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**

- 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 up to 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**

- 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.**

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

**Asylum seekers cannot be deported**

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

- 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?**

- 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.
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Through this virtual walk through, the participant is able to see how difficult the asylum process is to understand, through a metaphorical 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:

1. 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.

2. 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.

3. Entering the country without legal inspection at which point they will either be (1) detained 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, (3) will enter undetected at which time they must apply for affirmative asylum within a year upon arrival. 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.

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.

Asylum Seeker from Venezuela

Asylum Seeker from El Salvador

Asylum Seeker from Sudan

Asylum Seeker from Guatemala

Understanding Endurance Through the Labyrinth of the Asylum Process

Asylum: Endurance Project Commissioned by Yaha Aguilera, Senior Coordinator US Border Response with Save the Children Action Network

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

Prezi