

Trump administration rescinds right to asylum for victims of gangs and domestic violence

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US Attorney General Jefferson Sessions delivered a devastating blow to asylum seekers yesterday by announcing that the government will no longer grant asylum to most victims of domestic violence or gang violence.

The policy change was announced in the form of a decision in the case *Matter of A-B-*, in which a woman from El Salvador, denoted in this case by the initials A-B-, fled her home country for the United States to escape her ex-husband who repeatedly raped and beat her during their marriage.

Although they legally divorced, A-B- was still unable to escape her ex-husband. The regular beatings and rapes continued. As is often the case in domestic violence cases involving workers and peasants in Central America, the police did nothing or were unable to prevent these vicious attacks.

The asylum seeker fled for the United States, crossing the US-Mexico border in 2014. When she appeared in immigration court, the judge said she was lying and rejected her asylum application, slating her for deportation. The Board of Immigration Appeals reversed, finding the judge's ruling erroneous. The Attorney General ultimately intervened to render a final decision.

The decision is a legal travesty and will result in the rejection of thousands of asylum applications. Because of this decision, countless people will be deported and then killed or tortured by their persecutors.

Under international and US law, an immigrant qualifies as a "refugee" and merits asylum status if they can prove they have a well-founded fear of persecution based on membership in a protected group. Under the legal principle of "non-refoulement," no country can

deport an asylum seeker to a country where they are likely to face persecution based on "race, religion, nationality, membership in a particular social group or political opinion."

Matter of A-B- involves the "particular social group" category. Under US law, asylum applicants in this category have the burden of proving they belong to a group of people that is socially distinct in the society from which they are escaping and that they were persecuted because of their membership in this particular social group.

The applicant in *Matter of A-B-* asserted she belonged to the group "El Salvadoran women who are unable to leave their domestic relationships where they have children in common." This category of social group was previously accepted by the Board of Immigration Appeals in a well-known decision called *Matter of A-C-R-G-*, which yesterday's decision overruled.

Session's decision rejected this particular social group, closing the doors to countless women desperately fleeing brutal domestic violence. His ruling states that "private violence" does not merit asylum status.

"Generally, claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum," Sessions declared. "The mere fact that a country may have problems effectively policing certain crimes—such as domestic violence or gang violence—or that certain populations are more likely to be victims of crime, cannot itself establish an asylum claim."

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The Democratic Party responded to Sessions' ruling

by posturing as opponents of the restriction on the right to asylum. Democratic Senator Richard Blumenthal noted, “Today’s decision will send untold numbers of refugees to their deaths. Attorney General Sessions: their blood is on your hands.”

True enough, but by this logic most of Senator Blumenthal’s Democratic colleagues are also covered in blood. In 1997, the Democratic Party overwhelmingly passed the most consequential restriction on the right to asylum in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA), which bars immigrants from applying for asylum unless they do so within one year of entering the US.

IIRAIRA’s asylum restrictions passed the Senate with the support of a majority of Senate Democrats, including Dianne Feinstein, Patty Murray, Patrick Leahy, Harry Reid, and many others. A majority of House Democrats also voted to restrict asylum, including Representatives James Clyburn, Elijah Cummings, and Sheila Jackson-Lee.

The Patriot Act of 2001 and Real ID Act of 2005—both overwhelmingly supported by Democrats—also drastically expanded bogus “terrorism bars” to asylum, resulting in thousands or tens of thousands of unjust asylum dismissals. Those Democrats who supported one or both of these laws include Senators Barack Obama, Hillary Clinton, Joseph Biden, Richard Durbin, John Kerry, Ted Kennedy, Paul Wellstone, Charles Schumer and Ron Wyden, as well as House Democratic leader Nancy Pelosi.

The road to Trump’s and Sessions’ attack on immigrants was paved by the Obama administration, which deported 2.7 million immigrants, including at least 85 from 2014 to 2015 who were denied asylum and then murdered by their persecutors in Guatemala, Honduras, and El Salvador alone. Obama drastically expanded the size of immigration detention centers, and a recent Amnesty International report shows that it also covered-up widespread rape and physical abuse of detained child immigrants from 2009 to 2014.



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