

Illegal Immigrants Seeking Asylum Face a Higher Bar

By Ana Campoy
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Immigrants who enter the country illegally are becoming less likely to be deemed eligible for asylum, as federal authorities tighten standards amid an increase in Central American migrants this year.

As an initial step to request asylum, apprehended migrants who say they are scared to go back to their home country are screened to determine if they have "credible fear" of persecution or torture. In July, the most recent month available, 63% of those who claimed they were afraid to return were found to have met that criterion, down from 83% six months earlier, according to a report released to immigrant-rights groups by U.S. Citizenship and Immigration Services.

The decline comes after the agency's Asylum Division toughened the criteria its officers use during the interviews. The goal of the new guidelines, according to an agency official, is to ensure that immigrants with little to no chance of obtaining asylum in immigration court are quickly sent home.

Immigrant advocates say the tougher screening criteria are preventing many immigrants from being able to make a case for asylum before a judge.

"It's turning away people who may very well have been entitled to asylum protection," said Eleanor Acer, refugee protection director at Human Rights First, a New York-based nonprofit group.

The Asylum Division is one of many federal agencies that have been taxed by an influx of tens of thousands of immigrants who have illegally entered the country from Central America this year, many saying they were seeking refuge from gang violence and poverty. From October to June, the Asylum Division received 36,334 credible-fear claims from immigrants, surpassing the 36,035 in the 12 months of fiscal 2013, data from the office shows. Immigrants from El Salvador, Guatemala and Honduras accounted for the majority of the claims.

The office is responsible for screening migrants apprehended at the border, asking, for example, whether they are being persecuted because they belong to a specific social group or feel threatened because of their race or religion. If their claims are credible, the immigrants are referred to immigration court, where a judge ultimately decides whether they qualify for asylum or other protection. Immigrants who go through that process, which can take years, are sometimes released in the U.S. until their cases are resolved.

Unaccompanied children arriving from Central America don't go through the credible-fear process, as they are routed to the court system directly.

The number of credible-fear claims surged fourfold from fiscal 2010 to fiscal 2013. During that span, the rate at which immigrants were found to have credible fear averaged 80%. The Citizenship and Immigration Services official said well below half of Central Americans are generally granted asylum by an immigration judge.

The Asylum Division in February revised the lesson plan used to train asylum officers on credible-fear interviews. The guidelines specify that cases that have "only a minimal or mere possibility" of success don't meet the standard for someone to make their case before a judge, according to a memo issued by John Lafferty, the division's chief.

In the subsequent months, the rate of immigrants who met the standard steadily declined, according to the report. The number of cases in which credible fear was established, however, continued to grow to more than 3,600 in July from roughly 2,300 in February as there was an overall increase in the number of people apprehended who claimed they were afraid to return home.

Some conservative lawmakers say the changes at the Asylum Division don't go far enough. Rep. Bob Goodlatte (R., Va.), who heads the House Judiciary Committee, introduced a bill in July to toughen credible-fear standards and make it more difficult for detained immigrants to be released before their claims are found to be genuine.

"The Obama administration must take additional steps to ensure credible fear claims are not rubber-stamped," he said in a statement.

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