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Sessions Expands on Trump Plan to Toughen Asylum Process

Immigration advocates criticized the attorney general's assertions of rampant fraud and wrongdoing

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Attorney General Jeff Sessions said Thursday that the administration wants to overhaul a variety of laws and regulations to make the process of applying for asylum in the U.S. more difficult, and to crack down on what he described as rampant fraud within that realm of the immigration system.

Among the necessary changes, he said, are revisions of an antitrafficking statute that governs how unaccompanied children are treated.

People seeking asylum typically must first establish that they are fleeing their home countries because they have “credible fear” of persecution or violence.

“The system is being gamed,” Mr. Sessions said, in a speech at the headquarters of the immigration court system, a branch of the Justice Department. “The credible-fear process was intended to be a lifeline for persons facing serious persecution. But it has become an easy ticket to illegal entry into the United States.”

The attorney general said smugglers, who he said coach immigrants to say “the magic words,” and “dirty immigration lawyers,” who he said have encouraged immigrants to file false asylum claims, have overburdened the system.

Little proof is required of immigrants making an initial claim of fear about returning to their home country, Mr. Sessions said, and fraud and flaws in the system have led to rapid increases in asylum requests at the border.

Fewer than half of the asylum cases decided by judges in 2016 were approved by an immigration judge, according to government statistics curated by the Transactional Records Access Clearinghouse at Syracuse University.

Immigration advocates quickly criticized the attorney general's assertions of rampant fraud and wrongdoing. "Asylum seekers are not exploiting loopholes; they're looking for shelter," said Geoff Thale, program director at the Washington Office on Latin America. "Vulnerable populations, particularly children, should have the right to seek protection and tell their story before a judge. The U.S. government should treat their asylum claims seriously."

Mr. Sessions's comments come as President Donald Trump proposes tightening rules for asylum seekers as part of a broader immigration plan.

Mr. Trump's proposals include keeping asylum-seekers jailed while a judge decides their fate, which could deter some people with weak cases from applying. It would also mean a significant shift in how the nation treats newcomers who claim they are fleeing violence and political oppression.

More than 60,000 immigrants asked the U.S. government for asylum either upon arrival in the U.S. or after being jailed in 2016, the most recent statistics available.

Their cases were added to an overburdened immigration-court system that now has a backlog of more than 632,000 cases and yearslong waits for hearings. Statistics about how many asylum seekers are jailed aren't available.

In recent years, hundreds of thousands of Central Americans—including traveling families and children traveling alone—have been arrested while illegally crossing the border from Mexico to the U.S., and many have requested asylum. They have told authorities they are fleeing rampant drug and gang violence in their home countries.

Many newly arrived asylum seekers, such as Central American mothers and their children, can't be held in jail for extended periods. Under current law, unaccompanied

children can't be held in jails at all, and the government can't quickly return children to their home countries, other than to Mexico or Canada. Mr. Sessions said Thursday the Trump administration wants to change the laws that govern those cases.

Mr. Sessions said the president is proposing to hire hundreds of immigration judges to help reduce court backlogs and change the law governing how child asylum-seekers are handled.

Dana Leigh Marks, a San Francisco immigration judge and president of the union that represents immigration judges, said the threshold for starting an asylum claim is intentionally low. "The system is not broken," Ms. Marks said, but rather working as intended to allow asylum seekers a chance to make their case to a judge.

Immigrants asking for protection first must pass what's known as the credible-fear bar to establish that they have a legitimate fear of returning to their country of origin. In 2014, asylum officers working for U.S. Citizenship and Immigration Services were instructed to approve cases only when there was a "significant possibility" of winning asylum from a judge.

Cecilia Wang, deputy legal director at the American Civil Liberties Union, said jailing asylum seekers as a deterrent to others and promising to quickly deport them would likely be a due-process violation. "It reflects a pretty shocking interpretation of what the U.S. Constitution and U.S. laws require," she said.

The Obama administration opened up family detention centers to jail families, many of them seeking asylum, amid a crush of such immigrants arriving at the border in 2014. After legal challenges, the government stopped detaining those immigrants for more than a few days after arrival.

The government currently has money and space to house 34,000 people in immigration jails every day. The system has been filled to over capacity for most of the past 12 months, with an average daily population of more than 38,000 people.

Late last year, a Homeland Security Department advisory panel recommended that federal immigration authorities continue using private jails, despite concerns about oversight and safety.

A subcommittee for the Homeland Security Advisory Council recommended improving oversight of those facilities. A report issued in December found that building enough government-owned and -operated jails to handle current capacity would likely cost more than \$1.3 billion and could top \$5 billion to \$6 billion.

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