

# The Labyrinth of Seeking Asylum

## Misconceptions of Seeking Asylum



Seeking asylum is a human right that was recognized by the United States during the 1951 United Nations Convention, and has legal obligations to protect those classified as refugees either through 2 avenues which include: (1) abroad as a resettled refugee; or (2) in the United States as an asylum seeker.

An asylum seeker must prove past, present or future persecution based on the persons: RACE, NATIONALITY, POLITICAL OPINION, RELIGION, or AFFILIATION WITH PARTICULAR SOCIAL GROUP-PSG (such as those who are LGBTQI, journalists, activists, tribes/ethnic groups, etc...).

### Refugees = Asylum Seeker



**FACT**

The most difficult way to enter the United States legally is as a refugee who is fleeing a war stricken country. No other category of traveler into the United States undergoes such a rigorous and detailed screening process which can take upto 18-24 months involving numerous federal intelligence and security agencies such as: Department of Homeland Security, the Department of State, the Department of Defense, the National Counterterrorism Center, and the FBI, amongst many others.

### Seeking Asylum in the U.S. is easier than applying for U.S. Citizenship



**FACT**

Obtaining citizenship through asylum is a long and rigorous process that applicants are **ONLY** eligible for, if they:

1. Able to obtain **APPROVED** status as an asylee through an immigration judge or U.S. Citizenship and Immigration Services Officer
2. Apply for legal permanent residency 1 year after obtaining approved asylum
3. Apply for U.S. Citizenship **ONLY** after having obtained legal permanent status for 5 years

### Asylum seekers get federal assistance as soon as they arrive in the U.S.



**FACT**

Only those who have entered the country as resettled refugees are eligible for various assistances through federal and state resettlement programs.

**ASYLUM SEEKERS** are **NOT ELIGIBLE** FOR ANY STATE OR FEDERAL BENEFITS until **GRANTED ASYLUM** through an **APPROVED** decision from either an immigration judge or asylum officer through U.S. Citizenship and Immigration Services which can take anywhere from months to years.

### Asylum seekers cannot be deported



**FACT**

An asylum seeker who is either in the process of seeking asylum, has obtained approved asylum or has obtained legal permanent residency can

ALL

be deported at any time if they have committed a felony and or a deportable crime of moral turpitude.



### ALL Asylum cases are approved, especially on the border



**FACT**

According to DHS, in the 2018 fiscal year 38, 687 individuals were granted asylum. 13, 248 of those individuals were detained.

93-97% of asylum claims in El Paso, TX are denied, much higher than the national average of 61.8%.

Only about 37% of all immigrants obtain legal council.  
Only about 14% of all detained immigrants obtain legal council.

### Why do Asylum Seekers have to come to the U.S. and not the nearest country to them?



**FACT**

The United States continues to be perceived by many around the world as **THE COUNTRY** of OPPORTUNITY, equality, justice, safety, amongst other qualities which make those most vulnerable seek the U.S. for protection and safety.

Many surrounding countries where asylum seekers are fleeing, are plagued with violence and little protection or safety from there persecutor.

While the United States has the largest resettlement program, twenty-eight other nations, including Canada, Australia and Norway, are also engaged in refugee resettlement.



Understanding Endurance Through the Labyrinth of the Asylum Process

Asylum: Endurance Project Commissioned by: Yaha Aguilera, Senior Coordinator US Border Response

SAVE THE CHILDREN ACTION NETWORK

SOWK 5357: Group Project by Christina Garcia, Yvette Lares, Paola Ling, Melissa Montanez and Janine Ortega



# The Labyrinth of Seeking Asylum

Through this virtual walk through, the participant is able to see how difficult the asylum process is to understand, through a metaphoric approach of a labyrinth. The hope is to create more awareness and empathy for asylum seekers with in our communities, to better support the efforts of **Save the Children.**

Asylum seekers are able to legally seek asylum through an **affirmative** or **defensive** process which includes:



Entering the country with a legal document like a visa or permit, at which point there is a 1 yr deadline to apply for **affirmative asylum**. Upon applying for asylum, a credible fear interview will be scheduled with an asylum officer. If the credible fear interview is granted the case will proceed with U.S. Citizenship and Immigration Services who will decide their asylum claim.

Requesting asylum upon arriving at a legal port of entry, at which time it is up to the CBP officers' discretion to either (1) detain; or (2) process and release the individual while they wait for their credible fear interview by an asylum officer. If the credible fear interview is granted the case will proceed with an immigration judge who will decide their **defensive** asylum claim.

Entering the country without legal inspection at which point they will either be (1) detected and detained while waiting for a credible fear interview and proceed with a **defensive** claim; (2) processed and released to wait for a credible fear interview and proceed with a **defensive** claim; or (3) will enter undetected at which time they must apply for **affirmative** asylum within a year upon arriving. Upon applying for asylum, a credible fear interview will be scheduled with an asylum officer. If the credible fear interview is granted the case will proceed with U.S. Citizenship and Immigration Services who will decide their asylum claim.

## Asylum Seeker from Venezuela



- Asylum Seeker "V" is a pregnant woman who fled Venezuela due to the murder of her deceased husband as a result of their political involvement. "V" receives many death threats before deciding to leave Venezuela.
- "V" is a professional and enters the country with a visitor visa and is received by her family in Miami who helps hire an immigration attorney for her.
- "V"'s attorney files her **affirmative** asylum application soon after arriving in the U.S.
- "V" passes her credible fear interview with help from her attorney's preparation, proof of mental anguish from a psychological evaluation, and evidence she was able to locate the murder of her deceased husband.

## Asylum Seeker from Sudan

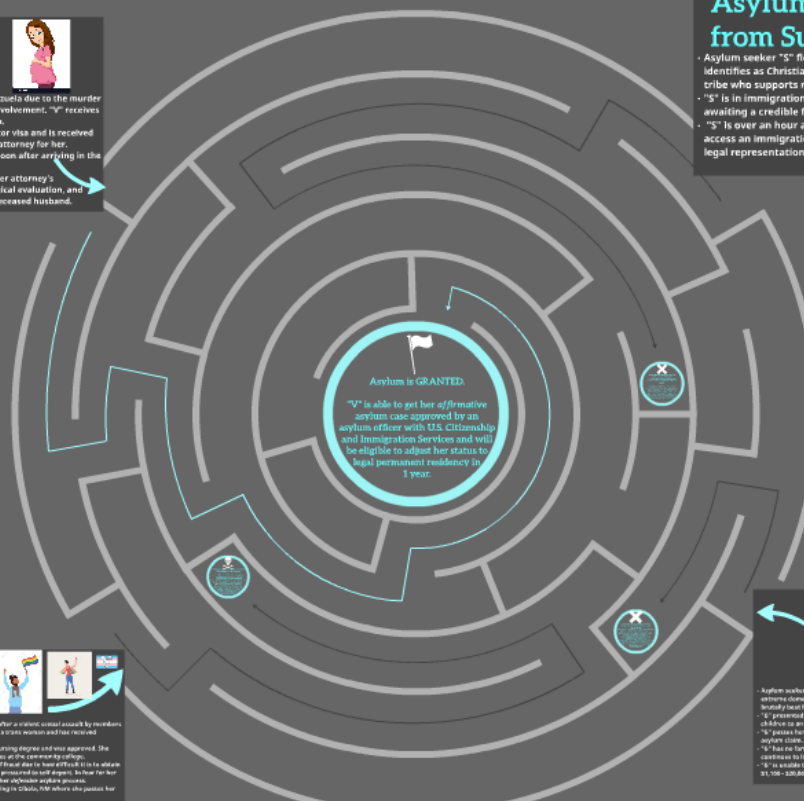


- Asylum seeker "S" flees Sudan due to religious persecution, as he identifies as Christian in a village dominated by an indigenous tribe who supports muslim beliefs.
- "S" is in immigration detention in Sierra Blanca, TX while awaiting a credible fear interview.
- "S" is over an hour away from El Paso, TX, the closest city to help access an immigration attorney and is unable to obtain legal representation.

## Asylum Seeker from El Salvador



- Asylum seeker "E" is a trans woman who was forced to flee El Salvador after a violent sexual assault by members of MS 13 when she contracted HIV. "E" is repeatedly attacked for being a trans woman and has received multiple death threats in Los Angeles, CA to return to El Salvador.
- "E" had applied for a student visa to come to the U.S. due to having a nursing degree and was approved. She planned to arrive with friends in Los Angeles, CA to attend English classes at the community college.
- Upon arriving at the LAX airport "E" was detained by CBP and advised of their plan to have EITCO II to be released without their help. She was detained for many hours and prevented from seeing her brother in law.
- "E" calls the officer she is about to return to El Salvador and begins her **defensive** asylum process.
- "E" is transported to an immigration detention center before arriving in El Paso, TX where she passes her credible fear interview.
- While detained for over a month, "E" begins to suffer from many medical complications as a result of not having her medication and not having AIDS.
- "E" is granted a bond to be able to obtain her medical care as a vulnerable trans woman and X2 has reached to give her all the necessary medical care.



## Asylum Seeker from Guatemala



- Asylum seeker "G" is an indigenous Guicho woman who is forced to leave Guatemala as a result of the extreme domestic abuse by her husband who came to the municipality of police. "G" is a former hospital teacher, leaving her husband which makes the record with her children.
- "G" presented as a LAW port of entry with her 2 infant children. CBP processed and released "G" and her children to an immigration detention in El Paso, TX.
- "G" passes her credible fear interview and is being in El Paso, TX where she will continue her **defensive** asylum claim.
- "G" has no family or social support in El Paso and has been unable to reunite with family in New York, she continues to live in a shelter attended by immigrants and find social media support.
- "G" is unable to have an attorney due to lack of financial support where asylum representation cost run from \$1,000-100,000 per case due to her difficult asylum case and in El Paso, TX.

Title 42 Expulsions due to Covid-19 health concerns effective since March 21, 2020 to current date. Title 42 ensures that those who are not U.S. citizens or Legal Permanent Residents be immediately expelled to the last country of transit.

MPP (Migrant Protection Protocols, also known as Remain in Mexico) was enacted by the Department of Homeland Security on January 24, 2019, in which certain individuals seeking entry into the U.S. through Mexico may be returned to Mexico for the duration of their proceedings.

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