



EQUAL JUSTICE AMERICA

Summer 2022 EJA Fellow:



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Update 1: This summer I am interning with Catholic Charities' NYC Immigration program working on several asylum cases.

I've spent about ten hours over the past week interviewing an asylum client's grandfather about why my client would be in danger if he returned to his home country. (The grandfather knows more about the situation than my client.) Unfortunately, I had to ask my client's grandfather to spend so much time talking about why he is afraid his grandson would be tortured and murdered if he were found back in his home country, so we can prove to the judge that this threat is credible and that there's no way he could safely return to his home country. As the hours passed, while my client's grandfather recounted the evident risk of severe harm that faced my client back in his home country, I could tell the grandfather was getting frustrated about having to provide so many details of what seemed to him like an obvious, tangible threat.

The United States immigration system makes it as difficult as possible for someone in real danger to receive asylum. The system is designed to keep people out, to turn people away, to discourage them from getting through this process.

People who have gone through such trauma should not be forced to repeatedly relive such trauma just to obtain their human right to safety from persecution. The United States could make the asylum application process much more humane and efficient. But then the system wouldn't keep people out so well. I guess that's the point.

Update 2: This past week, while working on an asylum case through Catholic Charities' NYC Immigration program, I spent hours compiling pages and pages of evidence showing that my client would be targeted if they returned to their home country. As if the amount of evidence I can compile equates the likelihood of the danger my client would face back in that country.

In one sense, it's true that an abundance of news articles and human rights reports describing the dangerous situation demonstrates the seriousness of the problem, and rightly shows why a similarly situated client would likely be harmed by that danger.



EQUAL JUSTICE AMERICA

But on the other hand, not all asylum applications are able to “prove” the danger that awaits them through news articles and human rights reports, and these applicants might have equally credible fears of harm upon return to their home country. Not all applicants have the resources to hire an attorney to gather mountains of evidence. Others fear harm from a situation that has not been written about at length. An asylum applicant’s inability to “prove” the harm that awaits them does not mean that harm is not real.

The evidentiary standard asylum applicants must overcome is too high, and unjustly denies asylum to the most vulnerable applicants.

Update 3: While working on an asylum case through Catholic Charities’ NYC Immigration program, I have spent a lot of time compiling my client’s documents ahead of his hearing. The evidence packet is nearing 800 pages.

At the hearing, an Immigration judge will decide whether my client deserves asylum. Even when applicants are statutorily eligible for asylum, the judge still makes a discretionary decision on whether to grant it. Depending on the president in power, immigration judges are told not to grant too many asylum applications.

Immigration judges are swamped with a backlog of asylum applications, so they are processing these cases as quickly as possible. Often, immigration judges make judgments without actually reading the application materials before deciding whether to send someone back to their persecutor.

That’s not how asylum is supposed to work.

Asylum should not be discretionary. Everyone fleeing persecution has a right to asylum. The United States should not pick and choose who they deem worthy of becoming American. Our nation was founded by immigrants, and we should be more welcoming of people who are

Whether or not you get asylum should not depend on whether your application was written in an engaging and compelling enough format to keep the judge’s attention long enough for them to read through your application. While good writing can help an applicant tell their story better, bad writing should not be the reason someone is denied asylum.

Update 4: I am repeatedly struck by how inhumane, inefficient, and racist the U.S. asylum system was designed to be. People who fled persecution should not have to undergo the trauma that the U.S. asylum system inflicts upon applicants.

The immigration court system should be designed to uncover the truth and give applicants the relief they deserve. The asylum application process should be designed reveal the facts of the case and willingly grant asylum to those who would truly be in danger if they returned to their home countries.

The system was not designed to give worthy applicants the relief they deserve, however. The United States makes it increasingly difficult to get asylum. You statistically need a lawyer to get asylum, even though lawyers are expensive, and you just fled for your life. You statistically need mountains of evidence to prove your case,



EQUAL JUSTICE AMERICA

even though you fled your home country overnight with just the clothes on your back, without realizing you'd later need your hospital and police records. The system was designed to keep people out.

This needs to change. There is currently a growing global refugee crisis, and the United States has the capacity to welcome more of these asylum seekers. We are a nation built upon immigrants. We need to welcome more of them into our communities.

Update 5: This summer, I was able to work on a defensive asylum case from start to finish. And the client won asylum! What an amazing feeling. As depressing and frustrating as asylum work usually is, this win for our client was a huge boost.

Throughout this experience, I have been learning a lot more about how the asylum system was designed to keep people out. It is a complicated and tedious application process; people without representation often don't get asylum; the whole process can take five years while people who fled trauma and persecution wait in limbo to find out if they will be returned to the person who wants to harm them.

Before this summer internship, I wanted to do direct representation within asylum law for several years after graduation to learn the system better. My experience this summer left me too frustrated with the way things are. Rather than helping people fight their way upstream through this system, I want to do more big picture work to try to change the system to make things more humane and more efficient. I have several ideas for where to start in improving the system.

First, we need to hire more immigration judges and more asylum officers to work through the ridiculous backlog of cases. Clients should not have to wait years to get through this traumatic process. And these judges and officers should not be so overworked that they have to speed through these life or death cases.

Second, we need to either make the process less complicated and legally tedious, or we need to ensure that each applicant is represented by competent counsel. Or both.

Third, we need to provide immigration judges and asylum officers with more cultural awareness and bias trainings so that they are better prepared to understand the cases before them without letting their biases and worldviews guide their decisions on the cases.

Before going to law school, I lived in Burkina Faso for three years. During that time, as I learned about Burkinabe culture, it struck me just how much each country and culture is different in ways I hadn't anticipated. That experience informs how I approach working on asylum cases.

This summer, while working on a Burkinabe asylum case, I was able to pull from my time living in Burkina Faso to better understand the situation my client went through. While speaking with my supervisor about the case, I realized how much our assumptions about the facts were different, because we have each had different life experiences that have shaped our view of the world.



EQUAL JUSTICE AMERICA

Immigration judges and asylum officers also bring their personal experiences and assumptions about the world to their jobs. As they are judging whether a case merits asylum, their biases about the situation affect whether they believe someone is actually in danger. This subjective and biased evaluation prejudices applicants who face persecution based on a situation that the immigration judge or asylum officer is unfamiliar with or skeptical of. People should not be denied asylum because a judge doesn't understand the danger or doesn't believe the situation could happen, just because that judge hasn't seen it happen in their culture.

While I don't expect it to be easy to change the system, I have to try.