



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

May 26, 2022
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 46 – Joint Resolution Providing for Congressional Disapproval of a Rule Relating to Procedures for Processing of Asylum Claims

(Sen. Johnson, R-WI, and 29 cosponsors)

The Administration strongly opposes S.J. Res. 46, a joint resolution that would disapprove the rule submitted by the Department of Justice (DOJ) and the Department of Homeland Security (DHS) relating to “Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers.”

Since Day One, the Biden Administration has been committed to building a safe, orderly, and humane immigration system. A particular focus of that effort has been on improving the asylum system, which the previous Administration decimated, resulting in record-high backlogs and unprecedented delays for asylum seekers.

On March 29, 2022, DHS and DOJ issued an interim final rule (IFR) that will significantly accelerate and improve the processing of asylum claims made by noncitizens encountered at the border. Through swift processing, this rule will ensure that those who are eligible for asylum are granted relief quickly, and that those who are not are promptly removed.

The rule allows U.S. Citizenship and Immigration Services (USCIS) Asylum Officers to consider the claims of individuals subject to expedited removal who assert a fear of persecution or torture and pass the required credible fear screening process. Currently, individuals who establish a credible fear of persecution or torture are referred to immigration judges within DOJ’s Executive Office for Immigration Review. Due to existing backlogs—which doubled in size under the prior administration—it takes several years on average for an immigration judge to hear and decide these asylum claims.

This rule aims to reduce the time it takes for asylum claims covered by the rule to be decided to less than a year. When fully implemented, the reforms and efficiencies provided by the rule will result in a process that takes several months for most asylum applicants. This rule advances the Administration’s efforts to ensure that asylum claims are processed fairly and expeditiously, so that those with valid claims can stay, and those without valid claims to remain in the United States can be removed quickly. It will help reduce the burden on immigration courts, protect those fleeing persecution and torture, and enable immigration judges to issue removal orders on a faster timeline when appropriate.

This IFR was promulgated in accordance with the Administrative Procedure Act's notice and comment rulemaking requirements. The notice of proposed rulemaking (NPRM) was issued by DHS and DOJ in August 2021. The Departments carefully reviewed more than 5,000 public comments received in response to the NPRM. The IFR generally adopts the framework proposed in the NPRM, with several adjustments recommended or prompted by commenters. Further, the Departments have solicited additional comments on the IFR to allow for continued public engagement and input on the process.

If Congress were to pass S.J. Res. 46, the President would veto it.

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