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POLITICS

Jeff Sessions to Rule on Asylum for Battered Woman

Women fleeing domestic violence overseas could lose the right to claim asylum in the U.S. under a review of immigration-court precedent launched by Attorney General Jeff Sessions last week, people familiar with the case said.

By Jess Bravin

WASHINGTON—Women fleeing domestic violence overseas could lose the right to claim asylum in the U.S. under a review of immigration-court precedent launched by Attorney General Jeff Sessions last week, people familiar with the case said.

The move is one of several Mr. Sessions has made in recent weeks under his power to intervene in specific cases normally heard by the Board of Immigration Appeals. Earlier last week, Mr. Sessions threw out a 2014 board decision that afforded full hearings to most asylum applicants even if an immigration judge had found their claims didn't set out a basis for granting asylum.

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That followed Mr. Sessions's January order directing to himself a case that could abolish the power of immigration judges to freeze proceedings through "administrative closure," effectively allowing certain aliens to remain in the U.S. indefinitely unless their cases are reopened.

While Mr. Sessions's actions regarding asylum law may later face federal court scrutiny, the attorney general is head of the immigration-court system, which is an arm of the Justice Department rather than an independent branch of government.

The moves reflect the Trump administration's aggressive efforts to tighten immigration enforcement it believes grew too lax in previous years. Last week, Mr. Sessions filed suit against the state of California, which had enacted measures limiting cooperation with federal immigration officials.

In a one-page order dated March 7, the attorney general personally took charge of a case titled Matter of A-B- that previously had been set for review by the appeals board. The issue, according to Mr. Sessions's order, involves whether victims of "private criminal activity" are members of a "particular social group" whose persecution qualifies for protection under asylum law.

"The A.G. is requesting amicus briefs from all interested parties and considering this matter because of a lack of clarity in the court system," a Justice Department official said.

Mr. Sessions's order, which set a briefing schedule for April, provided no further details regarding the case or the applicant, identified only by the initials A.B.

A lawyer for A.B., Ben Winograd of the Immigrant & Refugee Appellate Center LLC, Alexandria, Va., said his client is a domestic violence victim from El Salvador.

The case's "underlying issue is domestic violence," said Geoffrey Hoffman, director of the University of Houston Law Center's immigration clinic. Mr. Hoffman said he had read the case under review but wasn't free to provide details about its particular facts.

He said, however, that the Board of Immigration Appeals has reckoned with domestic-violence claims several times, and in 2014 issued a landmark decision affording victims eligibility for asylum. That case, Matter of A-R-C-G-, held that "married women in

Guatemala who are unable to leave their relationship” qualified as a “particular social group” facing persecution.

Immigrant advocacy groups celebrated the A-R-C-G- ruling as reflecting real-world conditions that drive women from their homelands. Critics, however, complained that it expanded asylum into a broad remedy for social ills, beyond its traditional role as refuge for those fleeing ethnic, political or religious persecution by those in power. Mr. Sessions’s action could set the stage for narrowing or even overturning the A-R-C-G- precedent, and could have implications for other nontraditional asylum claims, such as flight from gang violence.

As of the end of December 2017, there were more than 667,000 cases pending in the immigration courts, including more than 294,000 that made asylum claims.

Andrew R. Arthur, a former immigration judge and fellow at the conservative Center for Immigration Studies, said Mr. Sessions’s moves were a welcome correction to the Obama years. “President Trump plainly has a specific view when it comes to immigration, and Attorney General Sessions, through his review authority, is going try to implement that view,” he said. “They want to streamline the system so those that merit relief are able to get their [asylum] applications in an expedited manner, while those who are not eligible either don’t apply or get a quick decision.” Sen. Dianne Feinstein of California, the Senate Judiciary Committee’s senior Democrat, wasn’t so complimentary.

“People seeking asylum in this country are among the world’s most vulnerable—those who have been tortured, children who arrive in the country alone and without family and individuals fleeing horrific crime and persecution,” she said. “What’s absolutely clear about the attorney general’s decision is that this administration will leave no stone unturned to further its attacks on immigrants and undermine their rights.”

Laura Meckler contributed to this article.

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