

Working with Asylum Seeking Households

JOHS Provider Conference – May 29, 2024



Presentation Goals

- Context and Project for Asylum Seekers
- Common Challenges
- Define and distinguish between status of different newcomers
- Legal rights and responsibilities for asylum seeking households
- Legal processes for asylum seeking households
- Access to the different resources available to support asylum seeking households

Context

Since 2022, ~5 families / week are asylum seekers coming into Portland

Being homeless for immigrant communities is not new

- Culturally, migrants tend to support each other

Taking on responsibility are grassroots organizations and mutual aid groups

Referring asylees to homeless shelters has been challenging, even though they fall under the homelessness definition

Importance of Intersectionality

See No Strangers Project

Community driven action for housing relief for immigrant, refugees & asylee families

Government piloted at the Ramada motel for new arrivals to prevent a crisis

Families were moved from the airport to the Ramada for interim housing

From Ramada they were moved to apartment housing on fixed period leases (6 months)

New calls for permanent or stable housing solutions

New calls for IR & A families to be part of the JOHS plans to end homelessness

Immigrant, Refugee & Asylum Seeker Challenges

From the See No Stranger project

Asylum application requires several support documents like:

Passport, I-94, identity documents and related evidence. These should be kept handy in a safe place

Lack of information on steps to legalize stay.

For example:

- 1 year to file for asylum
- Where to find legal resources
- The means to access legal resources
- System navigation issues
- Language, culture shock, service platforms.

Immigrant, Refugee & Asylum Seeker Entry Point Misconceptions

- "We are here now. All our problems are over. This is America"
- "We arrived yesterday. We just woke up as US citizens. We are thankful!"
- "Why keep identity documents of countries we fled from?"
- "Will my documents from my remote country mean anything in America?"
- "America will give me a fresh set of identity documents anytime."
- "I don't have to do anything. Government will take care of me."
- "Government will assign someone to come and explain everything"

Issues of Access to Justice

Asylum seekers come from all over the world

Numerous backgrounds, cultures, languages

Important to meet people where they are

Example:

- Voice and Language: Chuj-San Mateo vs. Chuj-San Sebastian.
- Empowerment: making choices informed by professionals vs. expectation to obey authority.
- Trust: confidentiality and systems of care vs. coming from places of violence, trauma, and abusive power.
- Effective channels of communication: text messaging and in-person meetings vs. email and video conferencing



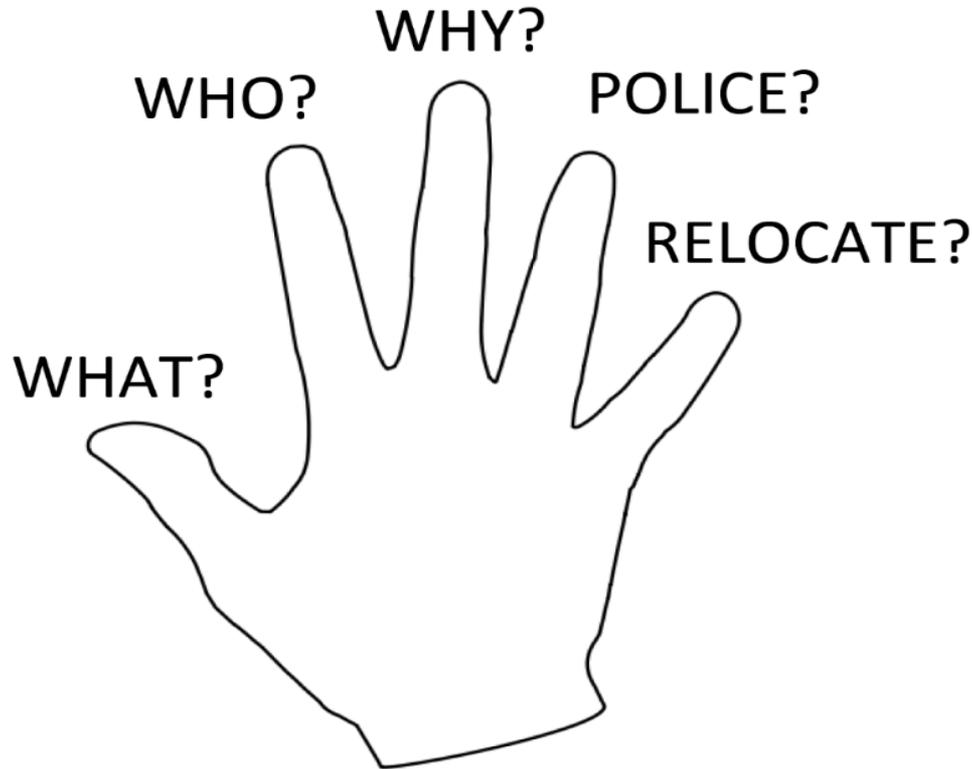
definition **refugee**

“... any person who is outside his or her country of residence or nationality ... and who **is unable or unwilling** to return to ... that country because of **persecution** or a **well-founded fear** of persecution on account of **race, religion, nationality, membership in a particular social group, or political opinion** .”
INA 10 1(a)(42).

differences between refugees and asylum seekers

- **Refugees**
 - Facilitated by the UNHCR while outside of their country of origin and outside the United States (typically refugee camps)
 - Obtain status outside the United States. Resettled to a particular community; immediately eligible for some government benefits and assistance
 - Eligible to adjust status (to permanent residence) after one year in the United States
- **Asylum seekers**
 - Apply for protection once in the United States
 - May apply defensively or affirmatively.
 - Defensively: in a court proceeding where the government is trying to argue they should be deported to their home country.
 - Affirmatively: before an agency where they are interviewed by an asylum officer.
 - Ineligible for many government benefits and support unless and until asylum is granted

YOUR CASE IS IN YOUR HANDS



WHAT?

What happened or do you fear will happen if you are sent back to your country?

WHO?

Who harmed you or do you fear will harm you? Are they part of a group? How do you know them?

WHY?

Why did they specifically harm or threaten you? Why would they harm you instead of another person?

POLICE?

Did you go to the police? If so, what happened? If not, why?

RELOCATE?

Is it possible to be safe in another part of your country? Why or why not?

other types of immigration status

- Undocumented
 - Visa overstay or entered without inspection
- Temporary statuses
 - DACA & SIJS
 - Temporary Protected Status
 - U/T visas
- Lawful Permanent Residence
 - Humanitarian, family, or employment pathways
- US Citizenship



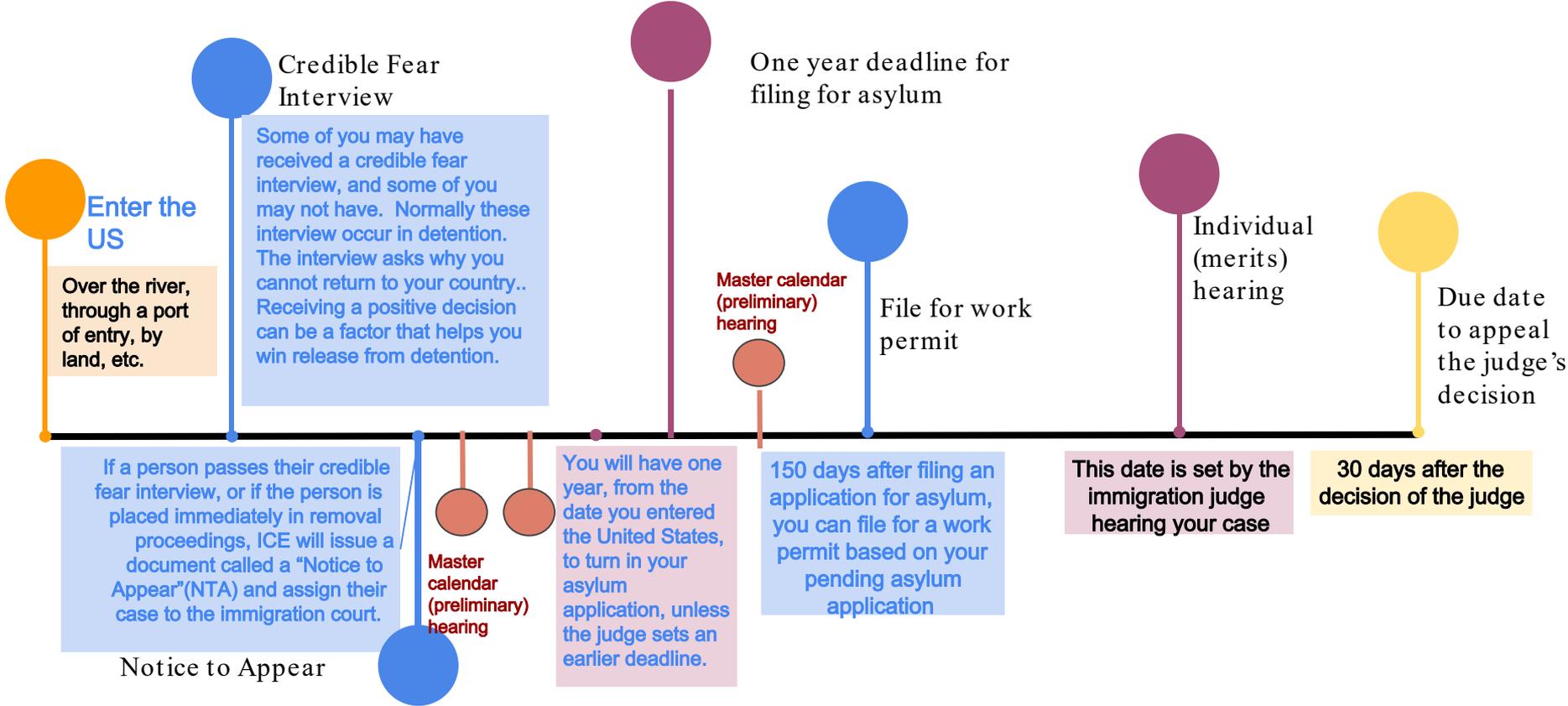
obtaining immigration status

- Generally very challenging!
 - Humanitarian - asylum pathway is narrow; high denial rates; functionally unavailable if not sought w/in 1 year of entry (there are exceptions to the 1 year filing deadline); very long process (3 - 10+ years)
 - Temporary statuses (DACA, TPS) do not have clear pathway to permanent status
 - Family-based - only available to spouses, children, siblings, parents (if USC child 21+); expensive fees; functionally unavailable if no lawful entry to US
- Federal government does not provide universal free legal help or representation
- Shortage of immigration attorneys



practical matters

REQUESTING DEFENSIVE ASYLUM: A SUMMARY



Example: Notice to Appear

- Charging document.
- Will include date of entry.
- Should include place, date, time of first hearing.

U.S. Department of Homeland Security Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : [REDACTED] FIN #: [REDACTED] File No: [REDACTED]
SIGMA Event: [REDACTED] DOB: [REDACTED] Event No: [REDACTED]

In the Matter of: [REDACTED]

Respondent: [REDACTED] currently residing at:
ONS CUSTODY

(Number, street, city and ZIP code) (Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States.
2. You are a native of Mexico and citizen of Mexico.
3. On or about July 15, 2018, you applied for admission into the United States from Mexico at the San Ysidro Port of Entry.
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:
See Continuation Page Made a Part Hereof

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
 Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
At a place, and time to be determined

(Complete Address of Immigration Court, including Room Number, if any)

on a **date to be set** at **time to be set** to show why you should not be removed from the United States based on the
(Date) *(Time)*

charges(s) set forth above. [REDACTED] CBP OFFICER [REDACTED]
(Signature and Title of Issuing Officer)

Date: July 22, 2018 SAN YSIDRO, CA
(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

Example: Hearing Notice

- Name and A-number are at the top.
- Will specify the type of hearing.
- Includes date, time, and location.
- Can look up next hearing date with A-number:
<https://acis.eoir.justice.gov/en/>

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1220 SW 3RD AVENUE, SUITE 500
PORTLAND, OR 97204

RE: [REDACTED]
FILE: A [REDACTED] DATE: Sep 2, 2021

TO: Metropolitan Public Defender
RATCLIFFE, SAMANTHA
630 SW 5th Ave
Suite 500
Portland, OR 97204

Please take notice that the above captioned case has been scheduled for a **INDIVIDUAL hearing** before the Immigration Court on **Jul 12, 2024** at **08:30 A.M.** at:

**1220 SW 3RD AVENUE, SUITE 500
PORTLAND, OR 97204**

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b) (5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

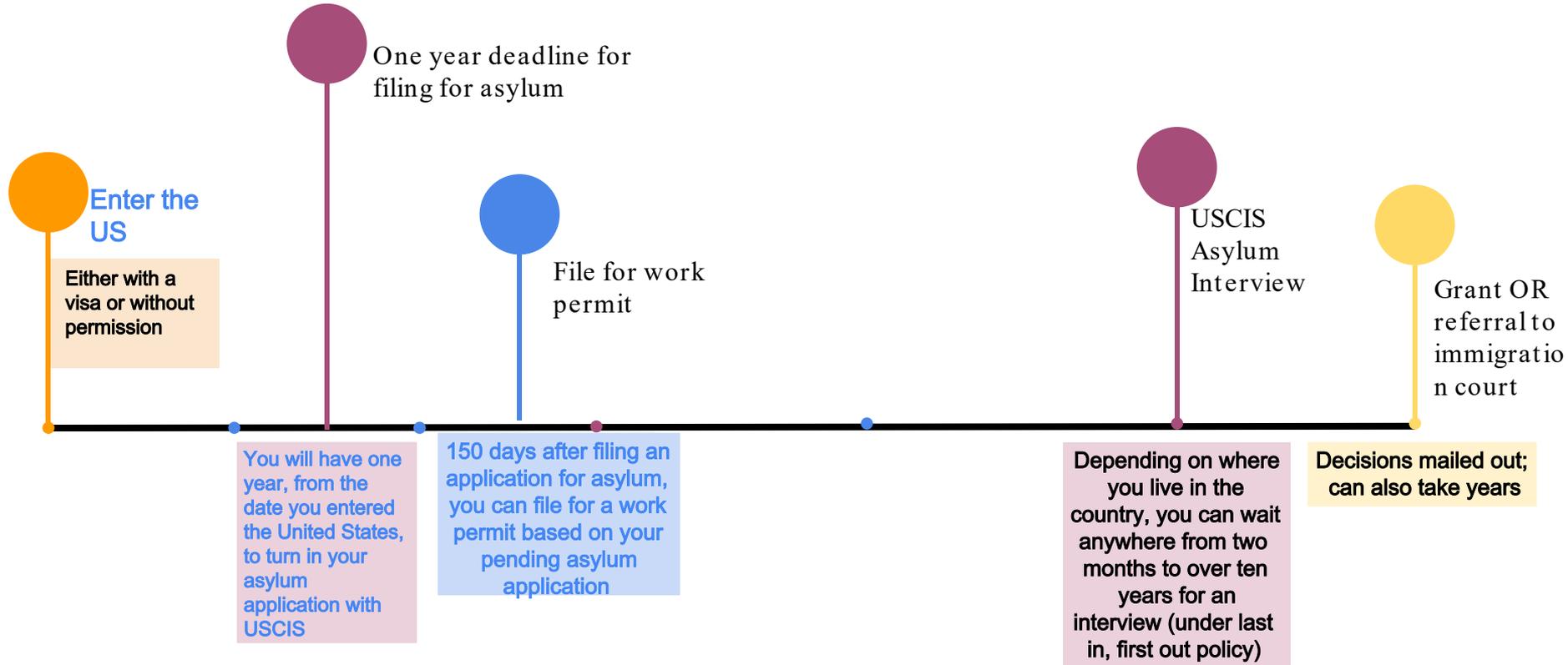
IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 304-625-2050. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [] DHS
DATE: 9/9/21 BY: COURT STAFF V3
Attachments: [EOIR-33 [] EOIR-28 [] Legal Services List [] Other

REQUESTING AFFIRMATIVE ASYLUM: A SUMMARY



Example: Form I-589

- Edition date is printed at the bottom-left corner.
- Includes three legal defenses
- 12 pages; in English and must be completed in English
- Must check box at top if seeking relief under the Convention Against Torture (CAT) and must identify protected ground(s).
- Access latest version of form and instructions at: <https://www.uscis.gov/i-589>

I-589, Application for Asylum and for Withholding of Removal

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture

Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) (f any)		2. U.S. Social Security Number (f any)	3. USCIS Online Account Number (f any)
4. Complete Last Name		5. First Name	6. Middle Name
7. What other names have you used (include maiden name and aliases)?			
8. Residence in the U.S. (where you physically reside)			
Street Number and Name		Apt. Number	
City	State	Zip Code	Telephone Number ()
<i>(NOTE: You must be residing in the United States to submit this form.)</i>			
9. Mailing Address in the U.S. (f different than the address in Item Number 8)			
In Care Of (f applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
10. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	11. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
12. Date of Birth (mm/dd/yyyy)	13. City and Country of Birth		
14. Present Nationality (Citizenship)	15. Nationality at Birth	16. Race, Ethnic, or Tribal Group	17. Religion
18. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings.			
b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
19. Complete 19a through c.			
a. When did you last leave your country? (mm/dd/yyyy)		b. What is your current I-94 Number, if any?	
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. <i>(Attach additional sheets as needed.)</i>			
Date	Place	Status	Date Status Expires
Date	Place	Status	
Date	Place	Status	
20. What country issued your last passport or travel document?	21. Passport Number		22. Expiration Date (mm/dd/yyyy)
	Travel Document Number		
23. What is your native language (include dialect, f applicable)?			24. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No
25. What other languages do you speak fluently?			
For EOIR use only.	For USCIS use only.	Action: Interview Date: _____ Asylum Officer ID No.: _____	Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____





Supporting Evidence

- Birth, marriage, and death certificates
- Personal statements and witnesses
- Psychological evaluations
- Medical evaluations
- Expert country condition reports and letters

All **non-English** supporting evidence **must** be submitted with English translations.

Wait Times **and the Asylum Clock**

- Applicants are ineligible for work authorization until their I-589 has been pending for 180 days
- BUT an applicant -caused delay **stops** the asylum clock
- Applicant-caused delays include
 - Requesting more time to find an attorney
 - Contesting the charges on the NTA
 - Refusing an expedited hearing date





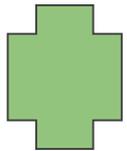
Benefits Eligibility

- i. Many federal and state benefits are unavailable to people before they obtain immigration status
- ii. BUT people should not be afraid of seeking benefits for which they are eligible
 - Haitian/Cuban entrants & Nicaraguan/Venezuelan parolees may have additional benefits eligibility
 - US citizen children have their own eligibility
- iii. Oregon Law Center public benefits hotline is the best resource for specific questions
 - M-Th 1-800-520-5292

Everyone Means Everyone

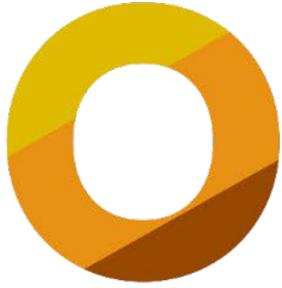
**Universal Navigation and Legal
Representation for Oregon's Immigrant
Communities**





Home/Hogar Fund

ECO



EQUITY CORPUS
OF OREGON



Xiaolin participates in an after-school program at a CBO in Portland. She is eligible for DACA; however, she has not told anyone that she is “undocumented” because she is ashamed. She confides in a counselor at the CBO.



Liban, who recently lost his job, attends a support group for Black entrepreneurs sponsored by a CBO in Central Oregon. He wants to become a US citizen



Petrona is a 17 year old living with her son at her aunt’s house in Forest Grove, Oregon. She is seeking asylum in immigration court because her mother was killed by the gangs. If she does not have her asylum application for her next hearing, she will be deported.



Arceli was the victim of a sexual assault. The victims services unit of the District Attorney’s office in Marion County wants to get her help with a U-visa.



Francisco was picked up by ICE while taking his daughter to the bus stop. He is taken to Tacoma for deportation.



Jose works at a cannery in Hermiston. ICE sets up a check point outside the cannery one evening. He is one of 25 workers picked up on their way home. ICE detains him and intends to deport him within the next 48 hours. A co-worker alerts his wife.

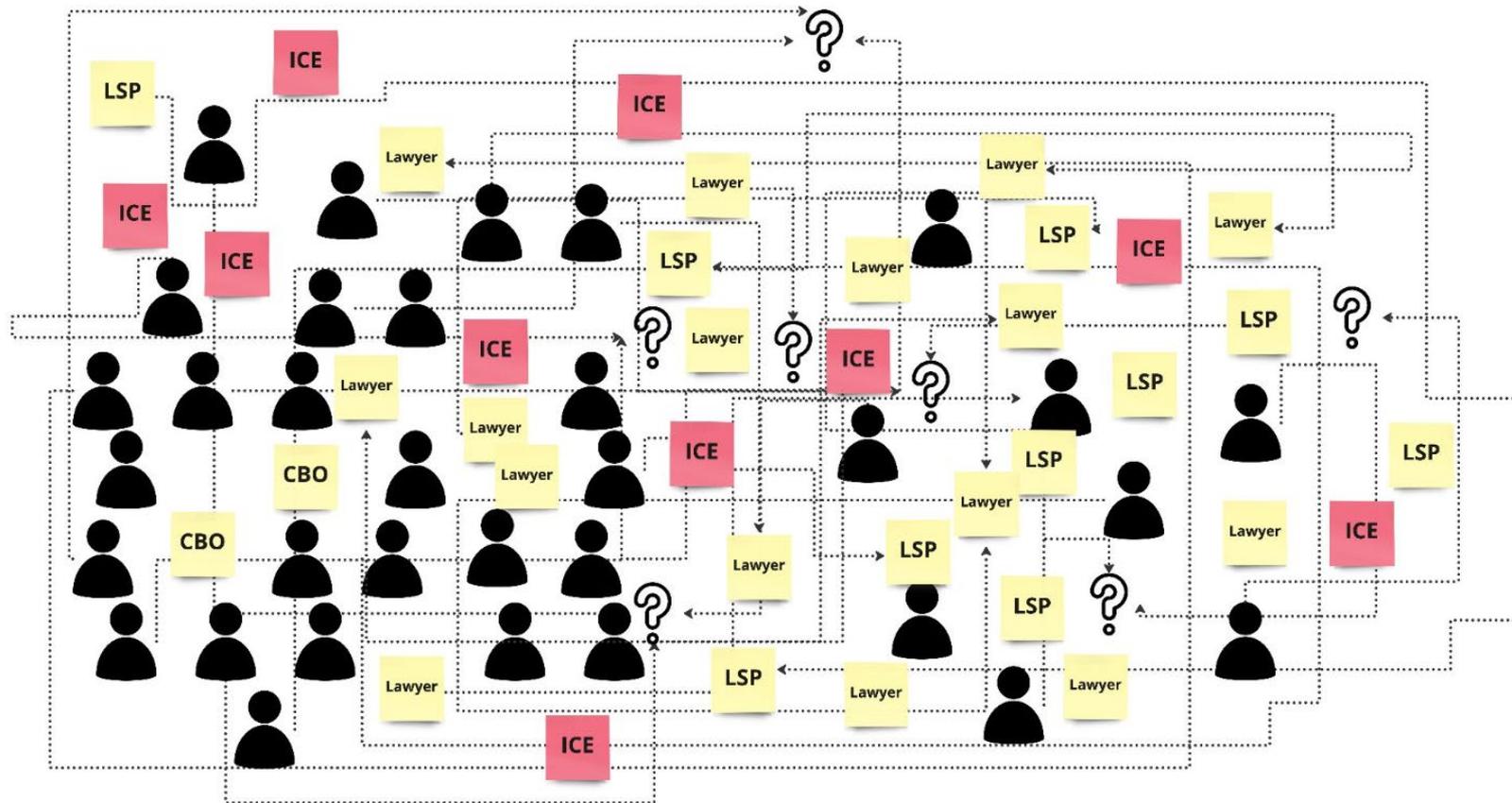


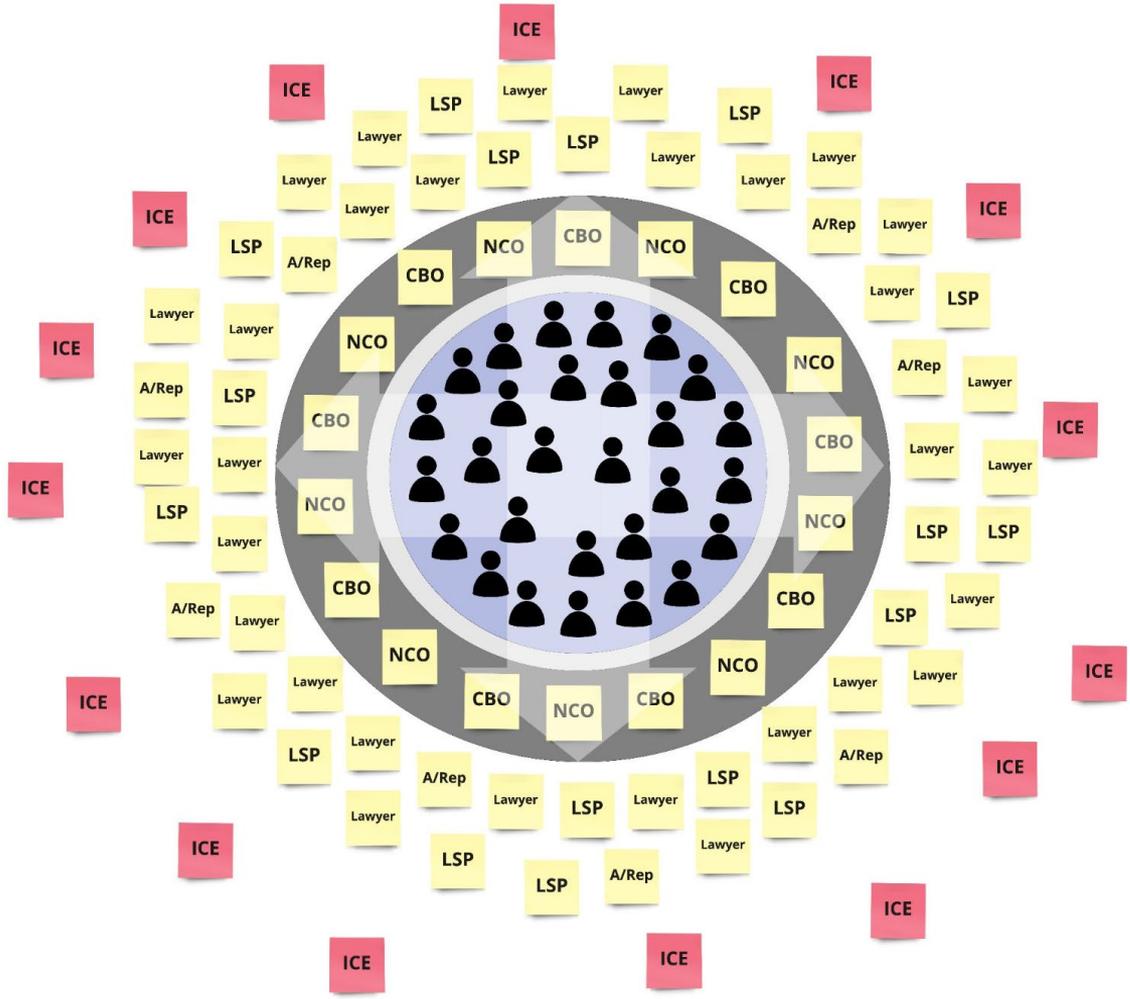
“Sorry...”

The Referral Shuffle

Navigations to Nowhere

Community members experienced frustration, distrust, despair.







Who is eligible?

- Oregon resident
- Household income of less than 200% of the federal poverty guidelines
- At risk of deportation or civic exclusion due to immigration status



How to access services

- Call 1-888-274-7292, M-F from 9 AM to 6 PM
- Applicants are prioritized based on urgency of need and wait times
- Will be navigated into ECO and receive legal services throughout the life of their immigration case

Contact us with questions:

- TK Kapurura – tk.kapurura@multco.us
- Marco Mejia - Marco.MejiaYepez@portlandoregon.gov
- Raquel Barajas - raquel.barajas@multco.us
- Jordan Cunnings – jordan@innovationlawlab.org / deco@equitycorps.org
- Samantha Ratcliffe – sratcliffe@mpdlaw.com
- Isaac Alley – ialley@mpdlaw.com

Thank you - time for questions and discussions

