

March 18, 2021

The Honorable Alejandro Mayorkas
Office of the Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas,

We, the undersigned Members of the House of Representatives, were original sponsors of the U.S. Citizenship Immigration Act of 2021. We were proud to introduce this legislation, a “big, bold and inclusive version of immigration reform.” The bill provides a roadmap to citizenship for undocumented individuals, prioritizes family reunification, addresses the root causes of migration from Central America, recognizes the key role that immigrants play in our economy, modernizes border security through the effective use of technology and addresses the Immigration Court backlog.

However the legislation does not address the **backlog of over 370,000 affirmative asylum cases** that are currently pending with the U.S. Citizenship and Immigration Services. Many affirmative asylum applicants are survivors of torture, some who have been waiting six to eight years in turn for their asylum interviews. These extraordinary delays in having their cases heard, often result in these persecuted survivors spending years working at low-paying jobs on temporary work permits, living in uncertainty and in fear for their lives if they are sent back to their countries.

It is not uncommon for survivors to experience difficulty healing from their trauma. They continue to feel unsafe and encounter major depression, including suicidal ideation, struggling with survivor’s guilt as they pine for their spouses and children left behind. This grief is more complicated because they have no closure and remain in an extended period of restriction and uncertainty.

Asylum seekers who are torture survivors from Uganda, Eritrea, Cameroon, and Kenya report that their spouses, children or siblings continue to face death threats, have been tortured or murdered, their wives or siblings raped and children kidnapped – these are ways that repressive regimes punish the families of asylum seekers who have criticized them. The prolonged wait time for initial asylum interviews in these extreme cases has added to the danger and vulnerability of derivative asylum seekers (spouses and children) who remain behind in hiding, awaiting passage to safety.

Some of these survivors are:

- **David**, a journalist and member of the LGBT community from Uganda. He was persecuted and his life was in danger after he was discovered to be gay. His heart is broken because he had to leave his young children behind, fearing their safety and missing the precious years of their growth and development. David fears that his relationship with his children will suffer as the years pass and he waits for his asylum case to conclude. He has been separated from his children for more than five years with only intermittent phone or televideo connectivity in his home country.
- **Daniel**, an engineer from Cameroon who ran for City Council in Yaounde, Cameroon’s capital city. He was accused of being a “subversive” and was brutally tortured by the Cameroonian regime because he represented the Cameroon Renaissance Movement, the major political opposition party. Daniel’s wife and ten-year old daughter had to flee Yaounde and are hiding in

northern Cameroon, where militants from the Boko Haram terrorist group are active. He applied for asylum in 2015 and has been waiting over five years for his interview.

- **Genet**, a torture survivor from Ethiopia who defected at Dulles Airport in 2014. She was a talented 17-year old sprinter on her way to Eugene, Oregon with the Ethiopian National Team to compete in the junior world championships. If she won, she might have qualified to compete in the Olympics. But Genet decided to give up her Olympic Dream to seek protection in the United States. She applied for asylum in 2015 and has been waiting six years for her asylum interview. Her story was featured in the Washington Post:
https://www.washingtonpost.com/sports/running-for-their-lives-ethiopians-seek-a-safer-track-in-washington/2015/09/26/578ef736-5d52-11e5-8e9e-dce8a2a2a679_story.html .
- **Joseph**, a civil/environmental engineer from Cameroon, who fled his country as a result of his sexual orientation and gender identity. He and his friends were celebrating a birthday when homophobic neighbors called the police to report that a “homosexual party” was taking place. Joseph and his friends were physically assaulted by the authorities. Exposed and persecuted, Joseph had to flee or risk being jailed and tortured. His mental health has deteriorated over the past five years as his life hangs in limbo and uncertainty. Despite completing his gender affirming transition recently, he continues to feel trapped “like I am in jail” without the ability to settle in safety. He feels vulnerable as an asylum seeker even in the US after having a frightening encounter with ICE officials when he was travelling for a work assignment between San Diego and Los Angeles, despite having his valid work authorization and CA Driver’s license.
- **Sophie**, a survivor of Female Genital Mutilation/Cutting (FGMC) and an advocate for women’s rights from Burkina Faso. Her advocacy was seen as threatening and even subversive by the government. Sophie was forced to send her daughters to a neighboring country for their safety. She has been separated from her daughters for over six years without an initial asylum interview. Sophie suffers from multiple physical difficulties as well as chronic nightmares and survivor guilt, wondering if she is a “bad mother” for seeking protection in the U.S.

Some torture survivors and other affirmative asylum seekers are doctors and nurses, including a medical doctor and epidemiologist living in Maryland who worked on a clinical trial for remdesivir, the anti-viral medication used to treat severe cases of Covid-19. Many others are members of the LGBTQ community who have been targeted for death in their homeland by the government, the community and even their families.

Before January 2018, USCIS scheduled initial interviews for asylum seekers based on the First-In, First Out (FIFO) system; those who applied first would be interviewed before those who applied after them. In January 2018, the Trump Administration decided to prioritize initial interviews for new arrivals; its goal was to reject many of these cases as frivolous in order to quickly deport the applicants.

This change has caused enormous suffering for torture survivors like David, Daniel, Genet, Joseph, Sophie and other affirmative asylum seekers. They have literally been pushed to the “back of the line,” behind other asylum seekers who applied in 2019 or 2020. Many torture treatment centers in the U.S. have seen their clients who applied for asylum between 2014 and 2018 still waiting for their initial interview. At the same time, other asylum seekers who applied after 2019 were scheduled for interviews.

Fortunately the solution to the years-long delays endured by affirmative asylum seekers can be resolved administratively by USCIS without any need for new legislation. We are asking USCIS to take a few straightforward administrative steps to reduce the affirmative asylum backlog:

- Assign a specific number of Asylum Officers to interview exclusively affirmative asylum applicants. Hiring more officers to interview these applicants could reduce the backlog even more quickly.
- Return to the pre-Trump system of scheduling interviews with asylum seekers in the order that their applications are filed. Returning to the First-In, First-Out system (FIFO) would be a fair and more humane way of adjudicating asylum cases.
- Reinststitute the Affirmative Asylum Scheduling Bulletin, which gives asylum seekers an idea about when they might expect their interview.

We appreciate your consideration of these administrative changes which will help improve the asylum system by making it fairer for torture survivors and other vulnerable affirmative asylum seekers.

Sincerely,