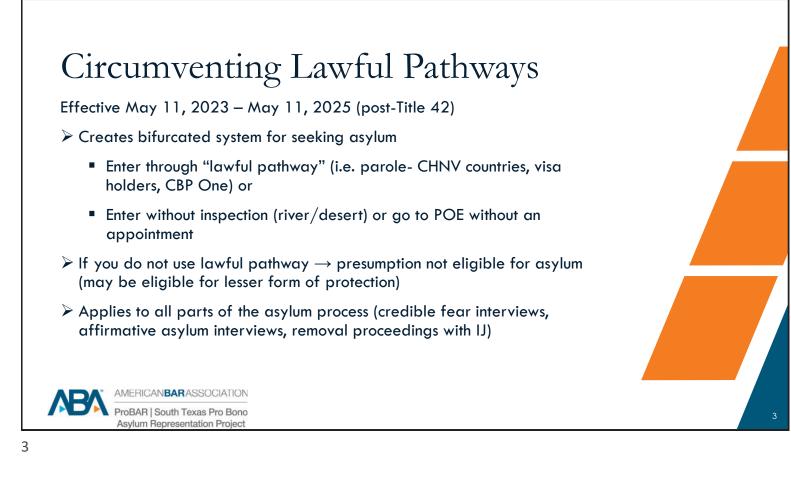


A	Igenda	
1.	Asylum Restrictions Overview (CLP & FR)	
2.	Trends in Expedited Removal	
3.	Survey: What are you seeing in your areas?	
4.	J.O.P. Settlement – UACs	
5.	Case law updates	
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## Final Rule on "Securing the Border"

Effective October 1, 2024, modifying the June 5, 2024, Interim Final Rule

- Triggered when there's a "seven-consecutive calendar day average of 2,500 encounters or more between ports of entry and will continue until 28 days after there is a seven-consecutive day average under 1,500"
- > Unaccompanied children, not counted under the IFR, are now included
- Sets new, higher legal standard of "reasonable probability" for people to quality for WOR or CAT
- > DHS no longer asks about fear must "manifest" fear, i.e., the "shout test"
- Individuals given 4 hours to consult with counsel before the initial fear screening

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# Comparing CLP and New Asylum Regulations

### CLP

5

- May 11, 2023 May 11, 2025
- Exception for Mexican nationals, UCs and those who can show inability to use CBP One, and individuals who applied for and were denied asylum in a transit country
- CFI standard = "reasonable possibility"
- Rule is applied by asylum officers and/or IJs during expedited removal, and affirmative and defensive asylum applications

Securing the Border

- Triggered by number of daily encounters
- Exceptions for UCs, those who can show "exceptionally compelling circumstances for entry"
- CFI standard = "reasonable probability"
- Once triggered, CBP will apply the rule at the border to determine whether someone is exempt from the suspension of entry. Asylum officers will have to determine if an EWI entrant is subject to the rule based on date of entry.



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### Title search: Asylum Access

Also available as part of the eCourse <u>Asylum Access</u>

First appeared as part of the conference materials for the  $48^{th}$  Annual Conference on Immigration and Nationality Law session "Asylum Access"