

# Protecting asylum seekers in the US

Internship Report by Laura John



Laura at work in the Human Rights First office.

**Refugee: "A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country."**

The term "refugee" was enshrined in international law in 1951 in the Refugee Convention, which sought to protect the right of those fleeing from persecution to seek refuge in another country. It was created to prevent a recurrence of the atrocities of World War II, when boatloads of Jewish refugees were refused entry into the United States and other countries, only to be forced to return to almost certain death in their home states.

Some 60 years later, our world remains a precarious place for millions of people forced to flee from persecution because of their religious beliefs, political opinions or nationalities. Yet there has been an alarming trend among countries, including Australia and the United States, to erode the principles of the Refugee Convention in favour of national security and border control policies.

Having worked with refugee groups in Australia, a country which receives comparatively small numbers of refugees, I wanted to experience how a country such as the United States, one of the largest recipients of asylum claims, deals with conflicting issues of protection and security. I was privileged to intern with Human Rights First (HRF) in New York from December 2012 – March 2013 in their Refugee Protection Program, which advocates for fair asylum procedures and helps hundreds of individual refugees seek asylum in the United States.

In my first week, I assisted with an intake interview for an asylum

seeker from Nepal who was seeking protection on the basis of his political opinion. During the three hour interview, we spoke about the difficulties he had experienced in his home country and why he feared returning there. After the interview, I drafted a submission outlining his claim and referring to independent country reports that supported his story. My submission was reviewed by senior counsel at HRF, who ultimately decided that his claim was strong enough to be referred to a law firm, which will represent him pro bono (for free) in immigration proceedings.

During my internship, I conducted intake interviews with asylum seekers from a range of countries including Guinea, Honduras, Pakistan and Russia. These interviews were part of HRF's Asylum Legal Representation Program, which provides indigent asylum seekers with free legal representation. The program is absolutely vital given the significant impact of legal representation and the severe consequences of an asylum seeker losing their case and being wrongfully deported to a country in which they fear persecution.

HRF has been at the forefront of improving access to legal representation. I was able to help organise and attend a conference hosted by HRF and its partners on January 25, 2013 called "Building Justice: Increasing Quality Immigration Representation in New Jersey." The conference brought together judges, private bar, law school clinics, legal service providers, academics, government offices and foundations to discuss practical steps to increase representation. Key ideas discussed at the conference include increasing incentives for lawyers to represent asylum seekers pro bono, expanding legal orientation programs in detention centres and creating a court screening program to link asylum seekers with lawyers.

Such a screening program would be similar to what HRF already runs every month at the New York Immigration Court. I was able to interview asylum seekers at the February screening to determine their eligibility for HRF's Asylum Legal Representation Program. Around 15 asylum seekers attended the screening from countries such as El Salvador, Guatemala and Ecuador, with claims ranging from domestic violence to political opinion. I was pleased to hear that two of the asylum seekers I interviewed have been invited for a longer intake interview at HRF and will hopefully be eligible for legal representation through the program.

As a leader on the international stage, the United States now has a valuable opportunity to reform its asylum system and remind the world of the promises it made in creating the Refugee Convention – promises to keep borders open for those fleeing from persecution and to set politics aside in the implementation of the Convention. These promises are just as important now as they were 60 years ago.

I have no doubt that the many passionate lawyers who I met during my internship will continue to advocate for the United States, and the world, to uphold their promises to refugees. They have inspired me to do the same and reminded me that the law is only a force for good when there are lawyers willing to utilise it in the pursuit of justice. I hope that like my colleagues at HRF, I can strive to be one of those lawyers.