

Asylum in the United States: An Overview of the Law and Recent Changes

Special Considerations for Christian Legal Aid Clinics





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Who is Restoration Immigration Legal Aid?



- Non-profit organization that helps asylum-seekers & other vulnerable immigrant families in the DC-metro area by providing immigration legal aid, including representation at Immigration Court.
- 10 Staff Members (2 attorneys, 4 DOJ accredited representatives)
- 200+ volunteers
- 6 church partners

What does RILA do?

- 308 active asylum cases
- 85 active SIJS cases
- 194 EADs approved in FY20
- 13 RILA clients have received asylum !



Agenda

- I. Overview of asylum & other forms of humanitarian-based immigration benefits
- II. Recent changes
- III. Post-election implications
- IV. RILA's faith-based, holistic approach to practicing immigration law



History of Asylum in the U.S.

Eligibility for Asylum in the U.S.

To be granted asylum, a person must demonstrate that he or she is a “refugee,” that he or she is not barred from asylum for any of the reasons listed in our immigration laws, and that the decision-maker should grant asylum as a matter of discretion.

A “refugee” is any person who is outside his or her country of nationality (or, if stateless, outside the country of last habitual residence) and is unable or unwilling to return to that country because of persecution or well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

Key Points When Screening for a Possible Asylum Claim



- I. Past persecution
- II. Genuine fear of return
- III. One-year deadline

Eligibility for Withholding of Removal and Protection under the Convention Against Torture (CAT)

- I. **Withholding:** be granted withholding of removal under section 241(b)(3) of the INA, a person must demonstrate that if returned to the country of origin he or she is more likely than not to be persecuted on account of race, religion, nationality, political opinion, or membership in a particular social group. Some of the bars to asylum, including the one -year filing deadline, do not apply to claims for withholding of removal.
- II. **CAT:** a person seeking protection under the Convention must show that it is more likely than not that they would be tortured if removed to the country of removal. To qualify for relief, the applicant must demonstrate that they will likely suffer the intentional infliction of severe pain and suffering, committed by, or at the acquiescence of, the government in the country of removal.

Other Humanitarian -Based Immigration Benefits

- VAWA
- U Visa
- T Visa
- SIJS



Changes to Asylum Laws & Policies

I. Trends

II. Changes

A. Precedent Decisions (Matter of AB)

B. Unaccompanied Alien Child (UAC) Policy

C. Migrant Protection Protocols (MPP)

D. Safe Third Country

E. Title 42 (COVID)

Proposed and Final Rules

- I. Work Permits
- II. Asylum Eligibility
- III. Immigration judges permitted to present their own evidence
- IV. State Department amends country conditions and travel restrictions reports



RILA's Approach

- I. RILA clients are human beings of inherent value and worth, deserving of dignity, respect and compassion.
- II. We are attuned to non-legal needs and responsive to assisting RILA clients, directly or indirectly in areas such as:
 - A. Food insecurity
 - B. Housing insecurity
 - C. Mental health
 - D. Medical/dental care
 - E. Enrolling children in school
 - F. Leaving and recovering from situations of domestic violence

RILA's Cases

- I. Decision to take a case based on:
 - A. Does this person need help, and does he/she fall into the group of those immigrants who are most vulnerable and with the fewest resources?
 - B. Do we have the expertise to help him/her?
 - C. What is the likelihood this person would find help elsewhere?
- II. This results in obtaining difficult and complex cases!

Ministry of Healing and Reconciliation

- I. RILA is animated by its core conviction that serving our immigrant neighbors, especially those who are the most vulnerable, is a direct expression of the Gospel.

- II. Our hope and vision are that, by and through our work, RILA clients:
 - A. have the opportunity to heal from past trauma and loss.
 - B. Find a safe home in the RILA community and in the United States, free from fear.
 - C. RILA volunteers Are reconciled to God and experience God's love, kindness and justice.

Transformation



We are convinced that by engaging in this work, RILA staff, volunteers, partners & clients will be changed, and that our communities and city will be changed.