



Asylum

By Martin Schwartz

ASYLUM TOPICS

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- Defining Persecution
- Examples of Persecution
- Persecutors



In the News

WORLD NEWS JUNE 27, 2019 / 2:26 PM / 12 DAYS AGO

Central American migrants plead to seek asylum in U.S., not Mexico

Julio-Cesar Chavez

6 MIN READ



EL PASO, Texas (Reuters) - Several Central American migrants seeking asylum in the United States were allowed to return there on Thursday after being forced to wait in one of Mexico's most violent cities, supported by faith leaders who oppose the controversial U.S. migration policy.

POLITICS IMMIGRATION REFUGEES

The US Is Making a Mockery of Its Asylum Obligations

Trump's "Remain in Mexico" policy sends asylum seekers into dangerous border towns where they struggle to keep safe.

By John Washington

Court rules asylum seekers cannot be held indefinitely - as it happened

Meanwhile, Trump administration confirms 2020 census questionnaire will be printed without questions regarding citizenship status

● [Sign up to the US briefing and get a new perspective](#)



Tlaib doubles down on AOC's concentration camp comments, claims border agents believe it's a 'broken system'

By Nick Glas | Fox News



CBP border chiefs refute AOC detention center claims
Democrats push for open border policies; Todd Piro reports.

Trending in Politics



Judge Nap: Trump could find himself in hot water following Biden's tax return release



Judge denies DOJ request to change lawyers in census citizenship question case



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Live TV U.S. Edition

More Cubans making risky trip by sea to U.S., Coast Guard says

By Ralph Ellis, CNN

Updated 7:15 PM ET, Tue September 22, 2015



The Coast Guard found this group of Cuban migrants south of Key West, Florida, on September 13.

More from CNN

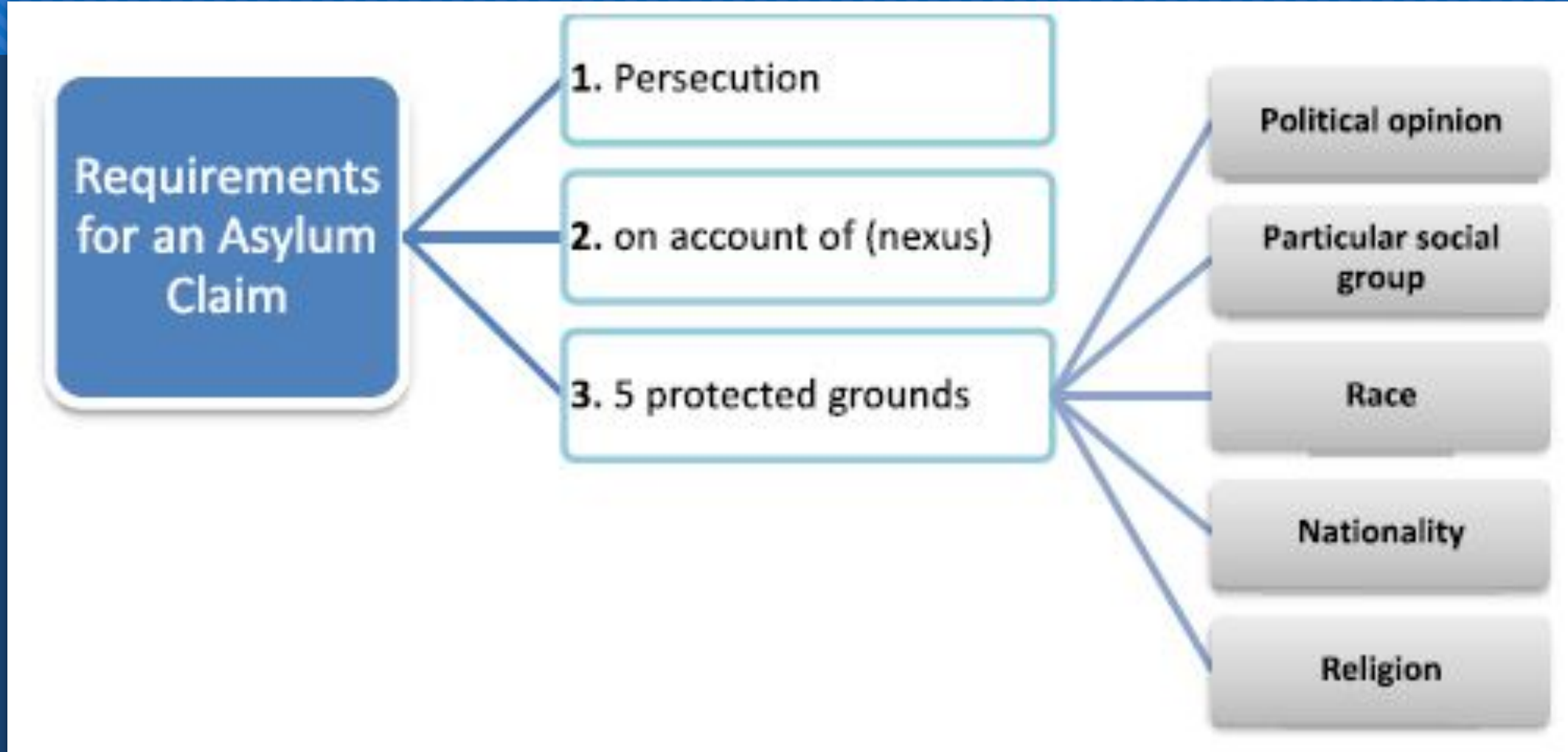


Derrick Byrd rescues 8-year-old niece from house fire; I couldn't...



11 cases of polio-like illness AFM confirmed in eight states in...

Enumerated Grounds



Political Opinion

○ To demonstrate a nexus between the harm an applicant suffered and her political opinion, the applicant must show:

○ 1. that she held, or her persecutors believed that she held, a political opinion; and

○ 2. that she was harmed because of that political opinion.

○ It is also important to distinguish between cases where the applicant's activities and/or beliefs are clear and open enough to constitute express political opinion or whether, absent clear or abundant activities, other factors exist to give rise to imputed political opinion.

Legal Requirements for Eligibility

- An asylum applicant must meet the definition of a refugee. Thus, she must prove each of the elements contained in the definition:
 - 1. A well-founded fear
 - 2. of persecution
 - 3. on account of race, religion, nationality, membership in a particular social group, or political opinion.
 - 4 or, that she experienced such persecution in the past.

Department of Homeland Security
U.S. Citizenship and Immigration Services

U.S. Department of Justice
Executive Office for Immigration Review

OMB No. 1615-0067; Expires 05/31/2019

I-589, Application for Asylum and for Withholding of Removal

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You

1. Alien Registration Number(s) (A-Number) (if any)	2. U.S. Social Security Number (if any)	3. USCIS Online Account Number (if any)
		6. Middle Name



Well Founded Fear: Objective

The objective prong of the well-founded fear analysis can be satisfied in two different ways:

1. Establish that the applicant suffered past persecution, giving rise to the rebuttable presumption of future persecution, as discussed in § 14.5.
2. Show that the applicant has “good reason” to fear future persecution through “credible, direct, and specific evidence in the record of facts that would support a reasonable fear of persecution.”
 - a. Under this standard, an applicant has established a well-founded fear if she shows that a reasonable person in her circumstances would fear persecution.
 - b. Objective evidence, including specific facts, must support a reasonable fear that the applicant faces persecution.
 - c. Where such evidence is not available, credible testimony can be sufficient to support a finding of reasonable fear without other corroborating evidence

Defining Persecution

Generally case law defines persecution as...

“A threat to the life, or freedom of, or the infliction of suffering or harm upon those who differ in a way regarded as offensive.”

Defining Persecution

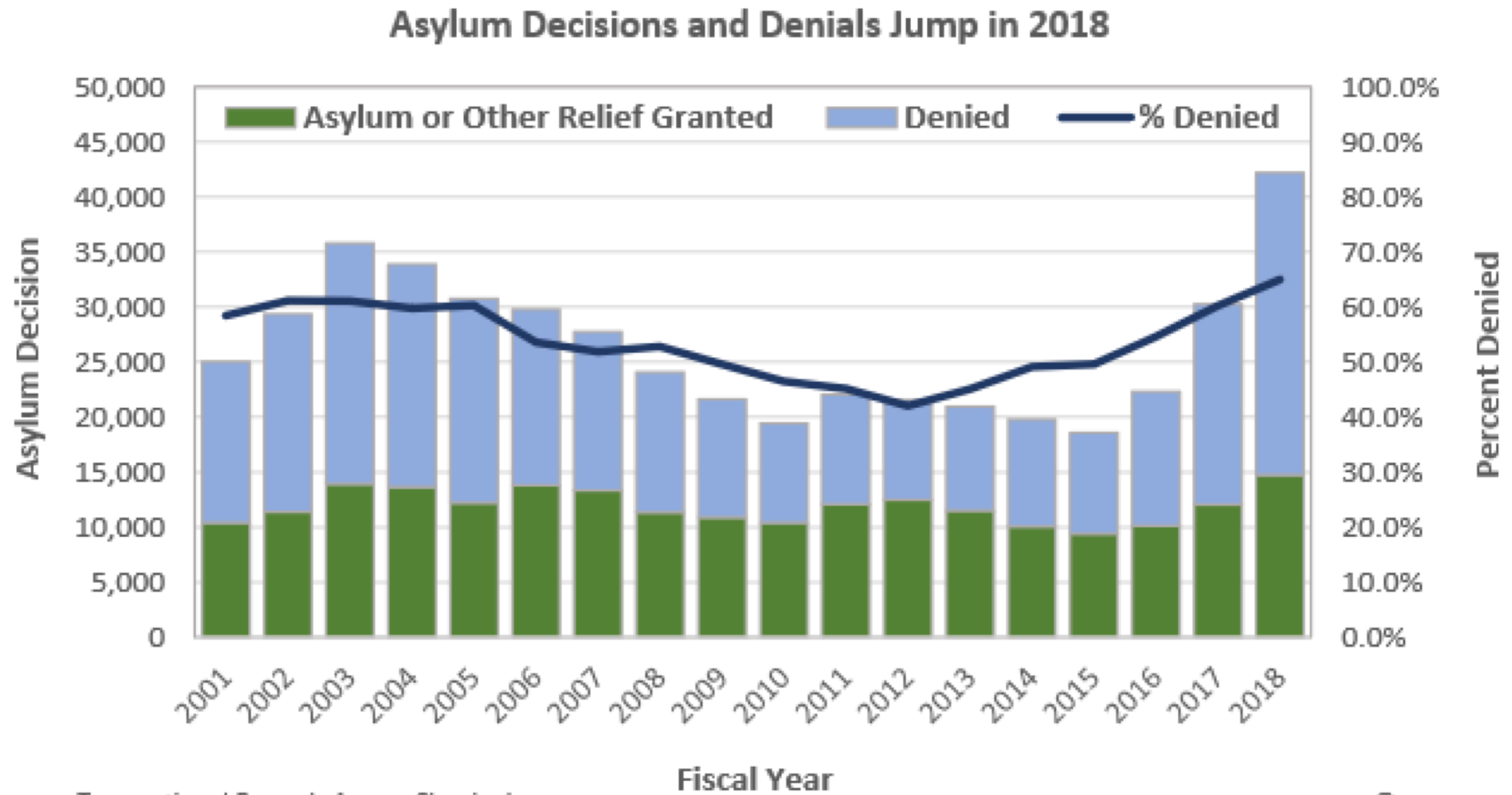
- Cumulative Effect
- Applicant's Subjective Opinions and Feelings Must Be Considered
- The Persecutor Need Not Intend to Harm the Applicant
- Special Cases of Persecution
- The abuse must be extreme
- Determining persecution is FACT-INTENSIVE inquiry carried out by asylum officers and immigrations judges

Examples of Persecution

- Threats to Life and Freedom
- Physical Harm
- Beatings
- Assassination Attempts
- Rape
- Genital Mutilation
- Detention
- Death Threats
- Mental, Emotional, and Psychological Harm
- Substantial Economic Persecution



Statistics



Summary

We have learned the legal standards an immigrant must meet, in order to be eligible for asylum, under any One of the five protected grounds for asylum.

We have also learned a bit about which facts must be elicited from an immigrant in order to determine if he or she has a basis to apply with US Citizenship and Immigration Services, for political asylum.

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