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Trump Administration Moves To Reshape Who Qualifies For Asylum

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NOEL KING, HOST:

Here at home, the Trump administration is moving to limit who gets asylum in the U.S. Attorney General Jeff Sessions is using his authority to reshape the law on who qualifies for asylum. Advocates for immigrants' rights warn that thousands of legitimate asylum-seekers could be turned away. NPR's Joel Rose has the story.

JOEL ROSE, BYLINE: There was no press release, no announcement from a podium. But behind the scenes, Attorney General Jeff Sessions has intervened in two cases that could have big implications for people who come to the U.S. and seek asylum. And the immigration lawyers who represent them are worried.

JEREMY MCKINNEY: They are amongst the most vulnerable people in our society.

ROSE: Jeremy McKinney is secretary of the American Immigration Lawyers Association.

MCKINNEY: To have their rights curtailed so that the system moves faster, I think, should be considered a moral outrage.

ROSE: To Attorney General Jeff Sessions, the outrage is that immigrants are gumming up the system with false claims.

(SOUNDBITE OF ARCHIVED RECORDING)

JEFF SESSIONS: The system is being gamed. There's no doubt about it.

ROSE: That's Sessions giving a speech in October. Back then, he was asking Congress to tighten asylum rules. Last week, he acted on his own. In one case, he vacated a precedent-setting ruling that said most asylum-seekers must get a hearing in front of a judge before their claim could be rejected. In another, he is reviewing whether some crime victims should qualify for asylum. These moves come as no surprise to anyone who's followed his positions on immigration and asylum.

(SOUNDBITE OF ARCHIVED RECORDING)

SESSIONS: This system is currently subject to rampant abuse and fraud. And as this system becomes overloaded with fake claims, it cannot deal effectively with just claims.

ROSE: Immigration courts do face a huge backlog, upwards of 600,000 cases, more than triple the number in 2009. One factor driving that backlog is women and children streaming north from Central America. Many claim that they're eligible for asylum because they've been the victims of gangs or domestic violence in their home countries. Andrew Arthur is a former immigration judge. He's skeptical about this kind of claim.

ANDREW ARTHUR: It's actually become a - sort of a catchall for truly inventive lawyers.

ROSE: Immigration courts work differently than regular courts. They're part of the Justice Department, so the attorney general has the power to personally overturn decisions by immigration judges. The former judge, Andrew Arthur, is now a fellow at the Center for Immigration Studies, which advocates for lower levels of immigration. And he applauds the recent moves by Sessions.

ARTHUR: One, it's going to streamline the system. Two, it's going to cut down on the number of claims that are inevitably - or at the end of the day - going to be found to be invalid.

ROSE: Not every crime victim is eligible to claim asylum. The victim must have a well-founded fear of persecution based on certain factors like race or religion. The law around this has been fiercely litigated, says Jeremy McKinney, the immigration lawyer.

MCKINNEY: The fear is that this Justice Department will undo all of those gains that were made through decades of litigation.

ROSE: McKinney and others are worried in particular that Sessions will overturn a landmark decision from 2014 that made it easier for domestic violence survivors to get asylum, people like Aracely Martinez who fled to the U.S. from Honduras.

ROSE: Martinez was pregnant when the father of two of her children killed their kids and shot her in the head before killing himself. She moved to another part of Honduras, but his family found her and threatened to kill her. Martinez got asylum withheld from the Tahirih Center for Justice, a nonprofit that supports immigrant women.

ROSE: Martinez says she would like to see more women like her get help. She says she finally feels safe in this country. Joel Rose, NPR News.

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