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WASHINGTON – The United States Department of Homeland Security (DHS) released the following statement after U.S. Citizenship and Immigration Services (USCIS) announced a rule change designed to reduce the backlog in the asylum system.

Currently, both USCIS and Department of Justice (DOJ) Immigration Judges adjudicate applications for asylum: USCIS adjudicates “affirmative” asylum applications for aliens who are not in removal proceedings, while Immigration Judges adjudicate “defensive” asylum applications for aliens who are in removal proceedings. Depending on the alien’s immigration status, USCIS will usually either adjudicate the application or refer it to an Immigration Judge, who will then conduct a new review of the application. This essentially allows an alien to get a second chance at asylum.

The interim final rule allows USCIS to refer asylum applications to Immigration Judges without first interviewing the alien. This rule will shorten the total time that it takes asylum officers and Immigration Judges to adjudicate asylum applications. Among other reasons, USCIS is making this change to reduce the asylum backlog.

*“For far too long the asylum system has been exploited for purposes of delay and work authorization, not legitimate claims of protection,” said **USCIS Director Joseph Edlow**. “America’s asylum system exists to protect individuals who genuinely fear persecution and this rule will help ensure that resources are directed to the timely adjudication of those claims instead of to those seeking to use the system as a loophole.”*

*“One of the greatest barriers to effective immigration enforcement is intentional delay by illegal aliens and the open borders attorneys who represent them,” said **DHS General Counsel James Percival**. “My office works every day with the immigration components of DHS to improve efficiency and fulfill the President’s mandate. The rule would do just that.”*

The new rule will go into effect immediately. USCIS will accept public comments and later issue a final rule responding to those comments.

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