

California Welcoming Task Force

This information is general information about the asylum process provided by California Welcoming Task Force (CAWTF) member organizations. This information may change over time, so please go to rapidresponsesd.org/cawtf for the most recent documents, as well as the websites and social media pages of CAWTF member organizations, including but not limited to www.immdef.org, www.alotrolado.org, <https://www.facebook.com/borderlinecrisis/>,

ASYLUM PROCESS INFORMATION

October 1, 2022

ALERT: All legal services provided by the California Welcoming Task Force organizations are FREE OF CHARGE. If someone or a group of persons claims to be part of the California Welcoming Task Force and asks for money for legal advice or services, it is a scam, we DO NOT CHARGE for our legal advice or services.

How to contact the California Welcoming Task Force organizations for legal help:

Immigrant Defenders Law Center:

ayuda@immdef.org
www.immdef.org

Al Otro Lado:

<https://alotrolado.org/encuesta> ****Filling out the encuesta is not an application for asylum nor does it mean you have a case with Al Otro Lado. You will only be contacted if you qualify for Al Otro Lado's services.*
www.alotrolado.org

More information about these organizations:

www.responsesd.org/california-welcoming-task-force

Migrant Protection Protocols (MPP)

On August 13, 2021, a federal court in Texas ruled that the Biden Administration must restart MPP. The Biden Administration sought a stay of restarting the MPP program. On June 30, 2022, the Supreme Court affirmed the administration's authority to end MPP. The administration has ended new enrollments into MPP.

Entering the United States to Seek Asylum

Border processing for asylum seekers remains closed. There is currently no official "waitlist." The only means by which to legally enter the United States to seek asylum from the U.S.

southern border at this time is through humanitarian parole. Humanitarian parole is discretionary and is available to extremely medically vulnerable individuals. A grant of humanitarian parole is rare and granted in very low numbers.

Humanitarian parole

Humanitarian parole applies to persons who have serious medical issues or are at imminent risk of harm. The U.S. government does not charge a fee for the humanitarian parole application with Customs and Border Protection. Customs and Border Protection makes the decision on who will be granted humanitarian parole. There is no set time period by which a humanitarian parole request must be granted. It can take days, weeks, or even months for a decision to be made by the U.S. government. There is no appeal process of denials.

What May Happen If You Enter The U.S. Between Ports of Entry

Citing the COVID-19 pandemic, the U.S. government continues to expel individuals and families at the U.S. southern border without an opportunity to seek asylum or other protection. This policy is called Title 42. This policy is being challenged in U.S. courts, but as of today it is still in effect.

If you attempt to cross the U.S. border, you and/or your family could be quickly removed to Mexico or put on a flight directly back to your country of origin. Some individuals and families who express a fear of returning to their country of origin or Mexico may be allowed to stay in the United States, but it is not clear who will be permitted to enter the United States to seek asylum.

Some persons or families who enter the U.S. in between ports of entry will be subject to expedited removal whereby they may be removed to their country of origin or be permitted to undergo a Credible Fear Interview.

Credible Fear Interview:

Convention Against Torture (high standard)

If you were tortured or fear torture in your home country, you must expressly tell the border official.

- o You will receive a credible fear interview.
- o Must demonstrate that there is a strong possibility that you will be tortured if returned to your country of origin.
- o You have the right to an interpreter.
- o Failure to pass the interview will result in expulsion.
- o If you fail the interview, you may request review of the denial by an Immigration Judge.

There are no clear rules as to who will be given the credible fear interview or expelled under Title 42.

- Unaccompanied Children already on U.S. soil cannot be removed under Title 42.

Eligibility for Asylum in the U.S.

You must show the following:

Persecution: someone or a group of people have done you harm (physical or psychological) in the past OR will do so in the future. You have a "reasonable possibility" of being persecuted (at least a 10% chance).

Subjective Fear: You have a real fear of persecution.

Objective Fear: A reasonable person in your situation would experience a fear of persecution.

Harm is done by the persecutor for AT LEAST one of these specific reasons:

Nationality

Race

Religion

Political opinion (actual or imputed) AND/OR

Belonging to a particular social group (e.g., LGBTQ, gender, or certain family groups)

Lack of employment, poverty, or criminality in general are **NOT** grounds for asylum.

Evidence For Your Asylum Case:

Evidence is documentation that can support your case. Your testimony also serves as evidence. It is not mandatory to have evidence, but it is good to have anything you can get that can elaborate and corroborate the details of your case.

Start gathering your evidence as soon as possible. You will not need to submit your evidence until the Immigration Judge tells you exactly when it is due in court.

All documents need to be translated into English.

A copy of all documents submitted to an Immigration Judge must be sent to the Department of Homeland Security.

It is important to keep copies of all your documents and evidence that you give to the immigration court.

Examples of Evidence:

- Police reports, evidence that you called the police, or went to police headquarters to try to make a report
- Reports or inquiries for assistance from human rights organizations
- Medical documents (physical and mental health)
- Birth certificates
- Death Certificates
- Marriage Certificates
- School records or reports
- Work records or pay stubs
- Newspaper articles
- Social media posts or videos such as Facebook, Twitter, WhatsApp, Instagram, etc.

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- Copies of online messages/conversations and text messages from WhatsApp, iMessage, Facebook Messenger, etc.
- Photographs of damage to belongings, physical injuries, and/or threats received
- Court documents (e.g., complaints filed in court)

If someone (such as family, friends, neighbors, co-workers, or other community members) has information about your case, you can ask them to write a statement. These people should include in their statements:

- Full name and phone number
- A copy (front and back) of their national ID card
- What is their relationship to you and how long have they known you
- What they know about what happened to you and your family
- How they know what happened
- Details about how they know about your case
- Why it is not safe for you or your family to remain in your home country

The statement needs to include the following language at the end:

"I declare under penalty of perjury (under the laws of the United States) that what is written is the truth and correct."

It should also include the name and address of the person who made the declaration, their signature, and the date

As of today, there is no official announcement about the reopening of the border to asylum seekers. Several U.S. legal organizations have filed lawsuits in federal court challenging MPP and the border closures. The Biden Administration has stated that it will reopen the U.S. asylum process but it will take time. Staying at or near a U.S. Port of Entry does not give any individual or family priority to access the U.S. asylum system.