise in asylum law. The public deserves to know the details of this latest attack on the asylum system, which severely hinders the ability of asylum seekers to meaningfully present their claims in immigration court," said Richard Caldarone, litigation counsel at the Tahirih Justice Center.

A copy of the complaint is [here](#).

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*The [American Immigration Council](#) works to strengthen America by shaping how America thinks about and acts towards immigrants and immigration and by working toward a more fair and just immigration system that opens its doors to those in need of protection and unleashes the energy and skills that immigrants bring. The Council brings together problem solvers and employs four coordinated approaches to advance change—litigation, research, legislative and administrative advocacy, and communications. Follow the latest Council news and information on [ImmigrationImpact.com](#) and Twitter [@immcouncil](#).*

The [Tahirih Justice Center](#) is the largest national direct service and policy advocacy organization focused on assisting immigrant women and girls fleeing violence. We elevate their voices in communities, courts, and Congress to create a world where women and girls enjoy equality and live in safety and with dignity. Follow the latest updates from Tahirih on [Facebook](#), [Twitter](#), and [Instagram](#).