

Legal Challenges in the Provision of Humanitarian Assistance to Refugees, Asylees, and Migrants

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Overview

- Refugees, Asylees, and Migrants
- Refugee Resettlement under the Trump Administration
 - Executive Orders
 - Significant Cases
- Spotlight: RAICES
- Spotlight: IRC
- Conclusions
- Q&A

Refugees, Asylees, and Migrants

1951 UN Convention Relating to the Status of Refugees

“Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, is outside the country of his nationality or is unable, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it.”

Refugees, Asylees, and Migrants

US Code, 1101(a)(42) of the Immigration and Nationality Act (INA)

Refugee: Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is:

- A. unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, 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.
- B. persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Refugees, Asylees, and Migrants

Refugee Act of 1980:

- “... to provide a permanent and systematic procedure for the admission of refugees of special humanitarian concern to the United States and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.”
- Amends INA to align definition of “refugee” with UN definition

Refugees, Asylees, and Migrants

Refugee Act of 1980 (cont’d):

- Established two routes to obtain refugee status:
 - Abroad: Referral for refugee status
 - Domestic: Asylum application (Form I-589)

Asylum: A protection granted to foreign nationals already in the US or at the border who meet the international law definition of a “refugee” and are seeking admission at a port of entry.

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