THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

October 23, 2020

Department of Justice, Executive Office for Immigration Review
Via electronic submission

Re: Procedures for Asylum and Withholding of Removal
EOIR Docket No. 19-0010, RIN 1125-AA93 A.G. Order No. 4843-2020

The City of New York ("the City") submits this comment to oppose the Department of Justice ("DOJ"), Executive Office for Immigration Review's ("EOIR") proposed rule entitled "Procedures for Asylum and Withholding of Removal," which was published in the Federal Register on September 23, 2020 ("Proposed Rule"). The Proposed rule joins a series of proposed regulations by this federal administration that seeks to undermine meaningful access to asylum and withholding of removal.[1] As with these other barriers to accessing humanitarian relief, this rule will have a detrimental impact on the City by further compromising immigrant New Yorkers' access to statuses and benefits they deserve and undermining public trust in the legal system.

The New York City Mayor's Office of Immigrant Affairs ("MOIA"), the Department of Social Services ("DSS"), and the Mayor's Office to End Gender Based Violence ("ENDGBV") contributed to this comment. MOIA promotes the wellbeing of the City's immigrant residents through programs, policy recommendations, and community engagement efforts that facilitate their successful integration into the civic, cultural and economic life of New York. Using this multipronged approach, MOIA works to eliminate barriers to opportunity, promote immigrant rights, expand civic engagement, and further the empowerment of immigrant New Yorkers. This includes supporting immigrant access to justice. DSS includes the City's Office of Civil Justice, which operates a range of City-funded immigration legal services programs for thousands of immigrants in New York City, including legal services for immigrants in cases in the immigration courts. Recognizing that acts of gender-based violence, including sexual abuse, human trafficking, stalking and domestic violence are public health issues that impact the safety and well-being of all New Yorkers, ENDGBV was created to develop policies and programs, provide training and prevention education, conduct research and evaluations, perform community outreach, and

[1] *See, e.g.*, Comment in opposition to Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review, 85 FR 36264 (Jun. 15, 2020) at https://www1.nyc.gov/assets/immigrants/downloads/pdf/comments/Procedures-for-Asylum-and-Withholding-of-Removal-Credible-Fear-and-Reasonable-Fear-Review-NYC-MOIA-Comment.pdf; Comment in opposition to Procedures for Asylum and Bars to Asylum Eligibility, 84 FR 69640 (Dec 19, 2019) at https://www1.nyc.gov/assets/immigrants/downloads/pdf/comments/NYC-Comment-Procedures-for-Asylum-andBars-to-Asylum-Eligibility.pdf; Comment in opposition to Asylum Application, Interview, and Employment Authorization for Applicants, 84 Fed. Reg. 62374 (Nov. 14, 2019) at https://www1.nyc.gov/assets/immigrants/downloads/pdf/comments/DHS-Docket-No-USCIS-2019-0011-NYCComment.pdf.

coordinate service delivery for survivors and their families. ENDGBV collaborates with City agencies and community stakeholders to ensure access to inclusive services for survivors of domestic and gender-based violence, particularly immigrant survivors and vulnerable populations.

The City has taken great strides to support those fleeing persecution as they establish safe, stable homes here,[2] and, as such, we have a vested interest in ensuring that those seeking humanitarian protection have effective legal support in navigating an ever-changing and complicated system, and that the legal process is fair. The City objects to the Proposed Rule, because it would severely hamper the effective delivery of our legal services, and unfairly tilts the asylum hearing process in favor of the government in many ways, including by: establishing a 15-day filing deadline for asylum applications, making it extremely difficult to obtain counsel; changing the standard on what would constitute an "incomplete" application and setting a 30-day timeline for correcting any errors or risk waiving the right to claim asylum; creating a double standard for country conditions evidence produced by the government versus any other sources; and changing the role of the immigration judge by allowing judges to submit their own evidence in asylum proceedings. For these reasons and those elaborated upon below, we call upon the DOJ to immediately withdraw the Proposed Rule.

New York City has a strong vested interest in helping its noncitizen residents legalize their status.

New York City's strength and vibrancy comes from being the quintessential city of immigrants, and the success of our immigrant population directly affects how the City grows and thrives. Immigrants make up almost 40 percent of the total population, and nearly 60 percent of New Yorkers live in households with at least one immigrant.[3] This is in addition to 1 million New York City residents who live in mixed-status households.[4] Immigrants make up more than half of our frontline workers risking their health to make sure the City keeps moving.[5] Moreover, over 25 percent of food and drug store employees, 22 percent of social service workers, and 36 percent of cleaning service employees are noncitizens.[6] Recognizing this simple truth, the City has created inclusive programs and policies to serve all New Yorkers.

Given this reality, any attack on immigrants is a risk to the City as a whole. This is especially true when a policy targets vulnerable populations like asylum seekers. For this reason, the City has consistently fought to support immigrants, including those fleeing traumatic experiences in their home countries, establish new homes in the City.[7] A significant proportion of

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[2] *See e.g.*, *Mayor de Blasio Says NYC Will Welcome Refugees*, NBC NEW YORK, Nov. 17, 2015, https://www.nbcnewyork.com/news/local/syria-refugee-new-york-mayor-bill-de-blasioimmigrant/1274304/; Bill de Blasio, Anne Hidalgo, Sadiq Khan, *Our Immigrants, Our Strength*, NEW YORK TIMES, Sep. 20, 2016, https://www.nytimes.com/2016/09/20/opinion/our-immigrants-our-strength.html.

[3] New York City Mayor's Office of Immigrant Affairs, *State of our Immigrant City: Mayor's Office of Immigrant Affairs (MOIA) Annual Report for Calendar Year 2019*, 12, *available at* https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf.

[4] *Id*. at 17. Mixed-status household is defined as households where at least one undocumented person lives with other people who have legal status.

[5] City of New York Office of the Comptroller, *New York City's Frontline Workers*, Mar. 2020, *available at* https://comptroller.nyc.gov/reports/new-york-citys-frontline-workers/#Who_are_our_Frontline_Workers.

[6] *Id*.

[7] *See supra* note 2.

those individuals granted asylum in any given year reside in the City and New York State. In FY17, 1,510 individuals granted affirmative asylum resided in the State.[8] The City has invested millions of dollars in the provision of immigration legal services, including for humanitarian relief, because we know that immigration, adjustment of status, and naturalization have benefits for all New Yorkers. Naturalization, for example, increases annual earnings and increases tax revenues for federal, state, and city governments,[9] and is one of the tools that the City can use to combat poverty.[10]

The Proposed Rule will make it more difficult for vulnerable populations to receive the protections of asylum and work toward naturalization, in contravention of international law, long-standing federal law and policy, and the City's investments. The Proposed Rule is just one of many this federal administration has introduced to try to dismantle the asylum system,[11] and reflect a broader trend toward restricting and reducing asylum more generally.[12] Taken in conjunction with these recently proposed changes, the Proposed Rule represents a shameful attack on vulnerable individuals who are desperately seeking refuge in the U.S.

Additionally, the Proposed Rule would significantly impact the number of vulnerable New Yorkers eligible to receive benefits under Permanent Residence Under Color of Law ("PRUCOL"), a category which includes those with pending asylum applications awaiting a determination on their case. The drastic deadline changes provided by the new Proposed Rule make it significantly more onerous on applicants to meet these deadlines and nearly impossible to do so effectively without the help of representation. Under these conditions, many vulnerable New Yorkers who would previously have been eligible for benefits critical to their wellbeing and survival would be left unable to apply or receive them.

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[8] Nadwa Mossad, Refugees and Asylees: 2017, DHS Off. of Immig. Statistics (Mar. 2019), *available at* https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2017.pdf. In addition, the State and City are major destinations for children asylum seekers. In FY18, 2,837 unaccompanied immigrant children were released from federal custody to adult sponsors in the State, more than the vast majority of other states. Off. of Refugee Resettlement, Unaccompanied Alien Children Released to Sponsors by State (last updated Nov. 29, 2018), *available at* https://tinyurl.com/UAC-state.

[9] María E. Enchautegui & Linda Giannarelli, *The Economic Impact of Naturalization on Immigrants and Cities* (2015), *available at* https://www.urban.org/sites/default/files/publication/76241/2000549-The-Economic-Impact-of-Naturalization-on-Immigrants-and-Cities.pdf.

[10] OneNYC, *OneNYC 2050: Building A Strong and Fair City*, 19 (2020), *available at* https://onenyc.cityofnewyork.us/wp-content/uploads/2020/01/OneNYC-2050-Full-Report-1.3.pdf.

[11] As just one example, EOIR Dkt 18-0002 proposed in June makes it much easier for asylum officers and immigration judges to deem applications "frivolous," a finding which carries the enormous penalty of barring any other future immigration relief. It would find that an asylum seeker has made a "frivolous application" if such application is "filed without regard to the merits of the claim" or prohibited by "applicable law." *See* 85 FR 36264, 36295.

[12] Asylum grant rates in immigration court for 1st quarter FY 2020 has fallen by almost 37% since FY 2016 (40% lower than average in Obama & Bush administrations). *See* Eleanor Acer & Kennji Kizuka, Human Rights First, *Fact Sheet: Grant Rates Plummet as Trump Administration Dismantles U.S. Asylum System, Blocks and Deports Refugees*, Jun. 11, 2020, *available at* https://www.humanrightsfirst.org/resource/grant-rates-plummet-trumpadministration-dismantles-us-asylum-system-blocks-and-deports.

New York City is proud to be a city that so many immigrants call home and recognizes that asylum-seekers may be in need of support from the social safety net in the form of emergency food and shelter. Instead of working to expedite the process, so that asylum-seekers can support themselves and their family members, the Proposed Rule intentionally severely limits the ability of would-be asylum-seekers to submit asylum applications and ultimately eliminates their eligibility to enter the work force and would be a drastic departure from longstanding policy.

New York City has a strong and vested interest in protecting the efficacy of its investment in legal services.

As noted above, the City has invested tens of millions of dollars in immigration legal services in order to help immigrant New Yorkers access immigration benefits to which they are entitled, which in turn has beneficial effects for the City as a whole. The Proposed Rule would dilute this investment by creating artificial deadlines for asylum cases, which will make it harder for these providers to take on new asylum cases and reducing legal services capacity for non-asylum cases.

By adding a 15-day deadline from the date of the noncitizen's first hearing to file an application for asylum and withholding of removal, and by imposing a 180-day adjudication deadline for immigration judges, the Proposed Rule will wreak havoc on the City's legal services investment.[13] These deadlines, especially the extremely short deadline for filing a complete application, will upend our providers' case management processes and make representation virtually impossible during the preliminary stages of a case, given the backlogs that our providers face.

The 15-day deadline is particularly worrisome given how lengthy and incredibly complex the asylum application is.[14] Further, this deadline is made even more punitive when taken together with the Proposed Rule's changes to what constitutes a "complete" application and the penalties asylum seekers would face for an "incomplete" application. Although asylum applicants will now have to rush to complete their applications within just two weeks, even small mistakes or omissions[15] may lead to the court deeming their applications incomplete. Once an immigration judge finds an application "incomplete," the applicant will now only have 30 days to make all the necessary corrections; otherwise, the applicant will be considered to have abandoned her

[13] Currently a limited subset of asylum-seekers are subject to asylum-only proceedings. But under proposed 8 C.F.R. § 208.2(c)(3)(i) and 8 C.F.R. § 1208.2(c)(3)(i), *see* 85 Fed. Reg. 36264, any asylum seeker who is put through expedited removal and passes a credible fear interview would be placed in asylum-only proceedings. In combination, the expansion of asylum-only proceedings and the new 15-day deadline for those in these proceedings would represent a sea-change for tens of thousands of asylum seekers. The Proposed Rule is conspicuously silent on how the new deadline would affect asylum seekers, legal service providers, or court operations.

[14] The I-589 is currently 12 pages long. Under the changes contemplated in the June 15, 2020 Procedures for Asylum and Withholding of Removal proposed rule, the I-589 will increase to 16 pages and would include questions requiring sophisticated legal analysis. *See* Docket EOIR-2020-0003, I589-FRM Global Asylum NPRM, posted Jun. 15, 2020, *available at* https://www.regulations.gov/document?D=EOIR-2020-0003-0002.

[15] Catherine Rampell, *The Trump Administration's No-Blanks Policy Is the Latest Kafkaesque Plan Designed to Curb Immigration*, THE WASHINGTON POST, Aug. 6, 2020, www.washingtonpost.com/opinions/the-trump-administration-imposes-yet-another-arbitrary-absurd-modification-to-the-immigration-system/2020/08/06/42de75ca-d811-11ea-930e-d88518c57dcc_story.html.

application, waiving the ability to seek asylum. The logical result of this Proposed Rule will be that those fleeing persecution will be denied a meaningful opportunity to apply for asylum and meritorious applications being rejected.

The Proposed Rule offers no reasoned justifications for these drastic deadlines and offers no analysis of how such truncated timelines will affect asylum applicants' ability to find legal representation. Instead, the DOJ amazingly claims that the imposition of a time limit will help those with meritorious claims. Such a bald-faced lie would be laughable if it were not so calculatedly cruel. The DOJ claims that delaying filing of the claim risks delaying protection or relief for meritorious claims and increases the likelihood that important evidence, including personal recollections, may degrade or be lost over time. This is, at best, only partially true in the abstract sense. Of course, if an asylum claim languishes for several years, the asylum-seeker with a meritorious claim will be harmed, and important evidence may be lost. But some of the important evidence that the DOJ is so concerned about losing—such as documentation from often hostile or unstable countries—take significantly longer than two weeks to gather. Further, given the complexity of asylum laws and the rapidly changing standards, including those contained in the June 15, 2020 rule making it easier to find "frivolous" applications, imposing such drastic deadlines will make it impossible for some individuals to procure the legal help they need to seek asylum.

This truncated timeline creates an impossible choice for our providers and will reduce the impact of the City's investments. Providers must either significantly restructure their intake processes, which will divert resources away from representation, or stop taking on new asylum cases, which will defeat the purpose of the City's investments. Moreover, the rushed timeline will create additional burdens for our providers. Because of the urgency required in asylum cases, current clients with asylum cases will have to be prioritized over those clients whose applications for other forms of relief would otherwise be addressed first. But this shifting of resources and time will affect the efficient allocation of cases, which may lead to increased backlogs.

The DOJ also argues that without such a deadline for the asylum application, there is a risk that applicants may simply delay proceedings, resulting in inefficiency. Even assuming that the premise of the argument is true, this argument focuses on the risk of delay but fails to recognize the risk in imposing this deadline: that valid applications will not be filed because of a lack of representation, and that vulnerable individuals will be sent back to their home countries to face government sanctioned brutalities against themselves and/or their families or possible death. Moreover, "efficiency" is an empty justification because it does not demand the solution outlined in the Proposed Rule. For example, if the DOJ created a presumption that applicants are entitled to asylum, that would also reduce the possibility of delayed proceedings. The fact that the DOJ does not address this shows the truth: the DOJ would rather send ten individuals to their death than allow for one individual to make a false asylum claim.

Finally, the DOJ claims that the deadline is consistent with existing regulations. This argument is puzzling. One citation in particular reveals the inability of the DOJ to recognize the needs of immigrants. The DOJ cites the regulatory directive in 8 CFR 1208.5(a) that asylum applications filed by detained noncitizens are to be given expedited consideration as evidence that a deadline is appropriate for all asylum seekers. But that regulation is necessary not because of

general concerns about "efficiency" but because administrative delays in asylum processing cannot be used as an excuse for indefinite detention. Moreover, that section of the CFR is clearly imposing requirements on the government, not on individuals in custody seeking asylum.

This Proposed Rule compromises our legal system's fairness and impartiality.

The Proposed Rule undermines fairness in the immigration legal system in fundamental ways that disadvantage immigrants fleeing persecution. By creating different standards for the evaluation of country conditions evidence, the DOJ will severely compromise asylum seekers' ability to meet their burden of proving they would face persecution if returned to their country and obtain life-saving relief. Moreover, this Proposed Rule would inappropriately alter an immigration judge's role in immigration legal proceedings: rather than remain a neutral arbiter, this rule would give judges authority to supplement the record with their own evidence and essentially become an interested party in these proceedings.

8 CFR § 1208.12 as written does not create a hierarchy of credible sources. The regulation gives adjudicators the ability to consider and give equal weight to a myriad of supporting evidence, including "material provided by the Department of State, the Office of International Affairs, other Service offices, or other credible sources, such as international organizations, private voluntary agencies, news organizations, or academic institutions." This non-exhaustive list benefits asylum seekers by giving them the flexibility to use as many supporting documents as possible to substantiate their claim. Since many people flee their country without having the time or ability to collect necessary documents, this ability to lean on governmental and NGO reports, as well as newspapers and other media to corroborate their asylum claims is crucial.

Under the Proposed Rule, there would be two different standards for determining the credibility of evidence that has historically been deemed equally credible and probative in asylum proceedings. Immigration judges would be able to rely on country conditions reports provided by the U.S. government without having to conduct a secondary analysis of their credibility while non-governmental sources or reports conducted by foreign governments would be subject to a secondary analysis to determine if "those sources are …credible and probative" in order to be considered. This new standard wrongfully assumes that U.S. governmental sources are inherently more credible despite the fact that, over the last few years, Department of State ("DOS") country conditions reports have been subject to politicized modifications by this federal administration.[16] Revising the standard for an immigration judge's consideration of information from non-governmental sources inappropriately slants the scales in favor of governmental reports, which

[16] *See, e.g.*, Amanda Klasing & Elisa Epstein, Human Rights Watch *US Again Cuts Women from State Department's Human Rights Report*, Mar. 13, 2019, *available at* www.hrw.org/news/2019/03/13/us-again-cuts-women-state-departments-human-rightsreports; Tarah Demant, Amnesty International *A Critique of the US Department of State 2017 Country Reports on Human Rights Practices*, May 8, 2018, *available at* https://medium.com/@amnestyusa/a-critiqueof-the-us-department-of-state-2017-country-reports-on-human-rights-practices-f313ec5fe8ca; Nahal Toosi, State Department Report Will Trim Language on Women's Rights, Discrimination, Politico, Feb. 21, 2018, https://www.politico.com/story/2018/02/21/department-women-rights-abortion-420361 (reporting that "State Department officials [were] ordered to pare back passages in a soon-to-be-released annual report on global human rights that traditionally discuss women's reproductive rights and discrimination.").

will likely lead to an incomplete and partial analysis of the conditions in applicants' home countries.

As the immigration legal system continues to get politicized, it is important to maintain the few safeguards and standards that exist with respect to application processes, evaluation of supporting evidence, and judicial neutrality. The Proposed Rule would result in a fundamental imbalance of power in a legal proceeding by allowing the executive branch to not only prosecute cases (DHS) and adjudicate them (EOIR), but also be the preferred source of evidence (DOS and other reports). This imbalance of power on its own already unfairly tips the scales in favor of DHS, a party in all of these adversarial proceedings. However, this imbalance within the context of accusations that senior DHS officials have encouraged lower-level official to falsify reports in order to downplay "corruption, violence, and poor economic conditions" in Guatemala, Honduras, and El Salvador that would "undermine the President's policy objectives with respect to asylum"[17] make these proposed changes even more egregious.

The impermissible preference afforded governmental reports in this Proposed Rule will disproportionately impact the most vulnerable of asylum-seeking populations—those women and children subject to gender-based violence ("GBV"). Survivors of domestic and GBV seek asylum in this country because of the social, economic, and legal reality that the violence they suffered is brought about by a public code of conduct that allows them to be victimized simply because of their gender. Violence is sometimes outside the reach of the state, and sometimes takes place where weak governments depend on allied armed groups to provide security.[18] However, the very indifference or participation of governmental authorities to the plight of survivors of GBV in fact *proves* that persecution exists. Social norms can also hide GBV from public view, and governments often allow those norms to go unchecked and unchallenged. Yet, the politicization of DOS country reports over the last few years has led to evidence of gender-based violence GBV or violations reproductive rights being underreported, omitted, or ignored in these reports.[19] If the Proposed Rule goes into effect, it will have a disproportionate impact on victims of GBV and/or violations of reproductive freedoms will have a harder time proving asylum claims.

Lastly, this Proposed Rule would impermissibly change the role immigration judges play in asylum proceedings by encouraging them to submit their own evidence into the record. Currently, immigration judges do not introduce their own research or evidence into the record in

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[17] *See* DHS, Office of the Inspector General, Matter of Brian Murphy, Sep. 8, 2020, https://intelligence.house.gov/uploadedfiles/murphy_wb_dhs_oig_complaint9.8.20.pdf.

[18] *See* Human Rights Watch, *Audacity in Adversity: LGBT Activism in the Middle East and North Africa*, Apr. 2018, *available at* https://www.hrw.org/sites/default/files/report_pdf/lgbt_mena0418_web_0.pdf.

[19] *See*, *e.g.*, Oxfam, *Sins of Omission: Women's and LGTBI Rights Reporting under the Trump Administration*, 4, Nov. 1, 2018, *available at* https://assets.oxfamamerica.org/media/documents/Sins_of_Omission_April_2019.pdf (finding that on average, "[m]entions of women's rights and issues" in country reports were declined by 32% from 2016 to 2017); Center for Reproductive Rights, *Lawmakers and Civil Society Pressure Department of State to Bring Back Deleted Reproductive Rights Sections in Annual Human Rights Reports*, Oct. 3, 2018, *available at* https://www.reproductiverights.org/press-room/lawmakers-and-civil-society-pressure-department-state-bring-back-deleted-reproductive; Letter from 171 Civil Society Organization to Secretary Rex Tillerson, Feb. 26, 2018, *available at* https://www.refugeesinternational.org/reports/humanrightsreport (expressing alarm that DOS's annual Human Rights Report no longer highlights the full range of abuses and human rights violations experienced by women, girls, LGBTQI people, and other marginalized peoples around the world).

proceedings. Their duty to develop the record is understood to mean that they elicit additional testimony from applicants and witnesses where appropriate, especially when applicants appear pro se, to ensure a meaningful opportunity to present claims. However, this Proposed Rule would fundamentally alter their role and make them an interested party in the proceedings by encouraging them to introduce their own preferred evidence into the record. This proposed change is unacceptable as it not only incentivizes neutral adjudicators to become an interested party but also in that it unfairly disadvantages asylum seekers, who due to the drastic deadlines imposed by this Proposed Rule may very well be appearing without counsel or without having had the opportunity to fully develop their claims with their counsel.

These proposed changes are not benign. If implemented, they will impact our City and our residents' trust in the fairness of all of our democratic systems. Many immigrants fleeing their countries of origin do so because their governments have failed to keep them safe and are deeply corrupt. Our country has a system of checks and balances, of which our legal system is part. EOIR and the immigration judges working within it are an essential part of the DOJ. Trust in this body and its adjudicators is necessary to for our system to operate in a fair and equitable way. Any governmental action that undermines fairness in a legal system threatens to break the community's trust with all levels of government. The City has invested significant time and resources to building trust within immigrant communities for our local government, law enforcement, and legal institutions. Should the Proposed Rule go into effect, it would detrimentally impact the trust immigrant communities have in the immigration legal system and by extension, other government, law enforcement, or legal systems.

The DOJ should work to preserve fairness and objectivity within the immigration legal system, as opposed to further tipping the scales for the government over asylum applicants. These proposed changes will alter the perceived neutrality and fairness in our immigration legal system, and this in turn will affect the City's immigrant residents' perception and experience of fairness in legal systems in general. The City has a vested interest in all of its residents, regardless of immigration status, being able to avail themselves of legal systems to vindicate their rights. The City has invested a lot into building up fairer local adjudication systems. For example, the City encourages all residential tenants facing the threat of an eviction to participate in the housing court legal process by providing access to legal assistance to all such tenants, under the nation's first right-to-counsel law for tenants,[20] thereby fostering trust in the rule of law and the courts for citizens and noncitizens alike. Further, the City wants to encourage all residents, especially vulnerable populations like low-income individuals or immigrants, to come forward and use legal mechanisms to fight against unjust outcomes, including discrimination or labor violations.[21] If residents lose faith in legal systems or, worse, become afraid of them, the City's investments in making fairer local legal systems or encouraging participation of residents in legal systems will negatively be impacted.

[20] New York City's Human Resources Administration, https://www1.nyc.gov/site/hra/help/legal-services-for-tenants.page (last visited Sept. 22, 2020).
[21] NYC Administrative Code 8-107

Conclusion

In creating more unnecessary barriers for asylum seekers, the Proposed Rule continues this federal administration's sustained attacks on those seeking safe-haven in our country and city. As with many of these attacks, the Proposed Rule prizes "efficiency" or speed over fairness and impermissibly seeks to tip the balances in favor of the government in what are supposed to be fair and neutral proceedings. The only logical interpretation of these new hurdles, especially in the broader context of other proposed regulations rewriting asylum laws and procedures, is to deny as many asylum seekers meaningful opportunity to pursue relief. Even if an asylum seeker manages to get past the procedural hurdles, this rule would allow the government to control practically all aspects of the proceedings—the prosecution, adjudication, and production of evidence—resulting in a fundamentally unfair court process. Our country and our city has a long, proud history of protecting the most vulnerable and offering them a safe and fair environment in which to thrive again. The Proposed Rule makes a mockery of our commitment to asylum and humanitarian relief. For these reasons, and those articulated above, the Proposed Rule should be withdrawn.