



December 7, 2018

ATTORNEY GENERAL MADIGAN CALLS FOR PROTECTION OF ASYLUM SEEKERS

Chicago — Attorney General Lisa Madigan filed an amicus brief in support of a lawsuit brought by the ACLU, which challenges the federal government’s efforts to prevent people who have not entered the country at a “port of entry” from applying for asylum in the United States.

[In the brief](#), Madigan and 12 other attorneys general urge the U.S. District Court for the Northern District of California to grant a preliminary injunction suspending the Interim Final Rule on the grounds that it exacerbates inhumane conditions at our borders, causes significant harm to the states and violates the Administrative Procedure Act. This regulation is also contrary to long-standing federal statutes in which Congress has recognized the importance of allowing individuals to apply for asylum regardless of how they arrived.

“The federal government cannot simply change the longstanding law on how we receive asylum seekers,” Madigan said. “I stand with my colleagues in supporting the lawsuit that challenges the federal government’s inhumane treatment of asylum seekers.”

Over 6,000 Central American immigrants, including over 1,000 children, are currently stranded outside California ports of entry waiting for an opportunity to present their asylum claims to federal immigration officials. The federal government’s Rule forbids people who enter the U.S. between ports of entry from applying for asylum. Madigan’s brief argues that this Rule, in combination with existing policies to turn away people who present themselves at the border, makes it difficult or impossible for asylum seekers to present their claims for asylum. This de facto denial of asylum claims violates the law and creates inhumane conditions at the border, forcing families to live outside in extreme weather conditions without access to basic health services, education and other life essentials.

Madigan and the coalition also argue that states will be harmed by the effects of this illegal rule. States invest their own resources to provide education, healthcare and other services to immigrants residing within their borders, including asylum seekers once they are in the country. States, counties and local governments will incur the cost of providing services to asylum seekers who suffer unnecessary trauma as a result of the Rule.

The Court previously granted a Temporary Restraining Order enjoining the federal government from implementing the Rule. That Order is set to expire on December 19, 2018 unless the Court takes further action.

Joining Madigan in filing the brief are the attorneys general of California, Connecticut, the District of Columbia, Hawaii, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Vermont and Washington.

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