

National Capacity Building Project: Technical Assistance of the
Survivor of Torture Programs

The Asylum Process: Interdisciplinary Responses to Multifaceted Challenges

April 16, 2023



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TORTURE



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Trauma



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- Type your questions in the Q&A, or
- Type your questions in the chat, or
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Chat




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Q&A

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Other Items to Note

- Suggest you turn off any other programs running on your computer - this will ensure the quality of the video and audio of today's webinar will be better
 - The link to today's program is in the chat
 - We have a one hour lunch break
 - Jot down insights or questions as they come up for you
-



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Welcome and Overview





Objectives

- Describe the legal processes involved with obtaining asylum.
 - Recognize and understand recent changes to asylum law and policies to better triage and strategize programmatic interventions.
 - Identify best practices in providing clinical documentation for asylum cases – whether in one-time evaluations or for clients who are receiving ongoing treatment.
 - Utilize effective therapeutic services for asylum seekers who have recently arrived or those caught in the asylum backlog.
 - Employ advocacy techniques, and to identify areas where advocacy can be the most impactful.
-



Disclaimer

We will be talking about trauma today.

- Trauma impacts all in different ways but it is something we have all had some experience with.
 - The information and discussions can be triggering or uncomfortable at times.
 - Make sure you monitor and take care of yourself when and if you need to.
-

Asylum Law



John Wilkinson
Bellevue Program for Survivors
of Torture



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“Asylum 101” – An Introduction to the Basics of the Asylum Process

John Wilkinson
Bellevue Program for Survivors of Torture



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Affirmative Asylum Process

Asylum-Seeker Arrives in the United States

Asylum-Seeker Applies for Asylum

Applicant Receives Interview Notice

Applicant is Interviewed by an Asylum Officer

Asylum Officer Makes Determination on Eligibility and
Supervisory Asylum Officer Reviews the Decision

Applicant Receives Decision

Grant of Asylum

Legal Permanent Resident

US Citizenship

Denied Asylum

Referred to Immigration
Court




Asylum: Elements

- “Well Founded Fear” of “Persecution”
 - Based on following factor(s)
 - Race
 - Religion
 - Nationality
 - Political Opinion
 - Membership in a Particular Social Group
 - Government *is* persecutor or cannot control persecutors – unable or unwilling to protect
-




Additional Asylum Considerations

- Cannot safely return to any part of the country of origin
 - No firm resettlement in another country
 - Cannot have persecuted others
 - Cannot have been convicted of certain crimes
 - At Attorney General's discretion (terrorism, etc.)
-




Questions the Asylum Officer Might Ask You

- Questions about persecution
 - Were you or members of your family threatened or harmed?
 - What happened? Who did it? When? Where?
 - Were you ever arrested or detained?
 - How were you treated? How long were you held? Were you taken to court? Were you tortured?
 - Were others like you harmed or detained?




Questions the Asylum Officer Might Ask You

- Questions about your involvement in:
 - Political organizations and activities
 - Religious practices or groups
 - Membership in other groups
 - Ethnic, racial, political, human rights, labor, military, etc.
 - Questions about coming to the US
 - When did you leave your country? How did you get here? When?
 - Where is your family?
 - How did you get a visa/passport? If you don't have a visa/passport, why not?
-




Questions the Asylum Officer Might Ask

- Fear of persecution
 - What would happen if you returned to your country?
 - Who would look for, harass, or harm you?
 - What has happened to your family since you left?
 - What has happened to people like you?
-



Questions the Asylum Officer Might Ask

- Why did you come to the US instead of to another country?
 - Why didn't you get help in your own country?
 - Why did you wait to get help once you came to the US?
 - Why did you file after the one year deadline?
 - Why don't you have any documents from your own country?
-



Applicants
need
corroborative
evidence:
Clinicians fill
one piece of
the puzzle


- Applicant's own testimony
- Testimony of witnesses
- Medical records, birth certificates, school records
- Police reports, newspaper articles
- Medical-legal affidavits

From Weill Cornell center for Human Rights
Asylum Evaluation Training – Fall 2019



Five Possible Decisions

1. Grant of Asylum
 - You will receive asylum
 2. Recommended Approval
 - You will receive asylum after your background and identity checks have been completed
 3. Referral to an Immigration Court
 - You will have to go to Immigration Court
-



Five Possible Decisions (cont.)

4. Notice of Intent to Deny
 - You will receive a letter stating why asylum may be denied. You will have 16 days to argue the decision or provide the Asylum officer with further evidence concerning the asylum claim

 5. Final Denial
 - This will come after the Notice of Intent to Deny if you did not respond or the response was not sufficient to establish eligibility
-

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Asylum Updates: The Ever-Changing Landscape

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Updates

- Asylum Ban
 - Description of ban
 - Current status
 - Impact
 - CBP One/Border Processing & Asylum
 - Issues w/ CBP One appointment system
 - ICE Enforcement Priorities – Doyle & Mayorkas memos reinstated
 - Description of prior enforcement priorities
 - Content of Doyle & Mayorkas memos
-

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- Prosecutorial Discretion & impact on asylum seekers
 - Current status of PD & significance
 - Immigration Court backlog
 - As of July 2023, backlog approx. 1.9 million cases
 - Asylum Office backlog
 - Processing Times and Current Grant Rates
-



Questions?

Have a question or something you want to discuss more in-depth? Here are some options for you:

- Type your questions in the Q&A, or
- Type your questions in the chat, or
- Raise your hand using the reaction button.

Have a questions after the presentation? Here is the contact information for our presenters:

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Thank you
for attending
this NCB
virtual
training!

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The National Capacity Building Project is a project of the Center for Victims of Torture in partnership with Harvard Program in Refugee Trauma and the National Consortium of Torture Treatment Programs.



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More resources are available at www.healtorture.org.

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