

12 June 2024

Neera Tanden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Ms. Tanden:

We are writing to you in your capacity as the Domestic Policy Advisor to President Biden from the Sikh Coalition, the largest Sikh civil rights organization in the United States. The Sikh Coalition fights to defend and expand Sikh civil rights through legal, advocacy, community development, education, and media engagement work. We work on behalf of all Sikh community members in the United States, including those who arrive in our country seeking asylum from persecution in India or elsewhere around the world.

Based on our previous legal and advocacy work on behalf of this extraordinarily vulnerable segment of our community, we are deeply disappointed in the Biden Administration's recent announcement of harsh and restrictive measures against asylum-seekers at our southern border. **Accordingly, we are writing to add our voice to the chorus of civil rights and community-based organizations who are outlining serious issues with this policy change and calling for the Administration to reverse this proclamation immediately.** We additionally request clarification on how the Administration intends to account for the concerns of religious minorities, like Sikhs, who are among the many vulnerable people who will be negatively affected by this new rule.

I. Background and Relevance to the Sikh Community

As Sikhs commemorate the 40th anniversary of the 1984 Sikh Genocide this year, we are reminded why many Sikhs, past and present, flee India. In June of 1984, Indian forces attacked the Golden Temple in Amritsar, along with 37 additional gurdwaras in Punjab. This coordinated assault, designated "Operation Blue Star" by the Indian Army, resulted in thousands of Sikh deaths.¹ In retaliation, Prime Minister Indira Gandhi was assassinated by her Sikh bodyguards on October 31, 1984, which then sparked additional, coordinated nationwide violence against Sikhs. Human Rights Watch reported over 2,733 Sikhs killed and many women raped in Delhi, with hundreds more deaths across India in the span of just a few days.² It is imperative to note that these events led to a wave of Sikh emigrants and asylum-seekers ultimately coming to the United States.

¹ Elanor Nesbitt, *Sikhism: A Very Short Introduction* 83 (2005).

² *Ibid.*



Sikhs that remain in India “face challenges ranging from acts of violence or intimidation, to the loss of political power, increasing feelings of disenfranchisement, and limits on access to education, housing, and employment.”³ This trend of repression has only heightened under the now ruling political party, Bharatiya Janata Party (BJP), with its present leader Prime Minister Narendra Modi overseeing a broad and well-documented democratic backsliding in India to the detriment of minority groups, political dissidents, journalists, and human rights advocates.⁴ For example, when Sikhs exercised their right to peacefully demonstrate during the historic Farmers’ Protests in 2020 and 2021, the Indian government chose to respond with internet shutdowns, media censorship, intimidation tactics, unlawful arrests, violence, and labeling farmers as terrorists.⁵ These kinds of repressive measures not only violate human rights but drive many to leave India in search of safety and freedom. For these reasons, the desire of some Sikhs to leave India and seek safety is not just a relic of history, but a continuing need into the present.

Furthermore, as the U.S. government is well aware, transnational repression is now being used to silence Sikh dissidents across North America, demonstrating that India’s draconian influence has extended into the United States. This displays yet another example of India’s relentless determination to silence Sikhs at any cost. In November 2023, the Department of Justice charged an Indian national who allegedly plotted to assassinate a Sikh American in New York on U.S. soil, reportedly under the direction of an Indian government official.⁶ The indictment further revealed that additional Sikhs were being targeted throughout North America, including at least one other Sikh American in California; subsequent public reporting has shown that these plots were actively managed by an officer of India’s foreign intelligence service and likely approved of at the highest levels of the Modi government.

Taken together, this context drives our concern with and strategic interest in President Biden’s restrictive measures on asylum-seekers: **As a function of this policy change, fewer Sikhs seeking safety and opportunity in the United States will be able to find it—at a time when members of our community need the protection and support of the U.S. government more than ever before.** For reference, you can find our organization’s related 2021 report, *Well-Founded Fear: Understanding Legal Challenges and Best Practices for Sikh Asylum Applicants and Their Attorneys*, on our website; Though this policy change has rendered some of the information in this guide obsolete, it remains a

³ “USCIRF Releases 2024 Annual Report with New Recommendations for U.S. Policy,” U.S. Commission on International Religious Freedom, May 1, 2024, <https://www.uscirf.gov/news-room/releases-statements/uscirf-releases-2024-annual-report-new-recommendations-us-policy>.

⁴ “India/US: Put Rights at Center of Modi-Biden Summit,” Human Rights Watch, Jun. 15, 2023, <https://www.hrw.org/news/2023/06/15/india/us-put-rights-center-modi-biden-summit>.

⁵ “Statement for the Record on Safeguarding Dissident Voices: Addressing Transnational Repression Threats to Homeland Security,” The Sikh Coalition, Jan. 17, 2024, <https://www.sikhcoalition.org/wp-content/uploads/2024/01/Sikh-Coalition-Statement-Safeguarding-Dissident-Voices-Addressing-Transnational-Repression-Threats-to-Homeland-Security.pdf>.

⁶ United States v. Nikhil Gupta, Sealed Superseding Indictment, SI 23 Cr. 289 (VM), <https://www.justice.gov/opa/media/1326501/dl?inline>.



valuable resource for non-Sikh audiences to better understand the legitimate concerns of Sikh asylum-seekers fleeing India.⁷

II. Specific Issues with New Restrictive Measures

President Biden’s proclamation to suspend and limit entry for asylum-seekers infringes on an internationally recognized human right. The new entry caps will leave many individuals ineligible for asylum—except under exceptional circumstances or unless exempted by the proclamation—and without recourse. Moreover, the additional restrictive measures that this proclamation poses undermine America’s historic commitment to welcoming and protecting vulnerable populations in numerous ways.

First, asylum-seekers undergoing expedited removal will only receive a credible fear screening if they explicitly express fears of return, persecution, or torture, a requirement that many are unable to meet under duress. Requiring that asylum-seekers first manifest or express a fear of return to their country themselves *before* being given a credible fear screening with an asylum officer poses a significant risk because many asylum-seekers are not familiar with such legal requirements. Additionally, many asylum-seekers are under the stress of escaping harm and might not be able to explicitly state their fears. Without officers clearly asking asylum-seekers about their fear of return to their country or a specific fear of persecution or torture, people genuinely at risk will be quickly deported and subjected to the same violence they sought to escape.

Second, for those individuals who do manage to get interviewed about their credible fear, the United States will now enforce a much higher standard for asylum eligibility in the first place, making it significantly harder for those fleeing persecution to secure protection.⁸ The new standard of a “reasonable probability” of persecution is deliberately more stringent than the previous standard, which was already difficult to meet; it requires more substantial evidence than before, which asylum-seekers may not have or be able to articulate without experienced legal counsel. Again, this change will almost certainly lead to more frequent cases of asylum-seekers being returned to countries where they continue to face serious violence.

Finally, the reduction of the consultation period for asylum-seekers to consult an attorney from a minimum of 24 hours to just 4 hours for initial asylum screenings is deeply detrimental. Without sufficient time to consult an attorney, many asylum-seekers that are

⁷ “Well-Founded Fear: Understanding Legal Challenges and Best Practices for Sikh Asylum Applicants and Their Attorneys,” The Sikh Coalition, Nov. 1 2021, <https://www.sikhcoalition.org/wp-content/uploads/2021/10/2021.11.01-asylum-report.pdf>.

⁸ “Fact Sheet: Presidential Proclamation to Suspend and Limit Entry and Joint DHS - DOJ Interim Final Rule to Restrict Asylum During High Encounters at the Southern Border,” Department of Homeland Security, Jun. 4, 2024, <https://www.dhs.gov/news/2024/06/04/fact-sheet-presidential-proclamation-suspend-and-limit-entry-and-joint-dhs-doj>.



traumatized, unfamiliar with the legal system, and/or unable to understand or speak English will potentially be denied and deported without even a chance to seek protection. This drastic time reduction undermines the principles of justice and right to due process.

As a final note, Sikh asylum applicants are already met with scarcity of Punjabi-speaking resources within the immigration system.⁹ Without access to interpreters or Punjabi speaking attorneys, many Sikh asylum-seekers struggle to affirmatively express their fear of persecution. Under President Biden's proclamation, this language barrier will be an even greater disadvantage given that asylum-seekers now must explicitly express their fear of persecution to be referred for a credible fear screening. And with even more limited time to seek legal advice from a language-accessible attorney, many Sikh asylum-seekers will not be able to understand their legal rights or the need to express that credible fear. These existing language barriers coupled with the new restrictive measures again heightens the risk of wrongful denials and expedited removals for an already vulnerable population.

III. Conclusion

The Sikh Coalition has long believed that how we treat asylum-seekers is not just a matter of politics or policy, but a reflection of who we are as a country. Given the heightened concerns of the Sikh diasporic community vis-a-vis persecution by the government of India and the negative effects that this policy change will have on all manner of vulnerable people seeking asylum in the United States, we join numerous community-based and advocacy groups in urging the Administration to reverse this proclamation immediately. In the interim, we additionally request clarification on how the Biden Administration intends to address the concerns of religious minorities who will be greatly impacted through this abrupt policy change.

We stand ready to engage with you and your colleagues on these issues. Please do not hesitate to reach out to us at advocacy@sikhcoalition.org if we can be of assistance. Thank you kindly for your consideration and your attention to these matters.

Respectfully,



Graham F. West
Managing Director of Policy and Communications
The Sikh Coalition



Deepali Gill
Federal Policy Manager
The Sikh Coalition

⁹ The Sikh Coalition, "Well-Founded Fear" (see footnote 7).

