



Written by [R. Cort Kirkwood](#) on May 26, 2026

DHS to Crack Down on Immigration Lawyers Who Perpetrate Asylum Fraud

The top lawyer at the Department of Homeland Security (DHS) has ordered the agency's legal team to crack down on immigration fraud, notably by enforcing the law that punishes lawyers who file false asylum claims.

DHS announced the measure today, and CBS News published some of the contents of the memo, which is not yet available online.

The memo follows President Trump's executive order from March of last year that targeted lawyers who perpetrate immigration fraud.



alexskopje/iStock/Getty Images Plus

As *The New American* repeatedly reported during the surge of illegal immigration into the United States during the Biden administration, 90 percent of asylum claims are bogus. Most "asylees" jump the border for jobs and free stuff, not because they fear persecution at home.

ASYLUM FRAUD CRACKDOWN.

For years, MILLIONS of illegal aliens have committed fraud in our immigration system — and no place is this more rampant than in immigration court.

Now, thanks to this directive, [@ICEgov](#) attorneys have greater authority to enforce the law and STOP the... <https://t.co/9yvFZjTIPC>

— Homeland Security (@DHSgov) [May 26, 2026](#)

Stop the Fraud

DHS described the memorandum dated today from General Counsel James Percival, without providing a copy at its website.

"DHS instructed ICE to develop anti-fraud policies that will further enforce [8 U.S.C. § 1324c\(d\)](#), a law that establishes penalties for violations of document fraud," the [agency reported](#):

As a result of this directive, ICE attorneys have greater authority to enforce this law, including enforcement actions against immigration attorneys who file false asylum claims in an immigration court.

The agency also pointed to Trump's order on March 22, 2025, *Preventing Abuses of the Legal System and the Federal Court*.

That order targeted the unscrupulous pettifogging lawyers who game the system either by coaching



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clients on how to make false claims, or worse, filing bogus documents on their behalf.

“The immigration system — where rampant fraud and meritless claims have supplanted the constitutional and lawful bases upon which the President exercises core powers under Article II of the United States Constitution — is ... replete with examples of unscrupulous behavior by attorneys and law firms,” Trump wrote:

For instance, the immigration bar, and powerful Big Law pro bono practices, frequently coach clients to conceal their past or lie about their circumstances when asserting their asylum claims, all in an attempt to circumvent immigration policies enacted to protect our national security and deceive the immigration authorities and courts into granting them undeserved relief. Gathering the necessary information to refute these fraudulent claims imposes an enormous burden on the Federal Government. And this fraud in turn undermines the integrity of our immigration laws and the legal profession more broadly — to say nothing of the undeniable, tragic consequences of the resulting mass illegal immigration, whether in terms of heinous crimes against [innocent victims like](#) Laken Riley, Jocelyn Nungaray, or Rachel Morin, or the enormous drain on taxpayer resources intended for Americans.

Trump ordered the attorney general to pursue action against lawyers who not only violate the rules of professional conduct, but also abuse the courts by filing frivolous lawsuits, and worse, game the courts by filing fraudulent claims.

CBS News Report

In its breaking report, CBS News disclosed some of the memo’s content without producing it.

“Percival instructed ICE attorneys within the Office of the Principal Legal Advisor to develop ‘anti-fraud policies’ designed for ‘robust enforcement’ of existing federal anti-fraud law,” the [network reported](#):

The memo said that any effort “should include enforcement against immigration attorneys filing false asylum claims in immigration court.”

While the directive does not create new penalties, it signals that ICE lawyers will begin to use existing administrative enforcement tools more frequently to crack down not only against migrants accused of submitting fraudulent applications, but also against the lawyers who represent them.

“For many years, millions of illegal aliens have committed fraud on our immigration system,” Percival wrote, without citing specifics. “In no place is this more rampant than in immigration court.”

The sweeping directive asserted that asylum claims are meant for “unique and narrow circumstances,” but that it has become “standard practice” for immigration lawyers to argue that “virtually every illegal alien” faces persecution or torture in their home country because of a protected characteristic such as race or political opinion.

Percival wrote that ICE lawyers are not pursuing cases aggressively enough.



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EXCLUSIVE: DHS is directing ICE to ramp up cases against immigration lawyers accused of filing false asylum claims. <https://t.co/onmZCAmNW9>

— CBS News (@CBSNews) [May 26, 2026](#)

The Data

The data on asylum claims bear out Percival's statements, which CBS suggested were false "without citing specifics." In fact, multiple reports show that Percival is right.

In 2018, a report from the National Center for Risk and Economic Analysis of Terrorism Events [stated the facts](#) about so-called asylees clearly: "Long-term illegal migration to the United States of adults from Northern Triangle countries has primarily been driven by economic motivations," and that "the primary motivations of juvenile migrants from 2011 to the present are economic opportunities and reunification with family that migrated previously."

[The numbers broke down as follows:](#)

- In 2016 and 2017, 100 percent of the Guatemalan migrants Mexico sent back home told the researchers they headed north for economic reasons. Of 871 interviewed in 2016, just three cited violence as the reason for coming to the United States. In 2017, none did.
- In 2016 for El Salvador, 98 percent of the 2,588 migrants cited economic reasons for leaving home. In 2017, it was 74 percent of 642 migrants.
- For Honduras in those two years, the numbers were similar: 98 percent of 1,435 surveyed and 97 percent of 403 surveyed.
- Numbers from the migrants turned back by U.S. authorities were similar. In 2016, 91 percent of 1,625 Guatemalans came for economic reasons. In 2017, the number was 95 percent of 723.
- For Honduras, it was 96 percent of both years for totals of 837 and 341 migrants.
- For El Salvador, 97 percent of 2016 migrants claimed economic reasons for leaving home. In 2017, it was 73 percent of 798 migrants.

As well, news reports during the Biden rush to the border offered the words of illegals. They were honest. They came to the United States, they said, for jobs, not because they feared persecution.

- [A Guatemalan told Fox News](#): "I got no choice. I got to work for a living."
- [A Honduran told the Associated Press](#): "I looked for work, and nothing."
- [A Guatemalan told AP](#): "We only want to work and if a job turns up in Mexico, I would do it. We would do anything."
- [A Honduran told NBC](#) she "hopes to reach the U.S.," as the network put it, "and find work to send money back home."
- [A Guatemalan told the Washington Post](#): "It's time for me to go back to the United States. It's a country where I can live my life, unlike Guatemala."
- A six-time [Honduran deportee told the Post](#): "That's just how it is. They catch you and you try to get back."
- A three-time [Honduran deportee told the Post](#): "We are workers. What are we supposed to do in Honduras if there's no work?"

Bogus Claims

In 2019, when the Trump administration announced its Migrant Protection Protocols, [it reported](#) that 90 percent of asylum claims are bogus.



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As [Breitbart reported](#) in 2022, the Biden administration's program that was dedicated to fast-tracking asylum claims found that 99 percent were bogus, meaning *fraudulent*:

Data from the University of California, Los Angeles (UCLA) Center for Immigration Law and Policy [reveals](#) that in the city's Dedicated Dockets program, just one percent of border crossers are found to have valid claims for asylum.

Meanwhile, more than 99 percent of illegal aliens are found not to have valid asylum claims and thus are being ordered deported from the United States. More than 72 percent of illegal aliens ordered deported had failed to show up for their asylum hearings.

In other words, the lawyers involved in these bogus claims are breaking the law cited by DHS, 8 [U.S. Code 1324 \(c\)](#). It punishes anyone who helps "prepare, file, or assist another in preparing or filing, any application for benefits under this chapter, or any document required under this chapter, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted."

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