



[DHS Policy Changes Spark Concern Over the Rights of Legal Refugees and Asylum Seekers](#)

A new Department of Homeland Security (DHS) memo put out last week has elicited concern among immigration and human rights advocates. The shift in policy would pave the way for the potential indefinite detainment of thousands of legal refugees in the United States and is seen by many as an alarming development given that it reverses decades of precedent by transforming what has always been a routine administrative step in the green card acquisition process into a mechanism for arbitrary arrest and rescreening. Under the modified plans, after a year, if a legal refugee does not apply for permanent resident status, they can be detained for an unspecified amount of time. This represents a stark change from past guidelines which required DHS to either release a detained individual or initiate removal proceedings within 48 hours of an arrest. The troubling ambiguity around this unspecified time period means that legal refugees may be held in detention centers indefinitely. Concerns have also arisen in the past few months as the state of these facilities and the treatment of detained individuals is increasingly coming under scrutiny.

Moreover, the unconditional nature of the policy shift has drawn criticism as an abuse of government power and a violation of the 5th and 14th amendments. Observers have pointed out that immigrants have a right to due process and equal protection and that detaining them without evidence that they are a flight risk or have been involved in criminal activity is an infringement on this. The changes would also expedite the legal process so that individuals are not granted a full hearing before a judge, which has been argued to be unconstitutional. For these reasons, many have deemed that the actions reflect a shift towards using the altered mechanisms as a way to rapidly expel people and bypass legal and due process procedures. This has all been made even more concerning given that the memo comes after a federal judge in Minnesota recently issued a ruling blocking the Trump administration's "Operation Post-Admission Refugee Reverification and Integrity Strengthening (PARRIS)" – which had been targeting legally admitted refugees for arrest and detention. The ruling had found that the operation was unlawful, unwarranted, and an unconstitutional abuse of power. Around 5,600 refugees were saved from being detained and more were instructed to be released.

Critics contend that the newly planned DHS policy unfairly punishes legal residents on their way to obtaining lawful permanent resident (LPR) status and unnecessarily extends the vetting process. Individuals already undergo extensive background checks, interviews, biometric

collection, document verification, and further checks that can often take years to complete. They also must reside in the United States for at least a year before getting their green card. On top of that, the Trump administration has indefinitely halted the processing of visas from over 75 different countries – with this including people applying for permanent residency, asylum, and citizenship. Many have tried to highlight how this is a serious humanitarian concern given that in asylum cases whereby highly vulnerable individuals are deported back to their countries of origin, they are at risk of facing severe and life-threatening consequences. As such, having their status upended is dangerous and would force them to return to situations they fled due to previous repression and persecution.

Due to this, rights groups have outlined that the new policy violates the Refugee Act of 1980 and the international law against refoulement – the forcible return of refugees to countries where they face persecution. The indefinite suspension of halting proceedings and detaining asylum seekers violates the due process obligations laid out in 1980. Furthermore, tens of thousands may be subjected to this new policy, which could also inflict trauma and separate families across the United States. This is why the shift is seen as a deliberate undermining of humanitarian protections laid out under the 1980 act. Consequently, a coalition of 250 human rights organizations have recently condemned these changes, calling for legislators to reject the Border Safety and Security Act – which would essentially close the border to those seeking asylum. These groups have also urged members of Congress to consider how the bill would negatively impact human rights and the global perception of the U.S. as a country that opens its doors to those most vulnerable and in need of protection. Additionally, recent polls consistently show that a majority of Americans support protecting access to the asylum process. Therefore, if the bill were to pass, it would not only negatively impact the lives of refugees and asylum seekers but also would fail to reflect the wishes of most Americans.

Another argument critics of the policy shift put forth is that it falsely presumes these refugees have engaged in criminal activity, which is why they require a more extensive criminal background investigation. This brings up legitimate questions over the true purpose behind the policy. Refugees have already completed years of extensive security checks and documentation before being granted access to enter the United States. The majority of them have come from non-European, predominantly non-white countries, and these heightened restrictions disproportionately affect their populations. Immigration from European countries has not been targeted on the same level, so these regulations that primarily target refugees from non-white countries reinforces ideas of unequal treatment within the Trump administration's immigration policy. Overall, the newly proposed DHS changes pose serious humanitarian and racial concerns, raising questions about the underlying purpose of the shift.