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Asylum seekers need helping hand

U.S. law guarantees the right of anyone arriving in the United States who is fleeing for protection to request asylum.

At our southern border, however, this right is being undermined as thousands of people seeking asylum are being forced to wait weeks or even months before presenting their claims to Border Patrol agents.

All the while, these asylum seekers — a large number of whom are women, children and families — are made to wait in overcrowded shelters in violence-ridden regions of Mexico, often within reach of the same persecutors from whom they are fleeing.

For this reason, I joined with other legal advocates for a week in February along the U.S. border between San Diego and Tijuana, Mexico, to help asylum seekers understand U.S. law and procedures related to asylum as they prepare to present their claims.

What I found were bona fide claims of asylum deserving of fair adjudication under U.S. law. I also witnessed unnecessary and inhumane processes that unjustly impose upon the rights of those fleeing violence.

During my time at the San Ysidro, Calif., port of entry, I saw that the number of asylum applicants permitted to cross each day into the U.S. is being subjected to a cap. On a given day, that number was as low as 30, all while more than 2,600 people remained in Tijuana on “The List,” a quasi-official queue of applicants waiting to cross.

“The List” is ostensibly managed by the asylum seekers themselves; however, it is actually maintained under the auspices of Mexican migration authorities in cooperation with U.S. Customs and Border Protection.

That the number of asylum seekers permitted to cross the border is so low is not because border authorities can't handle the volume: an average of 70,000 vehicle passengers and 20,000 pedestrians legally enter the U.S. here daily at what is believed to be the busiest land border crossing in the Western Hemisphere.

I also observed that at least as many people each day added their names to “The List” as the number of asylum seekers that were called from “The List” and allowed to cross, which suggests that this backlog is not going to go away anytime soon.

In meeting with those who are waiting, I did not encounter people who were looking to game a system or break laws. Instead, I met brave mothers

and fathers who are fleeing their homes in order to have a chance at a safer life.

A single mother from El Salvador who faced daily extortion threats and whose sons are targets for gang recruitment. A police officer from Honduras who, as a result of refusing to

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pay extortion fees, was savagely beaten by cartel members and had to watch as the cartel maimed a family member.

A bus driver from Guatemala who fears being killed by the gang members who already killed his brother, also a bus driver, for refusing to aid in the gang's criminal activities.

Unfortunately, the nightmare for these asylum seekers does not end once their name is finally called. A new policy created by U.S. authorities — the so-called Migrant Protection Protocols — allows the Border Patrol in cooperation with Mexican immigration authorities to return asylum seekers to Mexico as they await a hearing before a U.S. judge, even after they have presented their credible fears to the Border Patrol.

The migrant protocols are fundamentally flawed, given the

U.S. courts, the protocols run afoul of the core U.S. and international refugee law principle of non-refoulement: To never return an asylum-seeker to the arms of their persecutors.

I met several people from El Salvador and Honduras who were returned to Tijuana through the protocols, all of whom told me they were never asked by U.S. or Mexican authorities if they were afraid to wait in Mexico.

The rule of law demands that we do more to defend the rights of asylum seekers. First, by providing additional asylum officers at the border, we could reduce the lengthy backlog and lessen the suffering of those who have already suffered so much.

Second, we cannot allow those who have in fact presented their claims for asylum to be forced to wait within arms' reach of potential persecutors and away from legal advocates who can help asylum seekers understand their rights under U.S. law.

We don't need new laws to make this happen — we just need to realize and honor the laws we already have in place. But asylum seekers do need the help of attorneys to guide them through the process.

For attorneys who are moved to contribute their talents to ameliorating this situation, I urge you to contact the National Immigrant Justice Center (immigrantjustice.org), here in Chicago. The center can identify and train you for pro bono opportunities.

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limited access to counsel for asylum seekers outside the U.S. and the ability of persecutors to continue to jeopardize the safety of asylum seekers.

As the American Civil Liberties Union and other advocacy organizations point out in challenges that are being made in