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U.S. TO PRIORITIZE RECENT ASYLUM APPLICATIONS

Facing severe backlog, Trump administration aims to speed deportation of those without valid claims

By Laura Meckler
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The Trump administration said Wednesday it would prioritize asylum applications from people who have most recently entered the U.S., an effort to quickly deport those without valid claims and discourage others from coming.

The change turns a critical piece of immigration policy on its head by handling new asylum arrivals first, instead of sending them to the back of a long line.

Under the previous asylum policy, the U.S. Citizenship and Immigration Services agency, part of the Department of Homeland Security, considered applications in the order in which they were filed. Because there is a large backlog of cases, the result is people can wait years for a decision. While they wait, they are allowed to live and sometimes work in the U.S.

The backlog—which now stands at 311,000 pending cases—allows new unauthorized border crossers to stay in the U.S. if they can pass a test showing they have a “credible fear” of persecution in their home countries. Many of these migrants turn themselves into border-patrol agents, believing they will be allowed to stay. The Trump administration argues that many of their claims are fraudulent and is seeking to discourage them from crossing.

“Delays in the timely processing of asylum applications are detrimental to legitimate asylum seekers,” L. Francis Cissna, director of the immigration agency, said in a statement. “Lingering backlogs can be exploited and used to undermine national security and the integrity of the asylum system.”

Under the new policy, first priority will go to applications in which an interview had to be rescheduled, followed by applications that have been pending for 21 days or fewer. After that, the agency will consider applications starting with the newest filings and working backwards.

The change returns the agency to the process in place until December 2014, when the Obama administration decided to prioritize the oldest cases.

The Trump administration had been pushing for legislative changes to the asylum system as part of negotiations over immigration legislation that would legalize undocumented immigrants brought to the U.S. as children. But the White House framework released last week dropped that demand. Administration officials said the list had been pared in hopes of winning Democratic support.

Many Democrats argue that the U.S. shouldn't be limiting the rights of asylum applicants, many of whom are coming from Central America, where drug gangs have terrorized the local populations.

Under the policy announced Wednesday, asylum seekers already waiting in the lengthy backlog will have their hearings pushed back even further. That could result in them losing needed evidence showing danger they would face if forced to return home, said Greg Chen of the American Immigration Lawyers Association, an advocacy group. He questioned how it will prevent fraud.

"This is another blow to Lady Liberty and to America's commitment to ensure those facing persecution are not returned to life-threatening persecution and violence," Mr. Chen said.

In a separate policy change Wednesday, the Immigration and Customs Enforcement agency said its officers will continue to make arrests of unauthorized immigrants in courthouses, but clarified that they wouldn't target witnesses or victims.

Courthouse arrests by ICE agents have unsettled immigrant communities and angered some judges. Last year, the chief justice of the California courts complained that ICE officers were "stalking undocumented immigrants" in courthouses to make arrests, and discouraging people from appearing.

A senior ICE official said agency policy hadn't changed but was being released publicly in response to critics. Under the policy, officers will target criminal defendants who meet the agency's priorities, including those with criminal convictions and people who have been ordered deported but not left the country. The official said the agency wouldn't target defendants' friends, witnesses or crime victims, and wouldn't hunt people involved in civil court proceedings.

He added they would try to make arrests in nonpublic areas of the courthouse, to avoid making a scene.

California Chief Justice Tani G. Cantil-Sakauye, who had criticized ICE activity in her state's courthouses, said Wednesday, "If followed correctly, this written directive is a good start."