

SUBJECT-MATTER INDEX

A

A–B–, Matter of, 361–388, 994–999
credible fear determinations following, 985–986
impact beyond domestic violence context, 384–388

ABC settlements
generally, 1517, 1542–1543

Abortion. *See* Coercive population control

ACLU. *See* American Civil Liberties Union

“Addressing Mass Migration Through the Southern Border of the United States”
Trump proclamation, 26, 242, 999

Adjustment of status
applications, 1508–1512
asylees, 1494–1497
derivative asylees, *nunc pro tunc* applications, 1505–1508
asylees, legal standards for, 1493–1498
admissibility, 1497–1498
applications, 1494–1497
firm resettlement, 1494
physical presence, 1494
refugee, defined, 1494
biometrics collection and, 1498, 1506, 1509, 1511
CAT protection and, 1493
CSPA and, 1504–1505
derivative asylees, 1501–1508
death of principal asylee, 1503–1504
ineligibility, 1504–1505
nunc pro tunc applications, 1505–1508
principal asylee no longer refugee, 1502–1503
DHS and, 1496
drug offenses and, 1497–1499
ICE and, 1499
INA §209(c) waivers, 1513–1516
NTA and, 1496, 1500
overview, 1493, 1516
REAL ID Act and, 1493
Refugee Convention and Protocol and, 1501
refugees, legal standards for, 1498–1501
USCIS and
applications, 1508–1512

asylees, 1494
derivative asylees, 1503–1504, 1505–1507
INA §209(c) waivers, 1513–1514
refugees, 1498–1500

Administrative notice
evidentiary standards, 551–552

Administrative Procedure Act of 1946
case law, 39

Administrative record
judicial review, post-filing procedures, 1392–1393

Administrative review, 1255–1311
affirmance without opinion (AWO), 1273–1275
appeal briefs, 1269–1273
attorney general certifications, 1285–1288
BIA review, 1273–1279
CAT protection and, 1255, 1257
defensive proceedings, rights of noncitizens, 770
en banc decisions, 1278–1279
entry of appearance, 1267
filing fee, 1266
fingerprints and, 1248
identity, law enforcement, or security investigations or examinations, 1283
initial BIA processing, 1268–1269
interlocutory appeals, 1284
issuance of decision, 1283–1284
jurisdiction, 1256–1258
location of appeal, 1264–1265
motions, 1281–1283
notice of right to appeal, 1263
oral argument, 1279–1280
overview, 1255–1256, 1311
precedent decisions, 1277–1278
preparation of appeal, 1265–1268
procedures, 1262–1284
reopen or reconsider, motions to. *See* Reopen or reconsider, motions to
scope of review, 1259–1261
service of process, 1267–1268
single member decisions, 1275–1276
standard of review, 1259–1261
standing, 1258–1259

status inquiries, 1280–1281
 stay of removal, 1261–1262
 summary dismissal, 1269
 three-member panel decisions, 1276–1277
 time requirements, 1263–1264
 withdrawal of appeal, 1280

AEDPA (Antiterrorism and Effective Death Penalty Act of 1996)

non-refoulement principle, 18–19
 statutory bars to asylum and withholding of removal and, 286–287

Affirmance without opinion (AWO)

BIA administrative review, 1273–1275
 judicial review, 1382

Affirmative proceedings, 627–699

addition of dependents, 693–694
 applications, 643–650
 asylum interview, 660–692
 attorneys, role of, 671–672
 awaiting, 664–665
 check-in procedures, 660–661
 confidentiality, 665–666
 dependents, 666–667
 documents, submission of, 672–673
 failure to appear, 678–681
 fingerprints, 662–664, 679
 identity checks, 661
 individuals unable to testify on own behalf, 670
 interpreters, 667–670
 note-taking, 677
 oaths, 666
 post-interview procedures, 682–692
 pre-interview procedures, 660–665
 questioning, 673–677
 representatives, role of, 671–672
 scheduling of, 655–657
 supplemental evidence, collection of, 661–662
 witnesses, 672–673
 biometrics collection and, 653–654, 662–664
 CAT protection and, 634
 CBP and eligibility, 630
 challenging decisions, 698–699
 children, 1176–1183
 decisions, 1183
 interviews, 1177–1183
 CSPA and, 638
 decision
 approval, 688–689
 denial, 689–691
 preparation and review, 683–685

referral, 691–692
 service of process, 686–692
 departure prior to final decision, 696–697
 DHS and
 asylum interview, 667, 681, 682
 eligibility, 629–630
 notice requirements, 642–643
 DOS and
 applications, 649
 asylum interview, 665, 682
 notice requirements, 642
 eligibility, 628–640
 dependents, 638–640
 ineligible individuals, 632–634
 one-year filing deadline, 635–636
 previous denial of asylum, 636–637
 removal proceedings, 629–632
 safe third country, 637–638
 statutory ineligibility, 634–638
 employment authorization, 695–696
 EOIR and
 eligibility, 630
 notice requirements, 642
 filing procedures, 650–651
 fingerprints and, 653–654
 asylum interview, 662–664, 679
 dependents, 694
 post-filing procedures, 653–654
 Homeland Security Act of 2002 and, 642
 ICE and
 asylum interview, 664, 681, 692
 challenging decisions, 699
 eligibility, 630, 633
 INA and
 asylum interview, 661, 664, 678, 680, 683, 688
 eligibility, 629, 633
 notice requirements, 641
 NOID and, 684, 686, 690, 693, 696
 notice requirements, 640–643
 confidentiality, 642–643
 frivolous applications, consequences of, 640–642
 right to representation, 640
 use of information, 642–643
 NTA and
 asylum interview, 683, 685, 687, 692
 challenging decisions, 699
 eligibility, 629–632
 withdrawal requests, 698
 overview, 627–628
 post-filing procedures, 652–657
 A-files, collection of, 659–660

fingerprints, 653–654
 identity, background, and security checks, 653–654
 initial processing with Asylum Office, 652–653
 initial processing with USCIS, 652
 scheduling of interview, 655–657
 untimely application pilot project, 657–657
 post-interview procedures, 682–692
 decision, 683–685
 discovery of adverse information, 683
 quality assurance, 685–686
 research, 682–692
 service of decision, 686–692
 pre-interview procedures, 660–665
 unaccompanied alien children, applications for
 asylum, affirmative filings, 1224
 untimely filed application pilot project, 657–659
 USCIS and, 627–628
 adding dependents, 693–694
 applications, 643–646
 asylum interview and, 660–678
 challenging decisions, 698–699
 departure before final decision, 697
 eligibility, 628–632, 635, 638
 employment authorization, 695–696
 failure to appear at asylum interview, 678–681
 filing requirements, 650–651
 post-filing procedures, 652–657
 US-VISIT Program and, 661, 694
 Visa Waiver Program (VWP) and, 633–634, 685
 where to file, 650–651
 withdrawal requests, 697–698

Afghan Allies Protection Act of 2009, 1531

Afghanistan
 family reunification eligibility, 48
 fear of persecution and, 94, 98–99, 103
 ineligibility for asylum and, 216
 special immigrant Afghan translators, 1529–1531
 terrorism as statutory bar to asylum and withholding
 of removal, 285

Afghan Support Committee
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

African National Congress
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 291

Aggravated felonies
 administrative removal of felons
 CAT, right to request withholding of removal,
 1033–1034

American Immigration Council

INA §240 removal proceedings, 923
 judicial review, 1034
 BIA administrative review and, 1371
 as statutory bars to asylum or withholding of re-
 moval, 264–267
 trafficking of controlled substances, 265–267

AILA. *See* American Immigration Lawyers Associa-
 tion

Albania
 asylum and, 164–165
 evidentiary standards and, 535
 fear of persecution and, 94–95
 gender claims and, 404–405, 419, 422
 NACARA and, 1547
 statutory bars to asylum and withholding of re-
 moval and, 257

Algeria
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 281

Al-Hamati Sweets Bakeries
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

Alien terrorist removal courts
 generally, 300

All Burma Students Democratic Front
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 291

All India Sikh Students Federation-Bittu Faction
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 291

al-Qa'ida
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

Al-Rashid Trust
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

American Association of Blood Banks
 on derivative asylees, 1446

**American Board of Forensic Document
 Examiners**
 corroboration of evidence, 549

American Civil Liberties Union (ACLU)
 on asylum ban, 1003
 on children, 1235
 on detention, 1104, 1121
 on expedited removal, 970
 on reinstatement of removal, 1059

American Immigration Council
 on asylum ban, 1002

on defensive proceedings, 751, 780, 792
 on detention, 1076, 1126
 on expedited removal, 970
 on federal agency asylum application jurisdiction, 236–237
 Legal Action Center
 on defensive proceedings, 797
 on employment authorization, 1401, 1412
 on judicial review, 1386, 1391, 1396
 on reinstatement of removal, 1045, 1049, 1050

American Immigration Lawyers Association (AILA)
 on affirmative proceedings, 655, 656, 661, 678, 697, 698
 on alternate relief following termination of temporary protected status, 1535
 on asylum, 311
 Asylum and Refugee Committee, 291, 311, 554
 on INA §209(c) waivers, 1513
 Asylum and Refugee Liaison Committee, 207, 930, 1452–1454
 asylum application data collection, 1419
 on asylum ban, 1002
 on benefits for asylum-seekers and asylees, 1422, 1423
 on BIA administrative review, 1279
 on credible fear determinations, 961, 986
 on defensive proceedings, 741, 790, 796
 on detention, 1076
 on detention and credible fear determinations, 1095
 on employment authorization, 1427
 on expedited removal, 930, 971
 on particular social group claims, 803
 on public benefits, 1452–1454
 on related relief, 1517
 on representing child asylum-seekers, 1250
 resources, 39
 on screening and adjudication processes, 1024
 on statutory bars to asylum and withholding of removal, 291
 on unaccompanied alien children, 1203
 on withholding of removal, 207
 on zero tolerance policy, 989

America's Voice
 on expedited removal, 970

Amnesty International
 on country conditions, 546, 649, 745, 828
 safe third country, United States under Trump no longer qualifying as, 218

Anarchist Faction for Overthrow

terrorism as statutory bar to asylum and withholding of removal, 285

Ansar al-Islam

terrorism as statutory bar to asylum and withholding of removal, 285

Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)

non-refoulement principle, 18–19
 statutory bars to asylum and withholding of removal and, 286–287

AOBTC. *See* Asylum Officer Basic Training Course**Appeal briefs**

BIA administrative review, 1269–1273

Appeals. *See* Judicial review**Arakan Liberation Party**

terrorism as statutory bar to asylum and withholding of removal, 291

Armed robbery

as statutory bar to asylum and withholding of asylum, 269

Army for the Liberation of Rwanda

terrorism as statutory bar to asylum and withholding of removal, 285

Arrest

as persecution, 83–85

Arson

as statutory bar to asylum and withholding of asylum, 275

Assault

as statutory bar to asylum and withholding of asylum, 269, 271, 275
 as torture, 319

Asylum

adjustment of status. *See* Adjustment of status
 AEDPA and, 286–287
 affirmative proceedings. *See* Affirmative proceedings
 ban, southern border. *See* Asylum ban, southern border
 benefits for asylum-seekers and asylees. *See* Benefits for asylum-seekers and asylees
 CAT protection compared
 discretionary denial, 307
 ineligibility, grounds of, 207, 213
 children, applications by, 1169–1195. *See also* Children
 coercive population control and, 176–181

- applicants who have not physically undergone procedures, 185–189
- forced, defined, 178–180
- IUDs, involuntary insertion of, 180–181
- resistance, 183–185
- spouses, eligibility of, 181–183
- Controlled Substances Act and, 265
- credible fear determinations, 917–918
- defensive proceedings. *See* Defensive proceedings
- derivative asylees. *See* Derivative asylees
- detention of persons seeking. *See* Detention
- DHS and
 - ineligibility, grounds of, 213
 - legal standards, 53
 - statutory bars, 280, 284, 289–290, 296, 302
 - termination of status, 1469–1470, 1476–1479
- discretionary denial, 310
- Displaced Persons Act and, 252
- DOS and, 138
 - statutory bars, 289–290
- drug offenses and, 147–148, 160
- EOIR and
 - rescission of grant, 1471
 - termination of status, 1471–1472
 - terrorism as statutory bar, 279
- FBI and, 264
- fingerprints and, 264
- firm resettlement as statutory bars, 301–306
- gang violence, claims based on. *See* Gang violence claims
- gender, claims based on. *See* Gender claims
- government actors or groups government unable or unwilling to control and, 189–196
- historical overview, 357–358
- Homeland Security Act of 2002 and, 214–215
- HRIFA and, 298
- humanitarian asylum
 - other serious harm, 105–107
 - severity of past persecution, 102–105
- ICE and, 290, 300
- IIRAIRA and
 - coercive population control and, 177
 - eligibility, 19
 - ineligibility, grounds of, 221
- INA and, 45–46
 - coercive population control, 179–180
 - eligibility, 19
 - ineligibility, grounds of, 207
 - legal standards, 53, 54
 - social groups and group membership and, 145
 - statutory bars, 246, 252–253, 262, 264, 276
- terrorism as statutory bar, 278–284, 285, 288–290, 296, 300
- ineligibility, grounds of, 196–202, 214–246
 - one-year filing deadline, 221–240
 - previous denial, 240–242
 - safe third country, 196, 214–221
 - southern border asylum ban, 242–246
 - standards of proof. *See* Standards of proof
- legacy INS and
 - ineligibility, grounds of, 232
 - race, 137
 - statutory bars, 300
- legal standards, 53–196
 - establishing motive, 135–136
 - government actors or groups government unable or unwilling to control, 189–196
 - mixed motive, 131–136
 - nationality, 54–56, 143–144
 - nexus, 124–189
 - persecution, 65–124. *See also* Persecution
 - political opinion, 169–181
 - protected grounds, 136–181
 - race, 137–138
 - religion, 138–143
 - social groups and group membership and, 144–169
 - statelessness, 10–11
 - unable or unwilling to avail oneself of protection, 65
 - unable or unwilling to return, 63–65
 - mixed motive, 131–136
 - motive, need to establish, 135–136
- NACARA and, 298
- nationality and, 143–144
- national security, danger to as statutory bar, 276–278
- one-year filing deadline as ground of ineligibility, 221–240
 - challenging denials based on, 239–240
 - changed circumstances, 227–230
 - extraordinary circumstances, 230–238
 - reasonable period of time, filing within, 238–239
- overview, 45–46, 309–311
- persecution, 65–124. *See also* Persecution
- political opinion and, 169–181
 - coercive population control, 176–181. *See also* Coercive population control
 - imputed political opinion, 175–176
- previous denial as ground of ineligibility, 240–242
- protected grounds, 136–181

nationality, 143–144
 political opinion, 169–181
 race, 137–138
 religion, 138–143
 social groups and group membership and, 144–169
 race and, 137–138
 REAL ID Act and, 132–134
 statutory bars, 279, 281–282, 284, 287
 Refugee Convention and Protocol and
 ineligibility, grounds of, 207, 217
 legal standards, 54
 race, 137
 statutory bars, 274
 religion and, 138–143
 safe third country as ground of ineligibility, 196
 social groups and group membership and, 144–169
 statutory bars, 196–202, 246–307
 aggravated felonies, 264–267
 discretionary denials, 198
 firm resettlement, 301–306
 national security, danger to, 276–278
 non-aggravated felonies, 267–273
 particularly serious crimes, 262
 persecution of others, 247–262. *See also* Persecution
 serious nonpolitical crimes, 273–276
 terrorism, 278–300
 termination of status
 by BIA, 1476–1479
 grounds for rescinding grant, 1470–1471
 by Immigration Judge, 1476–1479
 rescission of grant by USCIS, 1475–1476
 by USCIS, 1471–1475
 terrorism as statutory bar, 278–300
 alien terrorist removal courts, 300
 engaging in terrorist activity, 281–284
 exceptions, 287–299
 exemptions from grounds of inadmissibility, 288–292
 insignificant and limited material support to Tier III organization exception, 296–298
 limited general discretionary exception, 298–299
 material support duress exception, 292–296
 suspected terrorists, mandatory detention of, 300
 terrorist activity, defined, 280–281
 terrorist organization, defined, 284–287
 TVPRA and, 221, 232

unaccompanied alien children, applications by, 1218–1227. *See also* Unaccompanied alien children
 UNHCR and. *See* Office of United Nations High Commissioner for Refugees
 USA PATRIOT Act and, 279, 300
 USCIS and
 ineligibility, grounds of, 222–223, 227–228, 231, 241
 protected grounds, 137
 race, 137
 religion, 140, 142
 rescission of grant, 1470–1471
 statutory bars, 289, 290, 292
 termination of status, 1469–1475, 1476
 UNHCR and, 144

Asylum ban

southern border, 26–27, 359, 999–1006
 interim final rule on, 24
 presidential proclamation ordering, 242–246

Asylum Division

Affirmative Asylum Procedures Manual, 628
 affirmative proceedings and, 628, 655–657, 698–699
 asylum interview, 682
 Basic Law Manual and, 35–36
 children and, 1171
 credible fear determinations and, 510, 512, 949–952
 defensive proceedings and, 773–774
 expedited removal and, 962
 persecution and, 80
 reinstatement of removal and, 1055–1056, 1058–1059
 statutory bars and, 289
 TVPRA and, 22

Asylum Office

affirmative proceedings and, 628
 adding dependents, 693–694
 asylum interview, 660–692
 challenging decisions, 698–699
 eligibility, 629–632, 636–637, 639
 filing procedures, 650–651
 initial processing, 652–653
 post-filing procedures, 652–653, 655–658
 where to file, 650–651
 withdrawal requests, 697–698
 children and, 1177, 1183, 1248–1249
 credible fear determinations and, 949–952, 954–956

defensive proceedings and, 721, 773, 824, 846
 derivative asylees and, 1444
 statutory bars and, 289
 termination of status and, 1471–1475
 unaccompanied alien children, applications for
 asylum, determinations, 1225–1227
 unaccompanied alien children and, 1219

Asylum Officer Basic Training Course (AOBTC)

affirmative proceedings and, 676
 ineligibility, grounds of, 239
 reinstatement of removal and, 1057
 as source of asylum law, 35–36
 statelessness and, 58

Attorney General. *See also specific topic*

adjustment of status and
 INA §209(c) waivers, 1513, 1515–1516
 refugees, 1497–1498
 administrative review and. *See* Administrative review
 BIA decisions and, 31–33
 judicial review and, 1372, 1376, 1388, 1394
 Opinions as source of asylum law, 31–33
 refugees, termination of status, 1486–1487
 reopen or reconsider, motions to, 1311
 temporary protected status and, 1536–1537
 “to satisfaction of,” 511–512

Attorneys

credible fear determinations, role in
 Immigration Judges, review by, 956–958
 standards and procedures, 951
 judicial review, admission for, 1388–1389

Automated Visa Lookout System

asylum interview, identity checks, 661

AWO (Affirmance without opinion)

BIA administrative review, 1273–1275
 judicial review, 1382

B

Bangladesh

fear of persecution and, 99
 gender claims and, 393
 statelessness and, 62

Bank Al Taqwa Ltd.

terrorism as statutory bar to asylum and withholding of removal, 285

Bars to asylum. *See* Asylum

Battery

as statutory bar to asylum and withholding of asylum, 269

Benefits for asylum-seekers and asylees

application pending, 1399–1422
 advance parole to travel, 1419–1422
 EADs, 1399–1417. *See also* Employment authorization
 Individual Taxpayer Identification Numbers (ITINs), 1419
 Social Security cards, 1418–1419
 biometrics collection and, 1436, 1437, 1447, 1449
 CAT protection, 1399, 1423, 1424, 1425, 1435
 DHS and, 1425, 1433
 DOS and, 1399
 employment authorization. *See* Employment authorization
 fingerprints and, 1444, 1447
 INA and, 1399, 1423, 1424, 1425, 1448
 individuals granted protection, 1422–1450
 change of address, 1450–1451
 derivative asylees, 1423, 1438–1449. *See also*
 Derivative asylees
 evidence of status, 1424–1426
 LPRs, 1423, 1449–1450
 Refugee Travel Documents, 1423, 1435–1438
 responsibilities of, 1450–1451
 right to remain, 1423, 1424
 Selective Service registration, 1451
 Social Security cards, 1433–1435
 limitation on, proposed, 1497–1498
 ORR and, 1399
 public benefits, 1451, 1452–1453
 overview, 1399, 1454
 public benefits, 1423, 1451–1454
 USCIS and, 1424–1425, 1435–1438

Benin

gender claims and, 395

BIA. *See* Board of Immigration Appeals

Biometrics collection

adjustment of status and, 1498, 1506, 1509, 1511
 affirmative proceedings and, 652–657, 662–664
 benefits for asylum-seekers and asylees and,
 1436, 1437, 1447, 1449
 defensive proceedings and, 740, 790, 795, 808–809
 detention and, 1081, 1100
 employment authorization and, 1401, 1409, 1413, 1415, 1430, 1433
 humanitarian parole and, 1541
 temporary protected status (TPS) and, 1537
 unaccompanied alien children and, 1225

Board of Immigration Appeals (BIA). *See also specific topic*
generally, 7, 29
ABC settlements and, 1543
adjustment of status and
 applications, 1512
 asylees, 1495–1497
 derivative asylees, 1507
 INA §209(c) waivers, 1515–1516
 refugees, 1499–1501
administrative review of decisions. *See* Administrative review
affirmance without opinion (AWO), 1273–1275, 1382
bond appeals, 1284–1285
burden of proof in, 500
case law and, 39
CAT protection, termination of status, 1479–1482, 1484
Clerk's Office, 1256, 1268, 1270, 1271, 1280
customary international law and, 15
decisions
 discretionary, 199
 en banc decisions, 1278–1279
 issuance of, 1283–1284
 precedent decisions, 1277–1278
 reconsideration of denials, 202
 single member decisions, 1275–1276
 three-member panel decisions, 1276–1277
defensive proceedings, 770
discretionary decisions, 199
evidentiary standards
 corroboration of evidence, 539–541, 542–544, 545–546, 549
 frivolous applications, 533
 inconsistencies and omissions, 526–527
I&N Decisions, 29–31
individual assessments and evidentiary hearings, 553
judicial review of decisions, 1369–1370
 deference and, 1381
 discretionary determinations as restrictions on, 1376–1377
 filing of petitions, 1384–1389
 jurisdiction, 1371–1373
 post-filing procedures, 1392–1396
 scope and standard of review, 1381–1384
 stay of removal, 1389, 1391
Law Library and Immigration Research Center, 1256
other countries, laws of, 42

Practice Manual, 1270, 1271, 1280
reconsideration of denials, 202
regulations and, 23
reopen or reconsider, motions to. *See* Reopen or reconsider, motions to
as source of asylum law, 29–33
standard of proof in, 511–512
statelessness, consideration of, 63
termination of status and
 asylum, 1476–1479
 withholding of removal, 1476–1479

Boko Haram

terrorism as statutory bar to asylum and withholding of removal, 285

Bonds

detention, 1107–1117
 appeal of Immigration Judge bond decision, 1116–1117
 initial custody determination, 1108–1109
 motions, 1111–1113
 redetermination hearings, 1114–1116
 request for subsequent redetermination, 1117
 review of ICE custody or bond determinations, 1109–1110

Border wall

Executive Order No. 13767 ordering funding of, 27, 973
government shutdown over funding for, 725
national emergency declaration to fund, 1017–1020

Bosnia-Herzegovina

fear of persecution and, 99
future persecution, well-founded fear of, 119
statutory bars to asylum and withholding of removal and, 251, 258

Boston University School of Law

Immigrants' Rights Clinic, on adjustment of status, 1512, 1516

Brand X deference

judicial review and, 1380

Brazil

potential regional asylum agreement with, 221

Briefing schedule

judicial review, post-filing procedures, 1392

Briefs

judicial review, post-filing procedures, 1393–1395

Bulgaria

expelled Palestinians and, 61

NACARA and, 1547

Burden of proof, 499–506

advocacy, 554–577
 analyzing claim, 564–565
 case planning, 564–565
 client intake and interviews, 555–564
 client meetings, 557–564
 corroborating evidence, preparing, 568–577
 preparing application and declaration, 565–568
 witness testimony, preparing, 568–577
 on applicant, 499–504
 in BIA, 500
 CAT protection, 349–350, 502
 children, defensive proceedings, 1189
 defined, 349
 DHS and, 504
 INA, 349, 499–500
 reopen or reconsider, motions to, 1291
 shifting burdens, 505–506
 USCIS and, 505–506

Burglary

as statutory bar to asylum and withholding of asylum, 271

Burkina Faso

gender claims and, 395

Burma

future persecution, well-founded fear of, 118
 terrorism as statutory bar to asylum and withholding of removal, 281, 291

Burundi

asylum and, 133
 family reunification eligibility, 48
 temporary protected status (TPS) and, 1536

C

CAA. *See* Cuban Adjustment Act of 1966

CAIR Coalition

on unaccompanied alien children, 1227

Cambodia

adjustment of status and, 1515
 administrative closure of claims, 816
 fear of persecution and, 94
 gender claims and, 393

Cameroon

adjustment of status and, 1496
 gender claims and, 395, 421
 statutory bars to asylum and withholding of removal and, 259

Canada

affirmative proceedings and, 634, 637–638
 children and, 1160
 credible fear determinations, persons not subject to expedited removal, 909
 Immigration and Refugee Board, 1261
 as safe third country, 215–219, 909
 unaccompanied alien children from, 1202

Canadian Council for Refugees

safe third country, United States under Trump no longer qualifying as, 218

Capital Area Immigrants' Rights Coalition

on defensive proceedings, 785

Cartel violence claims. *See* Gang violence claims

Case law

as source of asylum law, 39–41

Case planning, 564–565

CAT. *See* Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Catholic Legal Immigration Network, Inc.

on detention, 1076
 on expedited removal, 970
 map of courts and circuits, 716
 on special immigrant juvenile status, 1528–1529

CBP. *See* Customs and Border Protection

Ceiling on refugee admission, 46–47

Center for Constitutional Rights

on asylum ban, 1003

Center for Gender and Refugee Studies

on alternate relief following termination of temporary protected status, 1535
 on child seeking asylum, 1147
 on individual assessment of facts, 554
 on pre-judgment of asylum claims, 803

Central African Republic

family reunification eligibility, 48
 gender claims and, 395

Chad

gender claims and, 395
 travel ban and, 50

Changed circumstances

asylum, one-year filing deadline as ground of ineligibility, 227–230
 past persecution, 92–95

Chevron deference

BIA cognizable particular social group determination, 153

judicial review and, 1378–1380
 last habitual residence standard and, 58

Child pornography

as statutory bar to asylum and withholding of asylum, 270

Children

affirmative proceedings, 1176–1183
 decisions, 1183
 interviews, 1177–1183
 applications for asylum, 1169–1195
 affirmative proceedings, 1176–1183
 capacity of child to participate in process, 1173–1176
 defensive proceedings, 1183–1195
 priority processing, 1171–1173
 unaccompanied alien children, 1218–1227. *See also* Unaccompanied alien children
 CAT protection and, 1141, 1170
 CBP and, 1142
 credibility of, 1166–1168
 CSPA and, 1247–1248
 defensive proceedings, 1183–1195
 appropriate courtroom procedures, 1187–1188
 courtroom setting, 1186–1187
 credibility and burden of proof, 1189
 facilitation or representation, 1189–1192
 regulatory protections, 1192–1195
 scheduling and appearances, 1186
 special protections, 774–778
 as derivative asylees, 1245–1249
 accompanying vs. following to join, 1246–1247
 aged-out children, 1247–1248
 child, defined, 1245–1246
 loss of derivative status, 1249
 parent-child relationship, existence of, 1247
 detention, 1231–1242
 accompanied vs. unaccompanied children, 1239
 apprehension, 1232–1234
 eligibility for release, 1087–1092
 release from DHS custody, 1237–1241
 removal proceedings in detention, 1141–1144
 DHS and, 1142, 1190, 1231–1242
 EOIR and, 1172–1173, 1185–1190
 family separations, 1227–1231
 HIV/AIDS and, 1158
 INA and, 1141
 applications for asylum, 1170, 1184
 as derivative asylees, 1245
 special legal standards, 1144
 statutory bars to asylum, 1164–1166

in-country refugee processing, 1243–1245
 ineligibility, grounds of, 1160–1164
 one-year filing deadline, 233, 1161–1164
 previous denial of asylum, 1164
 safe third country, 1160–1161
 legacy INS and, 1174
 ORR and, 1190
 overview, 1141–1144, 1250
 rape of, 1152, 1154, 1179
 Refugee Convention and Protocol and, 1144
 special immigrant juvenile status, 1526–1529
 special legal standards, 1144–1169
 credibility of, 1166–1168
 government actor or groups government unable or unwilling to control, 1159
 harm rising to level of persecution, 1148–1150
 ineligibility, grounds of, 1160–1164
 nexus to protected ground, 1152–1159
 statutory bars to asylum, 1164–1166
 well-founded fear of future persecution, 1150–1152
 statutory bars to asylum, 1164–1166
 TVPRA and, 1161, 1163, 1177
 unaccompanied alien children, applications by, 1195–1231. *See also* Unaccompanied alien children
 UNHCR and, 1141
 applications for asylum, 1170–1173, 1175, 1181–1183
 ineligibility, grounds of, 1159
 special legal standards, 1145, 1148–1150, 1154, 1157
 statutory bars to asylum, 1165–1166
 USCIS and, 1142
 applications for asylum, 1171, 1173–1176, 1181–1183, 1188
 as derivative asylees, 1247–1248
 ineligibility, grounds of, 1159, 1162
 special legal standards, 1146, 1153
 zero tolerance policy, 1227–1231

Child soldiers
 as statutory bar to asylum and withholding of asylum, 275

Child Status Protection Act of 2002 (CSPA)
 adjustment of status and, 1504–1505
 affirmative proceedings and, 638
 children and, 1247–1248
 derivative asylees and, 1440–1441

China
 asylum and, 162, 163, 170

- CAT protection and, 336
 coercive population control in, 177, 179, 182, 183, 186–187, 256–257, 1298
 fear of persecution and, 87, 93, 98–99, 102, 123
 ineligibility for asylum and, 228
 reopen or reconsider, motions to, 1298
 statutory bars to asylum and withholding of removal and, 256–257, 258
- Chin National Front/Chin National Army**
 terrorism as statutory bar to asylum and withholding of removal, 281, 291
- Chin National League for Democracy**
 terrorism as statutory bar to asylum and withholding of removal, 291
- Citizenship and Immigration Services (USCIS)**
 generally, 1
ABC settlements and, 1543
 adjustment of status and applications, 1508–1512
 asylees, 1494
 derivative asylees, 1503–1504, 1505–1507
 INA §209(c) waivers, 1513–1514
 refugees, 1498–1500
 affirmative proceedings and, 627–628. *See also* Affirmative proceedings
 Application Support Center (ASC), 653–654, 662–664
 employment authorization and, 1415, 1430, 1433
 asylum and. *See* Asylum
 asylum ban, implementing memo, 1000–1001
 Asylum Division. *See* Asylum Division
 Asylum Field Offices, 682
 Asylum Office. *See* Asylum Office
 Asylum Officer Basic Training Course (AOBTC)
 affirmative proceedings and, 665, 676
 ineligibility, grounds of, 239
 reinstatement of removal and, 1057
 as source of asylum law, 35–36
 statelessness and, 58
 Asylum Resource Information Center, 539
 Asylum Virtual Library, 682
 benefits for asylum-seekers and asylees, 1424–1425, 1435–1438
 burden of proof and, 505–506
 CAA claims and, 1550
 CAT protection and, 311, 349
 change of address and, 1450–1451
 Chicago Lockbox, employment authorization and, 1414, 1430, 1433
 children, credibility of, 1168
 children and. *See* Children
 credible fear determinations and
 reconsideration, motion for, 960–961
 review by Immigration Judge, 958–960
 revised guidance for, 984–988
 standards and procedures, 941–944
 Dallas Lockbox
 adjustment of status and, 1511
 employment authorization and, 1414
 humanitarian parole and, 1541
 defensive proceedings and
 applications, 741
 children, 774
 filing procedures, 747
 individual hearing, 853
 initial processing of application, 807–808
 rights of noncitizens, 773–774
 derivative asylees and, 1440–1441, 1442–1444, 1447–1449
 employment authorization and. *See* Employment authorization
 evidentiary standards, cultural differences, 532
 filing instructions, 577
 gender claims and, 400–401
 guidance following *Matter of A–B–*, 363–365
 humanitarian parole and, 1541
 jurisdiction of, 235, 721
Matter of A–B–, interpretation of
 credible fear determinations following, 996
 NACARA claims and, 1544
 National Customer Service Center
 benefits for asylum-seekers and asylees and, 1450
 Nebraska Service Center
 defensive proceedings and, 807
 derivative asylees and, 1447
 unaccompanied alien children and, 1224–1225
 Office of Chief Counsel, 1174
 Office of Chief Immigration Judge. *See* Office of Chief Immigration Judge (OCIJ)
 Office of Fraud Detection and National Security, 1473
 Office of International Affairs, 1176
 Office of Refugee, Asylum, and International Operations, 682, 941, 961, 962
 persecution and, 80
 Phoenix Lockbox
 adjustment of status and, 1511
 employment authorization and, 1414
 public benefits and, 1453
 Refugee Asylum and Parole System (RAPS), 652–657, 679, 685, 693

refugees and, 46–48
 reinstatement of removal and, 1035
 asylum interview, 1055–1056, 1058–1059
 Service Centers
 affirmative proceedings and, 633, 635, 644–645, 651, 652, 662, 693–694, 697
 asylum and withholding of removal and, 222–223
 special immigrants and, 1526
 Iraqi and Afghan translators and U.S. government employees, 1530
 juvenile status, 1528–1529
 temporary protected status and, 1538
 Texas Service Center, 1447
 on treaties, 2–3
 T visas and, 1518
 unaccompanied alien children, applications for asylum
 Asylum Office determinations, 1225–1227
 decision, 1226–1227
 initial jurisdiction, 1218–1221
 initial processing, 1224–1225
 U visas and, 1518, 1524–1525
 withholding of removal and, 289, 290, 292
 termination of status, 1471–1475

Civil Rights Act of 1871

CAT protection compared, 326

Class actions

credible fear determinations, 922

Clear and convincing evidence standard

generally, 511

Clear probability standard

generally, 508

Client intake and interviews, 555–564

Closing arguments

defensive proceedings, individual hearing, 851–852

Coercive population control

asylum and, 176–181, 256
 applicants who have not physically undergone procedures, 185–189
 forced, defined, 178–180
 IUDs, involuntary insertion of, 180–181
 resistance, 183–185
 spouses, eligibility of, 181–183

Colombia

asylum and, 152, 160, 192
 CAT protection and, 327
 FARC. *See* Revolutionary Armed Forces of Colombia

fear of persecution and, 116
 gang violence claims and, 457, 479–480
 nexus and, 125
 statutory bars to asylum and withholding of removal and, 305
 terrorism as statutory bar to asylum and withholding of removal, 285

Communist Party of the Philippines/New People's Army

terrorism as statutory bar to asylum and withholding of removal, 285

Confidentiality

affirmative proceedings
 asylum interview, 665–666
 notice requirements, 642–643
 credible fear determinations, 953
 defensive proceedings, rights of noncitizens, 771–774
 reinstatement of removal and, 1060

Congo. *See* Democratic Republic of Congo

Consolidated Appropriations Act of 2008

terrorism as statutory bar to asylum and withholding of removal, 291

Constitution. *See also* specific Clause or Amendment

BIA administrative review and, 1275
 DHS, evidence presented by, 550
 treaties and, 2

Continuity Irish Republican Army

terrorism as statutory bar to asylum and withholding of removal, 285

Controlled Application Review and Resolution Program (CARRP)

terrorism as statutory bar to asylum, 299

Controlled Substances Act of 1970

statutory bars to asylum and withholding of removal and, 265

Convention Abolishing the Requirement of Legislation for Foreign Public Documents

corroboration of evidence, 548

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

generally, 1, 37, 309–350
 adjustment of status and, 1493
 administrative review and, 1255, 1257
 affirmative proceedings and, 634
 aggravated felons, right to request withholding of removal, 1033–1034

applications under, 715
 asylum compared
 discretionary denial, 310
 ineligibility, grounds of, 207, 213
 benefits for asylum-seekers and asylees, 1399, 1423, 1424, 1425, 1435
 burden of proof, 349–350, 502
 change of address and, 1450
 children and, 1141, 1170
 Civil Rights Act of 1871 compared, 326
 client meeting topics, 557–564
 corroboration of evidence, 569–570
 credible fear determinations and, 907
 persons not subject to expedited removal, 916–917
 review by Immigration Judge, 959
 standards and procedures, 940, 944–945, 953
 customary international law and, 16
 defensive nature of claims under, 350
 defensive proceedings. *See* Defensive proceedings
 deferral of removal, 213, 349–350
 termination of status, 1481–1486. *See also* Deferral of removal
 derivative asylees and, 1438
 detention of persons seeking protection. *See* Detention
 DOS and, 316, 345–346
 drug offenses and, 326
 effective advocacy under, 555
 employment authorization and, 1426, 1429–1433
 deferral of removal, 1431–1433
 EOIR and, 14, 311, 317, 348
 evidence to support claims for protection, 341–347
 all relevant evidence, 343–347
 credibility, 341–343
 evidentiary standards, 512
 frivolous applications, 537
 mental health of applicant, 529
 testimony and credibility, 513–514, 517
 expedited removal and, 923, 930
 genocide and, 348
 implementing legislation, 311–315
 bars to relief, 313
 definitions, 313
 detention, 313
 judicial review, 313
 number of cases granted, 313
 prior procedures for relief, 314
 regulations, 312
 INA and

Convention Against Torture (CAT)

compared, 310, 313, 315, 318, 326, 337, 340–341, 347–349
 termination of status, 1480
 increasing importance of protection under, 387
 individual assessments and evidentiary hearings, 552–554
 judicial review and, 1369–1370, 1376, 1385
 legacy INS and, 311, 314, 317, 348
 location of proceedings, 715
 no bars to protection, 347–348
 non-refoulement principle, 336–341
 “more likely than not” standard, 337–339
 no internal relocation option, 340–341
 objective only, 339
 prospective only, 340
 torture only, 339
 180-day clock, inapplicability under, 788
 other countries, laws of, 42–43
 persecution and, 79, 89, 101
 rape and, 342–343
 ratification of, U.S., 309
 REAL ID Act compared, 342
 Refugee Convention and Protocol compared, 313
 reinstatement of removal and, 1035, 1044, 1046, 1056, 1064, 1066–1069
 related relief, 1517
 reopen or reconsider, motions to, 1291, 1299, 1309
 seeking U.S. protection under, 315–348
 definition of torture, 317–336
 evidence to support, 341–347
 lack of bars to, 347–348
 non-refoulement, 336–341
 as source of asylum law, 10–11
 standards of proof, 349, 506, 509–510
 termination of status. *See* Termination of status
 torture, defined, 317–336
 for broad array of wrongful purposes, 325–326
 under custody or control of offender, 325
 infliction of severe pain or suffering, 318–321
 intentional act, 321–325
 not arising out of lawful sanctions, 334–336
 by or sanctioned by public official, 326–334
 unaccompanied alien children and, 1218
 UNHCR and, 345
 USCIS and, 311, 349
 withholding of removal and, 348–349
 aggravated felons, right to request, 1033–1034
 statutory bars, 307
 termination of status, 1480–1481

Convention Against Transnational Organized Crime

generally, 2

Convention and Protocol Relating to the Status of Refugees (Refugee Convention and Protocol)

generally, 7–8

adjustment of status and, 1501

adoption of, U.S., 357–358

asylum and

general principles, 905

ineligibility, grounds of, 207, 217

legal standards, 54

race, 137

stateless person definition, 57

statutory bars, 274

CAT protection compared, 313

children and, 1144

gender claims and, 389, 392

non-refoulement principle, 6, 18

other countries, laws of, 43

persecution and, 92

sources of asylum law, 3–10

refugee, defined, 5–6

on victims of trafficking and crimes, 1522

withholding of removal and, 202, 253

statutory bars, 274

Convention on the Reduction of Statelessness

as legal standard for asylum, 10–11

Convention on the Rights of the Child

generally, 2–3, 1141, 1149

as source of asylum law, 12–14

Convention Relating to the Status of Stateless Persons

as legal standard for asylum, 10–11

Corroboration of evidence

applicant-specific evidence, 542–544

attorney preparation of, 568–577

benefit of doubt, 547

country conditions, 545–547

original documents and forensics testing, 547–549

overview, 537–542

Cote d'Ivoire

gender claims and, 395

Country conditions

generally, 545–547, 649, 745, 828

corroboration of evidence, 545–547

future persecution, well-founded fear of, 117

reopen or reconsider, motions based on changes

in, 1295–1300

Coup d'état

participation as serious nonpolitical crime, 276

Credibility

CAT protection, supporting, 341–343

children, 1166–1168

defensive proceedings, 1189

cultural differences, 531–532

demeanor, 518–519

false documents and misrepresentations, 527–529

frivolous applications, 532–537

inconsistencies and omissions, 519–527

mental health of applicant, 529–531

overview, 512–518

Credible fear determinations

CAT protection and, 907

persons not subject to expedited removal, 916–917

review by Immigration Judge, 959

standards and procedures, 940, 944–945, 953

CBP and

challenging orders, 920

persons not subject to expedited removal, 915

persons subject to expedited removal, 910

standards and procedures, 946–947, 949

withdrawal of application for admission, 919–920

challenging orders, 920–921

consequences of expedited removal, 923

detention, eligibility for release, 1082–1083

DHS and, 907

judicial review, 923

persons not subject to expedited removal, 914–915, 917

persons subject to expedited removal, 910–911

review by Immigration Judge, 958

standards and procedures, 948

withdrawal of application for admission, 918–919

EOIR and, 951

heightened standards for, 984–988

Homeland Security Act of 2002 and, 923

ICE and, 915, 917, 961

IIRAIRA and, 907

Immigration Judges, review by, 955–961

attorney, representative, or consultant, role of, 956–958

decision, 958–959

interpreters, 958

procedures, 955–956

standard of review, 955

INA and, 907

challenging orders, 920

judicial review, 921–922
 persons not subject to expedited removal, 912–918
 persons subject to expedited removal, 908–912
 review by Immigration Judge, 955–959
 standards and procedures, 941, 948, 952, 954
 withdrawal of application for admission, 918
 judicial review, 921–922
 as bar to, 1371
 class actions, 922
 declaratory, injunctive, or equitable relief, 922
 habeas corpus, 921–922
 relief, 922
 validity of system, challenging, 922
 legacy INS and, 909–910
 NTA and, 954
 OCIJ and, 956–957
 ORR and, 915
 persons not subject to expedited removal, 912–918
 additional charges of inadmissibility, individuals with, 917
 asylees, 917–918
 crewmembers, 917
 Cuban citizens, 912–913
 LPRs, 917–918
 noncitizens paroled into U.S. prior to 4/1/1997, 914
 noncitizens paroled into U.S. with advance parole, 917
 refugees, 917–918
 stowaways, 916–917
 unaccompanied children, 914–915
 Visa Waiver Program (VWP) and, 912, 917
 persons subject to expedited removal, 908–912
 individuals paroled into U.S. after April 1, 1997, 909–911
 noncitizens arriving at port of entry with false or no documents, 909
 noncitizens interdicted in international or U.S. waters, 909
 noncitizens not admitted or paroled into U.S., 909–911
 noncitizens paroled into U.S. after 4/1/1997, 911–912
 REAL ID Act and, 951
 re-interviews prior to departure, 961
 standards and procedures, 940–955
 Asylum Office decision, 954–955
 attorney, representative, or consultant, role of, 951

confidentiality, 953
 dependents, 952–953
 interpreters, 952
 interviewers, 948–949
 interview procedures, 949–951
 location, 948
 rest period, 948
 withdrawals, 953–954
 USCIS and
 review by Immigration Judge, 958–960
 standards and procedures, 941–944
 Visa Waiver Program (VWP) and, 912, 917
 withdrawal of application for admission, 918–920
Crewmembers
 credible fear determinations, 917
Crimes. *See also* Aggravated felonies; *specific crime*
 statutory bars to asylum and withholding of removal
 particularly serious crimes, 262–273
 serious nonpolitical crimes, 273–276
 T visas for victims of trafficking and crimes, 1517–1522
 U visas for victims of trafficking and crimes, 1522–1526
Cross-examination
 defensive proceedings
 individual hearing, 848–851
 rights of noncitizens, 766–770
CSPA. *See* Child Status Protection Act of 2002
Cuba
 asylum and, 161
 CAA and, 1549–1551
 children from, 1174
 credible fear determinations, persons not subject to expedited removal, 912–913
 evidentiary standards and, 535
 family reunification eligibility, 48
 humanitarian parole and, 1540
 reinstatement of removal and, 1036
 statutory bars to asylum and withholding of removal and, 277, 305–306
 terrorism as statutory bar to asylum and withholding of removal, 291
Cuban Adjustment Act of 1966 (CAA), 913, 1517, 1549–1551
Cuban Alzados
 terrorism as statutory bar to asylum and withholding of removal, 291

Cultural differences

testimony and credibility, 531–532

Cumulative harm

as persecution, 77–78

Customary international law

as source of asylum law, 15–16

Customs and Border Protection (CBP)

affirmative proceedings and, 697

eligibility, 630

children and, 1142

credible fear determinations and

challenging orders, 920

persons not subject to expedited removal, 915

persons subject to expedited removal, 910

standards and procedures, 946–947, 949

withdrawal of application for admission, 919–920

expedited removal and, 910

procedures, 924, 925–930, 931–932, 933

jurisdiction and, 721

metering policy, 981, 1016

permissible border questioning by, 982–983

turn-backs and, 979–981, 1016, 1024

unaccompanied alien children, processing of, 1200–1231. *See also* Unaccompanied alien children

unlawful screening practices, 979–984, 1024

Czechoslovakia

NACARA and, 1547

D**DACA (Deferred Action for Childhood Arrivals)**

Trump administration and, 233–234

Declaratory relief

credible fear determinations, 922

Defense Department

Selective Service, registration of individuals granted protection, 1451

Defensive proceedings

generally, 713–861

applications, 738–746

backlogs, 722–726

biometrics collection and, 740, 790, 795, 808–809

challenging decisions, 856–858

change of address, 809–810

children, 1183–1195

appropriate courtroom procedures, 1187–1188

courtroom setting, 1186–1187

credibility and burden of proof, 1189

facilitation or representation, 1189–1192

regulatory protections, 1192–1195

special protections, 774–778

commencement of proceedings, 726–731

deadlines, 837–838

detention of applicant granted relief, 854–856

DHS and

challenging decisions, 857

children, 777

commencement of proceedings, 729, 735

detention of applicant granted relief, 855

evidentiary filings, 838–839

failure to appear, 858

filing procedures, 746, 749

individual hearing, 841–845, 848–852

location of proceedings, 715, 717

master calendar hearing, 787, 790, 792–797

mental incompetence, 779, 783

notice requirements, 737

post-filing procedures, 806–810, 822–826, 830–831, 837, 839–840

rights of noncitizens, 769–770

discovery, 822–826

DOS and

comments, 806–807

post-filing procedures, 836

eligibility, 732–734

EOIR and, 713–861

children, 776

commencement of proceedings, 727

filing procedures, 748–749

location of proceedings, 715–716, 718–719

master calendar hearing, 794

notice requirements, 737

post-filing procedures, 814

rights of noncitizens, 758–759, 763

evidentiary filings

authentication of documents, 832–834

defective, 831–832

DHS, 838–839

supplemental, 826–839

failure to appear, 858–861

motion to reopen any time after in absentia order, 860–861

motion to reopen within 180 days of in absentia order, 859–860

FARRA and, 734

Federal Rules of Civil Procedure and, 823, 833

Federal Rules of Evidence and, 826, 833, 844, 848, 851

filing procedures, 746–750

fingerprints and, 740, 804, 808–809

FOIA and, 823–824
 Homeland Security Act of 2002 and, 735, 737, 771
 ICE and, 729, 732
 applications, 738
 detention of applicant granted relief, 854–856
 post-filing procedures, 809, 830
 ICPM and
 applications, 738, 745
 individual hearing, 849
 master calendar hearing, 794–795, 804
 post-filing procedures, 814, 826, 828, 830–832, 837
 IIRAIRA and, 716
 Immigration Judges, before, 719–720
 INA and
 applications, 740
 children, 777
 commencement of proceedings, 726, 730
 detention of applicant granted relief, 854
 eligibility, 734
 failure to appear, 858, 860
 filing procedures, 748
 location of proceedings, 719–720
 master calendar hearing, 790–791, 796–797
 mental incompetence, 779
 notice requirements, 735–736
 post-filing procedures, 807, 809, 824
 rights of noncitizens, 760, 768
 individual hearing, 841–854
 closing arguments, 851–852
 decisions, 852–854
 examination of witnesses, 848–851
 marking of evidence, 842–847
 opening statements, 847–848
 orders, 852–854
 preliminary matters, 842–847
 initial processing with USCIS, 807–808
 jurisdiction, 720–722
 legacy INS and, 734
 children, 777
 master calendar hearing, 797
 rights of noncitizens, 772–773
 location of, 715–726
 master calendar hearing, 785–806
 procedures at, 792–806
 procedures prior to, 789–792
 mental incompetence, 779–785
 motions and inquiries, 810–822
 notice requirements, 735–737
 confidentiality, 737

frivolous applications, consequences of, 735–736
 right to representation, 735
 use of information, 737
 NTA and, 726–731
 applications, 738
 commencement of proceedings, 726–731
 eligibility, 733
 failure to appear, 858, 861
 filing procedures, 747
 master calendar hearing, 785–786, 789–792, 796
 post-filing procedures, 870
 OCIJ and, 720–722, 756, 774–775, 805
 overview, 713–715
 post-filing procedures, 806–841
 pre-hearing conferences and statements, 839–840
 REAL ID Act and, 743
 representation
 notice of right to, 735
 rights of noncitizens, 758–765
 rights of noncitizens, 750–774
 administrative review, 770–771
 appellate rights, 770
 confidentiality, 771–774
 cross-examination of witnesses, 766–770
 due process, 752–757
 evidence, 766–770
 Fifth Amendment rights, 752–758
 Fourth Amendment rights, 751–752
 interpreters, 765–766
 representation, 758
 right to counsel, 758
 self-incrimination, privilege against, 757–758
 Sixth Amendment rights, 758
 special protections, 774–785
 children, 774–778
 mental incompetence, 779–785
 testimony, preparation of, 840–841
 TVPRA and, 774
 unaccompanied alien children, applications for
 asylum, defensive filings, 1221–1224
 UNHCR and, 774, 786
 USCIS and
 applications, 741
 children, 774
 filing procedures, 747
 individual hearing, 853
 initial processing of application, 807–808
 rights of noncitizens, 773–774
 video hearings, 716–719
 witness lists, 834–837

Deferral of removal

CAT protection, 213, 349–350
 termination of status, CAT protection, 1481–1486
 diplomatic assurances, 1485–1486
 DOS comments, 1483
 hearing, 1483–1484
 motion for hearing, 1481–1482
 notice of hearing, 1482–1483
 request of individual, 1485

Deferred Action for Childhood Arrivals (DACA)

Trump administration and, 233–234

Demeanor

testimony and credibility, 518–519

Democratic Movement for the Liberation of Eritrean Kunama

terrorism as statutory bar to asylum and withholding of removal, 291

Democratic People's Republic of Korea. *See* North Korea**Democratic Republic of Congo (DRC)**

family reunification eligibility, 48
 fear of persecution and, 98
 gender claims and, 395
 ineligibility for asylum and, 216
 unaccompanied alien children and, 1229

Denaturalization, 1488**Denial of Interview Reschedule Request**

asylum interview and, 657, 680

Denmark

statutory bars to asylum and withholding of removal and, 303–304

Deprivation of life essentials

as persecution, 80–83

Derivative asylees

adjustment of status, 1501–1508
 death of principal asylee, 1503–1504
 ineligibility, 1504–1505
nunc pro tunc applications, 1505–1508
 principal asylee no longer refugee, 1502–1503
 benefits for individuals granted protection, 1438–1449
 accompanying spouses and children, 1442–1444
 following to join spouses and children, 1444–1449
 qualification as derivative, 1439–1442
 CAT protection and, 1438
 children as, 1245–1249
 accompanying vs. following to join, 1246–1247
 aged-out children, 1247–1248

child, defined, 1245–1246
 loss of derivative status, 1249
 parent-child relationship, existence of, 1247
 CSPA and, 1440–1441
 DHS and, 1448–1449
 DOS and, 1448–1449
 INA and, 1438–1439
 termination of status, 1479–1480
 USCIS and, 1440–1441, 1442–1444, 1447–1449
 US-VISIT Program and, 1444

Detention

generally, 1071–1126
 biometrics collection and, 1081, 1100
 bonds, 1107–1117
 appeal of Immigration Judge bond decision, 1116–1117
 initial custody determination, 1108–1109
 motions, 1111–1113
 redetermination hearings, 1114–1116
 request for subsequent redetermination, 1117
 review of ICE custody or bond determinations, 1109–1110
 children
 accompanied vs. unaccompanied children, 1239
 apprehension, 1232–1234
 release from DHS custody, 1237–1241
 defensive proceedings, detention of applicant granted relief, 854–856
 drug offenses and, 1079
 eligibility for release, 1081–1092
 children, 1087–1092
 credible fear determinations, 1082–1083
 final orders of removal, individuals with who cannot be returned to home countries, 1083–1087
 individuals completing sentences prior to 10/9/1988, 1083
 non-criminals, 1083
 EOIR and, 1117, 1126
 FARRA and, 313
 HHS and, 1126
 Homeland Security Act of 2002 and, 1096
 IIRAIRA and, 1077, 1123
 INA and, 1077–108, 1082–1083, 1095–1097, 1099, 1107–1108, 1118
 ineligibility for release, 1092–1098
 criminal grounds of deportation or inadmissibility, individuals subject to, 1095–1096
 expedited removal, individuals in, 1092–1095
 final orders of removal, individuals with, 1097–1098

terrorists, 1096–1097
 Intensive Supervision Appearance Program (ISAP), 1080–1081, 1100, 1108
 legacy INS and, 1088
 legal standards and procedures for release, 1098–1117
 NTA and, 1108, 1113
 overview, 1071–1076, 1141–1144
 as persecution, 83–85
 reasons for, 1076–1081
 removal proceedings in detention, 1118–1126
 children, 1141–1144
 DHS responsibilities, 1120–1121
 Legal Orientation Program, 1121–1123
 video or telephone hearings, 1123–1126
 requests for release or parole to ICE, 1098
 final orders of removal, individuals with who have been granted relief, 1106–1108
 individuals apprehended at border or port of entry, 1101–1105
 Trump Administration expansion of, 1072–1074
 USA PATRIOT Act of 2001 and, 1096–1097

Dhamat Houmet Daawa Salafia
 terrorism as statutory bar to asylum and withholding of removal, 285

DHS. *See* Homeland Security Department

DHS-7001, Case Assistance Form
 affirmative proceedings and, 656, 687

Dickinson School of Law
 Center for Immigrants' Rights
 on adjustment of status, 1512, 1516
 on reinstatement of removal, 1069

Diplomatic assurances
 deferral of removal, termination of status, CAT protection, 1485–1486

Discovery
 defensive proceedings, 822–826

Discretionary determinations
 judicial review, restrictions on, 1376–1377
Matter of A–B–, 363, 382–384, 995

Discrimination
 based on national origin, 59
 as persecution, 85–86

Dismissal of Asylum Application—Failure to Appear
 asylum interview and, 680

Displaced Persons Act of 1948 (DPA)
 statutory bars to asylum and withholding of removal, 252

Djibouti
 gender claims and, 395

DOJ. *See* Justice Department

Domestic law
 as source of asylum law, 16–41

Domestic violence
 gender claims, 310, 409–415
 potential elimination of asylum based on, 361–388
 discretion, 382–384
 impact of, 384–388
 internal relocation, 380–382
 nexus, 372–376
 non-state actors, 376–380
 particular social groups, 369–372
 persecution defined, 368–369

DOS. *See* State Department

DPA (Displaced Persons Act of 1948)
 statutory bars to asylum and withholding of removal, 252

DRC. *See* Democratic Republic of Congo

Driving under the influence
 as statutory bar to asylum and withholding of asylum, 270

Drug offenses
 adjustment of status and, 1497–1499
 asylum and, 147–148, 160
 BIA administrative review and, 1371–1372
 CAT protection and, 326
 detention and, 1079
 gang violence claims and, 457, 479
 LPRs and, 1450
 as statutory bar to asylum and withholding of asylum, 265–266, 269, 272, 275
 trafficking of controlled substances, 265–267

Due Process Clause
 BIA administrative review and, 1275
 defensive proceedings, rights of noncitizens, 752–757
 reinstatement of removal and, 905, 1053

E

EAD. *See* Employment authorization

EAD clock. *See* 180-day clock for EAD issuance

EAJA (Equal Access to Justice Act of 1980)
 judicial review and, 1396

East Germany
 NACARA and, 1547

Ecuador

fear of persecution and, 99

Egypt

gender claims and, 395
ineligibility for asylum and, 228

El Salvador

ABC settlements and, 1542–1543
administrative closure of claims, 816
affirmative proceedings and, 627
asylum and, 145, 149, 151, 157–161, 166–167
CAT protection and, 334
children from, 1142, 1156, 1171, 1243
detention and, 1088
expedited removal and, 905–906, 965
experts specializing in conditions in, 570
gang violence claims and, 432, 443, 447–449, 458, 460–464, 480–481, 487
gender claims and, 397, 422
ineligibility for asylum and, 221
litigation support for claimants from, 574
Matter of A–B–, 361–388
NACARA and. *See* Nicaraguan Adjustment and Central American Relief Act of 1997
nexus and, 130
ongoing crisis in, 358–359
proposed safe third country agreements and, 1022
reinstatement of removal and, 1036
statutory bars to asylum and withholding of removal and, 259
temporary protected status (TPS) and, 1532–1536
terrorism as statutory bar to asylum and withholding of removal, 291
unaccompanied alien children from, 1195, 1200
UNHCR Publications, 9

Employment authorization

affirmative proceedings, 695–696
application for asylum pending, 1399–1417
 applications, 1401–1417
 eligibility, 1401–1405
 expiration of EAD before adjudication of I-589, 1417
 filing requirements, 1412–1414
 processing of applications, 1415
 validity of EAD after denial of I-89, 1417
biometrics collection and, 1401, 1409, 1413, 1415, 1430, 1433
CAT protection and, 1426, 1429–1433
 deferral of removal, 1431–1433
EOIR and, 1406–1407, 1409–1411, 1428
fingerprints and, 1408, 1427, 1428

ICE and, 1432
INA and, 1403, 1414, 1426, 1430
individuals granted protection, 1423, 1426–1433
 asylum, 1426–1429
 CAT, deferral of removal, 1431–1433
 withholding of removal, 1429–1431
180-day clock for issuance. *See* 180-day clock for EAD issuance
USCIS and, 1400–1401, 1405–1408, 1410–1411, 1413–1416, 1426, 1427–1428, 1430, 1432–1433

Employment Authorization Documents (EADs).

See Employment authorization

En banc decisions

BIA administrative review, 1278–1279

Enhanced Border Security and Visa Entry Reform Act of 2002

employment authorization and, 1427

Enhanced vetting process, 48–49**Entry of appearance**

BIA administrative review, 1267
judicial review, 1388–1389

EOIR. *See* Executive Office for Immigration Review; Forms *starting with Form EOIR***Equal Access to Justice Act of 1980 (EAJA)**

judicial review and, 1396

Equitable relief

credible fear determinations, 922

Equitable tolling

reopen or reconsider, motions to, 1303–1305

Eritrea

asylum and, 143
family reunification eligibility, 48
gender claims and, 395
statelessness and, 60
terrorism as statutory bar to asylum and withholding of removal, 283, 291

Eritrean Liberation Front

terrorism as statutory bar to asylum and withholding of removal, 291

Estonia

NACARA and, 1547

Ethiopia

asylum and, 143
evidentiary standards and, 535
family reunification eligibility, 48
future persecution, well-founded fear of, 118
gender claims and, 395
statelessness and, 60

statutory bars to asylum and withholding of removal and, 305

terrorism as statutory bar to asylum and withholding of removal, 291

Ethiopia People's Revolutionary Army

terrorism as statutory bar to asylum and withholding of removal, 291

European Union

firm resettlement bar, 303

E-Verify

benefits for asylum-seekers and asylees and, 1434

Evidence

administrative notice, 551–552

affirmative proceedings, asylum interview, supplemental evidence, 661–662

CAT protection, supporting, 341–347

all relevant evidence, 343–347

credibility, 341–343

corroboration of evidence, 537–554

applicant-specific evidence, 542–544

benefit of doubt, 547

country conditions, 545–547

original documents and forensics testing, 547–549

defensive proceedings

DHS evidentiary filings, 838–839

individual hearing, marking of evidence, 842–847

rights of noncitizens, 766–770

supplemental evidentiary filings, 826–839

DHS, presented by, 550–551

INA and, 512

frivolous applications, 537

individualized assessments, 552–554

overview, 512

REAL ID Act of 2005 and, 512

corroboration of evidence, 538–539, 540–541

false documents and misrepresentations, 527–528

inconsistencies and omissions, 521–522

testimony and credibility, 514

reinstatement of removal and, 1060–1061

testimony and credibility, 512–537

cultural differences, 531–532

demeanor, 518–519

false documents and misrepresentations, 527–529

frivolous applications, 532–537

inconsistencies and omissions, 519–527

mental health of applicant, 529–531

Executive Office for Immigration Review (EOIR)

generally, 1

ABC settlements and, 1542

administrative review of decisions. *See* Administrative review

affirmative proceedings and

eligibility, 630

notice requirements, 642

asylum and

rescission of grant, 1471

termination of status, 1471–1472

terrorism as statutory bar, 279

asylum ban, implementing memo, 1001–1002

Automated Status Query (ASQ) system, 814–815, 1280–1281

benefits for asylum-seekers and asylees and, 1425, 1434

CAT protection and, 10–11, 311, 317, 348

children, credibility of, 1168

children and, 1172–1173, 1185–1190

credible fear determinations and, 951

Matter of A–B–, nonreliance on, 998

reconsideration, motion for, 960–961

defensive proceedings and, 713–714. *See also* Defensive proceedings

detention and, 1117, 1126

employment authorization and, 1406–1407, 1409–1411, 1428

expedited removal and

oversight, 964

procedures, 929, 932

family unit cases, prioritization of, 786–788

immigration adjudication centers, 1123

judicial review of decisions, 1393

jurisdiction of, 236–237

Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC), 1213

Office of Legal Access Programs, 758

perceived politicization of, 725–726

persecution and, 89–90

policy directives, memoranda, and statements as source of asylum law, 36–39

refugees and, 52

reinstatement of removal and, 1035

determination of applicability, 1039

unaccompanied alien children and, 1213

Virtual Law Library, 31, 1256

withholding of removal and, 279

Executive order

family separation and. *See* Family separation policy

as source of asylum law, 25–29

Executive Order No. 13767, 27, 907, 908, 972–974, 1029, 1202

Executive Order No. 13768, 27, 41, 642, 1079, 1100

Executive Order No. 13769, 27–28, 49

Executive Order No. 13776, 28

Executive Order No. 13780, 28

Executive Order No. 13802, 28

Executive Order No. 13815, 28, 50

Executive Order No. 13841, 28

Expedited removal

- aggravated felons, administrative removal, 923
 - CAT, right to request withholding of removal, 1033–1034
 - I-851, response to, 1033
 - INA §240 removal proceedings, 923, 1034
 - judicial review, 1034
- CAT protection and, 923, 930
- CBP and, 910, 933
 - procedures, 924, 925–930, 931–932
- credible fear determinations, 907–923. *See also*
 - Credible fear determinations
- detention, 933–940
 - ineligibility for release, 1092–1095
- DHS and, 906–907
 - aggravated felons, administrative removal, 923, 1034
 - oversight, 964–966, 971
 - procedures, 929, 933–938
- EOIR and
 - oversight, 964
 - procedures, 929, 932
- expression of fear, 930–933
- fingerprints and, 924
- ICE and, 931–932, 933–937
- IIRAIRA and, 907, 962
- INA and
 - aggravated felons, administrative removal, 923, 1034
 - INA §240 removal proceedings, 923
 - procedures, 923, 929
- International Religious Freedom Act of 1998 and, 963
- judicial review, restrictions on, 1374–1376
- legacy INS and
 - oversight, 962–963, 968–969, 971
 - procedures, 925–926
- NTA and, 931–932
- oversight, 961–972

- GAO reports, 962–963
- NGOs, 968–971
- quality assurance, 962
- UNHCR, 971–972
- USCIRF reports, 963–968
- overview, 905–906, 1089–1032
- primary inspection, 923–924
- REAL ID Act and
 - aggravated felons, administrative removal, 1034
 - procedures, 928
- secondary inspection, 924–930
 - final order, 930
 - record of sworn statement, 924–930
 - representation, no right to, 924
- UNHCR and
 - oversight, 971–972
 - procedures, 925–926, 931
- US-VISIT Program and, 924

Extortion

- acts of terrorism, 281

Extraordinary circumstances

- asylum, one-year filing deadline as ground of ineligibility, 230–238

Extreme vetting, 49**F****F-1 visaholders**

- student applicants for asylum, 233

Failure to appear

- affirmative proceedings, asylum interview, 678–681
- defensive proceedings, 858–861
 - motion to reopen any time after in absentia order, 860–861
 - motion to reopen within 180 days of in absentia order, 859–860

False documents and misrepresentations

- testimony and credibility, 527–529

Family members

- future persecution, well-founded fear of, 121–122
- gang violence claims, 461–464
- harm to as persecution, 79–80
- reconsideration of decisions precluding reunification, 201
- reunification, 47
 - reconsideration of decisions precluding, 201
- unaccompanied alien children, reunification with, 1208–1214

Family separation policy

Executive Order No. 13841 on, 28
 Trump administration and, 988–994, 1227–1231

Farabundo Marti para la Liberacion Nacional

terrorism as statutory bar to asylum and withholding of removal, 291

FARC. *See* Revolutionary Armed Forces of Colombia

FARRA. *See* Foreign Affairs Reform and Restructuring Act of 1998

Fear of persecution. *See* Persecution

Federal Bureau of Investigation

Criminal Justice Information Services Division, 264

Federal Emergency Management Agency (FEMA)

unaccompanied alien children and, 1204

Federal Rules of Appellate Procedure

judicial review and, 1369–1370
 filing of petitions, 1384, 1386–1388
 post-filing procedures, 1392–1396
 stay of removal, 1390

Federal Rules of Civil Procedure

authentication of evidence, 548
 corroboration of evidence, 548
 credible fear determinations and, 922
 defensive proceedings and, 823, 833

Federal Rules of Evidence

authentication of evidence, 548
 corroboration of evidence, 548
 defensive proceedings and, 826, 833, 844, 848, 851
 DHS, evidence presented by, 550
 statutory bars to asylum and withholding of removal and, 300

Fees

BIA administrative review, filing fee, 1266

FEMA (Federal Emergency Management Agency)

unaccompanied alien children and, 1204

Female genital mutilation/cutting (FGM/C)

gender claims, 390, 394–397
 as torture, 318

Fifth Amendment

BIA administrative review and, 1275
 defensive proceedings, rights of noncitizens, 752–758
 DHS, evidence presented by, 550
 due process. *See* Due Process Clause

national origin discrimination and, 59
 no-release policy and, 1237
 reinstatement of removal and, 1053

Final mandate

judicial review, post-filing procedures, 1395–1396

Final orders of removal

detention
 individuals who cannot be returned to home countries eligible for release, 1083–1087
 ineligibility for release, 1097–1098

Fingerprints

affirmative proceedings and
 asylum interview, 662–664, 679
 dependents, 694
 fees, 653–654
 post-filing procedures, 653–654
 asylum and, 264
 benefits for asylum-seekers and asylees and, 1444, 1447
 BIA administrative review and, 1248
 defensive proceedings and, 740, 804, 808–809
 employment authorization and, 1408, 1427, 1428
 expedited removal and, 924
 reinstatement of removal and, 1046

Firm resettlement

adjustment of status, legal standards for, 1494
 other countries, laws of, 42
 statelessness and, 62
 as statutory bar to asylum or withholding of removal, 301–306

First of October Antifascist Resistance Group

terrorism as statutory bar to asylum and withholding of removal, 285

Flores settlement

generally, 1196–1198
 Trump Administration dismantling of, 1092

FOIA. *See* Freedom of Information Act of 1966

Forced marriage

gender claims, 400–402

Forced prostitution

gender claims, 402–408

Foreign Affairs Reform and Restructuring Act of 1998 (FARRA)

generally, 311–315
 bars to relief, 313
 definitions, 313
 detention and, 313
 judicial review, 313

number of cases granted, 313
 prior procedures for relief, 314
 regulations, 312
 decisions pre-dating, 314–315

Forensics testing

corroboration of evidence, 547–549

Form 60-001 Privacy Waiver Authorizing Disclosure to a Third Party

defensive proceedings and, 834

Form AR-11, Change of Address

ABC settlements and, 1543
 administrative review and, 1268
 affirmative proceedings and
 asylum interview, 688–689
 filing requirements, 651
 BIA administrative review and, 1268
 defensive proceedings and, 810
 individuals granted protection, 1450

Form EOIR-26, Notice of Appeal

BIA administrative review and, 1263, 1265, 1271, 1284
 defensive proceedings, 853, 856–857
 detention and, 1113

Form EOIR-26A, Appeal Fee Waiver Request

BIA administrative review and, 1265, 1282
 defensive proceedings, 857

Form EOIR-27, Notice of Entry of Appearance as Attorney or Representative

BIA administrative review and, 1264–1265, 1266–1267, 1268, 1272, 1283
 defensive proceedings, 857
 reopen or reconsider, motions to, 1306

Form EOIR-28, Notice of Entry of Appearance

credible fear determinations and, 957
 defensive proceedings and, 731, 739, 763, 789, 794, 828, 831, 837
 reopen or reconsider, motions to, 1306

Form EOIR-33/BIA, Alien's Change of Address

administrative review and, 1268, 1283
 reopen or reconsider, motions to, 1307

Form EOIR-33/IC, Alien's Change of Address

affirmative proceedings and, 691
 defensive proceedings and, 731, 789, 793, 809–810, 843
 detention and, 1120

Form EOIR-43, Notice of Intent to Appeal the Custody Redetermination

bond appeals and, 1285
 detention and, 1116

Form G-28, Notice of Entry of Appearance

adjustment of status and, 1509
 affirmative proceedings and
 applications, 644
 asylum interview, 671
 benefits for asylum-seekers and asylees, 1422
 credible fear determinations and, 951
 defensive proceedings and, 807
 derivative asylees and, 1446
 employment authorization and, 1412, 1429, 1431
 expedited removal and, 930
 Refugee Travel Documents, 1436
 reinstatement of removal and, 1040
 unaccompanied alien children and, 1223

Form G-56, Notice of Reasonable Fear Interview

reinstatement of removal and, 1053

Form G-639, Freedom of Information Act/Privacy Act Request

defensive proceedings and, 823

Form I-9, Employment Eligibility Verification

benefits for asylum-seekers and asylees and, 1418, 1434

Form I-72, Request for Evidence

affirmative proceedings and, 673

Form I-94, Asylum Approval

adjustment of status and, 1506–1507, 1509
 affirmative proceedings and
 applications, 649
 asylum interview, 685, 688
 benefits for asylum-seekers and asylees and, 1425, 1433
 defensive proceedings and, 744, 827, 853
 derivative asylees and, 1442, 1446, 1448, 1449
 employment authorization and, 1412, 1428, 1432
 ineligibility, grounds of, 224
 Refugee Travel Documents, 1436
 temporary protected status and, 1537

Form I-131, Application for Travel Document

adjustment of status and, 1510
 affirmative proceedings, departure before final decision, 697
 benefits for asylum-seekers and asylees, 1421–1422
 humanitarian parole and, 1540–1541
 Refugee Travel Documents, 1436–1438

Form I-134, Affidavit of Support

humanitarian parole and, 1541

Form I-192, Application for Advance Permission to Enter as Nonimmigrant

U visas and, 1524

Form I-213, Record of Deportable Alien

affirmative proceedings, asylum interview, 685
children and, 1194
defensive proceedings and, 778
termination of status and, 1473
unaccompanied alien children and, 1201, 1217, 1219

Form I-246, Application for a Stay of Deportation or Removal

judicial review and, 1389

Form I-290B, Notice of Appeal or Motion

affirmative proceedings and, 698

Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant

special immigrants and, 1526–1529, 1530
unaccompanied alien children and, 1226

Form I-485, Application to Register Permanent Residence or Adjust Status

adjustment of status and
applications, 1508–1512
asylees, 1493, 1494
derivative asylees, 1504–1505
INA §209(c) waivers, 1514
refugees, 1498

benefits for asylum-seekers and asylees, 1450
special immigrants and, 1530

Form I-589, Application for Asylum and for Withholding of Removal

adjustment of status and, 1494, 1504–1505
affirmative proceedings and, 693
applications, 643–646, 649–650
asylum interview, 666, 673, 677, 685, 687, 692
challenging decisions, 698
departure before final decision, 696–697
eligibility, 633, 640
filing fee, proposed, 644, 740
filing requirements, 650–651
notice requirements, 640, 643
post-filing procedures, 652–653, 659–660
where to file, 650–651
benefits for asylum-seekers and asylees, 1399, 1419–1420
children and, 1246–1249
defensive proceedings and
applications, 738–746
filing procedures, 746–749
master calendar hearing, 789

notice, 735
post-filing procedures, 800, 809, 826
rights of noncitizens, 771
derivative asylees and, 1438, 1440, 1442–1443
employment authorization and, 786, 1399–1401, 1413–1414, 1417
expedited removal and, 930
following instructions for, 577
frivolous applications, 533
preparation of, 565–568
reinstatement of removal and, 1058
subsequent filings, considering as amendment of previously filed application, 225–226
termination of status and, 1474
derivative asylum status, 1479
unaccompanied alien children and, 1220, 1222, 1226
where to file, 650–651

Form I-590, Registration for Classification as Refugee

adjustment of status and, 1505

Form I-602, Application by Refugee for Waiver of Grounds of Excludability

adjustment of status and, 1508, 1514

Form I-693, Medical Examination

adjustment of status and, 1509–1510

Form I-730, Refugee/Asylee Relative Petition

adjustment of status and
applications, 1508, 1510
asylees, 1494
derivative asylees, 1504, 1506–1508
children and, 1246–1248
derivative asylees and, 1440–1441, 1444–1449
statutory bars to asylum and withholding of removal and, 298
termination of status and, 1474
derivative asylum status, 1479

Form I-765, Application for Employment Authorization

adjustment of status and, 1510
affirmative proceedings and, 695
employment authorization and, 1400–1402, 1404, 1412–1414, 1427–1428, 1429–1433
temporary protected status and, 1537–1538

Form I-770, Notice of Rights and Disposition

unaccompanied alien children and, 1202

Form I-797C, Notice of Action

affirmative proceedings and, 653–654
asylum interview and, 663

Form I-821, Application for Temporary Protected Status

temporary protected status and, 1537–1538

Form I-851, Notice of Intent to Issue Final Administrative Deportation Order

aggravated felons, administrative removal, 1033

Form I-860, Notice and Order of Expedited Removal

credible fear determinations and, 954, 958
expedited removal and, 925

Form I-862, Notice to Appear. *See* Notice to Appear**Form I-863, Notice of Referral to Immigration Judge**

affirmative proceedings and, 633
withdrawal requests, 698
credible fear determinations and, 916, 955–956
reinstatement of removal and, 1063–1064, 1066–1068

Form I-867A, Record of Sworn Statement

credible fear determinations and, 947
expedited removal and, 924–930

Form I-867B, Record of Sworn Statement

credible fear determinations and, 947
expedited removal and, 924–930

Form I-869, Record of Negative Credible Fear Finding and Request for Review by Immigration Judge

credible fear determinations and, 916

Form I-870, Record of Determination/Credible Fear Work Sheet

credible fear determinations and, 949, 950

Form I-871, Notice of Intent to Reinstate

reinstatement of removal and, 1047, 1048

Form I-898, Record of Negative Reasonable Fear Interview Finding and Request for Review by Immigration Judge

reinstatement of removal and, 1063

Form I-899, Reasonable Fear Worksheet

reinstatement of removal and, 1062

Form I-912, Request for Fee Waiver

adjustment of status and, 1509
employment authorization and, 1412

Form I-918, Petition for U Nonimmigrant Status

U visas and, 1524

Form M-444, Information About Credible Fear Interview

credible fear determinations and, 949
expedited removal and, 930–933

Form M-488, Information on Reasonable Fear Interview

reinstatement of removal and, 1053

Fourteenth Amendment

national origin discrimination and, 59

Fourth Amendment

defensive proceedings, rights of noncitizens, 751–752

Fraud

as statutory bar to asylum and withholding of asylum, 271
termination of status for, 1477–1490

Freedom of Information Act of 1966 (FOIA)

defensive proceedings, 823–824
evidentiary standards, 532
termination of status and, 1473

Frivolous applications

affirmative proceedings, notice of consequences of, 640–642
testimony and credibility, 532–537

Future persecution

asylum, well-founded fear of as legal standard for, 107–124. *See also* Persecution

G**Gambia**

gender claims and, 395
ineligibility for asylum and, 234

Gang violence claims

drug offenses and, 450, 457
hearings on merits, 489–493
INA and, 441, 452, 455
nexus, 485–489
Matter of A–B–, 363, 372–376
political opinion, 485
religion, 485
social groups and group membership, 486–488
widespread violence, demonstration in situations of, 488–489
overview, 432
political opinion, 465–481
nexus, 485
religion, 481–485
nexus, 485
social groups and group membership, 441–465
affluent or wealthy individuals, 455–456
family members, 461–464
former gang members, 451–454
individuals actively opposing gangs, 464–465

- Matter of A–B–*, 363, 369–372
 - nexus, 486–488
 - prosecution witnesses and informants, 457–460
 - resisters of gang recruitment, 447–455
 - tattoos, 455
 - women and girls labeled as gang property, 460–461
- transnational criminal organizations, 432–441
 - indirect and direct state influence of, 438–439
 - infiltration of state institutions by, 436–438
 - mentality and motivation, 439–441
 - territorial control by, 434–436
- UNHCR and, 446, 465, 467, 481–482
- GAO (Government Accountability Office)**
 - expedited removal, oversight, 962–963
- Gender claims**
 - generally, 388–432
 - common forms of gender-based persecution, 393–415
 - DHS and, 411–414, 419, 428
 - DOJ and, 389, 392
 - domestic violence, 310, 409–415. *See also* Domestic violence
 - female genital mutilation/cutting (FGM/C), 394–397
 - forced marriage, 400–402
 - forced prostitution, 402–408
 - gender-specific laws, 408–409
 - government unable or unwilling to protect, 426–428
 - honor killings, 398–400
 - INA and, 388, 404
 - internal relocation, 428–432
 - Matter of A–B–*, 363, 380–382
 - legacy INS and, 389, 391
 - nexus, 424–426
 - Matter of A–B–*, 363, 372–376
 - overview, 388–392
 - rape, 397–398
 - Refugee Convention and Protocol and, 389, 392
 - repressive social mores, 408–409
 - sex-trafficking, 402–408
 - sexual violence, 397–398
 - social groups and group membership, 416–424
 - Matter of A–B–*, 363, 369–372
 - UNHCR and, 389, 393, 402–404, 410, 418, 420, 431–432
 - USCIS and, 400–401
- Geneva Conventions**
 - as source of asylum law, 11
- Genocide**
 - CAT protection and, 348
 - fear of persecution and, 66
 - statutory bars to asylum and withholding of removal and, 247, 306–307
 - terrorism as statutory bar to asylum and withholding of removal, 299
 - U visas for victims of trafficking and crimes, 1524
- Genocide Convention**
 - statutory bars to withholding of removal and, 307
- Germany**
 - fear of persecution and, 99
 - statutory bars to asylum and withholding of removal and, 307
- Ghana**
 - gender claims and, 395
- Government Accountability Office (GAO)**
 - expedited removal, oversight, 962–963
- Government actors**
 - asylum and, 189–196
 - children, special legal standards, 1159
- Guatemala**
 - ABC* settlements and, 1542–1543
 - administrative closure of claims, 816
 - affirmative proceedings and, 627
 - asylum and, 137, 148, 153, 160–162, 164–166
 - children from, 1142, 1156, 1160, 1171, 1243
 - detention and, 1088
 - expedited removal and, 905–906
 - experts specializing in conditions in, 570
 - fear of persecution and, 99
 - gang violence claims and, 432, 453, 459, 460, 464–465, 479, 480
 - gender claims and, 391–392, 410–411, 412–414, 420, 422
 - litigation support for claimants from, 574
 - NACARA and. *See* Nicaraguan Adjustment and Central American Relief Act of 1997
 - nexus and, 129
 - ongoing crisis in, 358–359
 - proposed safe third country agreement with, 220–221, 1022–1023
 - reinstatement of removal and, 1036
 - statutory bars to asylum and withholding of removal and, 251, 260–261
 - unaccompanied alien children from, 1195, 1200
 - UNHCR Publications, 9
- Guinea**
 - asylum and, 55
 - gender claims and, 395

Guinea-Bissau

gender claims and, 395

H**Habeas corpus**

credible fear determinations, 921–922, 959

Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents

defensive proceedings and, 832

evidentiary standards and, 548

Haiti

administrative closure of claims, 816

CAT protection and, 322–323

children from, 1153

fear of persecution and, 113

gender claims and, 391, 398

HRIFA. *See* Haitian Refugee Immigration Fairness Act of 1998

humanitarian parole and, 1540

reinstatement of removal and, 1036

temporary protected status (TPS) and, 1532–1536

Haitian Refugee Immigration Fairness Act of 1998 (HRIFA)

generally, 1517, 1548–1549

administrative closure of claims under, 816

asylum and, 298

reinstatement of removal and, 1036

withholding of removal and, 298

Hamas

terrorism as statutory bar to asylum and withholding of removal, 283, 284

Harassment

as persecution, 85–86

Harvard University

Kennedy School of Government, Carr Center for Human Rights, on expedited removal, 971

Hastings College of Law

Center for Gender and Refugee Studies, on gender claims, 412

Center for Human Rights and International Justice, Expedited Removal Study, 968

Health and Human Services Department (HHS)

detention and, 1126

Office of Refugee Resettlement (ORR). *See* Office of Refugee Resettlement

TVPRA and, 22

unaccompanied alien children, applications for asylum, notification of, 1232

Hearings

detention

bonds, redetermination hearings, 1114–1116

removal proceedings in detention, video or telephone hearings, 1123–1126

gang violence claims, 489–493

individual hearing. *See* Defensive proceedings

master calendar hearing, 785–806

procedures at, 792–806

procedures prior to, 789–792

termination of status, deferral of removal, CAT protection

hearing, 1483–1484

motion for hearing, 1481–1482

notice of hearing, 1482–1483

High Commissioner for Refugees. *See* Office of United Nations High Commissioner for Refugees

HIV/AIDS

asylum and, 162–163

children and, 1158

legacy INS and, 37

Presidential Advisory Council, 37

torture and, 323

Hizballah

terrorism as statutory bar to asylum and withholding of removal, 284

Homeland Security Act of 2002

affirmative proceedings and, 642

asylum and, 214–215

credible fear determinations and, 923

defensive proceedings and, 735, 737, 771

detention and, 1096

non-refoulement principle and, 202

unaccompanied alien children and, 1195, 1197, 1200

Homeland Security Department (DHS)

adjustment of status and, 1496

administrative closure of claims, 817

administrative review of decisions. *See* Administrative review

affirmative proceedings and

asylum interview, 667, 681, 682

eligibility, 629–630

notice requirements, 642–643

asylum and

ineligibility, grounds of, 214–215

legal standards, 53

safe third country negotiations and, 219

statutory bars, 280, 284, 289–290, 296, 302

termination of status, 1469–1470, 1476–1479

asylum ban, southern border, 999
 "asylum only" and "withholding only" proposed regulations, 1020–1021
 benefits for asylum-seekers and asylees and, 1425, 1433
 BIA decisions and, 23
 burden of proof and, 499, 504
 CAT protection, termination of status, 1479–1482
 children and, 1142, 1190, 1231–1242
 credible fear determinations and, 907
 judicial review, 922
 persons not subject to expedited removal, 914–915, 917
 persons subject to expedited removal, 910–911
 review by Immigration Judge, 958
 standards and procedures, 948
 withdrawal of application for admission, 918–919
 defensive proceedings and. *See* Defensive proceedings
 derivative asylees and, 1448–1449
 detention. *See* Detention
 discovery and, 825–826
 employment authorization and, 1409, 1427, 1428, 1431
 evidence presented by, 550–551
 evidentiary standards
 corroboration of evidence, 549
 cultural differences, 532
 frivolous applications, 532
 inconsistencies and omissions, 527
 testimony and credibility, 512
 Executive Order 13767, implementation of, 973–974
 expedited removal and, 906–907
 aggravated felons, administrative removal. *See* Expedited removal
 oversight, 964–966, 971
 procedures, 929, 933–938
 family separation policy and, 991
 family unit cases, prioritization of, 787
 gender claims and, 411–414, 419, 428
 Headquarters Post-Order Detention Unit (HQPDU), 1086–1087
 humanitarian parole and, 1539–1540, 1542
 judicial review of decisions, 1370
 filing of petitions, 1385, 1388
 voluntary departure, termination of, 1391–1392
 Migrant Protection Protocols, purported authority for, 1006–1007
 non-refoulement principle and, 202
 Office of Chief Counsel, 830

Office of Civil Rights and Civil Liberties, 926, 929
 Office of Juvenile Affairs, 1091
 Operation Streamline, 989
 persecution and, 94, 97
 refugees and, 46–48
 termination of status, 1486–1487
 regulations and, 23
 reinstatement of removal and, 1034–1035
 asylum interview, 1062
 challenging orders, 1047–1052
 consequences of reinstatement, 1043
 detention, 1053–1055
 determination of applicability, 1038–1041
 judicial review, 1041–1042
 proceedings before, 1046–1047
 reopening or reconsideration, 1051–1052
 removal proceedings in detention, responsibilities, 1120–1121
 reopen or reconsider, motions to, 1303. *See also* Reopen or reconsider, motions to
 sources of asylum law
 Field Manuals, 33–35
 policy directives, memoranda, and statements, 36–39
 standards of proof and, 507
 temporary protected status and, 1538
 TVPRA and, 22
 unaccompanied alien children and, 1195–1196, 1200–1204, 1225–1227
 withholding of removal and
 statutory bars, 302
 termination of status, 1476–1479
 terrorism as statutory bar, 280, 284, 289–290, 296

Honduras

affirmative proceedings and, 627
 asylum and, 161, 166, 169
 children from, 1142, 1156, 1171, 1243
 detention and, 1088
 expedited removal and, 905–906
 experts specializing in conditions in, 570
 gang violence claims and, 432, 449–450, 459, 460, 484, 489
 ineligibility for asylum and, 221, 228, 229
 litigation support for claimants from, 574
 ongoing crisis in, 358–359
 proposed safe third country agreements and, 1022
 reinstatement of removal and, 1036
 temporary protected status (TPS) and, 1532–1536, 1537
 unaccompanied alien children from, 1195, 1200

UNHCR Publications, 9

Honor killings

gender claims, 398–400

HRIFA. *See* Haitian Refugee Immigration Fairness Act of 1998

Humanitarian asylum

on country conditions, 828
other serious harm, 105–107
severity of past persecution, 102–105

Humanitarian parole

generally, 1517, 1539–1542

Human Rights First

on asylum, 222
on credible fear determinations by CBP, 988
on detention, 1082
on detention and credible fear determinations, 1095
on expedited removal, 969
on Migrant Protection Protocols (MPP), 1015
on statutory bars to asylum and withholding of removal, 300

Human Rights Watch

on affirmative proceedings, 649
on CAT protection, 345–346
on children, 1234–1235
on country conditions, 546, 745, 828
on expedited removal, 971
on Migrant Protection Protocols (MPP), 1015

Hungary

NACARA and, 1547

Hutu people

asylum and, 144

I

ICE. *See* Immigration and Customs Enforcement

ICPM. *See* Immigration Court Practice Manual

Identity checks

affirmative proceedings
asylum interview, 661
post-filing procedures, 653–654

IJs. *See* Immigration Judges

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA)

generally, 37
asylum and
coercive population control and, 177
eligibility, 19
ineligibility, grounds of, 221

case law, 39–40
credible fear determinations and, 907
defensive proceedings and, 716
detention and, 1077, 1123
expedited removal and, 907, 962
judicial review and, 1369–1370
NACARA claims and, 1544, 1546–1547
non-refoulement principle, 18
persecution and, 89–90
refugee, defined, 5–6, 18
reinstatement of removal and, 1035
as source of asylum law, 18–20

Immigrant and Appellate Center, LLC

on BIA administrative review, 1265

Immigrant Legal Resource Center

on alternate relief following termination of temporary protected status, 1535
on special immigrant juvenile status, 1529
on U visas for victims of trafficking and crimes, 1523
on victims of trafficking and crimes, 1519

Immigration and Customs Enforcement (ICE)

adjustment of status and, 1499
administrative closure of claims, 817
affirmative proceedings and
asylum interview, 664, 681, 692
challenging decisions, 699
eligibility, 630, 633
asylum and, 290, 300
burden of proof and, 505–506
credible fear determinations and, 915, 917, 961
defensive proceedings and, 729, 732
applications, 738
detention of applicant granted relief, 854–856
post-filing procedures, 809, 830
detention. *See also* Detention
requests for release or parole from detention, 1099–1107
review of ICE custody or bond determinations, 1109–1110
employment authorization and, 1432
Executive Order 13767, implementation of, 973
expedited removal and, 931–932, 933–937
family separation policy and, 991
judicial review of decisions, 1370, 1389–1391
jurisdiction and, 721
Office of Chief Counsel, 1294
Office of Enforcement and Removal Operations (ERO), 1071, 1082, 1085

- reopen or reconsider, motions to, 1294–1295, 1311
- requests for release or parole from detention, 1098
- territorial application of, 982
- unaccompanied alien children, processing of, 1200–1231. *See also* Unaccompanied alien children
- U visas and, 1525
- withholding of removal and, 290, 300
- Immigration and Nationality Act of 1952 (INA)**
 - adjustment of status and. *See* Adjustment of status
 - administrative review and, 1255, 1257
 - affirmative proceedings and
 - asylum interview, 661, 664, 678, 680, 683, 688
 - eligibility, 629, 633
 - notice requirements, 641
 - aggravated felons, INA §240 removal proceedings, 923, 1032–1034
 - asylum and. *See* Asylum
 - benefits for asylum-seekers and asylees, 1399, 1423, 1424, 1425, 1450
 - burden of proof, 349, 499–500
 - case law, 39–40
 - CAT protection and
 - compared, 310, 313, 315, 318, 326, 337, 340–341, 347–349
 - termination of status, 1480
 - change of address and, 1450
 - children and, 1141
 - applications for asylum, 1170, 1184
 - as derivative asylees, 1245
 - special legal standards, 1144
 - statutory bars to asylum, 1164–1166
 - credible fear determinations and. *See* Credible fear determinations
 - defensive proceedings and. *See* Defensive proceedings
 - derivative asylees and, 1438–1439
 - detention and, 1077–1080, 1082–1083, 1095–1097, 1099, 1107–1108, 1118
 - employment authorization and, 1403, 1414, 1426, 1430
 - evidentiary standards, 512
 - frivolous applications, 537
 - expedited removal and
 - aggravated felons, administrative removal, 923, 1032–1034
 - INA §240 removal proceedings, 923
 - procedures, 923, 929
 - gang violence claims and, 441, 455
 - gender claims and, 388, 404
 - judicial review and, 22
 - Migrant Protection Protocols, purported authority for, 1006–1007
 - non-refoulement principle and, 202
 - refugees and, 52–53
 - defined, 5–6
 - last habitual residence standard, 58
 - termination of status, 1486–1487
 - reinstatement of removal and. *See* Reinstatement of removal
 - reopen or reconsider, motions to, 1300, 1311
 - as source of asylum law, 17
 - standards of proof, 506–508
 - temporary protected status and, 1538–1539
 - unaccompanied alien children and, 1196, 1202, 1204, 1218
 - U visas and, 1524
 - withholding of removal and. *See* Withholding of removal
- Immigration Court Practice Manual (ICPM)**
 - defensive proceedings and
 - applications, 738, 745
 - individual hearing, 849
 - master calendar hearing, 794–795, 804
 - post-filing procedures, 814, 826, 828, 830–832, 837
- Immigration Judges (IJs).** *See also specific topic*
 - ABC settlements and, 1543
 - adjustment of status and
 - applications, 1507–1508, 1512
 - asylees, 1495–1496
 - derivative asylees, 1507–1508
 - refugees, 1499–1500
 - administrative review of decisions. *See* Administrative review
 - asylum, termination of status, 1476–1479
 - CAT protection, termination of status, 1480, 1481–1486
 - credible fear determinations, review of, 955–961
 - appeals unlikely, 959–961
 - attorney, representative, or consultant, role of, 956–958
 - decision, 958–959
 - interpreters, 958
 - procedures, 955–956
 - standard of review, 955
 - defensive proceedings before, 719–720
 - detention, appeal of Immigration Judge bond decision, 1116–1117
 - judicial review of decisions

discretionary determinations as restrictions on, 1376–1377
 jurisdiction, 1372
 scope and standard of review, 1382
 stay of removal, 1391
 reinstatement of removal and
 reasonable fear determinations, review of, 1066–1069
 withholding-only proceedings, 1066–1069
 reopen or reconsider, motions to. *See* Reopen or reconsider, motions to
 temporary protected status and, 1538
 unaccompanied alien children, appearance before, 1216–1218
 withholding of removal, termination of status, 1471, 1476–1479

INA. *See* Immigration and Nationality Act of 1952

Inconsistencies
 testimony and credibility, 519–527

India
 asylum and, 192
 fear of persecution and, 94
 terrorism as statutory bar to asylum and withholding of removal, 285, 291

Indian Mujahedeen
 terrorism as statutory bar to asylum and withholding of removal, 285

Individual hearing. *See* Defensive proceedings

Individual Taxpayer Identification Numbers (ITINs)
 benefits for asylum-seekers and asylees and, 1419

Indonesia
 fear of persecution and, 99, 116
 gender claims and, 395
 ineligibility for asylum and, 229

Ineffective assistance of counsel
 reopen or reconsider, motions to, 1303–1305

InfoPass
 benefits for asylum-seekers and asylees and, 1425
 defensive proceedings and, 853
 employment authorization and, 1417, 1427–1428

ITINs (Individual Taxpayer Identification Numbers)
 benefits for asylum-seekers and asylees and, 1419

Injunctive relief
 credible fear determinations, 922

Intensive Supervision Appearance Program (ISAP)
 generally, 1080–1081, 1100, 1108

Interlocutory appeals

BIA administrative review, 1284

Internal Agency Guidelines

as source of asylum law, 33–35

Internal Revenue Service (IRS)

benefits for asylum-seekers and asylees and, 1419, 1434

International Convention on the Prevention and Punishment of Genocide

statutory bars to asylum and withholding of removal and, 307

International Covenant on Civil and Political Rights

religion and, 138

International law

as source of asylum law, 1–16

International Religious Freedom Act of 1998

asylum and, 138
 expedited removal and, 963

Interpreters

affirmative proceedings, asylum interview, 667–670
 credible fear determinations
 Immigration Judges, review by, 958
 standards and procedures, 952
 defensive proceedings, rights of noncitizens, 765–766
 reinstatement of removal and, 1061–1062

Interview Notice

affirmative proceedings and, 651
 asylum interview and, 657, 679
 Reschedule Notice, 680

Interviews

asylum interview, 660–692. *See also* Affirmative proceedings
 credible fear determinations, 949–951
 reinstatement of removal, 1055–1063. *See also* Reinstatement of removal
 Reschedule Notice, 680

Intrauterine devices (IUDs)

asylum, involuntary insertion and, 180–181

Iran

asylum and, 162
 family reunification eligibility, 48
 gender claims and, 391, 408, 422–423
 statutory bars to asylum and withholding of removal and, 306
 terrorism as statutory bar to asylum and withholding of removal, 283, 285

travel ban and, 49–50

Iraq

asylum and, 143
 family reunification eligibility, 48
 fear of persecution and, 94
 gender claims and, 393
 ineligibility for asylum and, 216
 special immigrant Iraqi translators, 1529–1531
 terrorism as statutory bar to asylum and withholding of removal, 291
 travel ban and, 49–50

Iraqi National Congress

terrorism as statutory bar to asylum and withholding of removal, 291

Iraqi Uprisings

terrorism as statutory bar to asylum and withholding of removal, 291

Ireland

terrorism as statutory bar to asylum and withholding of removal, 283, 285

Irish National Liberation Army

terrorism as statutory bar to asylum and withholding of removal, 283

Irish Republican Army

terrorism as statutory bar to asylum and withholding of removal, 283

IRS (Internal Revenue Service)

benefits for asylum-seekers and asylees and, 1419, 1434

IRS Form W-7

benefits for asylum-seekers and asylees and, 1419

ISAP. *See* Intensive Supervision Appearance Program

Islamic International Brigade

terrorism as statutory bar to asylum and withholding of removal, 285

Islamic Jihad Union

terrorism as statutory bar to asylum and withholding of removal, 285

Islamic Renewal and Reform Organization

terrorism as statutory bar to asylum and withholding of removal, 285

Israel

laws as source of asylum law, 42

IUDs (Intrauterine devices)

asylum, involuntary insertion and, 180–181

J

Jamaica

asylum and, 169
 future persecution, well-founded fear of, 118

Jamiat el-Mujahideen

terrorism as statutory bar to asylum and withholding of removal, 285

Jammu and Kashmir Liberation Front

terrorism as statutory bar to asylum and withholding of removal, 281

Japan

terrorism as statutory bar to asylum and withholding of removal, 285

Japanese Red Army

terrorism as statutory bar to asylum and withholding of removal, 285

Jerusalem Warriors

terrorism as statutory bar to asylum and withholding of removal, 285

Jordan

asylum and, 162
 fear of persecution and, 115
 gender claims and, 398–399, 422

Judgment

judicial review, post-filing procedures, 1395–1396

Judicial review

aggravated felons, administrative removal, 1034
 bars to review, 1371–1372
 credible fear determinations, 1371
 noncitizens convicted of crimes, 1371–1372
 reinstatement of removal, 1372
 of BIA decisions, 1369–1370
 defensive proceedings, 770–771
 deference and, 1381
 discretionary determinations as restrictions on, 1376–1377
 filing of petitions, 1384–1389
 jurisdiction, 1371–1373
 post-filing procedures, 1392–1396
 scope and standard of review, 1381–1384
 stay of removal, 1389, 1391
 CAT protection and, 1369–1370, 1376, 1385
 credible fear determinations, 921–922
 as bar to, 1371
 class actions, 922
 declaratory, injunctive, or equitable relief, 922
 habeas corpus, 921–922
 relief, 922

validity of system, challenging, 922
 DHS and, 1370
 filing of petitions, 1385, 1388
 voluntary departure, termination of, 1391–1392
 EOIR and, 1393
 filing of petitions, 1384–1389
 admission of attorneys, 1388–1389
 contents, 1386–1388
 entry of appearance, 1388–1389
 parties, 1388
 service of process, 1388
 time requirements, 1384–1386
 venue, 1386
 ICE and, 1370, 1389–1391
 IIRAIRA and, 1369–1370
 INA and, 22
 jurisdiction, 1370–1381
 overview, 1369–1370
 post-filing procedures, 1392–1396
 administrative record, 1392–1393
 briefing schedule, 1392
 briefs, 1393–1395
 final mandate, 1395–1396
 judgment, 1395–1396
 mediation, 1392
 oral argument, 1395
 service of process, 1392
 questions of law and constitutional claims, 1377–1381
 application of deference in immigration context, 1381
 Brand X deference, 1380
 Chevron deference, 1378–1380
 REAL ID Act and, 22
 reinstatement of removal
 bars to, 1372
 reasonable fear determinations, 1041–1043
 reinstatement of removal decision, 1064–1066
 restrictions on review, 1372–1377
 discretionary determinations, 1376–1377
 expedited removal determinations, 1374–1376
 one-year filing deadline, 1372–1374
 previous asylum denial, 1374
 safe third country, 1372
 terrorism-related bars to eligibility for relief, 1374
 scope of review, 1381–1384
 standard of review, 1381–1384
 stay of removal, 1389–1391
 voluntary departure, termination of, 1391–1392

Jurisdiction

BIA

administrative review, 1256–1258
 judicial review of decisions, 1371–1373
 defensive proceedings, 720–722
 judicial review, 1370–1381. *See also* Judicial review
 reopen or reconsider, motions to, 1290–1291
 unaccompanied alien children, applications for asylum, initial jurisdiction of USCIS, 1218–1221

Justice Department (DOJ)

asylum ban, southern border, 999
 Attorney General. *See* Attorney General
 Executive Order 13767, implementation of, 973, 974
 gender claims and, 389, 392
 Immigration Court Practice Manual (ICPM). *See* Immigration Court Practice Manual
 Office of Immigration Litigation (OIL), 1370, 1388, 1393
 Office of Legal Counsel, 33
 Office of Special Counsel for Immigration-Related Unfair Employment Practices, 1435
 Operation Streamline, 989
 refugees and, 52
 southern border asylum ban, 242–246

Juveniles. *See* Children

K**Karen National Union/Karen National Army**

terrorism as statutory bar to asylum and withholding of removal, 291

Karenni National Progressive Party

terrorism as statutory bar to asylum and withholding of removal, 291

Kayan New Land Party

terrorism as statutory bar to asylum and withholding of removal, 291

Kazakhstan

statelessness and, 63

Kenya

asylum and, 162
 fear of persecution and, 94
 gender claims and, 395

Kidnapping

as statutory bar to asylum and withholding of asylum, 269

Korea, Democratic People's Republic of. *See*
North Korea

Kosovo

fear of persecution and, 94
temporary protected status (TPS) and, 1536
terrorism as statutory bar to asylum and withhold-
ing of removal, 291

Kosovo Liberation Army

terrorism as statutory bar to asylum and withhold-
ing of removal, 291

Kurdish Democratic Party

terrorism as statutory bar to asylum and withhold-
ing of removal, 291

Kuwait

expelled Palestinians and, 61
future persecution, well-founded fear of, 118

L

Laos

administrative closure of claims, 816
fear of persecution and, 104

Last habitual residence standard, 58–59

Latvia

NACARA and, 1547

Lawful permanent residents (LPRs)

adjustment of status. *See* Adjustment of status
benefits for individuals granted protection, 1423,
1449–1450
credible fear determinations, 917–918
drug offenses and, 1450
Refugee Travel Documents, 1435
termination of refugee status and, 1469, 1473–
1474, 1487

Lawyers Committee for Human Rights

on expedited removal, 969

Legacy INS

ABC settlements and, 1542–1543
asylum and
ineligibility, grounds of, 232, 286
race, 137
statutory bars, 300
Basic Law Manual
corroboration of evidence, 539
as source of asylum law, 35–36
CAT protection and, 311, 314, 315, 317, 348
children and, 1174
credible fear determinations and, 909–910
defensive proceedings and, 734
children, 777, 778

master calendar hearing, 797
rights of noncitizens, 772–773
detention and, 1088
employment authorization and, 1427
expedited removal and
oversight, 962–963, 968–969, 971
procedures, 925–926
gender claims and, 389, 391
HIV/AIDS and, 37
Office of General Counsel, 35–36
Operations Instructions (OIs), 33–35
persecution and, 89–90
sources of asylum law
Basic Law Manual, 35–36
policy directives, memoranda, and statements,
36–39
withholding of removal and, 300

Liberia

fear of persecution and, 94
future persecution, well-founded fear of, 118
gender claims and, 395
temporary protected status (TPS) and, 1535–1536

Library of Congress

on asylum, 56

Libya

travel ban and, 49–50

Lithuania

gender claims and, 404
NACARA and, 1547

LPRs. *See* Lawful permanent residents

Lutheran Immigration and Refugee Service

on children, 1234
on expedited removal, 971

M

Macedonia

evidentiary standards and, 528

Mail fraud

as statutory bar to asylum and withholding of asy-
lum, 270

Mail-Out Notice

asylum interview and, 678

Malaysia

statutory bars to asylum and, 305

Mali

family reunification eligibility, 48
gender claims and, 395, 401

Manslaughter

as statutory bar to asylum and withholding of asylum, 270

Marriage, forced

gender claims, 400–402

Master calendar hearing

overview, 785–789

procedures at, 792–806

procedures prior to, 789–792

Matching grants

asylum-seekers and asylees, 1451–1452

Mauritania

fear of persecution and, 94

gender claims and, 395

Mediation

judicial review, post-filing procedures, 1392

Medicaid

asylum-seekers and asylees, 1452

Medical screening

asylum-seekers and asylees, 1451

Membership in social groups

asylum, as protected ground for, 144–169

gang violence claims, 441–465. *See also* Gang violence claims

gender claims, 416–424

Menacing

as statutory bar to asylum and withholding of asylum, 270

Mental health

testimony and credibility, 529–531

Mental incompetence

defensive proceedings, 779–785

Metering

Trump administration policy, 979–984, 1016, 1024

Mexico

asylum and, 161

CAT protection and, 327

children from, 1160, 1243

detention and, 1088

expedited removal and, 905–906

experts specializing in conditions in, 570

fear of persecution and, 98

gender claims and, 392, 411

reinstatement of removal and, 1036

Remain in Mexico policy. *See* Migrant Protection Protocols (MPP)

as safe third country, 219–220

proposed agreement with, 1021–1023

southern border asylum ban, 242–246

temporary protected status (TPS) and, 1532

unaccompanied alien children from, 1200

Migrant Protection Protocols (MPP)

generally, 359, 1006–1017

challenges to, 1012–1013

effect of, 1013–1017

legal status of, 732–733

metering policy distinguished, 981

Mexico's position on, 1011–1012

practical application of, 1007–1011

safe third country agreement between United States and Mexico, 219–220

Minors. *See* Children**Mixed motive**

asylum and, 131–136

Mogharrabi four-part test

asylum and, 110–111

Money laundering

as statutory bar to asylum and withholding of asylum, 270

Montenegro

fear of persecution and, 94

More likely than not standard

generally, 508

Moroccan Islamic Combatant Group

terrorism as statutory bar to asylum and withholding of removal, 285

Morocco

asylum and, 141

gender claims and, 409

terrorism as statutory bar to asylum and withholding of removal, 285

Motions

BIA administrative review, 1281–1283

defensive proceedings, 810–822

to reopen or reconsider. *See* Reopen or reconsider, motions to

Mujahedin-e Khalq

terrorism as statutory bar to asylum and withholding of removal, 283

Murder

as torture, 318

"Muslim ban", 27–28, 49–51

Executive Order No. 13780 modifying, 28

N

NACARA. *See* Nicaraguan Adjustment and Central American Relief Act of 1997

National Association of Immigration Judges
on detention and credible fear determinations, 1095
on independent immigration court system advocacy, 715

National Immigrant Justice Center
on asylum, 222, 576–577
on gang violence claims, 493
on gender claims, 432
on individual assessment of facts, 554
on pre-judgment of asylum claims, 803
on reinstatement of removal, 1059
on representing child asylum-seekers, 1250

Nationalist Republican Alliance
terrorism as statutory bar to asylum and withholding of removal, 291

Nationality
asylum, as protected ground for, 143–144
as legal standard for asylum, 54–56

National Lawyers Guild
on statutory bars to asylum and withholding of removal, 267
on termination of temporary protected status, 1533

National security
danger to as statutory bar to asylum or withholding of removal, 276–278

Nazi persecution
statutory bars to asylum and withholding of removal and, 306–307

Nepal
evidentiary standards and, 540
temporary protected status (TPS) and, 1532–1536

New People's Army
terrorism as statutory bar to asylum and withholding of removal, 285

New York Declaration for Refugees and Migrants
U.S. withdrawal from, 52

NGOs (Nongovernmental organizations)
expedited removal, oversight, 968–971

Nicaragua
NACARA and. *See* Nicaraguan Adjustment and Central American Relief Act of 1997
reinstatement of removal and, 1036
temporary protected status (TPS) and, 1532–1536

Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA)
generally, 1517, 1544–1548
ABC settlements and, 1542, 1544
administrative closure of claims under, 816
asylum and, 298
derivative beneficiaries, 1547–1548
eligibility requirements, 1548
IIRAIRA and, 1544, 1546–1547
reinstatement of removal and, 1036
USCIS and, 1544
withholding of removal and, 298

Niger
CAT protection and, 336
gender claims and, 395

Nigeria
CAT protection and, 323
evidentiary standards and, 526
gender claims and, 395
termination of status and, 1482, 1484

NOID. *See* Notice of Intent to Deny

NOIT (Notice of Intent to Terminate Asylum Status)
adjustment of status and, 1507
termination of status and, 1471–1473

Non-aggravated felonies
as statutory bars to asylum or withholding of removal, 267–273

Nongovernmental organizations (NGOs)
expedited removal, oversight, 968–971

Non-refoulement principle
in AEDPA, 18–19
CAT protection, 336–341
“more likely than not” standard, 337–339
no internal relocation option, 340–341
objective only, 339
prospective only, 340
torture only, 339
DHS and, 202
Homeland Security Act of 2002 and, 202
in IIRAIRA, 18
in INA, 202
in Refugee Act of 1980, 18
in Refugee Convention and Protocol, 6, 18

Northern Triangle of Central America. *See* El Salvador; Guatemala; Honduras

North Korea, 48
family reunification eligibility, 48
fear of persecution and, 87

travel ban and, 50

Northwest Immigrants Rights Project, 759

Notice for Failure to Appear

unaccompanied alien children and, 1225

Notice of Continuation of Asylum Status

termination of status and, 1473

Notice of Hearing

defensive proceedings and, 861

Notice of Intent to Deny (NOID)

adjustment of status and, 1507
affirmative proceedings and, 684, 686, 690, 693, 696

Notice of Intent to Terminate Asylum Status (NOIT)

adjustment of status and, 1507
termination of status and, 1471–1473

Notice of Rescission of Asylum Grant

asylum interview and, 689
termination of status and, 1476

Notice of Scheduling of Fingerprint Appointment

asylum interview and, 662–663, 664

Notice of Withholding-Only Hearing

reinstatement of removal and, 1064

Notice requirements

affirmative proceedings, 640–643
confidentiality, 642–643
frivolous applications, consequences of, 640–642
right to representation, 640
use of information, 642–643
defensive proceedings, 735–737
confidentiality, 737
frivolous applications, consequences of, 735–736
right to representation, 735
use of information, 737

Notice to Appear (NTA)

adjustment of status and, 1496, 1500
affirmative proceedings and
asylum interview, 685, 687, 691–692
challenging decisions, 699
eligibility, 629–632
withdrawal requests, 698
credible fear determinations and, 954
defensive proceedings and. *See* Defensive proceedings
detention and, 1108, 1113
expedited removal and, 931–932
filing with immigration court, 733
jurisdiction following service of, 720
reinstatement of removal and, 1067

temporary protected status and, 1538
termination of status and, 1471, 1476
Trump Administration expanded use of, 725
unaccompanied alien children, 1216–1217

NTA. *See* Notice to Appear

O

Oaths

affirmative proceedings, asylum interview, 666

Office of Chief Immigration Judge (OCIJ)

credible fear determinations and, 956–957
defensive proceedings and, 720–722, 731, 756, 774–775, 805

Office of International Religious Freedom

asylum and, 138

Office of Refugee Resettlement (ORR)

benefits for asylum-seekers and asylees, 1399
public benefits, 1451, 1453
children and, 1190
detention and, 1088
refugees and, 52
unaccompanied alien children, 1196
applications for asylum, 1225–1227
bond redetermination hearings, 1214–1216
custody of, 1205–1208
Homeland Security Act of 2002 and, 1197
processing upon apprehension, 1202

Office of United Nations High Commissioner for Refugees (UNHCR)

adjustment of status and, 1501
asylum and
Canada as safe third country, 217
coercive population control, 189
government actors or groups government unable or unwilling to control, 189–190
legal standards, 54, 63
mixed motive, 131–136
nationality, 143–144
political opinion and, 170, 173
race, 137–138
religion, 139
social groups and group membership and, 144–169
statelessness standard, 57–58
statutory bars, 268, 274, 276
CAT protection and, 345–346
children and, 1141. *See also* Children
creation of, 3
defensive proceedings and, 774, 786
evidentiary standards

corroboration of evidence, 539
 false documents and misrepresentations, 529
 expedited removal and
 oversight, 971–972
 procedures, 925–926, 930
 on family separation policy, 990
 gang violence claims and, 446, 465–466, 478, 481–482
 gender claims and, 389, 393, 402–404, 410, 418, 420, 431–432
 Guidelines
 religion, 139
 sources of asylum law, 7–8
 Handbook
 asylum and, 55, 63
 corroboration of evidence, 539–540, 547
 government actors or groups government unable or unwilling to control and, 189–190
 nationality and, 143–144
 persecution and, 65–72, 78, 87, 93, 100, 115, 121, 122–124
 political opinion and, 173
 social groups and group membership and, 145
 as source of asylum law, 6–8
 statutory bars to asylum and withholding of removal, 268, 274
 persecution and
 defined, 65–72, 78, 87
 future persecution, well-founded fear of, 115, 121, 122–124
 past persecution, 92–93, 100
 on potential Mexico and Guatemala safe third country agreements, 1023
 refugees and, 46–47
 termination of status, 1487
 sources of asylum law, 6–10
 Executive Committee Conclusions, 8
 Guidelines, 7–8
 Handbook, 6–8
 Publications, 9–10
 statelessness and, 60
 statelessness statistics, 59
 unaccompanied alien children and, 1218
 on victims of trafficking and crimes, 1522
 withholding of removal and, 267, 269, 274, 276
 zero tolerance policy, denunciation of, 1228
Omissions
 testimony and credibility, 519–527
180-day clock for EAD issuance
 generally, 1405–1411

continuances due to, 820
 definition of, 695, 1406
 EOIR OPPM 13-02 vs., 1410
 exceptional circumstances that justify missing, 1172
 inapplicability under CAT, 788
 Trump administration proposal to extend time, 1405
One-year filing deadline
 affirmative proceedings, eligibility, 635–636
 asylum, ineligibility for, 221–240
 challenging denials based on, 239–240
 changed circumstances, 227–230
 extraordinary circumstances, 230–238
 reasonable period of time, filing within, 238–239
 children and, 233, 1161–1164
 ignorance not valid excuse for failure to file, 226
 judicial review, restrictions on review, 1372–1374
Opening statements
 defensive proceedings, individual hearing, 847–848
Operation Streamline
 joint initiative between DOJ and DHS, 989
Oral argument
 BIA administrative review, 1279–1280
 judicial review, post-filing procedures, 1395
Organ selling
 as statutory bar to asylum and withholding of asylum, 275
Original documents
 corroboration of evidence, 547–549
Oromo Liberation Front
 terrorism as statutory bar to asylum and withholding of removal, 283, 291
ORR. *See* Office of Refugee Resettlement

P

PAIR Project
 on defensive proceedings, 855
 on detention, 1106
Pakistan
 asylum and, 175
 fear of persecution and, 99
 future persecution, well-founded fear of, 119
 terrorism as statutory bar to asylum and withholding of removal, 285
Palestine Liberation Front
 terrorism as statutory bar to asylum and withholding of removal, 284–285

Palestine Liberation Organization

statutory bars to asylum and withholding of removal and, 278, 279

Palestinians

asylum and, 143
 expelled from Kuwait, 61
 fear of persecution and, 115
 future persecution, well-founded fear of, 118
 statelessness and, 59, 60–61
 terrorism as statutory bar to asylum and withholding of removal, 284–285

Panama

potential regional asylum agreement with, 221

Parole

advance parole for travel, 1419–1422
 humanitarian parole, 1517, 1539–1542
 persons not subject to expedited removal
 noncitizens paroled into U.S. prior to 4/1/1997, 914
 noncitizens paroled into U.S. with advance parole, 917
 persons subject to expedited removal
 individuals paroled into U.S. after April 1, 1997, 909–911
 noncitizens not admitted or paroled into U.S., 909–911
 noncitizens paroled into U.S. after 4/1/1997, 911–912
 requests for release or parole to ICE, 1099–1107
 final orders of removal, individuals with who have been granted relief, 1106–1108
 individuals apprehended at border or port of entry, 1101–1105

Past persecution

asylum, as legal standard for, 90–107
 fundamental change in circumstances, 92–95
 humanitarian asylum, 101–107
 internal relocation, 95–101

PATRIOT Act. *See* USA PATRIOT Act of 2001

Patriotic Union of Kurdistan

terrorism as statutory bar to asylum and withholding of removal, 291

Pennsylvania State University, Dickinson School of Law

Center for Immigrants' Rights
 on adjustment of status, 1512, 1516
 on asylum, 222
 on reinstatement of removal, 1069

People Against Gangsterism and Drugs

terrorism as statutory bar to asylum and withholding of removal, 285

People's Mojahedin Organization

terrorism as statutory bar to asylum and withholding of removal, 285

Persecution

CAT protection and, 79, 89, 101
 defined, 65–90
 arrest, 83–85
 cumulative harm, 77–78
 deprivation of life essentials, 80–83
 detention, 83–85
 discrimination, 85–86
 family members or third parties, harm to, 79–80
 harassment, 85–86
 physical harm, 72–73
 prosecution, 87–90
 psychological harm, 78–79
 severe economic disadvantage, 80–83
 threats, 74–77
 DHS and, 94, 97
 domestic violence, 368–369
 DOS and, 119
 EOIR and, 89–90
 future persecution, well-founded fear of, 107–124
 family members and friends, persecution of, 121–122
 Mogharrabi four-part test, 110–111
 pattern or practice, 117–121
 refugees *sur place*, 122–124
 remaining in country of past or feared persecution, 113–114
 returning to country of feared persecution, 115–117
 specific threat of harm, 112–113
 subjective vs. objective components, 108–110
 valid travel documents, possession of, 114–115
 IIRAIRA and, 89–90
 legacy INS and, 89–90
Matter of A–B–, 363, 368–369, 995
 by non-state actors, 363, 376–380
 past persecution, 90–107
 fundamental change in circumstances, 92–95
 humanitarian asylum, 101–107
 internal relocation, 95–101
 Refugee Convention and Protocol and, 92
 statelessness as, 59–60
 as statutory bar to asylum or withholding of removal, 247–262

- chain of events, 256–259
 - coercion or duress, 250–256
 - failure to act, 259–260
 - knowledge of persecutory acts and requisite scienter, 260–262
 - peripheral involvement, 256–260
 - UNHCR and
 - defined, 65–72, 78, 87
 - future persecution, well-founded fear of, 114–115, 121, 122–124
 - past persecution, 92–93, 100
 - USCIS and, 80
 - Peru**
 - CAT protection and, 327
 - fear of persecution and, 99
 - statutory bars to asylum and withholding of removal and, 252, 258, 260–
 - Petitions**
 - judicial review. *See* Judicial review
 - Philippines**
 - asylum and, 192
 - fear of persecution and, 114
 - gang violence claims and, 474–475
 - humanitarian parole and, 1540
 - terrorism as statutory bar to asylum and withholding of removal, 285
 - Physical harm**
 - as persecution, 72–73
 - Pick-Up Notice**
 - asylum interview and, 677
 - Poland**
 - gender claims and, 397
 - NACARA and, 1547
 - Political opinion**
 - asylum, as protected ground for, 169–181
 - coercive population control, 176–181. *See also* Coercive population control
 - imputed political opinion, 175–176
 - gang violence claims, 465–481
 - nexus, 485–489
 - Population control.** *See* Coercive population control
 - Post-Traumatic Stress Disorder (PTSD)**
 - evidentiary standards, 529–531
 - Precedent decisions**
 - BIA administrative review, 1277–1278
 - Preponderance of evidence standard**
 - generally, 506–507
 - Presidential proclamations**
 - as source of asylum law, 25–29
 - Priority system for refugees,** 46–48
 - Privacy Act**
 - affirmative proceedings and, 642
 - Prosecution**
 - as persecution, 87–90
 - Prostitution**
 - BIA administrative review and, 1371
 - gender claims, forced prostitution, 402–408
 - Protocol Relating to the Status of Refugees.** *See* Convention and Protocol Relating to the Status of Refugees
 - Psychological harm**
 - as persecution, 78–79
 - PTSD (Post-Traumatic Stress Disorder)**
 - evidentiary standards, 529–531
- Q**
- Qatar**
 - Palestinians residing in, 59
 - Quiche ethnic group**
 - asylum and, 137, 157
- R**
- Race**
 - asylum, as protected ground for, 137–138
 - Rape**
 - asylum and, 160
 - CAT protection and, 342–343
 - of children, 1152, 1154, 1179
 - derivative asylees and, 1439
 - fear of persecution and, 67
 - gender claims, 397–398. *See also* Gender claims as torture, 318–319
 - RCA (Refugee Cash Assistance)**
 - asylum-seekers and asylees, 1452
 - REAL ID Act of 2005**
 - adjustment of status and, 1493
 - asylum and, 132–134
 - statutory bars, 279, 281–282, 284, 287
 - case law, 40
 - CAT protection compared, 342
 - credible fear determinations and, 951
 - defensive proceedings and, 743
 - effective advocacy in light of, 554
 - evidentiary standards, 512
 - corroboration of evidence, 538–539, 540–541, 568–569
 - false documents and misrepresentations, 527–528

inconsistencies and omissions, 521–522
 testimony and credibility, 514
 expedited removal and
 aggravated felons, administrative removal, 1034
 procedures, 928
 judicial review and, 22, 239–240
 as source of asylum law, 21–22
 withholding of removal and, 279, 281–282, 284,
 287

Real Irish Republican Army

terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

Reasonable fear determinations

reinstatement of removal, 1034–1045
 consequences of, 1043–1045
 determination of applicability, 1038–1041
 Immigration Judges, review by, 1066–1069
 interviews, 1055–1063
 judicial review, 1041–1043
 persons not subject to, 1036–1038
 persons subject to, 1036

Reasonable possibility standard

generally, 507–508

Receipt Notice

affirmative proceedings and, 651, 652, 687
 employment authorization and, 1406
 unaccompanied alien children and, 1225

Reckless endangerment

as statutory bar to asylum and withholding of asy-
 lum, 271

Reconsider, motions to. *See* Reopen or reconsider,
 motions to

Referral Notice

asylum interview and, 680, 684, 692
 defensive proceedings and, 738

Refugee Act of 1980

adoption of, 358
 case law, 39
 non-refoulement principle, 18
 refugee, defined, 5–6, 17
 as source of asylum law, 17–18

Refugee and Immigrant Center for Education and Legal Services

on detention, 1076

Refugee Cash Assistance (RCA)

asylum-seekers and asylees, 1452

Refugee Convention. *See* Convention and Protocol
 Relating to the Status of Refugees

Refugee Medical Assistance (RMA)

asylum-seekers and asylees, 1452

Refugees

adjustment of status, legal standards for, 1498–
 1501
 admission ceiling, 46–47
 asylum. *See* Asylum
 credible fear determinations, 917–918
 DHS and, 46–48
 termination of status, 1486–1487
 DOJ and, 52
 DOS and, 48
 EOIR and, 52
 family reunification, 47
 INA and, 52–53
 defined, 5–6
 termination of status, 1486–1487
 ORR and, 52
 priority system, 46–48
 protection of, 46–53
 Refugee Convention and Protocol. *See* Conven-
 tion and Protocol Relating to the Status of Ref-
 ugees
 refugees *sur place*, 122–124
 statelessness and definition of, 59–63
 termination of status, 1486–1487
 UNHCR and, 46–47. *See also* Office of United
 Nations High Commissioner for Refugees
 termination of status, 1487
 USCIS and, 46–48
 withholding of removal. *See* Withholding of re-
 moval

Refugee Social Services

asylum-seekers and asylees, 1452

Refugee Travel Documents (RTDs)

benefits for asylum-seekers and asylees, 1423,
 1435–1438

Regulations

as source of asylum law, 23–25

Reinstatement of removal

CAT protection and, 1035, 1044, 1046, 1056,
 1064, 1066–1069
 detention, 1053–1055
 DHS and, 1034–1035
 asylum interview, 1062
 challenging orders, 1047–1052
 consequences of reinstatement, 1043
 detention, 1053–1055

determination of applicability, 1038–1041
 judicial review, 1041–1042
 proceedings before, 1046–1047
 DOS and, 1062
 EOIR and, 1035
 determination of applicability, 1039
 expression of fear, 1052–1053
 fingerprints and, 1046
 HRIFA and, 1036
 IIRAIRA and, 1035
 INA and, 1034–1035
 consequences of reinstatement, 1045
 detention, 1053–1055
 determination of applicability, 1038–1041
 judicial review, 1042
 persons not subject to reinstatement, 1036–1038
 persons subject to reinstatement, 1036
 procedures, 1045–1046
 reasonable fear review by Immigration Judge, 906
 withholding-only proceedings before Immigration Judge, 1066–1069
 interviews, 1055–1063
 confidentiality, 1060
 decision, 1063
 interpreters, 1061–1062
 judicial review, 1064–1066
 orientation, 1059
 record, 1062
 representation, 1060
 scheduling, 1059
 testimony and evidence, 1060–1061
 withdrawals, 1062
 judicial review
 bars to, 1372
 reasonable fear determinations, 1041–1043
 NACARA and, 1036
 NTA and, 1067
 overview, 1035–1036
 reasonable fear determinations, 1034–1045
 consequences of, 1043–1045
 determination of applicability, 1038–1041
 Immigration Judges, review by, 1066–1069
 interviews, 1055–1063
 judicial review, 1041–1043
 persons not subject to, 1036–1038
 persons subject to, 1036
 USCIS and, 1035
 asylum interview, 1055–1056, 1059
 VAWA and, 1044

Reopen or reconsider, motions to

withholding-only proceedings before Immigration Judges, 1066–1069

Related relief. *See specific topic*

Release from detention

eligibility for, 1081–1092
 children, 1087–1092
 credible fear determinations, 1082–1083
 final orders of removal, individuals with who cannot be returned to home countries, 1083–1087
 individuals completing sentences prior to 10/9/1988, 1083
 non-criminals, 1083
 ineligibility for, 1092–1098
 criminal grounds of deportation or inadmissibility, individuals subject to, 1095–1096
 expedited removal, individuals in, 1092–1095
 final orders of removal, individuals with, 1097–1098
 terrorists, 1096–1097
 requests for release or parole to ICE, 1099–1107
 final orders of removal, individuals with who have been granted relief, 1106–1108
 individuals apprehended at border or port of entry, 1101–1105

Religion

asylum, as protected ground for, 138–143
 gang violence claims, 481–485
 nexus, 485–489

Remain in Mexico policy. *See* Migrant Protection Protocols (MPP)

Removal proceedings

affirmative proceedings, eligibility, 629–632
 children, removal proceedings in detention, 1141–1144
 deferral of removal. *See* Deferral of removal
 expedited removal, 905–1024. *See also* Expedited removal
 reinstatement of removal, 1034–1069. *See also* Reinstatement of removal
 stay of removal
 BIA administrative review, 1261–1262
 judicial review, 1389–1391
 reopen or reconsider, motions to, 1307–1308
 withholding of removal, 202–207. *See also* Withholding of removal

Reopen or reconsider, motions to

in absentia, motion to reopen, 1300–1303
 appeals, effect on, 1309
 burden of proof, 1291

CAT protection and, 1291, 1299, 1309
 changed country conditions, motion to reopen
 based on, 1295–1300
 contents of, 1305–1307
 departure from U.S., 1308–1309
 DHS motion to reopen, 1303
 equitable tolling and, 1303–1305
 ICE and, 1294–1295, 1311
 INA and, 1300, 1311
 ineffective assistance of counsel and, 1303–1305
 joint motion to reopen, 1294–1295
 jurisdiction, 1290–1291
 lack of notice, motion to reopen based on, 1300–
 1303
 numerical limitations, 1291, 1292
 exceptions, 1292–1305
 overview, 1288
 to reconsider, 1289–1290
 to reopen, 1288–1289
 replies, 1308
 rulings on, 1309–1310
 standard of review, 1291
 standing, 1290
 stay of removal and, 1307–1308
 sua sponte, motion to reopen, 1293–1294
 time requirements, 1292
 exceptions, 1292–1305

Replies

reopen or reconsider, motions to, 1308

Representation

affirmative proceedings, notice of right to, 640
 defensive proceedings
 notice of right to, 735
 rights of noncitizens, 758

Representatives

credible fear determinations, role in
 Immigration Judges, review by, 956–958
 standards and procedures, 951

Request for Correction of Transcript

BIA administrative review and, 1270

Request for Dissolution of the Credible Fear Process

credible fear determinations and, 953

Request for Prompt Hearing

defensive proceedings and, 786

Resettlement bar. *See* Firm resettlement

Resettlement Support Center

case file preparation by, 46
 refugee processing, role of, 48–49

Resisting arrest

as statutory bar to asylum and withholding of asy-
 lum, 272

Revival of Islamic Heritage Society

terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

Revolutionary Armed Forces of Colombia (FARC)

asylum and, 152, 192
 CAT protection and, 327
 fear of persecution and, 98, 479–480
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

Revolutionary United Front

terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

Right to counsel

affirmative proceedings, notice of right to, 640
 defensive proceedings
 notice of right to, 735
 rights of noncitizens, 758

RMA (Refugee Medical Assistance)

asylum-seekers and asylees, 1452

Robbery

as statutory bar to asylum and withholding of asy-
 lum, 271, 275

Romania

NACARA and, 1547

Roma people

asylum and, 179

RTDs (Refugee Travel Documents)

benefits for asylum-seekers and asylees, 1423,
 1435–1438

Russia

asylum and, 161–162
 children from, 1174
 future persecution, well-founded fear of, 119
 NACARA and, 1547
 statutory bars to asylum and withholding of re-
 moval and, 259, 277

Rwanda

asylum and, 144
 ineligibility for asylum and, 234
 terrorism as statutory bar to asylum and withhold-
 ing of removal, 285

S

Sabotage

BIA administrative review and, 1372

Safe third country

- affirmative proceedings and, 637–638
- asylum ineligibility, grounds of, 214–221
- Canada as, 215–219
- children and, 1160–1161
- DHS asylum negotiations and, 219
- DOS asylum negotiations and, 219
- Guatemala, proposed agreement with, 220–221, 1022–1023
- ineligibility for asylum and, 196
- judicial review, restrictions on review, 1372
- Mexico, proposed agreement with, 1021–1023
- potential regional agreement, 220–221

Sanctuary cities, 27**Saudi Arabia**

- Palestinians residing in, 59, 60–61

Screening Form 93

- unaccompanied alien children and, 1202, 1219

Securities fraud

- as statutory bar to asylum and withholding of asylum, 271

Sedition

- BIA administrative review and, 1372

Selective Service

- registration of individuals granted protection, 1451

Self-incrimination

- defensive proceedings, rights of noncitizens, 757–758

Senegal

- fear of persecution and, 104
- gender claims and, 395

Service of process

- affirmative proceedings, decision, 686–692
- BIA administrative review, 1267–1268
- judicial review
 - petitions for, 1388
 - post-filing procedures, 1395

Severe economic disadvantage

- as persecution, 80–83

Sex-trafficking

- gender claims, 402–408

Sexual assault. See Rape**Sexual violence**

- gender claims, 397–398

Sheller Center for Social Justice (Temple University)

- asylum claims of those forced to flee El Salvador, Guatemala, and Honduras, annotated index for supporting documents, 574

Shining Path

- CAT protection and, 327
- terrorism as statutory bar to asylum and withholding of removal, 285

Sierra Leone

- fear of persecution and, 94, 104
- gender claims and, 395
- statutory bars to asylum and withholding of removal and, 250–251
- temporary protected status (TPS) and, 1536

Significant possibility standard

- generally, 508–511

Single member decisions

- BIA administrative review, 1275–1276

Sixth Amendment

- defensive proceedings, rights of noncitizens, 758

Slavery

- asylum and, 137
- fear of persecution and, 66
- gender claims and, 401, 403
- T visas for victims of trafficking and crimes, 1519

Social groups and group membership

- asylum, as protected ground for, 144–169
- gang violence claims, 441–465. *See also* Gang violence claims
- gender claims, 416–424
- Matter of A–B–*, 995

Social Security Administration

- benefits for asylum-seekers and asylees, 1418–1419, 1433–1435

Social Security cards

- benefits for asylum-seekers and asylees, 1418–1419, 1433–1435

Social Security Form SS-5

- benefits for asylum-seekers and asylees, 1418, 1434

Somalia

- asylum and, 162, 192
- family reunification eligibility, 48
- fear of persecution and, 103
- gender claims and, 395, 416, 421
- statutory bars to asylum and withholding of removal and, 305
- temporary protected status (TPS) and, 1532–1536

travel ban and, 49–50

Sources of asylum law

generally, 1–43

Attorney General Opinions, 33

BIA decisions, 29–33

case law, 39–41

CAT, 10–11

Convention on the Rights of the Child, 12–14

customary international law, 15–16

DHS

Field Manuals, 33–35

policy directives, memoranda, and statements, 36–39

domestic law, 16–41

EOIR policy directives, memoranda, and statements, 36–39

executive orders, 25–29

Geneva Conventions, 11

Internal Agency Guidelines, 33–35

international law, 1–16

legacy INS

Basic Law Manual, 35–36

policy directives, memoranda, and statements, 36–39

other countries, laws of, 42–43

overview, 1

presidential proclamations, 25–29

Refugee Convention and Protocol, 3–10

non-refoulement principle, 6

refugee, defined, 5–6

regulations, 23–25

statutes, 16–23

IIRAIRA, 18–20

INA, 17

overview, 16–17

REAL ID Act, 21–22

Refugee Act of 1980, 17–18

TVPPA, 22–23

USA PATRIOT Act, 20

treaties generally, 1–3

UNHCR, 6–10

Executive Committee Conclusions, 8

Guidelines, 7–8

Handbook, 6–8

Publications, 9–10

USCIS Asylum Officer Basic Training Course, 35–36

Southern border of United States. *See* Asylum ban; Trump Administration initiatives

Southern Poverty Law Center

on asylum ban, 1003

on detention, 1076

South Sudan

family reunification eligibility, 48

temporary protected status (TPS) and, 1532–1536

Soviet Union

NACARA and, 1547

Soviet Union, former

asylum and, 143

Spain

statutory bars to asylum and withholding of removal and, 306

Special immigrants

Afghan translators, 1529–1531

Iraqi translators, 1529–1531

juvenile status, 1517, 1526–1529

U.S. government employees, 1529–1531

Spouses

asylum, coercive population control and, 181–183
as derivative asylees

accompanying spouses and children, 1442–1444
following to join spouses and children, 1444–1449

unaccompanied alien children, reunification with family members or spouses, 1208–1214

Sri Lanka

credible fear determinations, 959

terrorism as statutory bar to asylum and withholding of removal, 283

Standard of review

BIA administrative review, 1259–1261

reopen or reconsider, motions to, 1291

Standards of proof

Attorney General, “to satisfaction of,” 512
in BIA, 511–512

CAT protection, 349, 506, 509–510

clear and convincing evidence standard, 511

clear probability standard, 508

DHS and, 507

INA, 506–508

more likely than not standard, 508

overview, 506

preponderance of evidence standard, 506–507

reasonable possibility standard, 507–508

significant possibility standard, 508–511

Standing

BIA administrative review, 1258–1259
reopen or reconsider, motions to, 1290

State Department (DOS)

ABC settlements and, 1542
affirmative proceedings and applications, 649
asylum interview, 665, 682
notice requirements, 642–643
asylum and, 138
safe third country negotiations and, 219
statutory bars, 289–290
benefits for asylum-seekers and asylees, 1399
Bureau for International Narcotics and Law Enforcement, 346
CAT protection and, 316, 345, 346
on country conditions, 545–546, 828
defensive proceedings
DOS comments, 806–807
post-filing procedures, 836
derivative asylees and, 1448–1449
evidentiary standards, inconsistencies and omissions, 526–527
Office of International Religious Freedom, 138
persecution and, 119
refugees and, 48
reinstatement of removal and, 1062
termination of status, CAT protection
deferral of removal, comments regarding, 1483
diplomatic assurances, 1485–1486
withholding of removal and, 289–290

Statelessness

firm resettlement and, 62
last habitual residence standard, 58–59
as legal standard for asylum, 10–11, 57–63
Refugee Convention and Protocol definition of, 57

State Nutritional Assistance Program

asylum-seekers and asylees, 1451

Statutes

as source of asylum law, 16–23
HRAIRA, 18–20
INA, 17
overview, 16–17
REAL ID Act, 21–22
Refugee Act of 1980, 17–18
TVPPRA, 22–23
USA PATRIOT Act, 20

Statutory bars to asylum. *See* Asylum

Stay of removal

BIA administrative review, 1261–1262
judicial review, 1389–1391
reopen or reconsider, motions to, 1307–1308

Sterilization. *See also* Coercive population control as torture, 319

Stowaways

credible fear determinations, 916–917

Students with F-1 visas

asylum applications by, 233

Sudan

family reunification eligibility, 48
gender claims and, 395
temporary protected status (TPS) and, 1532–1536
travel ban and, 49

Summary dismissal

BIA administrative review, 1269

Supplemental Security Income

asylum-seekers and asylees, 1451

Suspension Clause

expedited removal orders and, 959, 1374–1375

Syria

family reunification eligibility, 48
fraudulent passport, 200
temporary protected status (TPS) and, 1532–1536
travel ban and, 49–50
UNHCR Publications, 9

T**Tahirih Justice Center**

on individual assessment of facts, 554
on pre-judgment of asylum claims, 803

Tamil Tigers

terrorism as statutory bar to asylum and withholding of removal, 283

Tampering with evidence

as statutory bar to asylum and withholding of asylum, 270

Tanzania

gender claims and, 395

Tehrik-e Taliban Pakistan

terrorism as statutory bar to asylum and withholding of removal, 285

Temple University, Sheller Center for Social Justice

asylum claims of those forced to flee El Salvador, Guatemala, and Honduras, annotated index for supporting documents, 574

Temporary Assistance for Needy Families (TANF)

asylum-seekers and asylees, 1451–1452

Temporary protected status (TPS)

generally, 1517, 1532–1539
 application procedures, 1537–1538
 benefits of, 1538–153
 eligibility for, 1536–1537
 proposed termination of, 1532–1536
 Trump administration and, 233–234

Termination of status

asylum
 by BIA, 1476–1479
 grounds for rescinding grant, 1470–1471
 by Immigration Judge, 1476–1479
 rescission of grant by USCIS, 1475–1476
 by USCIS, 1471–1475
 deferral of removal, CAT protection, 1481–1486
 comments by DOS, 1483
 diplomatic assurances by DOS, 1485–1486
 hearing, 1483–1484
 motion for hearing, 1481–1482
 notice of hearing, 1482–1483
 request of individual, 1485
 derivative asylees, 1479–1480
 for fraud, 1477–1490
 NTA and, 1471, 1476
 overview, 1487–1488
 refugee status, 1486–1487
 withholding of removal
 by BIA, 1476–1479
 CAT protection, 1480–1481
 grounds for terminating, 1471
 by Immigration Judge, 1476–1479
 rescission of grant by USCIS, 1475–1476
 by USCIS, 1471

Terrorism

detention, ineligibility for release, 1096–1097
 judicial review, restrictions on, 1374
 as statutory bar to asylum or withholding of removal, 278–300
 alien terrorist removal courts, 300
 engaging in terrorist activity, 281–284
 exceptions, 287–299

exemptions from grounds of inadmissibility, 288–292
 insignificant and limited material support to Tier III organization exception, 296–298
 limited general discretionary exception, 298–299
 material support duress exception, 292–296
 suspected terrorists, mandatory detention of, 300
 terrorist activity, defined, 280–281
 terrorist organization, defined, 284–287
 Tier I terrorist organizations, 284–285, 288, 298
 Tier II terrorist organizations, 285, 288, 298
 Tier III terrorist organizations, 279–280, 285–286, 288, 291, 296–299

Testimony

cultural differences, 531–532
 demeanor, 518–519
 false documents and misrepresentations, 527–529
 frivolous applications, 532–537
 inconsistencies and omissions, 519–527
 mental health of applicant, 529–531
 overview, 512–518
 reinstatement of removal and, 1060–1061
 witness preparation, 568–577

Theft

as statutory bar to asylum and withholding of asylum, 275

Threats

future persecution, well-founded fear of, 112–113
 as persecution, 74–77

Three-member panel decisions

BIA administrative review, 1276–1277

Tibetan Mustangs

terrorism as statutory bar to asylum and withholding of removal, 291

Tigray People's Liberation Front

terrorism as statutory bar to asylum and withholding of removal, 291

Time requirements

BIA administrative review, 1263–1264
 EAD clock. *See* 180-day clock for EAD issuance
 one-year filing deadline. *See* One-year filing deadline
 reopen or reconsider, motions to, 1292
 exceptions, 1292–1305

Togo

gender claims and, 391, 394, 395, 427

Torture

for broad array of wrongful purposes, 325–326
 under custody or control of offender, 325

defined, 317–336
 infliction of severe pain or suffering, 318–321
 intentional act, 321–325
 not arising out of lawful sanctions, 334–336
 by or sanctioned by public official, 326–334
 acquiescence, 328–334
 public official or person acting in official capacity, 326–328

Torture Convention. *See* Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Torture Treatment Centers
 asylum-seekers and asylees, 1452

TPS (Temporary protected status)
 generally, 1517, 1532–1539
 termination of and deferred enforced departure, 1532–1536

TRAC Immigration
 on defensive proceedings, 722, 760, 817

Trafficking of controlled substances
 aggravated felony, 265–267

Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA)
 asylum and, 221, 232
 children and, 1161, 1163, 1177
 de-designation and, 914
 defensive proceedings and, 774
 detention and, 1088–1092
 DHS and, 22
 HHS and, 22
 Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC), 1213
 as source of asylum law, 22–23
 unaccompanied alien children and, 1197, 1199–1200, 1202, 1213, 1219, 1222, 1224

Travel
 benefits for asylum-seekers and asylees, advance parole for travel, 1419–1422
 Refugee Travel Documents, 1435–1438

Travel ban, 27–28, 49–51
 Executive Order No. 13780 modifying, 28

Treason
 BIA administrative review and, 1372

Treaties
 Constitution and, 2
 as source of asylum law, 1–3

Trokosi
 asylum and, 163

Trump Administration initiatives

generally, 45, 972–1024
 “Addressing Mass Migration Through the Southern Border of the United States” (proclamation), 26, 242, 999
 administrative closure, revocation of BIA authority, 815–817
 asylum ban, 999–1006. *See also* Asylum ban, southern border
 attorney general certifications, 1285–1288
 “Border Security and Immigration Enforcement Improvements.” *See* Executive Order No. 13767
 border wall, national emergency declaration to fund, 1017–1020
 certification authority, expanded use of, 31–32
 continuances, limitation on IJ authority, 818–820
 demonization of child asylum seekers, 12–13
 denaturalization task force, 1488
 detention expansion, 1072–1074, 1118–1119
 employment authorization ban proposal, 695, 786, 1400
 enhanced vetting process, 48–49
 “Enhancing Public Safety in the Interior of the United States.” *See* Executive Order No. 13768
 executive orders. *See* specific executive order by number
 family separation, 988–994, 1227–1231. *See also* Family separation policy
Flores settlement, dismantling of, 1092
 Form I-589, filing fee proposal, 644, 740
 government shutdown, 725
 growing immigration court case backlog, 722–723
 heightened standards for credible fear process, 984–988
Matter of A–B– decision, 994–999. *See also* A–B–, *Matter of*
 metering, 979–984, 1016, 1024
 Migrant Protection Protocols, 1006–1017. *See also* Migrant Protection Protocols (MPP)
 New York Declaration for Refugees and Migrants, withdrawal from, 52
 NTA, expanded use of, 725
 Operation Streamline, 989
 overview, 972–979
 potential future, 1020–1024
 pro bono assistance, interference with, 759
 public assistance for asylum-seekers, proposed limitation on, 1497–1498

Remain in Mexico policy. *See* Migrant Protection Protocols (MPP)
 safe third country agreement with Mexico, 219, 1160
 temporary protected status, termination of and deferred enforced departure, 1532–1536
 termination of cases, limitation on IJ authority, 821–822
 termination of TPS and DACA, 233–234
 timeline, 975–979
 turn-backs, 359, 966, 979–984, 1016, 1024
 unlawful screening practices, 979–984
 zero tolerance policy. *See* Zero tolerance policy

Tunisia

terrorism as statutory bar to asylum and withholding of removal, 285

Tunisian Combat Group

terrorism as statutory bar to asylum and withholding of removal, 285

Turkey

terrorism as statutory bar to asylum and withholding of removal, 285

Turkish Hizballah

terrorism as statutory bar to asylum and withholding of removal, 285

Turn-backs

Trump administration, 359, 966, 979–984, 1016, 1024

Tutsi people

asylum and, 144

T visas

victims of trafficking and crimes, 1517–1522

TVPRA. *See* Trafficking Victims Protection Reauthorization Act of 2008

U**Uganda**

children from, 1154
 gender claims and, 395

Ukraine

fear of persecution and, 99

Ummah Tameer E-Nau

terrorism as statutory bar to asylum and withholding of removal, 285

Unaccompanied alien children

applications for asylum, 1218–1227
 affirmative filings, 1224
 decision by UCSIS, 1226–1227
 defensive filings, 1221–1224

determinations by Asylum Office, 1225–1227
 initial jurisdiction of USCIS, 1218–1221
 initial processing by USCIS, 1224–1225
 interview by Asylum Office, 1225–12256
 notification of HHS, 1232
 biometrics collection and, 1225
 CAT protection and, 1218
 credible fear determinations, 914–915
 detention, accompanied vs. unaccompanied children, 1239
 DHS and, 1195–1196, 1200–1204, 1225–1227
 EOIR and, 1213
 Flores settlement, 1196–1198
 Homeland Security Act of 2002 and, 1195, 1197
 INA and, 1196, 1202, 1204, 1218
 Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC), 1213
 ORR and, 1196
 applications for asylum, 1225–1227
 bond redetermination hearings, 1214–1216
 custody of, 1205–1208
 Homeland Security Act of 2002 and, 1197
 processing upon apprehension, 1202
 overview, 1195–1196
 processing upon apprehension, 1200–1231
 appearance before Immigration Judges, 1216–1218
 applications for asylum, 1218–1227
 bond redetermination hearings, 1214–1216
 contiguous vs. non-contiguous country determinations, 1200–1202
 expedited removal, not subject to, 1202
 ORR custody, 1205–1208
 reunification with family members or spouses, 1208–1214
 TVPRA and, 1197, 1199–1200, 1202, 1213, 1219, 1222, 1224
 UNHCR and, 1218
UNHCR. *See* Office of United Nations High Commissioner for Refugees
United Arab Emirates
 Palestinians residing in, 59
United Nations High Commissioner for Refugees.
See Office of United Nations High Commissioner for Refugees
Universal Declaration of Human Rights
 on asylum, right to seek, 905
 religion and, 138
University of California
 Hastings College of Law

Center for Gender and Refugee Studies, on gender claims, 412

Center for Human Rights and International Justice, Expedited Removal Study, 968

Unlawful screening practices, 979–984

U.S. Commission on International Religious Freedom (USCIRF)

asylum and, 138

on CBP procedural failings, 983

on credible fear determinations, 920, 951

on detention, 1075

expedited removal, oversight, 963–968

on expedited removal, 929

U.S. Committee for Refugees and Immigrants

on gang violence claims, 493

on statutory bars to asylum and withholding of removal, 284

U.S. government employees

special immigrant status, 1529–1531

U.S. Refugee Admissions Program

children and, 1243

refugees and, 46–52

USA PATRIOT Act of 2001

asylum and, 279, 300

case law, 39–40

detention and, 1096–1097

as source of asylum law, 20

withholding of removal and, 279, 300

USCIRF. *See* U.S. Commission on International Religious Freedom

USCIS. *See* Citizenship and Immigration Services

US-VISIT Program

affirmative proceedings and, 661, 694

derivative asylees and, 1444

expedited removal and, 924

U visas

victims of trafficking and crimes, 1517, 1522–1526

Uzbekistan

statutory bars to asylum and withholding of removal and, 277

V

Venezuela

temporary protected status (TPS) and, 1532

travel ban, 50

Venue

judicial review, petitions for, 1386

Vera Institute of Justice

on detention, 1122

on family separation, 1231

on unaccompanied alien children, 1195

Victims of Trafficking and Violence Protection Act of 2000 (VTVPA)

T visas for victims of trafficking and crimes, 1518

U visas for victims of trafficking and crimes, 1518

Vienna Convention on the Law of Treaties

generally, 2–3

Vietnam

administrative closure of claims, 816

statutory bars to asylum and withholding of removal and, 248

Violence Against Women Act of 1994 (VAWA)

reinstatement of removal and, 1044

unaccompanied alien children and, 1218

Violence Against Women Reauthorization Act of 2013

generally, 22

Visa Waiver Program (VWP)

affirmative proceedings and, 633–634, 685

credible fear determinations and, 912, 917

Voluntary departure, termination of

judicial review, 1391–1392

W

Waiver

adjustment of status, INA §209(c) waivers, 1513–1516

Visa Waiver Program. *See* Visa Waiver Program (VWP)

Waiver of Presence of Representative During an Asylum Interview

asylum interview and, 671

Washington Office on Latin America (WOLA)

asylum claims of those forced to flee El Salvador, Guatemala, and Honduras, annotated index for supporting documents, 574

Weapons offenses

BIA administrative review, 1372

Withdrawal of appeal

BIA administrative review, 1280

Withholding of removal

AEDPA and, 286–287

CAT protection compared, 348–349

aggravated felons, right to request, 1033–1034

statutory bars, 307

termination of status, 1480–1481
 Controlled Substances Act and, 265
 defensive proceedings. *See* Defensive proceedings
 detention of persons seeking. *See* Detention
 DHS and
 statutory bars, 302
 termination of status, 1476–1479
 terrorism as statutory bar, 280, 284, 289–290,
 296, 302
 discretionary denials and, 201
 Displaced Persons Act and, 252
 DOS and, 289–290
 EOIR and, 279
 FBI and, 264
 firm resettlement as statutory bars, 301–306
 Genocide Convention and, 307
 HRIFA and, 298
 ICE and, 290, 300
 INA and, 202
 statutory bars, 246, 252–253, 262, 264, 276
 termination of status, 1471, 1476–1479, 1487–
 1488
 terrorism as statutory bar, 278–284, 285, 288–
 290, 296, 300
 legacy INS and, 300
 legal standards, 202–207
 NACARA and, 298
 national security, danger to as statutory bar, 276–
 278
 overview, 45–46, 310
 REAL ID Act and, 279, 281–282, 284, 287
 Refugee Convention and Protocol and, 202
 statutory bars, 274
 statutory bars, 246–307
 aggravated felonies, 264–267
 bars to withholding only, 306–307
 firm resettlement, 301–306
 national security, danger to, 276–278
 non-aggravated felonies, 267–273
 particularly serious crimes, 262–273
 persecution of others, 247–262. *See also* Persecu-
 tion
 serious nonpolitical crimes, 273–276
 terrorism, 278–300
 termination of status
 by BIA, 1476–1479
 CAT protection, 1480–1481

grounds for terminating, 1471
 by Immigration Judge, 1476–1479
 rescission of grant by USCIS, 1475–1476
 by USCIS, 1471
 terrorism as statutory bar, 278–300. *See also* Ter-
 rorism
 UNHCR and, 267, 269, 274, 276
 USA PATRIOT Act and, 279, 300
 USCIS and, 289, 290, 292

Witnesses

affirmative proceedings, asylum interview, 672–
 673
 credibility. *See* Credibility
 cross-examination, defensive proceedings
 individual hearing, 848–851
 rights of noncitizens, 766–770
 defensive proceedings
 individual hearing, examination of witnesses,
 848–851
 rights of noncitizens, 766–770
 witness lists, 834–837
 experts, 570
 testimony. *See* Testimony

Women's Refugee Commission

on children, 1142
 on detention and credible fear determinations,
 1095
 on expedited removal, 971

Y

Yemen

gender claims and, 395, 422
 temporary protected status (TPS) and, 1532–1536
 travel ban and, 49–50

Yugoslavia, former

asylum and, 143
 NACARA and, 1547

Z

Zero tolerance policy

Trump administration, 45, 976, 988–994, 1073–
 1074, 1089, 1090, 1201, 1227–1229

Zimbabwe

ineligibility for asylum and, 228, 229