

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

The Asylum Process: Interdisciplinary Responses to Multifaceted Challenges

April 16, 2023


Attendee Controls

All functions are located at the bottom of your screen




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


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




Hawthorne Smith, PhD
Bellevue Program for Survivors
of Torture



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






Dominique Quevedo, JD, MSW
Legal Aid Foundation of Los Angeles

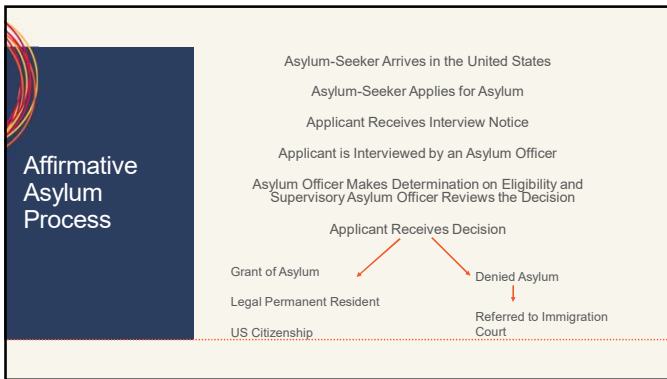




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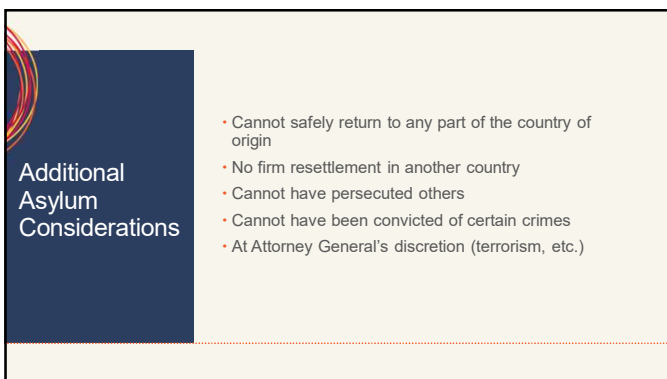
“Asylum 101” – An Introduction to the Basics of the Asylum Process

John Wilkinson
Bellevue Program for Survivors of Torture







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

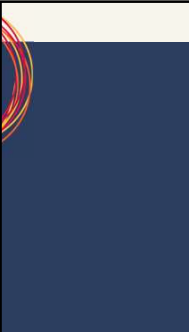
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Asylum Updates: The Ever-Changing Landscape


Dominique C. Quevedo, JD, MSW
Legal Aid Foundation of Los Angeles

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



- 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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