



**INSTRUCTIONS ON HOW TO  
APPLY FOR SERVICES TO THE ASYLUM PROGRAM**

Casa Cornelia Law Center offers legal services ONLY to residents of San Diego County or detainees at CCA (San Diego Detention Facility).

To be considered, please:

- 1) **Completely fill out**, the application for services. Please note that incomplete Applications will not be considered. All information is required.
- 2) Provide a **copy** of your **Notice to Appear** and **Credible Fear Interview**. If you do not have a Credible Fear Interview please provide us with a **detailed written summary** explaining who you are, when you arrived to the U.S., your travel to the U.S., who you travelled with, why you came, **why you do not wish to return to your country of origin**, who you are staying with in the U.S., and what your plans were upon arrival. (Please include as many dates as possible);
- 3) Also, include **copies** of all the documents issued to you by immigration authorities or those regarding your immigration case, such as: court notices and documents, I-94, visa, passport, identification documents (such as voter card, driver's license, birth or marriage certificates.)

After we receive the documents numbered above, we will contact you via mail or telephone call to inform you of the result of your Application for Services. You may be offered a consultation with an attorney. A consultation with an attorney **does not guarantee** that you will be offered assistance with your case or legal representation.

After a consultation with an attorney, if that is offered to you, your case will then be considered by the legal team at Casa Cornelia. You will be informed of their decision within 2 – 3 weeks after the consultation.

Casa Cornelia does not have resources to offer assistance with urgent matters. If you require immediate assistance, we recommend that you consult with another agency or attorney.

## General Information:

This general information is intended for informational purposes only and does not constitute legal advice. For an evaluation of your individual circumstances, it is recommended that you consult with a license attorney familiar with the asylum laws of the United States (US).

### Asylum, Withholding of Removal and Convention Against Torture (CAT)

#### **Asylum**

You may ask for Asylum in the US if you suffered persecution or fear that you will suffer persecution due to:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political opinion

If you are eligible for asylum you may be permitted to remain in the US. To apply for Asylum, file a Form I-589, Application for Asylum and for Withholding of Removal, within one year of your arrival to the US. There is no fee to apply for asylum. You may include your spouse and children who are in the United States on your application at the time you file or at any time until a final decision is made on your case. To include your child on your application, the child must be under 21 and unmarried.

#### **Withholding of Removal**

To qualify for withholding of removal relief under the INA, INA 241(b)(3), aliens must establish that it is more likely than not that their life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion in the proposed country of removal.

An order granting withholding of removal prohibits an alien's removal to the country where an alien's life or freedom would be threatened — but allows removal to a third country where an alien's life or freedom would not be threatened.

Withholding of removal under the INA:

- Does not provide relief for family members in the United States,
- Does not provide the ability to petition to bring family members to the United States,
- Does not lead to lawful permanent residence and/or citizenship, and
- Does provide recipients (not their family members) the ability to apply (with USCIS) for work authorization.

Claims for withholding of removal under the INA are considered by EOIR immigration judges during regular removal proceedings. Immigration judge decisions may be appealed to the BIA. If the alien disagrees with the BIA's ruling, the alien may file a petition for review (an appeal) with the federal circuit courts of appeal.

#### **Convention Against Torture (CAT) Protections**

CAT protections relate to the obligations of the US under Article 3 of the United Nations Convention Against Torture. This is an international treaty provision designed to protect aliens from being returned to countries where they would more likely than not face torture. Torture is defined, in part, as severe pain or suffering (physical or mental) that is intentionally inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. Under this treaty provision, the US agrees not to "expel, return, or extradite" aliens to another country where they would be tortured.

Regarding eligibility, CAT protections:

- Require applicants to establish that it is more likely than not that they would be tortured if removed to a specific country,
- Do not apply to all types of harm that qualify as persecution. Not all types of harm that qualify as persecution qualify as torture,
- Do not require applicants to establish that the torture is based on one of the five protected grounds (race, religion, nationality, membership in a particular social group, or political opinion), and
- May be granted to criminals, terrorists, and persecutors, as they cannot be returned to a country where they would face torture.