



Torture Abolition and Survivors Support Coalition

The Hidden Asylum Crisis: Survivors of Torture and the Long Wait for Protection

Statement from the Torture Abolition and Survivors Support Coalition (TASSC) International US House Judiciary Committee hearing on "Policy Changes and Processing Delays at USCIS" on July 16, 2019

The Torture Abolition and Survivors Support Coalition (TASSC), founded in 1998, is a small human rights organization that provides psychological and employment counseling, legal services, advocacy training and other direct services to survivors of torture, mostly from Africa, in the Washington D.C. metropolitan area. TASSC appreciates the opportunity to submit this statement to the Judiciary Committee on how **torture survivors applying for affirmative asylum** have been affected by the long delay in scheduling interviews with the Asylum Division of the U.S. Citizenship and Immigration Service (USCIS). These survivors are among the most vulnerable populations suffering from recent USCIS policy changes and processing delays.

For decades, people from all over the world have found refuge in the United States after fleeing torture, persecution, and unspeakable hardships in their home countries through the asylum process. There is a huge backlog of defensive asylum applications, almost 900,000 including migrants who have been detained in the United States. If they pass an initial "credible fear" interview, these migrants will come before an immigration judge, who will decide whether or not to grant them asylum. Most of what we read and hear about in the news is about this asylum and humanitarian crisis. But there is another asylum crisis, a "hidden asylum crisis" we have not heard so much about.

This crisis is the shocking affirmative asylum backlog that has left hundreds of thousands of asylum seekers, including torture survivors from TASSC and throughout the country, adrift for years. Almost all TASSC survivors apply for **affirmative asylum** -- they entered the United States legally on a visa. They are worried they could be deported from the United States and returned to repressive countries where they were brutally tortured them because of their political opinion, religion, ethnicity, nationality or membership in a particular social group, such as the LGBT community. They are separated from their families and in economic limbo for years, while they wait for their asylum interviews to be scheduled.

In 2013, TASSC survivors usually waited only 6-7 months for their asylum interview at the Arlington, Virginia Asylum Office. Now they are waiting three, four years or even longer because of the affirmative asylum backlog. In May 2019, over 328,000 people who have fled persecution had asylum applications pending in USCIS. To make things worse, the backlog is growing, increasing more by than 13,000 in 2018 alone. These delays of three, four, or five years affect thousands of worthy asylum seekers.

At TASSC International, we see these asylum seekers and the hardships caused by their interminable wait every day. TASSC largely serves African survivors of political, ethnic, religious, sexual orientation and gender persecution. They include journalists persecuted for reporting on human rights abuses,

individuals who have exposed corruption in government, students tortured simply for attending a peaceful political protest, women escaping female genital mutilation and gay rights advocates threatened with death. Many TASSC survivors have waited more than three years since filing their asylum applications. During this time, they work in low-paying jobs on temporary work permits, are separated from their families and live in uncertainty and fear for their lives. **This prolonged uncertainty and estrangement adds heavily to the suffering of individuals already traumatized by torture and persecution at home.**

According to the Immigration and Nationalities Act, asylum seekers should be interviewed within 45 days after they file their application and the Asylum Office should issue decisions within 180 days (with an exception only for “extraordinary circumstances.”) The Department of Homeland Security (DHS) has fallen short of this mandate for many years, and DHS has made inadequate efforts to improve its operations in response. Clearly, indifference and inefficiency do not qualify as “exceptional circumstances” that justify a relentlessly growing backlog.

In January 2018, DHS announced a drastic change in operations to give newly filed applications first priority in scheduling asylum interviews while relegating its existing backlog to the lowest priority. Unable to keep up with the scheduling of even newly filed cases, this initiative has been a failure with the cruel result of leaving asylum seekers who filed their applications more than four or five years ago mired in the backlog, as DHS’s lowest priority, with no end in sight.

There is a solution to this hidden asylum crisis. Congress has full authority to make resources available to expand Asylum Division staffing to a level that begins to address the backlog. Asylum Office operations are generally funded through user fees that USCIS charges for other immigration-related applications. Individuals pay fees to USCIS to apply to become a lawful permanent resident, a naturalized citizen and for many other purposes. There is currently no congressional allocation to hire more asylum officers to reduce the backlog. But in the past, Congress has stepped in to address the asylum backlog. According to a CRS Report on Homeland Security Appropriations (dated June 29, 2005), Congress appropriated \$160 million for FY 2005 “to reduce the backlog of applications.” And Congress appropriated \$80 to reduce the backlog for FY 2006.

Because of the enormous backlog in affirmative asylum applications, Congress could ask for an appropriation specifically to hire more USCIS asylum officers for Fiscal Year 2021. USCIS had \$4.2 billion in spending authority in FY 2017. It could target \$25 million to hire 100 asylum officers and support staff dedicated solely to hiring asylum officers to decide affirmative asylum cases. This is a relatively small measure that could reduce immense suffering for hundreds of thousands of persecuted survivors. Based on current trends, if this funding were renewed to add 100 new asylum officers every year for the next four years, the backlog would be eliminated by the end of 2023. Congress could restore hope to the thousands who have survived terrible persecution only to wait for years in fear and uncertainty.