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## **New Bars to Asylum will Turn Women, Girls, and Other Survivors of Abuse “Back to Potentially Lethal Violence”**

Casey Carter Swegman: “That’s not an exaggeration; it’s simply the truth.”

FALLS CHURCH - “They’re throwing women, girls, and other persecuted people back to the violence they are desperately trying to escape,” said **Casey Carter Swegman, Director of Public Policy at the Tahirih Justice Center**. “The administration’s final rule limiting asylum access during the ‘credible fear’ process will result in vulnerable survivors being sent back to face the very real threat of lethal violence. That’s not an exaggeration; it’s simply the truth.”

“People who have survived trauma and abuse, and seek refuge in the United States, are brave beyond measure. They are taking action to save their own lives, and the U.S. should do everything in its power to assist them. Instead, the current administration has issued a [final rule](#) that cuts more people off from life-saving protection — protection that is written into U.S. law — when they have barely caught their breath, much less spoken to a lawyer or had their day in court,” said Carter Swegman.

The U.S. Department of Homeland Security’s final rule, “Application of Certain Mandatory Bars in Fear Screenings,” narrows the path to asylum for people who need it. The Tahirih Justice Center and numerous organizations supplied well-documented commentary to the proposed rule, illustrating the fact that denying more people access to asylum during the initial stage, known as a “credible fear interview,” will undoubtedly harm individuals who qualify for protection under the law.

“Reading the text of the final rule, we see that none of Tahirih’s concerns — which are based on real-life client experiences in an already deeply-flawed system — were considered with seriousness or care,” said Carter Swegman. “My heart breaks for the women, girls, and other survivors of gender-based violence who reach our border, desperately seeking safety, and will now be met with even greater barriers to justice in a system already stacked against them. They have been failed by the institutions and the governments of their native countries, and risked everything to try to survive. With this policy, our government is failing them too. When will we stop making it as dangerous to try and escape gender-based violence as it is to stay?”

The Tahirih Justice Center is a national nonprofit legal organization that works with people who survived gender-based violence and are seeking protection in the United States. Tahirih has represented many survivors who were unable to fully express their fears of return, or adequately explain their circumstances, during the so-called “credible fear” stage of the asylum process.



The “credible fear interview” occurs when people first encounter an immigration agent, often after suffering years of abuse and a traumatizing journey to seek safety. “The credible fear interview is supposed to be an initial screening with a fair standard, not a final evaluation of an individual’s qualification for asylum under U.S. law. With this new rule, the first stage will now be the last, for many,” said Carter Swegman.

When she was still a child, Ava\* came to the U.S. after escaping human trafficking in a harrowing display of courage. During her credible fear interview with a Customs and Border Protection officer, Ava expressed a fear of return to the place she fled, but did not feel comfortable disclosing all of the details of the trauma and abuse she experienced. When this law enforcement interrogation began she was alone, cold, and wet, having just emerged from a dangerous river.

Only later, after speaking with a counselor in a place she felt safe, was Ava able to open up about the details of the significant abuse that forced her to flee. This included the fact that as a young girl, her school bus driver had groomed her for human trafficking. He isolated and raped her and, after many violent beatings and threats, forced her to participate in his crimes, including selling drugs. It took a trauma-informed counselor and legal team to uncover the extensive, harrowing details of Ava’s abuse and the full context of her participation in her abuser’s criminal activity, which occurred under extreme duress and was, in fact, a key element of her trauma. **Had the new policy already been in place, Ava would very likely be back in the hands of her trafficker today.**

“Everyone deserves safety and a life with dignity and purpose; to thrive in a violence-free home and community; and to build their best lives. Supporting women, girls, and all victims of gender-based violence should be a value we share as a country, without partisanship. Not only is this final rule devastating for immigrant survivors feeling gender-based violence, it is an affront to people worldwide who face persecution only to find shrinking avenues for true and lasting safety. It feels like the final crack in the door, where some light of hope still shined through, has been slammed shut,” added Carter Swegman.

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The Tahirih Justice Center is a national, nonprofit organization that serves women, girls, and all immigrant survivors of gender-based violence. By amplifying the experiences of survivors, our mission is to create a world in which all people share equal rights and live in safety and with dignity.