

~~AN~~ OVERVIEW OF ASYLUM FOR JACUMBA AND SAN DIEGO VOLUNTEERS



<https://alotrolado.org>

AGENDA



- Immigration Agencies to Know
- Asylum at the U.S. – Mexico Border
- The CBP One App
- Open Air Detention Sites (OADS)
- Unaccompanied Children and Family Reunification
- What is Asylum?
- Asylum Ban 2.0 and How to Fight It
- Resources

DEPARTMENT OF HOMELAND SECURITY (DHS)



■ U.S. CUSTOMS AND BORDER PROTECTION (CBP)

- Charged with border enforcement at Ports of Entry.

■ U.S. BORDER PATROL (BP)

- Responsible for patrolling the areas at and around the Southern and Northern borders.

■ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

- Responsible for interior enforcement and for detention and removal operations.

■ U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

- Adjudicates applications and petitions for Immigration and Naturalization benefits.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR) | IMMIGRATION COURTS

- Immigration courts are operated by the Department of Justice's (DOJ) EOIR, which is under the power of the Attorney General.
- There are roughly 70 immigration courts around the country and more than 650 Immigration judges.
- The courts hold hearings to decide if noncitizens will be deported from the country or not.



ASYLUM AT THE U.S. - MEXICO BORDER



TWO WAYS TO SEEK ASYLUM AT THE BORDER:

At Ports of Entry

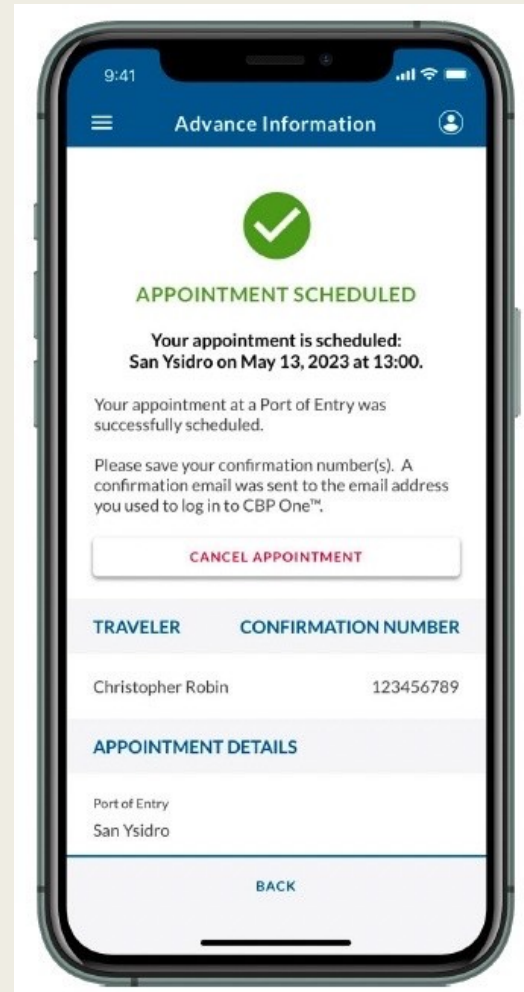


In between Ports of Entry; Entry Without Inspection (EWI)



THE CBP ONE APP: AN OVERVIEW

- Biden's "preferred" method for seeking asylum.
- 1,450 appointments daily.
- Exempts you from the Administration's "Asylum Ban 2.0"
- Average wait time for an appointment is 12 weeks, during which migrants face dangerous conditions in Mexico.
- Must be used from Central or Northern Mexico (Mexico City / Guadalajara area and North).



- Appointments available at 8 Ports of Entry (POEs)
 - Brownsville (Matamoros)
 - Calexico (Mexicali)
 - Eagle Pass (Piedras Negras)
 - Hidalgo (Reynosa)
 - Laredo (Nuevo Laredo)
 - Nogales (Nogales)
 - Paso Del Norte (Ciudad Juárez)
 - San Ysidro (Tijuana)
- Available in English, Spanish, Haitian Creole, Portuguese, and Russian.

OPEN AIR DETENTION SITES (OADS)

Processing priority given to women, children, and family units.

- Immigrants may be released to family with a Notice to Appear in Immigration Court to request asylum.
- Single adults may be placed in ICE detention and subject to accelerated deportation proceedings.



Photo by Xavier Vasquez

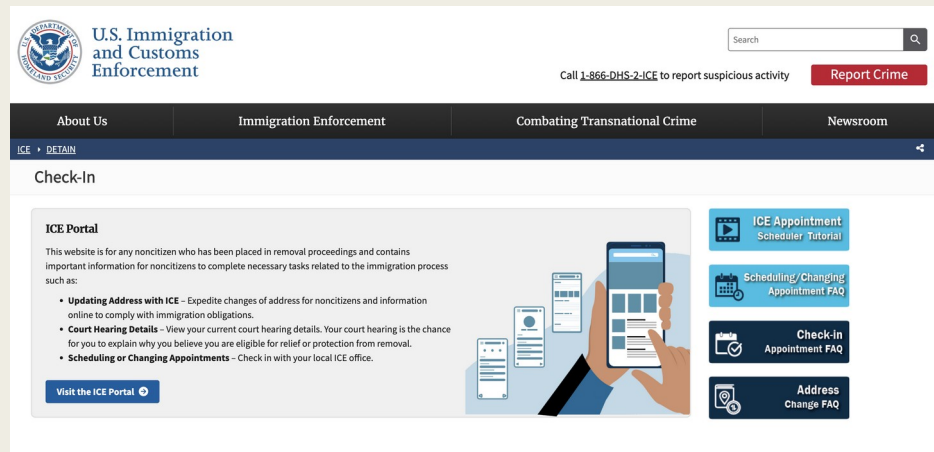
WHY ARE SOME ASYLUM-SEEKERS DETAINED AND OTHERS RELEASED?

■ Single Adults

- DHS preference is to detain single adults in ICE facilities; this sometimes includes adult (18+) children and other adult relatives separated from “family units,” which is defined as biological parents of minor children.
- Not enough ICE beds to detain everyone.
- Some adults released for various logistical reasons: lack of space; injury; illness; disability; pregnancy; random luck.
- Once detained by ICE, likely placed into Expedited Removal (CFIs/RFIs). They may also be given a Notice to Appear directly under discretion (typically when the person speaks a more rare language)

ICE CHECK-INS & IMMIGRATION COURT HEARINGS: 2 SEPARATE OBLIGATIONS

ICE PORTAL



U.S. Immigration and Customs Enforcement

Call 1-866-DHS-2-ICE to report suspicious activity [Report Crime](#)

[About Us](#) [Immigration Enforcement](#) [Combating Transnational Crime](#) [Newsroom](#)

[ICE](#) [DETAIN](#)

Check-In

ICE Portal

This website is for any noncitizen who has been placed in removal proceedings and contains important information for noncitizens to complete necessary tasks related to the immigration process such as:

- **Updating Address with ICE** - Expedite changes of address for noncitizens and information online to comply with immigration obligations.
- **Court Hearing Details** - View your current court hearing details. Your court hearing is the chance for you to explain why you believe you are eligible for relief or protection from removal.
- **Scheduling or Changing Appointments** - Check in with your local ICE office.

[Visit the ICE Portal](#)

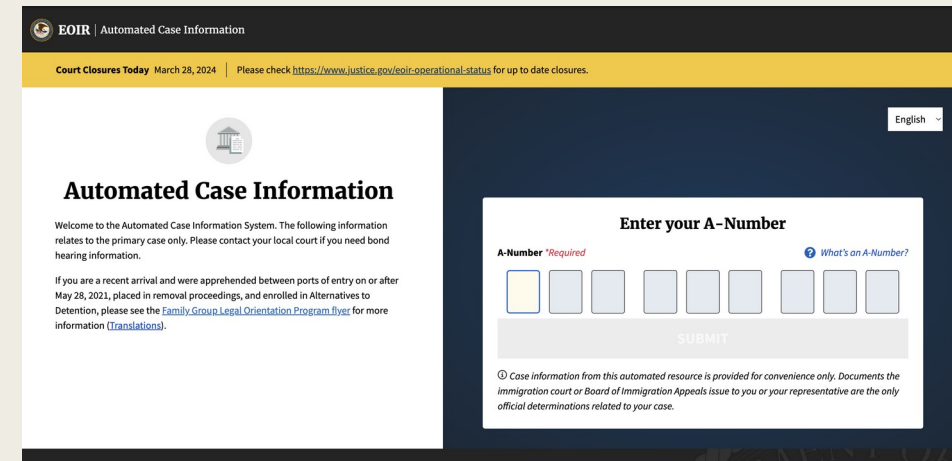
[ICE Appointment Scheduler Tutorial](#)

[Scheduling/Changing Appointment FAQ](#)

[Check-in Appointment FAQ](#)

[Address Change FAQ](#)

COURT PORTAL



EOIR | Automated Case Information

Court Closures Today March 28, 2024 | Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

Automated Case Information

Welcome to the Automated Case Information System. The following information relates to the primary case only. Please contact your local court if you need bond hearing information.

If you are a recent arrival and were apprehended between ports of entry on or after May 28, 2021, placed in removal proceedings, and enrolled in Alternatives to Detention, please see the [Family Group Legal Orientation Program flyer](#) for more information ([Translations](#)).

Enter your A-Number

A-Number **Required* [What's an A-Number?](#)

[SUBMIT](#)

① Case information from this automated resource is provided for convenience only. Documents the immigration court or Board of Immigration Appeals issue to you or your representative are the only official determinations related to your case.

IMMIGRATION COURT ONLINE RESOURCE (ICOR)

I am an Individual in Immigration Proceedings Before EOIR

Contact the Immigration Court +	Contact the Board of Immigration Appeals +	Immigration Court Operational Status +	Learn About Legal Representation +
Learn About the Board of Immigration Appeals +	Appeal an Immigration Judge's Decision +	Learn About the Immigration Court +	Check Case Status +
EOIR Forms Webpage +	Explore Relief Options +	The Notice to Appear +	Update Respondent or Noncitizen Information +
List of Resources +	Migrant Protection Protocols (MPP) +	U.S. Citizenship +	Request a Copy of My File (ROP) +

UNACCOMPANIED CHILDREN



Unaccompanied Children

Special rights and privileges are given to children under the age of 18 who arrive to the border without parents.

They can spend up to 72 hours in CBP Custody before being released to the Office of Refugee Resettlement (ORR baby jail) during which time the reunification process will begin.

FAMILY REUNIFICATION: Family members must all the ORR National Call Center Hotline at (800) 203-7001 or email



OFFICE OF REFUGEE RESETTLEMENT (ORR)

- Any child that is not traveling with their parent or court designated legal guardian will be separated and sent to one of a few dozen ORR facilities around the country, which could be anywhere.
- They and the adult wanting to receive them will need to go through the Reunification Process mentioned in the previous slide.
- Order of Preference as to who the child will be released to:
 1. Parent or stepparent
 2. Legal Guardian
 3. Adult relative (brother, sister, aunt, uncle, grandparent, or first cousin.

ORR HAS GROUPED UC CASES INTO THE FOLLOWING CATEGORIES:

1. Parent or Legal Guardian. This includes qualifying step-parents that have legal or joint custody of the teen.
2. A brother; sister; grandparent or other immediate relatives (e.g. aunt, uncle, first cousin) who previously served as the UC's primary caregiver. This includes biological relatives, relatives through legal marriage, and half-siblings.
3. An immediate relative (e.g. aunt, uncle, first cousin) who has not previously served as the UC's primary caregiver. This includes biological relatives, relatives through legal marriage, and half-siblings.
4. Other sponsor, such as distant relatives and unrelated adults.
5. No sponsor identified

UNPROCESSED ASYLUM SEEKERS

(Hospital releases and anyone not apprehended by Immigration)

ASYLUM SEEKERS NOT PROCESSED BY BORDER PATROL MUST:

- Submit the Application for Asylum within 1 year of entering the U.S. This is called an affirmative Asylum filing. If not submitted timely, they lose the chance to apply for Asylum.
- The Asylum application is called [FORM I-589](#) and is available on the USCIS website for free.
- Amongst other instructions, the application must be submitted in English, to the appropriate USCIS processing center (based on where applicant lives).

ASYLUM/WITHHOLDING OF REMOVAL/CONVENTION AGAINST TORTURE

■ Asylum

- Offers a path to legal status in the U.S. (Legal Permanent Resident + Citizenship)
- Nexus requirement

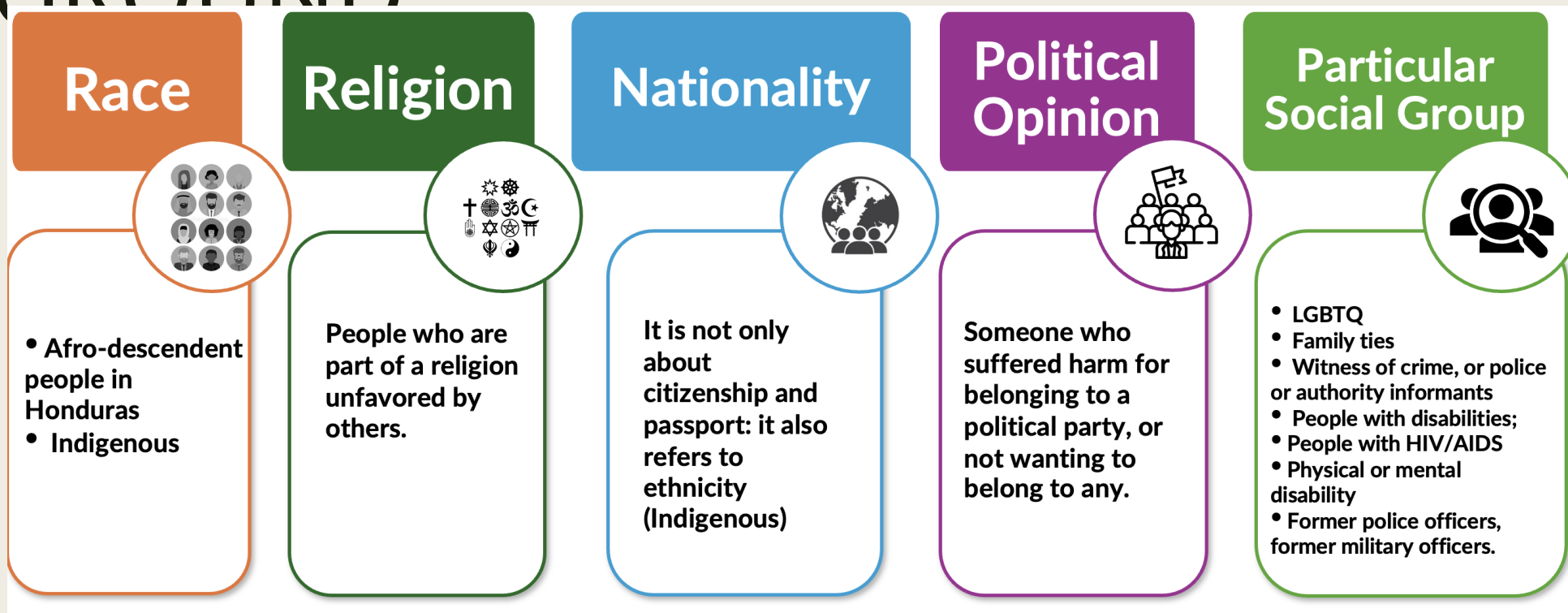
■ Withholding of Removal

- Similar to asylum, harder to win
- Can never travel outside the U.S.
- No pathway to legal status in the U.S., but the U.S. won't send to home country.

■ Protection Under the Convention Against Torture

- No pathway to legal status in the U.S.
- Can never travel outside the U.S.
- No nexus requirement and no travel outside the U.S.

PERSECUTION MUST BE “ON ACCOUNT OF” A PROTECTED GROUND.



INTERNAL RELOCATION & GOVT. UNABLE OR UNWILLING TO CONTROL



ASYLUM BAN 2.0 AND CIRCUMVENTION OF LAWFUL PATHWAYS (CLP)

■ Individuals from countries other than Mexico are barred from asylum if they did not:

- Apply for Asylum and get denied in a third country on the way to the U.S. (Abandoning an application does not count)
- They will still qualify for WITHHOLDING/CAT (harder to win than asylum, no pathway to legal status, cannot travel)



WAYS TO FIGHT THE ASYLUM BAN

2.0

1. People not subject to the ban include Mexican Nationals and Unaccompanied Minors
2. Exceptions to the Asylum Ban:
 - A. Applied for asylum in a third country and were denied (Abandoning an application does not count)
 - B. Enter with a CBP One Appointment
 - C. Waited at a Port of Entry to seek Asylum as Arriving Noncitizens and...
“...ESTABLISHED IT WAS NOT POSSIBLE TO USE OR ACCESS THE CBP ONE APP DUE TO LANGUAGE BARRIER, ILLITERACY, SIGNIFICANT TECHNICAL FAILURE, OR OTHER ONGOING AND SERIOUS OBSTACLE.”

REBUTTING THE PRESUMPTION OF INELIGIBILITY FOR ASYLUM

- Asylum seekers can rebut the asylum ban “presumption of ineligibility” in EXCEPTIONALLY COMPELLING CIRCUMSTANCES
- How:
 - Must demonstrate that at the time of their unauthorized entry, they or a family member with whom they were traveling:
 - Faced an acute medical emergency
 - Faced a threat to their life or safety, such as imminent threat of rape, kidnapping, torture, or murder.
 - Were a victim of severe trafficking (8 CFR § 214.11)

THERE IS NO PUBLIC DEFENDER SYSTEM IN IMMIGRATION PROCEEDINGS

IMMIGRATION ADVOCATES
NETWORK

HomeFind HelpVolunteerResourcesSign InJoinDonate

Choose Language

National Immigration Legal Services Directory

Welcome to the National Immigration Legal Services Directory. Use the options below to search for immigration legal services providers by state, county, or detention facility. Only nonprofit organizations that provide free or low-cost immigration legal services are included in this directory. If you have questions, please see our list of [frequently asked questions](#) or email us at directory@immigrationadvocates.org.

Add Organization

Print

Search by
Zip Code

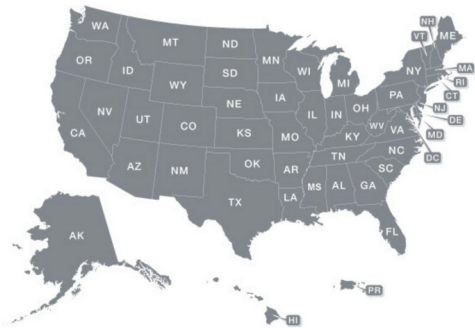
Go

Search by
Detention Facility

Select a detention facility

Go

Search by State



List of Immigration Court Helpdesks

[Share](#) >

The below-listed ICHs provide pro se respondents with orientations regarding the immigration court process, help completing court documents, and assistance in finding pro bono representation.

Immigration Court	Contract Provider
Annandale Immigration Court	Immigration Services and Legal Advocacy (ISLA) Tel: (504) 224-2958 www.islaimmigration.org
Boston Immigration Court	Catholic Charities Archdiocese of Boston (CCAB) Tel: (617) 464-8000 www.ccab.org
Chicago Immigration Court	National Immigrant Justice Center (NIJC) Tel: (312) 660-1328 www.immigrantjustice.org
Denver Immigration Court	Rocky Mountain Immigrant Advocacy Network (RMIAN) Tel: (720) 543-8898 www.rmian.org
Detroit Immigration Court	Michigan Immigrant Rights Center (MIRC) Tel: (313) 329-7900 www.michiganimmigrant.org
El Paso Immigration Court	Diocesan Migrant and Refugee Services (DMRS) Tel: (915) 532-3975, ext. 8401 www.dmrs-ep.org