

# IMMIGRATION **JUSTICE** CAMPAIGN

---



---

## Asylum Under Attack: Latest Developments, and How You Can Help People Fleeing Persecution

September 19, 2019

# Speakers

- **Anna Byers**, Pro Bono Coordinator, American Friends Service Committee, Newark, NJ
- **Jennie Guilfoyle**, Senior Training Attorney, Immigration Justice Campaign
- **Royce Murray**, Managing Director of Programs, American Immigration Council
- **Jen Whitlock**, Manager of Pro Bono Partnerships and Programs, Immigration Justice Campaign
- **Rebekah Wolf**, Technical Assistance Attorney, Immigration Justice Campaign

# Agenda

- **Asylum Ban**
  - What it Says
  - Who is Affected
  - Impact of Supreme Court Decision
- **Other Recent Attacks on Asylum**
  - Port Courts
  - Remain in Mexico
  - Attacks on Grounds for Asylum
- **What You Can Do**

# www.immigrationjustice.us

IMMIGRATION  
**JUSTICE**  
CAMPAIGN



AN INITIATIVE OF:



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

About ▾

Our Model ▾

Volunteer ▾

Advocacy ▾

Communities ▾

Get Trained ▾

**DONATE**



## Fighting together for a fair day in court.

Only 14% of detained immigrants have an attorney. We are mobilizing attorneys nationwide to stand alongside immigrants in court.

**JOIN NOW**



IN THE NEWS



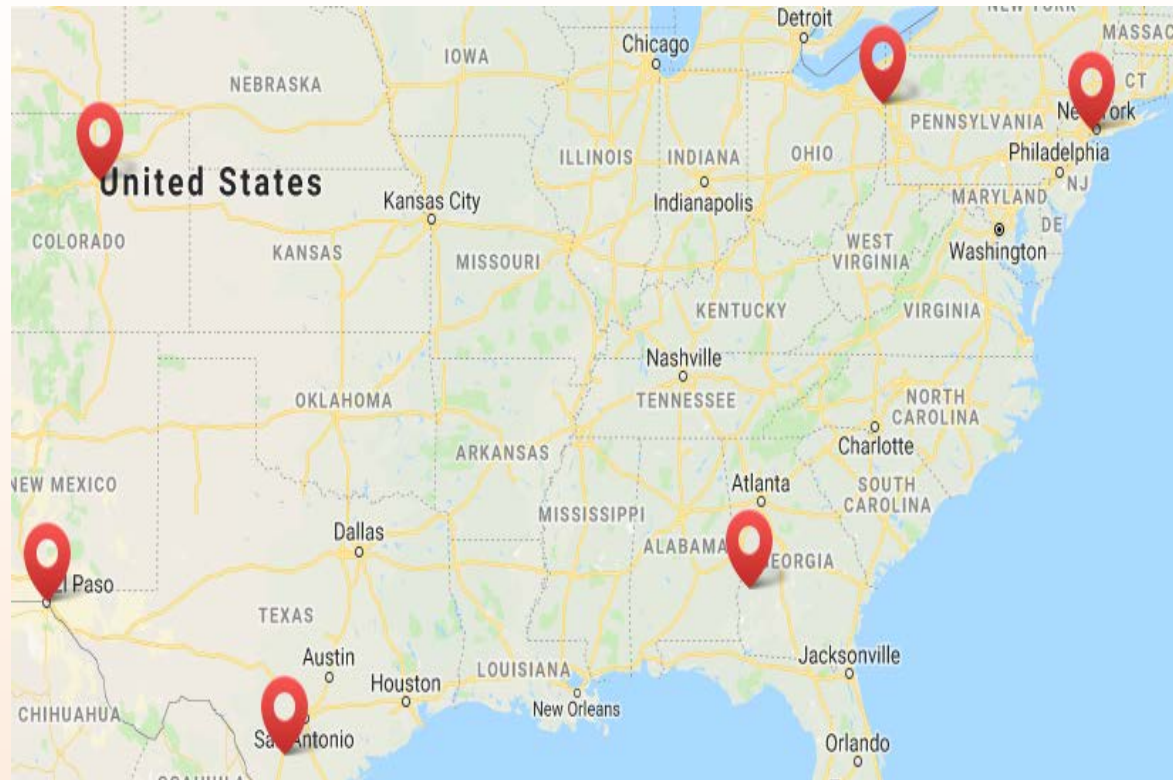
VOLUNTEER NOW



RESOURCES

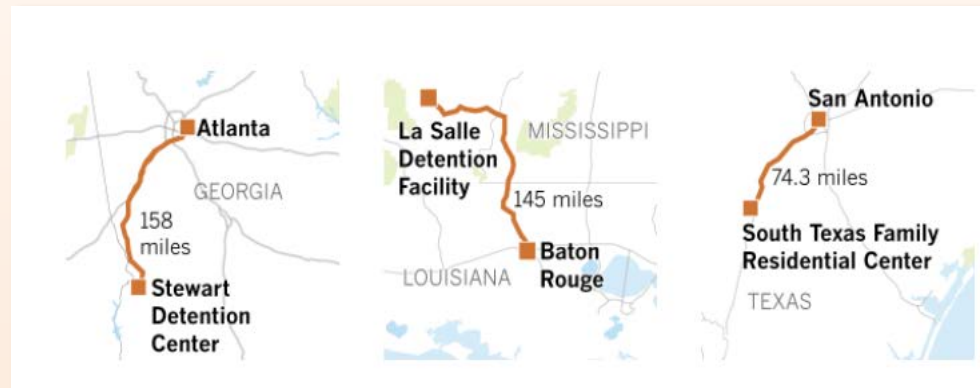
# Where We Work

- Denver, CO
- Rural GA and LA
- Elizabeth, NJ
- Youngstown, OH
- Dilley, TX
- El Paso, TX



# Immigration Detention System

- Powerful tool
- Isolation
- Conditions of confinement
- Hostile jurisdictions
- Few Attorneys: 30% of detention facilities are 100 miles from non-profit providers





# Crisis of representation in detention

- 14% of detained immigrants have counsel
- Fewer than 2% of detained immigrants obtain pro bono representation
- Immigrants with counsel are 10 times more likely to prevail than unrepresented immigrants



# Asylum in the U.S. Since 1980

- Eligibility based on:
  - Persecuted/likelihood of persecution because of
  - Race, religion, nationality, political opinion, or membership in a particular social group
  - By government/those government unable or unwilling to control
- Stability:
  - Provides a pathway to a green card, citizenship
  - Spouse and minor children can get asylum



# Asylum Ban: What It Says

- Anyone who enters/attempts to enter U.S. via southern land border after July 15, 2019 is **ineligible** for asylum
  - Unless s/he applied for and was denied asylum in a third country en route to U.S.
  - Or was a victim of a severe form of trafficking

# Supreme Court Decision

- Litigation in Northern District of CA
  - Challenge filed immediately
  - District Court judge issued nationwide injunction
  - 9<sup>th</sup> Circuit limited injunction to 9<sup>th</sup> Circuit (CA, AZ)
- Supreme Court decision on Sept. 11
  - Struck down entire injunction
  - Rule now goes into effect nationwide
- **Not the end of the story** - litigation continues in California

# What This Means for Asylum Seekers

- Will be eligible to apply for related protection: withholding of removal and Convention Against Torture protection
  - Harder to obtain
  - Less robust forms of protection
- Legal representation more crucial than ever

# Who is Affected?

- Non-Mexicans crossing southern land border
- Asylum seekers from all over the world will be affected
  - Ineligible for asylum
  - May be afraid to seek protection in U.S.
  - May attempt to enter by sea

# Remain in Mexico: Overview

- Officially “Migrant Protection Protocols.”
- Forces people to wait in Mexico for their U.S. immigration court hearings.
- Began January 24, 2019.
- Applies in much of the southern border, including Tijuana, Mexicali, and Juarez/El Paso.
- Over 40,000 adults and children have been made to wait in Mexico.

# Remain in Mexico: Who it Impacts

- Does not apply to Mexican nationals.
- Does apply at and between ports of entry.
- Non-Mexicans who are found to be *more likely than not to face persecution or torture* in Mexico are not supposed to be returned to Mexico.
- Media documented only 2 people subjected to this policy who won asylum so far.



# Why is it bad to force asylum seekers to Remain in Mexico?

- **DANGEROUS:** Border areas are very dangerous and asylum seekers are incredibly vulnerable to kidnapping, rape, and other violence.
- **NO RESOURCES:** Most have no support network or jobs in Mexican border towns and shelters are at capacity.
- **NO ATTORNEYS:** At the end of August, just 6% of these hearings had legal representation.

# Port Courts

- Administration setting up massive tent “courts” near border for MPP cases
  - Laredo - hearings started Sept. 11
  - Brownsville - hearings started Sept. 12
- Judges appear by videoconference
- Access to counsel severely restricted

# Attacks on Legal Bases for Asylum

- Attorney General decisions in 2018 and 2019 that attack certain eligibility categories - attempt to foreclose these claims
- Survivors of domestic violence and gang violence
  - *Matter of A-B-* (June 2018)
- People targeted because of family relationships
  - *Matter of L-E-A-* (July 2019)

# What This Means for Asylum Seekers

- Harder to win asylum in these categories
- Decisions do NOT in fact foreclose asylum/withholding for these categories
- Need for legal representation

# How You Can Help

- Take a **pro bono** matter. Cases needing licensed attorneys available on the website.
- **Volunteer** to translate or interpret on a case.
- **Donate** to support our work, our Local Fellows, and creation of great content like this.

# If you would like to take a case

- If you are an attorney interested in taking a case:

Enter your name, email, and YES in the chat box



Copyright© 2019 American Immigration Lawyers Association and American Immigration Council. All rights reserved.

# Questions?

[www.immigrationjustice.us](http://www.immigrationjustice.us)

IMMIGRATION **JUSTICE** CAMPAIGN

---