

Terminology

Asylum A person who fears harm or persecution can ask for a form of legal protection known as **asylum**. Asylum is only granted after an interview by a specially-trained asylum officer at the Department of Homeland Security or a hearing before an immigration judge.

In order to receive asylum, a person must prove that he or she has a fear of persecution that is well-founded and due to race, religion, nationality, social group or political opinion. If the person can satisfy the legal requirements, he or she is

considered a “refugee” under U.S. law and can be granted asylum by our government. U.S. law specifically provides that a person who flees or has suffered a forced abortion (or other coercive population control measures) can be considered a refugee.

Anyone who presents a risk to U.S. security is barred under the law from receiving asylum, as is anyone who has persecuted other people or committed serious crimes.

Asylum Seeker An **asylum seeker** is a person who fears persecution in his or her country and is seeking refuge in another country. In order to request asylum,

a person must be in the United States or at a U.S. airport or border.

Asylee An **asylee** is a refugee who has been granted asylum status by the United States government. This means that an immigration judge or other U.S. official has concluded that the refugee has met the asylum requirements, and in particular that he or she has a well-founded fear of persecution and is not barred from receiving asylum.

As an asylee, the refugee can live and work in the United States, and can bring his or her spouse and children to safety in this country. A year after the grant of asylum, an asylee is entitled to apply to become a permanent U.S. legal resident.

Because of an annual limit on the number of asylees who can receive this permanent status (known as a “green card”), asylees must wait roughly 15 years. This huge backlog delays the path to citizenship and can make it much more difficult for asylees to educate and support their children.

Refugee

The term **refugee** refers to a person who has left his or her country and has a well-founded fear of persecution because of race, religion, nationality, social group or political opinion. Under U.S. law, a person who meets this definition may be granted asylum.

In the United States, the term **refugee** also refers to the legal status given to a refugee who is brought to

this country through the U.S. refugee resettlement program – a program in which many faith-based groups participate.

Expedited Removal

The process of **expedited removal** gives U.S. immigration inspectors and border patrol officers – instead of immigration judges – the power to order people deported. It applies to people who arrive without valid travel documents or with false documents at airports and borders, and to some people detained in the border area.

Asylum seekers are not supposed to be deported under expedited removal unless they are first given an interview with a U.S. asylum officer to decide if they should be allowed to apply for asylum. But the process has inadequate safeguards. A study conducted by the bi-partisan U.S.

Commission on International Religious Freedom revealed that there are serious problems in the way that U.S. immigration authorities conduct the expedited process. For example, in 15 percent of the cases observed by the Commission's experts, people who expressed a fear of return were not given a chance to be interviewed by an asylum officer.

Detention

Asylum seekers are subject to mandatory **detention** under the expedited removal law. These asylum seekers are held in prisons and jail-like facilities around the country. Asylum seekers are handcuffed and shackled, stripped of their clothing, given prison uniforms and can be jailed for months or longer.

When an immigration officer denies an asylum seeker's request for release from jail, the asylum seeker

cannot appeal that decision to an immigration judge or any independent authority. The asylum seeker will instead remain in jail until he or she is granted asylum or deported.