

# Episcopal Migration Ministries

## Fact Sheet: Asylum

### ASYLUM IS A HUMAN RIGHT

The concept of asylum is an ancient one, arising within many world faith traditions and later becoming part of countries' legal codes. The Hebrew Bible names six cities of refuge; the New Testament quotes Jesus commending his followers to welcome the stranger, for in so doing, they welcome him. The Universal Declaration on Human Rights guarantees the right to seek asylum from persecution.

Asylum seekers flee persecution and travel to another country to seek safety and request asylum. To receive asylum in the U.S., they must prove their persecution occurred, and that it occurred due to the membership in a protected group, as defined by U.S. and international law. Seeking asylum in the U.S. is an incredibly long, complex, and fraught process, often taking years. Many asylum seekers are detained in jail-like settings during this process. When a person receives asylum in the U.S., they become an asylee and are eligible for a number of federal assistance programs, including those offered by Episcopal Migration Ministries' refugee resettlement affiliates.

### THE EPISCOPAL CHURCH & ASYLUM

In addition to Episcopal Migration Ministries' affiliate network programming to serve asylees and asylum seekers, The Episcopal Church advocates for asylum and the humane treatment of asylum seekers. This grows out of a long tradition in the Church of advocating for the rights of immigrants and refugees.<sup>1</sup> At General Convention in 2018, The Episcopal Church adopted Resolution 2018-D009, *Set Forth Christian Principles to Guide Responses to Human Migration*. Amongst these principles are the recognition of human rights, including the fundamental rights to migration and asylum, and the remembrance that the Holy Family fled persecution and threat of death, seeking asylum in Egypt. As members of the Episcopal branch of the Jesus movement, we advocate, care for, and welcome our neighbors who seek protection as we would welcome the Holy Family.

The Trump administration restricted access to asylum protections at the U.S.-Mexico border through regulatory and policy changes, including ones that raised protection standards or required migrants to wait in Mexico during the adjudication of their asylum cases. The Biden administration is likely to take a different course, and regulatory changes will take time. With our colleagues in the field and with a number of organizational partners, The Episcopal Church will continue to speak out in support of the restoration of the U.S. asylum system, the fair and humane treatment of asylum seekers and support for asylees, and will continue to encourage Episcopalians to advocate, support organizations in this field, and engage in local ministries to support asylum seekers and asylees.

### ASYLUM SEEKERS & REFUGEES

Although the public discourse over immigration sometimes intermingles the terms “refugees” and “asylum seekers,” the terms describe two groups of immigrants who go through separate processes to seek the same protections in the U.S. All asylum seekers and refugees must belong to the same protected categories to be eligible for protection under U.S. and international law. In contrast to the asylum process, the U.S. government works with the U.N. High Commissioner for Refugees (UNHCR) to select and resettle refugees from countries overseas to the U.S. The U.S. government subsequently works with non-profit resettlement agencies such as EMM to integrate refugees into local communities. While asylees receive the same protection as refugees, they do not benefit from all of the programs refugees do.

### DEFINITIONS

#### Asylee:

An asylee is a person that has been granted asylum, having demonstrated before an asylum officer and later immigration judge that they, like refugees, have been forced to flee their country because of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group. Once granted asylum, an asylee is protected from being returned to his or her home country, is authorized to work in the United States, may apply for a Social Security card, may request permission to travel overseas, and can petition to bring family members to the United States. Asylees may also be eligible for certain benefits, such as Medicaid or Refugee Medical Assistance.

#### Asylum Seeker:

An asylum seeker is someone whose request for asylum has yet to be processed. A person may seek asylum in the U.S. either affirmatively or defensively. These processes are described briefly on the next page.

# Episcopal Migration Ministries

## Fact Sheet: Asylum

### ADVOCACY OPPORTUNITIES

To stay up to date and take action to support asylum seekers and restore the U.S. asylum system, please join the Episcopal Public Policy Network. The Episcopal Public Policy Network is a ministry of The Episcopal Church's Office of Government Relations in Washington, D.C., which works to educate, equip, and engage Episcopalians to raise our voices to ensure that U.S. government policies are in line with our values as Episcopalians and Christians.

A variety of regulatory and policy changes to the asylum system are expected in 2021, and there may be movement on certain pieces of legislation. The time will come when the voices of people of faith could be particularly useful in applying positive pressure. As a member of the Episcopal Public Policy Network, you will be the first to hear about opportunities to take action.

### MINISTRY OPPORTUNITIES

Opportunities to engage in local ministry to support asylum seekers are many and varied. Below we offer a few guiding steps to help you in your own exploration and discernment about these opportunities:

- Map your local community. Research what organizations are in your local area that serve asylum seekers, asylees, refugees, and other immigrant populations, or that engage in advocacy for immigrant justice. Reach out to explore volunteer opportunities.
- Explore models of ministry. Request EMM's [Supporting Asylum Seekers: A Toolkit for Congregations](#) to learn about short and long-term ministry opportunities, from accompaniment to sponsorship.
- Contact EMM. After you have taking steps one and two, reach out to EMM for a conversation about taking the next step toward engaging in ministry. We will share opportunities that are specific to your congregation and local community, and where possible, connect you to colleague organizations in the field so that you may take the next step.

### CONNECT

Join EMM's [Asylum and Detention Ministry Network](#), which includes an affinity group focused on advocacy, education, and ministry for asylum and asylum seekers.

### FURTHER READING & RESOURCES

- Episcopal Migration Ministries: [Learn more](#) about the asylum process, the dismantling of the asylum system, and what you can do to help.
- Human Rights First: [Asylum Law & Procedure](#)

### REFERENCES

1: Relevant General Convention resolutions include [2018-A178](#), Denounce Inhumane Immigration Policies and Advocate on Behalf of Migrants; [2018-D009](#), Set Forth Christian Principles to Guide Responses to Human Migration; [2018-D029](#), Condemn Prolonged Solitary Confinement as a Form of Torture; [2015-A154](#), Recognize the 75th Anniversary and Efforts of EMM; [2015-A011](#), Urge Advocacy for Policy Changes to End Mass Incarceration Practices; [2015-D033](#), Support Human Rights and Refugee Relief in Central America; [2012-B028](#), Reform Refugee Policy; [2012-D059](#), Halt Unjust Immigration Enforcement; and [2009-B006](#), Advocate for Immigration Reform.

### DEFINITIONS

#### Affirmative Asylum:

A person already physically present in the United States may affirmatively apply for asylum through U.S. Citizenship and Immigration Services (USCIS), a division of the Department of Homeland Security, within one year of their arrival. If the USCIS asylum officer does not grant the asylum application and the applicant does not have a lawful immigration status, he or she is referred to immigration court for removal proceedings, where he or she may renew the request for asylum through the defensive process and appear before an immigration judge.

#### Defensive Asylum:

A person who is in removal proceedings may apply for asylum defensively by filing the application with an immigration judge at the Executive Office for Immigration Review (EOIR) in the Department of Justice (DOJ). Asylum is applied for "as a defense against removal from the U.S." Unlike the criminal court system, EOIR does not provide appointed counsel for individuals in immigration court, even if they are unable to retain an attorney on their own.

