

Myth v. Fact: Asylum Seekers in the United States

Myth: It's easy to get asylum in the United States.

Fact: Asylum is an extremely complex and difficult process to navigate.

The asylum process is a multi-step process that involves cooperation and screening across various agencies such as Customs and Border Protection, Immigration & Customs Enforcement, Citizenship and Immigration Services, among others. In addition to being vetted using intelligence databases, asylum seekers also submit extensive documentation, including: proof of identity; medical records or death certificates; affidavits from witnesses; and testimonies from medical professionals confirming past torture or trauma.

Myth: The credible fear process is a loophole that has been exploited.

Fact: The credible fear process was created to prevent the United States from deporting asylum seekers back to persecution.

The credible fear screening process was created by Congress in 1996 as part of expedited removal, a procedure that allows low-level immigration officers, rather than immigration judges, to issue removal orders. Since expedited removal cannot, by law, be applied to certain individuals—including U.S. citizens, legal permanent residents, refugees, or asylum seekers—the credible fear process was designed to prevent asylum-eligible individuals from being wrongfully removed. Those who pass the credible fear screening are still placed into immigration court removal proceedings, where they have an opportunity to apply for asylum and have their eligibility assessed by an immigration judge.

Myth: Asylum seekers do not show up for immigration court hearings unless they are detained.

Fact: The vast majority of asylum seekers released from detention attend all of their immigration proceedings.

Of the individuals who filed for asylum in 2014 and had legal representation, 97 percent of women with children and 98 percent of unaccompanied children were in full compliance with their immigration court appearance obligations as of December 2017. Research has shown that asylum seekers are more likely to attend court hearings when they are provided with legal counsel and are accurately informed of the asylum process.

Myth: The backlogs have grown because fraud is rampant.

Fact: The immigration court and affirmative asylum backlogs have grown due to the global refugee crises and understaffing.

The world is currently experiencing the greatest refugee crisis since World War II. The targeted violence of transnational criminal organizations in Central America's Northern Triangle—Guatemala, El Salvador, and Honduras—as well as political crises in countries like Venezuela have led to a significant increase in protection requests across the region. However, targeted violence is not limited to Central America. The United States is also experiencing an influx of applicants from Africa, the Middle East, and Asia. As a result, staffing in both the immigration courts and asylum division have not kept pace with demand. Understaffing, therefore, must be addressed in order to mitigate the backlog and to provide protection for those most in need.