

# *A New Hurdle for Asylum Seekers: 4 Hours to Find a Lawyer*

The new time constraint comes after President Biden announced a near-total ban on asylum on the southern border.



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By **Hamed Aleaziz**

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Migrants who want protection in the United States are now facing another hurdle, even after President Biden announced a near-total ban on asylum.

Starting on Wednesday, migrants who cross into the United States illegally have four hours to find a lawyer if they want to argue that they should be an exception to the sweeping restrictions on asylum that Mr. Biden announced on Tuesday.

If they cannot find a lawyer, they have to make a credible case on their own or be turned back immediately. Migrants previously had at least 24 hours or more to find a lawyer.

The tighter time constraint was laid out in an email from John Lafferty, the head of asylum at U.S. Citizenship and Immigration Services, to the officers who are carrying out Mr. Biden's executive action, which temporarily shut down asylum requests at the border.

Despite Mr. Biden's order, there are still some limited ways for migrants to enter the country. People who legitimately fear being tortured or persecuted in their home country can still seek protection in America using programs other than

asylum, but those programs have a much higher bar for eligibility.

Critics say the four-hour time limit could make it all but impossible to clear that bar.

“Migrants who may have been exposed to severe trauma in the days before their encounter with U.S. officials should not be immediately forced into what could be the most important interview of their life without getting a meaningful chance to rest, or get any help,” said Aaron Reichlin-Melnick, the policy director at the American Immigration Council.

An official with the Department of Homeland Security said the four-hour limit was meant to speed up processing times in the notoriously backlogged system. The person noted that the limit is in effect only between 7 a.m. and 7 p.m., so people arriving at night will not be penalized if they cannot reach someone outside normal hours.



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Still, requests for an extension will be granted only in “extraordinary circumstances,” the person said, asking for anonymity to discuss the new rules.

Mr. Biden’s tough new policies on immigration come as he faces intense political pressure, including from within his own party, to crack down on illegal migration. With the presidential election just five months away, polls show many Americans are in favor of strict enforcement at the southern border.

Mr. Biden’s Republican rival, former President Donald J. Trump, has made illegal immigration a centerpiece of his campaign. During his term in the White House, Mr. Trump also tried to slash the amount of time migrants had to find a lawyer.

But a federal judge ruled at the time that the head of U.S. Citizenship and Immigration Services, the agency that put the order in place, was not lawfully appointed to his role, so his decisions were struck down.

Critics say Mr. Biden is adopting the tactics of Mr. Trump. But Biden administration officials say the president is trying to bring much-needed order at a moment when the number of people crossing the border illegally has reached historic highs.

And they hope the actions will give Mr. Biden a way to neutralize Mr. Trump and Republicans, who have long accused the president — and Democrats in general — of being weak on the border.

The American Civil Liberties Union said it planned to challenge the executive action in court.

**Hamed Aleaziz** covers the Department of Homeland Security and immigration policy. More about Hamed Aleaziz

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