

# National Migration Week

## 2021

### Spotlight: Asylum



Credit: Migrants and Refugees Section/Vatican

*"We steadfastly affirm a person's right to seek asylum and find recent efforts to curtail and deter that right deeply troubling. We must look beyond our borders; families are escaping extreme violence and poverty at home and are fleeing for their lives."*

- Bishop Jose S. Vásquez of the Diocese of Austin, Texas and Sean Callahan, President and CEO of Catholic Relief Services

Verenise was pursuing her dream of becoming a nurse in El Salvador when a gang began to threaten her family. When her mother couldn't pay the money the gang demanded, they fired bullets at the house where Verenise lived with her sick grandmother and two young sisters, and they stalked her on her commute to university each day. Finally, her grandmother told them, "I'd rather have you far away alive than to see them kill you here." Verenise was forced to leave behind her grandmother, her career, and her whole life to make the long and dangerous journey with her sisters to reunite with their mother in the United States. They encountered perilous river crossings, long treks with little food, corrupt policemen, and inhumane conditions in both Mexican and U.S. detention centers on their desperate quest to seek asylum in the U.S. When they crossed the border, Verenise's young sisters were cruelly separated from her and Verenise was in custody for four months before she was allowed to reunite with her sisters and mother. Like the other thousands of asylum seekers in the U.S., Verenise came to this country with the hope of safety and a better life for herself and her loved ones.<sup>1</sup>

# What is the difference between a refugee and an asylee?

Both refugees and asylees are defined as any person who is unable to return to their home country due to past persecution or a well-founded fear of persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group.<sup>2</sup> The difference is that a refugee is granted protection before they enter the United States, while an asylee applies for protection as an asylum seeker once they have already entered the United States.

## Is asylum a legal process?

Yes. In fact, the United States has a legal obligation to provide [protection](#) under both U.S. law and international treaties.<sup>3</sup>

## How does someone apply for asylum?

U.S. immigration laws state that individuals have the right to seek asylum whether they enter the country at an official port of entry or anywhere else along the border. There are two processes to apply for asylum:

- **Affirmative:** Once an individual is physically in the United States, they may choose to apply for asylum if they are not in removal proceedings. In this instance, the individual's application for asylum will be adjudicated by an asylum officer at U.S. Citizenship and Immigration Services (USCIS).
- **Defensive:** An individual who is facing deportation after being apprehended and placed into immigration court proceedings by Immigrations and Customs Enforcement (ICE) may apply for asylum as a defense against removal and have their claim adjudicated by an immigration judge.<sup>4</sup>

## Asylum by the numbers<sup>5</sup>

**59,848:** the number of asylum decisions made in 2020

**71%:** the percentage of asylum appeals that were denied

**1,322,938:** the number of pending immigration cases, including asylum hearings, in the U.S.

**934 days:** the average wait time for a case to be heard

**2x:** It is twice as likely that detained asylum seekers will have relief granted if they have legal representation in court, while those who were never detained are nearly five times as likely as their unrepresented counterparts to obtain relief. Currently, asylum seekers have no guaranteed right to legal representation.

## What steps can be taken to strengthen the asylum system?

**Immigration courts should increase the number of judges and work to ensure due process for asylum seekers.** An increase in immigration judges would help to address the immigration court case backlog. In addition, efforts that would undermine asylum seeker's access to due process need to be firmly rejected as they make it more difficult for asylum seekers to adequately prepare for their cases and also find counsel to assist them.

**Increase Access to Legal Information.** This includes access to Legal Orientation Programs (LOP) and Know Your Rights presentations as well as centralized information about pro bono attorneys. This would help provide information to detained and released immigrants and ensure they know more about compliance requirements, making the system more efficient.

**Ensure Legal Representation for Vulnerable Populations.** Data shows that immigrants with [legal representation](#) are more likely to apply for relief from deportation. Detained immigrants with counsel were almost eleven times more likely to seek relief such as asylum, and those who were never detained were five times more likely to seek relief.<sup>6</sup>

**Utilize Alternatives to Detention (ATDs) Rather than Keeping Asylum Seekers in Detention.** The government should increase utilization of proven ATDs, which are not only more humane but also more cost-effective than detention. Read our backgrounder on [alternatives to detention](#).<sup>7</sup>

# What does the Church say about asylum?

While the Church acknowledges the right of sovereign nations to control their own borders, it teaches that those fleeing violence and persecution should be protected and welcomed. The United States Conference of Catholic Bishops have emphasized the importance of maintaining an asylum process that allows everyone who is seeking asylum to have the opportunity to have their cases heard and decided through a fair procedure.

To learn more about asylees, asylum seekers, and what the Church teaches on these populations, please visit:

<https://justiceforimmigrants.org/what-we-are-working-on/asylum/>

## Endnotes

1 Story taken from the Princeton Oral History Project from their Religion and Forced Migration Initiative. USCCB/MRS is a partner organization in this initiative. see <https://religionforcedmigration.princeton.edu/oralhistoryproject>

2 [i] 8. U.S.C. §1101(a)(42)(A)

3 Asylum Law and Procedure, Human Rights First, <https://www.humanrightsfirst.org/asylum/asylum-law-and-procedure> (last visited on May 15, 2019)

4 “The Affirmative Asylum Process,” USCIS, 4 19 2019, <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-process>

5 Data for these numbers is available at the TRAC Immigration website, <https://trac.syr.edu/phptools/immigration/asylum/>; [https://trac.syr.edu/phptools/immigration/court\\_backlog/](https://trac.syr.edu/phptools/immigration/court_backlog/).

6 Access to Counsel in Immigration Court, American Immigration Council (Sept. 28, 2016), available at [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf)

7 U.S. Conference of Catholic Bishops/Migration and Refugee Services, et. al, The Real Alternatives to Detention, available at <https://justiceforimmigrants.org/wp-content/uploads/2017/07/The-Real-Alternatives-to-Detention-FINAL-06.27.17.pdf> (last visited on June 15, 2021).



DIOCESE OF  
KANSAS CITY-ST. JOSEPH

ARCHDIOCESE OF CHICAGO

