



Written by [R. Cort Kirkwood](#) on December 20, 2018

Judges Continue War on U.S. Sovereignty: Gang Fears, Domestic Violence Now Asylum Claims

The radical Left and its sympathetic judges continued their assault on American sovereignty this week with rulings to stop the Trump administration from tightening the rules that govern who can apply for and receive asylum in the United States.

The practical result is that just about any human being on the planet can claim asylum and receive a lengthy hearing that will, effectively, make removing such a person well-nigh impossible.



The first ruling overturned the administration's policy that tightened the requirements for a "refugee" to succeed in a claim of "credible fear" of violence or persecution in one's home country.

The second ruling cemented a temporary ban on the president's policy to refuse asylum claims from illegal aliens who jump the border between legal ports of entry.

Anonymous Plaintiffs

The newer of the two rulings [came from](#) the bench of [Judge Emmet Sullivan](#) of the U.S. District Court for the District of Columbia.

[He ruled](#) that the administration had wrongfully deported a group of anonymous plaintiffs, represented by the American Civil Liberties Union, of course, who sought asylum because they feared being killed.

The American officials who heard the plaintiffs' "harrowing" tale, Sullivan ruled, decided incorrectly — pursuant to a policy established by former U.S. Attorney General Jeff Sessions — that the plaintiffs did not merit asylum.

In June, [Sessions reversed](#) a decision granting asylum to a woman who had fled her violent husband because membership in a "particular social group" was not what invited her husband's attacks. Domestic violence, Sessions said, was not a legitimate plea for asylum. The usual hysteria followed. Sessions put the United States back in the "Dark Ages." But the policy also applied to those claiming fear of gangs.

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The judge noted that Sessions "specifically stated that few claims pertaining to domestic or gang violence by non-governmental actors could qualify for asylum or satisfy the credible fear standard" that governs such claims.

Sullivan said Sessions' policy is illegal because it trespasses U.S. law governing asylum claims as well as international law on refugees. The hearing officers, he wrote, thought the plaintiffs' claims were credible, but turned down asylum because of the policy.

Thus, Sullivan "permanently enjoins the government from continuing to apply those policies and from removing plaintiffs who are currently in the United States without first providing credible fear



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determinations consistent with the immigration laws.” As well, [he ordered](#) “the government to return to the United States the plaintiffs who were unlawfully deported and to provide them with new credible fear determinations consistent with the immigration laws.”

In other words, any woman who crosses the border with a black eye, a sniffing child, and a tearful tale of a crazy husband must now be permitted an asylum claim. And any man who says a gang is after him can claim asylum, too.

Come on in, the Borders Are Open

But Sullivan only finished what began out on the left coast. Yesterday, Judge [Jon Tigar](#) of the U.S. District Court for the Northern District of California continued his war against a sane immigration policy.

[He made permanent](#) his 30-day order that blocked the president’s ban on asylum claims from illegal aliens, pending the outcome of the lawsuit that inspired the temporary order.

Acting on claims from the anti-American subversives at the American Civil Liberties Union and Southern Poverty Law Center, [Tigar temporarily blocked](#) President Trump’s asylum policy announced in November.

[Trump said he acted](#) because the teeming horde of illegal aliens in Tijuana, who marched north in a “migrant caravan” to invade the United States, would likely concoct false claims of persecution and fear of violence to get asylum.

Trump’s said they “intend to enter the United States unlawfully” and seek asylum even though most “will not be eligible.” They have “no basis for admission into the United States,” he said, and have “precipitated a crisis and undermines the integrity of our borders.”

[Trump rightly noted](#) that asylum claims are an “avenue to near-automatic release.... Once released, such aliens are very difficult to remove.”

Thus, “aliens who enter the United States unlawfully through the southern border in contravention of this proclamation will be ineligible to be granted asylum.” Only aliens who show up at legitimate ports of entry could apply for asylum.

Tigar blocked the order, he said, because it violates U.S. immigration law.

So now, two federal judges have punched a major hole in America’s borders. Tigar said anyone who shows up anywhere along the border cannot be denied an asylum claim. Sullivan provided anyone who shows up anywhere with a claim of “credible fear” for their safety cannot be denied asylum.





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