

Quiz #2/Spring 2025

1. The four preferences categories are:
 - a. Family 1st Preference: Unmarried children over 21 years old of a US Citizen
 - b. **Family 2A Preference:** Spouse or minor *under* 21 years old of LPR
 - c. **Family 2B Preference:** Unmarried child *over* 21 years old of LPR
 - d. Family 3rd Preference: Married daughter or son of a US Citizen
 - e. Family 4th Preference: A sibling of a US Citizen
2. There are four essential things needed to be shown to qualify for asylum. *One*, the fear is well-founded; *Two*, the person is unwilling or unable to return to their country of nationality; *Three*, the persecution is on account of one of the following enumerated grounds: political opinion, membership to a particular social group, their nationality, their race, or their religion; and *Four*, persecution has happened or there is a fear it will happen sometime in the future.
3. The difference between who adjudicates an asylum case versus where an applicant can seek refugee status is straight forward. Asylum can be granted from either an immigration judge in the U.S. Immigration Court, part of EOIR, or the Asylum Office in the USCIS. For defensive asylum cases, an immigration judge will decide whether someone qualifies for asylum, while for affirmative cases, a USCIS asylum officer will be the one to make the determination. If someone wants to seek refugee status, the individual must in most cases get in touch with the U.N. High Commissioner for Refugees. The determination of who gets to come to the United States Refugee Program is determined by a yearly admission plan by the President with consultation with the Cabinet and Congress. Specific guideline such as your priority and region are the important factors. The international body of the UNHCR, the DOS, USRAP, and other governmental bodies work together to make smart selections. Currently there are three levels of priorities. If you have refugee status, the Office of Refugee Resettlement guides and helps you out. It is a process not just showing up to a port of entry.
4. Jill is coming into a port of entry, and she can claim asylum there. There is an asylum application issued by USCIS she can file called the I-589 form. She *may* be held in a detention facility and be screened to determine if officials believe she has a *credible fear* during a reasonable fear interview. If the *significant possibility standard* is met (see answer

two), she will be granted asylum by an Asylum Officer or will be allowed to present her claim to an immigration judge to decide typically at a much later date. It is important to note that her prior immigration is important in determine if a higher standard needs to be met.

There is a chance that she could receive a parole status and then she will no longer have to stay in the detention facility, or if she has a person or NGO to help her in the US she can stay in the US until she will meet an immigration judge on her court date. The determination of next steps will happen at the port of entry.

5. One enumerated ground that Jill could use is that she *fears* persecution can happen sometime in the future. She could use the example of the gunman pointing a gun to her head and threatening her by telling her is he sees her again that the trigger will be pulled. The cumulative whole of all the threatening behavior she experienced can potentially be used to rise to the level to prove persecution.
6. TPS
7. Yes. Because Bouppha is an LPR, is 60 years old and has been living in the United States for over 15 years. She has limited English skills, so she will be exempt to take the English portion of the testing and instead she can take the tests in her native tongue. She still needs to take the civics part of the test. If she has other disabilities she can file the Form N-648, Medical Certification for Disability Exceptions. It is important to note that she needs to be in good standing as an LPR.
8. One way that the Convention Against Torture differs from withholding and removal and asylum is the harm *does not need to be one of the five enumerated grounds* that are needed for asylum and withholding and removal. The CAT is focused on infliction that is intentional from governmental officials/public officials directly or indirectly.
9. The two benefits of *receiving asylum* rather withholding of removal are with asylum you create a pathway to citizenship, and you can leave the country and come back in, and you can apply to bring family over or you can grant derivate status for those already in the United States, family resettlement. With *withholding of removal*, you are in a limbo state, and it is a limited form of relief.
10. If you are a refugee, you are *required* to apply for LPR after you have been in the U.S. for one year, and if you are an asylee, you *can apply* for your LPR (adjustment of status) after you can be in the U.S. for one year. It is important to point out that that asylum seekers must file their

application within a year of arrival. For refugees, on the date of your lawful arrival in the U.S., you can apply five years later for your naturalization. He can submit his form 90 days before the anniversary of his statutory period. While for asylees, you need your LPR and then you can apply for naturalization five years later. For asylees, their naturalization will be back dated one year to take in account their one year as a LPR. It is important to note that refugees are granted protections before they enter the U.S.

If Amir is legally a refugee in good standing, and he has his LPR, he should be able to **apply now** depending on if he meets all the USCIS rules and stipulations. If he was an asylee, he needed to apply for his LPR (if he is not LPR). After getting his LPR, he has to be in the U.S. for five more years before he is considered for naturalization, and he submit his application 90 days before the anniversary of his statutory period is complete.

I would tell Amir to get his application together and apply.

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1. As discussed in class and listed in your textbook, what are the four preference categories for family-based immigration? (4) p.253
 2. What must an applicant prove to qualify for asylum status? (4) p. 180
 3. Describe the differences between who adjudicates an asylum case versus who determines where an applicant can seek refugee status. (2) p. 245 and 204/217
 4. Jill lives in Colombia. Jill's father is a general in the military and he has been active in fighting against the guerillas. Jill is teaching in a remote village outside of Bogota, and she is threatened by guerillas and told that she must leave the area because they don't want anyone connected to the military in that village. A guerrilla commander tells her "an apple doesn't fall far from the tree; you must be against us just like your father, who has killed our comrades." At one point, a masked group comes into the school and holds a gun to Jill's head saying that the next time they see her, they will pull the trigger. She returns to

Bogota, very scared. In a few days, her family begins to receive phone calls, telling the family that her father better stop fighting against the guerillas or Jill will be killed. Jill had a multi-entry tourist visa, and she comes to the U.S. to stay with a relative to rest from the trauma. She tells the Customs and Border Protection agent at the airport that the purpose of her visit is to seek protection because her life is being threatened. What could happen to Jill next? (2) pg. 231

5. Assume Jill applies for asylum. Name **at least** one ground for asylum upon which she may base her claim. (1)

6. Hafiz Hussain is from Syria and came to the U.S. on a student visa. While he was here, civil unrest broke out in Syria. Bashir's family asks him to send them money because the roads of their village have been blocked by both the rebels and the army and no one can work. As a student he has limited employment options. What is the temporary status that would allow Hafiz to work full-time? (1) pg. 239

- a. D/S
- b. B-2
- c. EWI
- d. TPS

7. Boupoua came to the U.S as a refugee from Cambodia in 1985. She also became an LPR in 1985. She is now 60 years old. She wishes to apply for citizenship but has not learned much English. Can she apply for citizenship? (1) Yes

8. Name one way in which relief under the Convention Against Torture differs from asylum and withholding of removal. (1) Pg. 237

9. What are two benefits of receiving asylum rather than withholding of removal? (2) pg. 233

10. Amir is a refugee from Burma. He wishes to apply for citizenship but has only been in the United States since April 1, 2012. He wants to know the earliest date he can apply to naturalize because he is anxious to become a citizen so that he can apply to have his elderly mother come to join him here. What will you tell him? What if he was an asylee rather than a refugee? (2). P.587

