



Sessions reviewing immigrant abuse victims' protections

By [Tal Kopan](#), CNN

Updated 5:29 PM ET, Mon March 12, 2018

Washington (CNN) Attorney General Jeff Sessions' [recent move](#) to re-open a court decision protecting domestic violence victims has advocates concerned that women and children fleeing abuse in their home countries could no longer seek shelter in the US.

Sessions last week announced he was reviewing [the immigration court decision](#) without making public what the case was about. In a quirk of immigration court law, decisions by the appellate court, the Board of Immigration Appeals, are reviewable by the attorney general.

The [previously unpublished decision](#) has been obtained by CNN and advocacy groups, and the facts of the case has human rights advocates concerned Sessions could be moving to undercut domestic violence victims' claims for protections in the US. The issue is mired in the legal details of asylum -- a type of protection for immigrants who come to the US fleeing persecution back home. There are a few categories that have to be proven in order to be granted asylum, including being part of a "particular social group" that has a reason to fear persecution and whose government can't or won't adequately protect them.



ALEX WONG/GETTY IMAGES

Sessions tests limits of immigration powers with asylum moves

Sessions [has asked for arguments](#) on the case, known as the "Matter of AB-" based on the redacted name of the individual bringing the case, on "whether, and under what circumstances, being a victim of private criminal activity constitutes a cognizable "particular social group" for purposes of an application for asylum or withholding of removal."

Without knowing the underlying case, many experts had believed the issue related to gang violence -- a major issue in Central America that pushes immigrants to try to enter the US illegally.

But though the case deals with a woman from gang violence-plagued El Salvador, the issue is instead her rape and physical and emotional abuse by her ex-husband. The Board of Immigration Appeals found in the case that the woman does qualify for asylum, as women in El Salvador with children in common are often unable to leave their relationships and the government has been found "minimally" able to stop domestic violence.

"We're very concerned about what this could mean for the women who flee their homes, leaving everything behind -- their community, parents, and children -- in order to get to safety," said Archi Pyati, chief of policy and programs for the Tahirih Justice Center, which protects and advocates for immigrant women and girls fleeing violence. "In some countries, the government will do nothing to stop a man from abusing a woman. ...Right now, the attorney general is signaling that he may reconsider whether we as a nation are willing to stand up for what is right and offer a beacon of hope to those women with nowhere else to go."

The Justice Department declined to comment on the case now that its details were released. Before it was obtained, a department official would only say that Sessions had referred the case to himself due to a "lack of clarity" in the court system on the subject of the Board of Immigration Appeals decision.

In 2014, the agency issued a [similar decision](#) for Guatemalan women in a case that set precedent for lower immigration courts.

Sessions' decision to wade into the case has potentially far-reaching implications. As attorney general, he has the legal authority to single-handedly overturn the decision of the Board of Immigration Appeals. Once he does, the only authority who can overrule

him are the federal appellate courts and Supreme Court, if an immigrant appeals their case to them.



ACLU class action lawsuit seeks to block immigrant family separations

If Sessions decides that victims of crime cannot qualify as a "particular social group," hypothetically, it could mean foreign domestic violence victims are not able to seek protections from their abusive spouses in the US.

Sessions has alarmed advocates by referring himself two asylum cases in the past week. While he didn't make a decision on the Matter of AB-, in the other case, he overruled the Board of Immigration Appeals on a decision that had determined all asylum cases are entitled to a hearing before their bid for protections is rejected. Sessions' move means that asylum cases could now be rejected without those immigrants getting an opportunity to argue their case in court; judges can make decisions based on briefs.

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