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Spotlight On
**Helping Asylum Seekers and New Asylees
Find Their Way in the United States**

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People seek asylum in the United States (U.S.) when their home country is no longer safe due to persecution or other forms of violence. However, obtaining asylum is a notoriously complicated process due to the numerous government agencies involved, the immigration courts' backlogs, and the possibility of detention while awaiting a hearing. The current U.S. immigration system is itself a large barrier to individuals seeking asylum, and information regarding legal rights and protections are often inaccessible to asylum seekers. In this way, the U.S. immigration officials cause massive injustices against asylum seekers and those who have been granted asylum ("asylees"). To remedy this, numerous non-profit organizations have undertaken the task of simplifying and demystifying the asylum process. However, the difficulties do not stop once individuals are granted asylum. This article will describe the efforts of one such organization, the Asylum Seeker Advocacy Project ("ASAP"), as it provides legal services and resources to women, children, and families as they move through the U.S. immigration system and begin their new lives in the U.S.

I. BACKGROUND

The asylum process begins with the party seeking asylum demonstrating that they have been harmed in their home country or have reasonable belief that they will face harm if they remain there. These harms may be a result of an immutable trait of the individual, such as ethnicity or nationality, or their system of beliefs. The most common harm is a hostile home government, which either perpetrates violence against its citizens or refuses to protect its citizens from violence carried out by gangs or militia groups. Even after proving this, applicants still face many barriers to asylum. For example, applicants must prove that they have been in the U.S. for no longer than one year, that they have not previously applied for and been denied asylum in the U.S., and that they have not committed "particularly serious crime[s]." These crimes are not enumerated, and the immigration system has general discretion over what constitutes a "particularly serious crime." This makes it more difficult for applicants with criminal records to anticipate whether they will be granted asylum.

After being granted asylum, asylees still face obstacles in starting their new lives in the U.S. One of the most common concerns for new asylees is obtaining work permits and finding employment. Previous Trump-era immigration laws and policies are still in place, which intentionally make it more difficult for immigrants and asylees to find legal work in the U.S. Additionally, the USCIS and research from Syracuse University indicates that the average asylum process can take anywhere from six months to three years to reach a conclusion. Once this period is over and asylum is granted, asylees still struggle to find supportive communities, as they face harassment and discrimination while they attempt to make a home in the U.S. ASAP sought to respond to these injustices and provide resources and information to help people find legal, non-exploitative employment opportunities and community groups to provide support to ease the transition into life in the U.S.

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A. History of ASAP

Inspired by her parents' difficult experience with the U.S. immigration system and a personal encounter with a detained Honduran mother seeking asylum, Swapna Reddy founded ASAP in 2017 with her fellow Yale Law School classmates. Reddy and her peers began providing volunteer legal services to prevent wrongful detention and deportation of families seeking asylum in the U.S. Eventually, Reddy and her classmates formally established ASAP at the Urban Justice Center in New York City.

II. ASAP'S INTENTIONS

ASAP's goal is to provide legal information to families seeking asylum and to establish a supportive network of women, children, and families who have been granted asylum as they navigate life in the U.S. ASAP calls for a simpler asylum process with more accessible, accurate information and a more welcoming and accepting community for all migrants, especially those who fled dangerous homelands to find better lives. ASAP offers legal resources to all asylum-seeking women, children, and families, as well as those who have been granted asylum but need legal assistance as they settle into the U.S. Overall, ASAP's efforts are directed at improving efficiency in the asylum process and protecting basic human dignity for those searching for a safer life in the U.S.

A. Who Does ASAP Serve?

As of November 2022, ASAP has over 400,000 registered members. To become a member of ASAP, an individual must have sought or be currently seeking asylum in the U.S., be at least fourteen years old, and believe in ASAP's mission to promote a welcoming community for asylees as they flee traumatic violence in their home countries. Interested individuals must fill out an application demonstrating their fulfillment of these requirements.

Once an applicant is approved for ASAP membership, ASAP will provide them with information about the asylum process, including waiting times and expectations for each step of the asylum process, and information about establishing themselves in the U.S. once they are granted asylum. Members also have access to immigration attorneys who can answer their specific questions and concerns; however, it is important to note that ASAP is not legal counsel for its members, but rather a source of legal information and resources to simplify the asylum process. Finally, ASAP members are also able to network with each other, which helps form friendships and supportive groups with individuals in similar situations. These resources are free to ASAP members over the age of eighteen; those under eighteen can still be members, but they will not receive the full benefits of membership until they reach age eighteen.

B. ASAP's Mission and Philosophy

Per ASAP's Mission Statement, its goal is "to end the wrongful detention and deportation of asylum seekers in the U.S." ASAP recognizes the immense courage required for someone to recognize that their home country is no longer safe and flee that environment. ASAP is also cognizant of the fact that the U.S. immigration process is incredibly complicated and inaccessible to most asylum seekers, and while information about the process is generally available online,

interested individuals may not have reliable internet access or may struggle to understand the legal jargon used on those websites. The high cost of legal representation is another burden for asylum seekers, in addition to their lack of a consistent home address or phone number, which is required to communicate with their legal counsel. These are privileges that many Americans take for granted, but are massive barriers to asylum seekers' ability to make themselves at home in the U.S. Therefore, ASAP seeks to make the asylum process as straightforward as possible by providing legal information from qualified immigration professionals.

ASAP has a team of professionals from several academic fields, including law, public affairs, communications, and public health. This team provides ASAP members with detailed materials describing the asylum process and various legal concerns associated with the process. The ASAP team also facilitates the formation of digital support networks, giving asylum seekers and asylees the ability to connect with each other. This serves ASAP's mission and philosophy by creating a community with access to legal information, resources for getting settled in the U.S., and an active support system of similarly situated individuals. These connections are crucial to starting over in a new country, and ASAP does this in a way that is both accurate and accessible.

III. ASAP'S WORK

ASAP's particular objectives vary as political conditions change and situations arise which implicate national immigration policy and law, in addition to their general goals of fostering supportive connections and providing legal information to asylum applicants. Currently, ASAP is largely focused on helping asylees receive work authorization visas, as these are necessary for asylees not only to find work to support themselves and their families, but also to get Social Security numbers, driver's licenses, and obtain eligibility for healthcare services.

A. *Helping Asylees Obtain Work Authorization Visas*

1. The Current Law

American immigration law and policy received a lot of attention and modification during the Trump Administration, with many of those changes still in place today. DHS's final rule from August 2020 (8 C.F.R. § 208) amended immigration law to disincentivize potential applicants from filing "frivolous, fraudulent, or otherwise non-meritorious asylum applications to obtain employment authorization." Not only did this amendment make it more difficult for people to get asylum in the first place, as immigration officials had greater discretion in dismissing claims that they deemed "non-meritorious," but it also imposed greater restrictions upon applicants obtaining work authorization permits. This new law also forced applicants to wait one year after they filed their asylum applications to file their work authorization applications. Finally, this law also allowed USCIS to drag out the authorization process—per the USCIS website, 80% of cases for work authorizations are completed within fifteen and a half months.

In the aftermath of this policy, ASAP members sued to bar the policy from going into effect in *CASA de Maryland, Inc. v. Mayorkas*. The members were granted a preliminary injunction in September 2020, as the court found that DHS had not adequately considered the harm of the policy or any alternative, less burdensome options. In July 2022, a DC District Court judge held that the policy was an impermissible restriction on asylum seekers obtaining work authorizations. However, the agencies involved in approving those applications are still facing a severe backlog,

so the application processing is severely delayed. As of November 2022, ASAP continues its litigation efforts in *CASA* to ensure that applicants receive their authorizations in a timely manner and that the government complies with the judge's order invalidating the policy.

2. Obstacles

One of the major obstacles in the asylum process is the backlog of immigration services. Due to this, asylees are being forced to wait several months to receive a work authorization permit, after already waiting one year to file their asylum applications. To drag out a simple work authorization over several months insults the asylees' dignity. Thus, the government must work quickly and efficiently to address this.

ASAP works in light of the organization's intimate knowledge of the U.S. immigration system's inefficiencies. This allows ASAP to provide applicants with reasonable expectations for their asylum claims, as well as their subsequent work authorization applications.

IV. CONCLUSION

ASAP's work is vital, especially as greater numbers of people seek asylum in the U.S. Asylees are put in an incredibly perilous situation the instant they decide to leave their home countries to seek safer lives for themselves and their families. ASAP's work of community building is crucial as asylum seekers and other immigrants in the U.S. experience prejudice and hardship in accessing basic services, such as legal information about their application status and their ability to work as they move through the U.S. immigration system. ASAP has always operated under the principles of community, accessibility, and welcoming new neighbors with open arms and acceptance. ASAP provides essential services to asylees, and their efforts deserve more mainstream recognition and support. ASAP is always in need of volunteers to complete legal or administrative work and financial donations to continue helping those brave enough to seek asylum in the U.S.

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