

# Trump administration proposes sweeping changes to US asylum system in new rule

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**(CNN)** — The Trump administration is proposing a new regulation that would make it exceedingly difficult for [migrants to claim asylum](#) in the United States, according to [a draft rule](#) released by the Departments of Homeland Security and Justice.

The 161-page rule, which is set to publish in the Federal Register on June 15, lists a series of changes that would pose even greater challenges to people seeking to be granted asylum in the US.

Over the course of Donald Trump's presidency, the administration has closed off, or added obstacles, to the ways in which people can seek refuge in the US. The latest proposed rule, which still needs to undergo a public comment period and will not take effect immediately, is no exception.

Aaron Reichlin-Melnick, policy counsel at the American Immigration Council, criticized the proposal, saying, "The goal of this asylum regulation -- far from reshaping the system to improve it -- is to make asylum impossible to win."

Under one proposed change, an individual's asylum claim could face greater scrutiny if the person traveled through at least one country while on the way to the US but didn't seek refuge there. The Trump administration applied a similar rule to migrants traveling through Mexico from Latin America, but the latest rule widens the scope of people who could fall under those restrictions, with some exceptions, such as a victim of human trafficking.

"The Departments believe that the failure to seek asylum or refugee protection in at least one country through which an alien transited while en route to the United States may reflect an increased likelihood that the alien is misusing the asylum system as a mechanism to enter and remain in the United States rather than legitimately seeking urgent protection," the draft rule states.

The proposed regulation also says that living unlawfully in the US for more than a year prior to filing for asylum would be considered a "significant adverse factor," despite exceptions that currently exist. Similarly, failure to file taxes or having a criminal conviction -- even if it was reversed, vacated or expunged -- could count against an individual's asylum claim.

Sarah Pierce, a policy analyst for the US Immigration Policy Program at the Migration Policy Institute, said the rule will ultimately speed and streamline asylum adjudication, but it will also "further limit the number of individuals that qualify for asylum, as well as similar benefits," she said.

"A lot of these provisions have been in the works with the administration for years," Pierce added. "Rather than issue them as separate regulations, the administration has lumped together a lot of different provisions in this behemoth, Frankenstein asylum regulation."

The draft regulation proposes redefining "membership in a particular social group," which is one of the categories people can meet to claim asylum. Modifying this definition could stand to exclude a large swath of people.

For a country that has evaluated asylum on a case-by-case basis for decades, this proposed change goes counter to everything that the asylum system is built on, to draw a red line and say these types of victims are completely ineligible for asylum."

CNN reached out to DHS and Justice Department for comment.

The litany of changes proposed in the regulation mark yet another attempt by the Trump administration to overhaul the US immigration system. During a Heritage Foundation event Tuesday, acting Homeland Security Deputy Secretary Ken Cuccinelli said there would be more changes to the asylum system, but he stopped short of providing details.

The administration has already required asylum seekers to [wait in Mexico](#) for their immigration proceedings in the US, as well as sent migrants to Northern Triangle countries to seek asylum there instead.

Over the past few months, there have also been [more than a dozen changes](#) to the immigration system as a result of the coronavirus pandemic: Immigration hearings have been postponed, refugee admissions put on pause and migrants, including children, have largely been barred from entering the United States. The proposed rule, however, makes no mention of coronavirus.

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