

Tahirih Explains: “Safe Third Country” Rule

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BACKGROUND

In 2019, the United States signed Asylum Cooperative Agreements, commonly known as “safe third country” agreements, with Guatemala, Honduras, and El Salvador. Under these agreements, an individual seeking asylum in the United States can be denied protection and removed to any of the partner countries, regardless of whether they have ever been to that country before. A subsequent rule published by the Department of Homeland Security (DHS) and the Department of Justice (DOJ) established procedures for removing asylum seekers from the U.S. to a “safe third country.”

This “[safe third country rule](#)” severely limits legal protections for survivors of gender-based violence, denying them relief to which they are entitled under U.S. and international law. It puts lives at risk, sending asylum seekers to countries that many have never seen before, that are by no means “safe” for survivors of gender-based violence, and that have no capacity to process their asylum claims once they arrive.

FULL IMPLEMENTATION WOULD EFFECTIVELY END ASYLUM

Before an asylum seeker ever has a chance to show why they fear violent persecution in their home country, the rule instructs U.S. officials to evaluate whether the individual can be removed to any “safe third country.” If the officer determines that the individual can be removed, they **immediately become ineligible for asylum and other protections in the United States**. Given the rule’s broad applicability, its full implementation would effectively end asylum in the U.S.

IS THERE ANY WAY TO AVOID REMOVAL?

To avoid removal to a partner country, an asylum seeker would have to prove that they are likely to be persecuted or tortured there. They would have to prove this without any time to prepare or gather evidence, and with no access to an attorney – a nearly impossible hurdle to overcome.

What’s more, the asylum seeker would have to prove that they meet this exception for *every single country* with which the United States has an agreement. Otherwise, they are denied protections and sent away – possibly to face torture and persecution in a country they have never seen before.

“The rule flatly violates U.S. immigration law, makes a mockery of U.S. treaty obligations, runs roughshod over the due process rights of asylum seekers, and will force countless individuals to face persecution, torture, and death.”

– Richard Caldarone, Tahirih Litigation Counsel