

ASYLUM CLAIMS - VIOLENCE IN MEXICO

Asylum cases can vary to an extreme degree in their difficulty, complexity and cost. Many have from poor to no reasonable prospects for success without the assistance of qualified legal counsel.

Absent special legislation giving general refugee status to citizens from a particular country, El Salvador, Cuba, etc, general horrid and dangerous conditions in the home country due to civil war etc. are not, by themselves, necessarily enough to support an asylum claim. An asylum applicant must prove that:

1. He or she has a well founded fear of real **persecution**,
2. **By** his or her government or by a group that the government is unable or unwilling to control and
3. That the feared persecution would be **because of** the person's **actual, or imputed: race, religion, nationality, membership in a particular social group, or political opinion.**

See the section on asylum at the USCIS website:
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=1f1c3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=1f1c3e4d77d73210VgnVCM100000082ca60aRCRD>.

Conditions for refugees from Mexico provide excellent examples of the difficulties that can be encountered for those seeking asylum in the U.S. Citizen safety issues in our neighbor to the south, represent some of the greatest need, and difficulty, in US asylum law. Mexico is a “friendly” government that claims to promote individual rights and the rule of law. Many Mexican nationals with immigration problems here in the United States receive assistance from their country’s consulates here. Mexico is not Rwanda, Somalia or Central America in the 1980s. But, there are thousands of Mexican citizens who legitimately fear for their lives if they are unable to escape to the United States, and remain here.

The United States government, for foreign policy reasons, is not eager to admit that conditions are as bad as they are in Mexico. We have seen the spectacle of Mexican government officials surrendering to US Border Patrol officers and begging for asylum. More often than not, they are rejected. In fiscal year 2010 the US Immigration courts received 3,231 asylum cases involving Mexican citizens. Most of those were cases referred by USCIS asylum officers to the immigration courts. (EOIR). 49 of those applications were granted. 508 were denied and the rest disposed of in some other way, (withdrawal by the alien etc.) See <http://www.justice.gov/eoir/efoia/FY10AsyStats.pdf>. By comparison, that same website shows that, of 10,087 asylum applications filed by citizens of China, 3,975 were actually granted.

It is extremely important to be aware of the general rule that asylum applications must be filed within 1 year of an applicant’s arrival in the U.S. Possible exceptions are explained on the USCIS web site.

The official website of the U.S. Ninth Circuit Court of Appeals contains an outline of it’s legal decisions involving a number of immigration issues, including asylum. See [“http://www.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/B.pdf.”](http://www.ca9.uscourts.gov/datastore/uploads/immigration/immig_west/B.pdf) For cases involving Mexico, see particularly: “membership in a particular social group”, Pages B 49-62