SARAH VIDAL, ESQ

ASSOCIATE ATTORNEY
LAW OFFICE OF JODI GOODWIN

ROSEMARY VEGA, ESQ

LECTURER
UHLC IMMIGRATION CLINIC

HUMANITARIAN PRACTICE & PROCEDURE UPDATES

September 30, 2022

1

FORMS OF HUMANITARIAN RELIEF

1. Asylum/ withholding of removal
2. U nonimmigrant status
3. T nonimmigrant status
4. VAWA self-petition
5. Special Immigrant Juvenile status
6. Temporary Protected Status
7. Humanitarian parole
8. Cuban adjustment

2

ASYLUM

Discretionary benefit under INA section 208(b)(1) applied for in the United States affirmatively with USCIS or defensively while in removal proceedings.

- File Form I-589 with USCIS or immigration court

3

ASYLUM REQUIREMENTS

Applicants must show they meet the definition of refugee at INA 101(a)(42), that is, they are …

- Unable or unwilling to return and unable and unwilling to avail of protection from country
- Past persecution or well founded fear of persecution
- ON ACCOUNT OF:
  - race, religion, nationality, political opinion or membership in a particular social group

4

WITHHOLDING OF REMOVAL

AG may not remove someone to a country if that person's life or freedom would be threatened in that country because of their race, religion, nationality, membership in a particular social group, or political opinion. INA section 241(b)(3)

- File Form I-589 with immigration court (defensive)

5

WITHHOLDING & DEFERRAL UNDER CAT

Relief available under Article III of the Convention Against Torture (CAT) for individuals if it is more likely than not that they would be tortured if removed to the proposed country of removal.

- File Form I-589 with immigration court (defensive)

6

UT LAW CLE THE UNIVERSITY OF TEXAS TEXASLAW

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)

Title search: Humanitarian Practice & Procedures Updates

First appeared as part of the conference materials for the
46th Annual Conference on Immigration and Nationality Law session
"Humanitarian Practice & Procedures Updates"