

## Humanitarian Immigration UT CLE 2020



*Lincoln Goldfinch Law  
An Immigration Firm*

Kate Lincoln-Goldfinch  
*Lincoln Goldfinch Law  
Austin & Waco*  
Call or text: 512.599.8500  
[www.lincolngoldfinch.com](http://www.lincolngoldfinch.com)

1

## HUMANITARIAN CASES

- **Asylum/Refugee** People who are fleeing persecution because of who they are or what they believe in their home country
- **VAWA (Violence Against Women Act)** Victims of domestic violence who were abused by their U.S. citizen or Permanent Resident spouse, parent or child
- **U Visa** Victims of domestic violence and other crimes
- **T Visa** Victims of labor or sex trafficking
- **DACA** People who were brought to the U.S. as children and have gone to school or served in the military
- **Special Immigrant Juvenile Status** Children who have been abused, abandoned or neglected by a parent

2

## Practicing Humanitarian Immigration

- What is it like to work with survivors of persecution and violence?
- Client needs
- Your needs
- Technology and virtual representation issues during COVID



3



## ASYLUM PART 1

1. International failure during WWII to protect Jewish refugees of the Holocaust
2. Asylum History: 1951 UN Convention, 1967 UN protocol, US Refugee Act of 1980
3. Expedited removal in 1996, use of private prison companies and private prison lobby (bed mandate, drafting laws like SB 1070)
4. Family detention
5. Trump

4

## Asylum US Refugee Act of 1980

- Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum.

5

## Asylum Elements

- Outside country of nationality (or last residence if no nationality)
- Unable and unwilling to return or to avail self 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
- Committed by government OR someone the government is unwilling or unable to control
- Internal relocation in-country not reasonable
- No bars to eligibility

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Humanitarian Immigration

Also available as part of the eCourse

[2020 Fundamentals of Immigration and Nationality Law eConference](#)

First appeared as part of the conference materials for the  
2020 Fundamentals of Immigration and Nationality Law session  
"Crumbling Foundation of Immigration Law - Effects of Restrictive Anti-Immigration  
Policies On Your Practice"