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REIMAGINING THE REFUGEE & ASYLEE EXPERIENCE THROUGH LAW: EXPLORING U.S. CULPABILITY AND (UN) EXCEPTIONALISM

by *Thea Cabrera Montejó,*
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Katherine Pratty, and
*Alexandra Curbelo**

The 2022 *Human Rights Briefs (HRB)* annual symposium entitled *Reimagining the Refugee and Asylee Experience Through Law: Exploring U.S. Culpability and (Un)Exceptionalism* featured a two-day series to recenter our perspectives on the experience of refugees and asylees. The symposium highlighted the violence that persons with lived experiences¹ endure at the hands of imperialism, colonialism, capitalism, and white supremacy. The symposium was also driven by rich conversations with legal academics, practitioners, activists, and people with lived experiences, and it strived to reimagine the refugee and asylum systems to recenter people's humanity in all their fullness.

* *Thea Cabrera Montejó is the Symposium and Education Editor and a 2L. Thea, along with Angela Altieri (2L), Katherine Pratty (1L), and Alexandra Curbelo (1L), organized the 2022 annual symposium with over a hundred people in attendance. The event was a great success thanks to the support from the HRB staff, Melissa del Aguila, SECLE staff, and the AV staff.*

¹ A DICTIONARY OF MEDIA AND COMMUNICATION (Chandler & Munday eds., 2d ed. 2016) (defining 'lived experiences' as personal experience about the world gained through direct, first-hand involvement in everyday events rather than through representations constructed by other people).

Melissa C. del Aguila, the then-Acting Director for Washington College of Law's (WCL) Center for Human Rights & Humanitarian Law, and Nora Elmubarak, the Co-Editor-in-Chief for the *Human Rights Brief*, began the event with a brief history of the *HRB* and the significance of student-led initiatives in the development of people-centered solutions. Thea Cabrera Montejó, the Symposium and Education Editor, introduced the esteemed keynote speaker: Karina Ambartsoumian-Clough,² the Founder and Director of United Stateless.³ Their lived experiences make them qualified leaders and experts in issues of citizenship, cross-border movements, and statelessness. "We're more than just stories of displacement; we're real people," she said.⁴ Ambartsoumian-Clough informed the audience about the qualifications, ethnic diversity, risks associated, and the ultimate burden of being stateless.⁵ To underscore the suspense and frustrations of being stateless, Ambartsoumian-Clough bravely shared her own story. As she shared photos of her Ukrainian-Armenian family, she acknowledged how her lineage is rooted in trauma due to the legacy of war. She paused for several moments to acknowledge how the current Russian invasion of Ukraine "feels like erasure."⁶ Grounding the audience in the sobering present reality, Ambartsoumian-Clough illuminates how the systems that forced her to flee still exist to this day. United Stateless is committed to build community with people affected by statelessness and advocate for their human rights, specifically by providing a defined path to citizenship and nationality. Ambartsoumian-Clough's keynote speech conveyed passion, authenticity, and power as she began the two-day symposium.

² *Executive Director, Karina Ambartsoumian-Clough, UNITED STATELESS*, <https://www.unitedstateless.org/executive> (last visited May 2, 2022).

³ Zoom: Reimagining the Refugee and Asylee Experience Through Law: Exploring U.S. Culpability and (Un)exceptionalism—Day 1—Introduction 8:10–8:16 (American University Washington College of Law *Human Rights Brief* 2022).

⁴ *Id.* at 8:24–8:34.

⁵ *Id.* at 10:05–10:20.

⁶ *Id.* at 23:05–23:23.

Second year law student Angela Altieri moderated the symposium's first panel titled "U.S. Culpability and Responsibility in Creating Unsafe Environments." The panel included three lauded panelists: social scientist and scholar Elizabeth Kennedy,⁷ Afghan journalist Bilal Sarwary,⁸ and International Program Manager for CHIRLA, Arturo Viscarra.⁹ To set the scene, the panel first explored what creates an unsafe environment for refugees and migrants. Panelists were unflinching in identifying the roots of unsafe environments. Viscarra specifically noted that the roots of any unsafe environment are colonialism and capitalism.¹⁰ The conversation then turned to the United States' specific culpability in creating unsafe environments. On this point, Kennedy explained that the United States does not acknowledge the reasons migrants are forced to flee their home countries and seek refuge and asylum in the country while simultaneously supporting abusive police and military structures in the countries where migrants are leaving.¹¹ To further this conversation, Sarwary said that, on the ground, there is a lack of understanding of the nuances Afghan refugees experience in Pakistan by the UN High Commissioner for Human Rights.¹² While the overall theme of the panel was hopeful in its ideals that the United States can change its structures to become less culpable in creating unsafe environments, panelists were blunt when asked how they think the country can best reverse its culpability and called out the United States' racism, capitalistic structure,

⁷ *Bio*, ELIZABETH G. KENNEDY, <https://elizabethgkennedy.com/bio/> (last visited May 2, 2022).

⁸ Bilal Sarwary, LINKEDIN, https://aflinkedin.com/in/bilal-sarwary-4a513ab2?challengeId=AQGlo_rMQxH-q5QAAAYAKilCbXIXANsEKcKU0nnGPPUVcSXTP-pud-DEdov1O7LWeyXfzun3c4lwdcXnHUt_gZuPagXRnO-lyce8w&submissionId=cdfca7e9-d400-e416-64c0-4d58b4620f3d (last visited May 2, 2022).

⁹ *Team*, CHIRLA, <https://www.chirla.org/who-we-are/our-people/team/> (last visited May 2, 2022).

¹⁰ Zoom: Reimagining the Refugee and Asylee Experience Through Law: Exploring U.S. Culpability and (Un)exceptionalism—Day 1—Panel 1 8:07–8:11 (American University Washington College of Law *Human Rights Brief* 2022).

¹¹ *Id.* at 26:47–27:24.

¹² *Id.* at 32:44–34:31.

and its support for military dictators and repressive regimes.¹³

The second panel, "Post Arrival Experiences of Refugees and Asylees," moderated by first-year law student Katherine Pratty, featured the panelists Sirine Shebaya¹⁴ of the National Immigration Project, Sheila Velez¹⁵ Martinez of Pitt Law, and Sunil Varghese¹⁶ of the International Refugee Assistance Project. In this ninety-minute discussion, the panelists shared stories of refugees and asylees whom they assisted post-arrival to the United States.¹⁷ They described how the policies governing the refugee and asylum application process function and ways in which they are dysfunctional, using the "Follow to Join" backlog issue as an example.¹⁸ They also discussed how migrants are sorted into linguistic buckets of "asylee," "refugee," and "immigrant," but made note of how this categorization of people fails to reflect the realities of how and why people move and are displaced.¹⁹ To conclude, the panelists created a list of policy aspirations, on which they included a societal shift in how we think of human movement.²⁰ In keeping with the intention of centering conversations of policy around human experiences, Ms. Shebaya reminded the audience of the real impact that migrant prosecutions have on people's lives:

When you punish people for coming in outside a port of entry, what you're saying is that, in addition to whatever harrowing journeys they already made,

¹³ *Id.* at 51:05–51:39.

¹⁴ For a biography on Sirine Shebaya, see *Our Staff*, NAT'L IMM.NAT'L IMMIGRATION PROJECT, <https://www.nationalimmigrationproject.org/staff.html> (last visited May 2, 2022).

¹⁵ *Faculty Directory: Sheila Velez Martinez*, U. PITT. L., <https://www.law.pitt.edu/people/ant-110> (last visited May 2, 2022).

¹⁶ *Our Team*, INT'L REFUGEE ASSISTANCE PROJECT, <https://refugeerights.org/who-we-are/our-team> (last visited April 8, 2022).

¹⁷ Zoom: Reimagining the Refugee and Asylee Experience Through Law: Post Arrival Experiences of Refugees and Asylees—Day 2—Panel 2 5:56–12:21 (American University Washington College of Law *Human Rights Brief* 2022).

¹⁸ *Id.* at 11:00–12:21.

¹⁹ *Id.* at 30:15–34:47.

²⁰ *Id.* at 1:07:42–1:08:20.

they should walk 3,000 miles to the next port of entry, because sometimes that is the space that exists between two different ports of entry. . . .²¹

The third and final panel of the Human Rights Brief Symposium focused on reimagining the refugee and asylee process by discussing possible remedies to current refugee laws and policies.²² The panel was comprised of five panelists: Professor Jaya Ramji-Nogales,²³ Professor Jayesh Rathod,²⁴ a private immigration attorney and blogger Jason Dzubow,²⁵ Andrea Barron²⁶ operations manager at TASSC, and Lewis Kunze²⁷ who is awaiting an asylum interview with United States Citizenship and Immigration Services (USCIS). The latter three panelists focused on the affirmative asylum backlog which Andrea described as a “forgotten issue.”²⁸ Jason told us the main issue with the affirmative asylum system is that “the USCIS is reviewing cases in reverse order and prioritizing the newer cases [over the] older ones.”²⁹ Lewis explained to us that he has suffered severe depression and anxiety due to waiting seven years for an interview and there is still no end in sight.³⁰

²¹ *Id.* at 1:08:33–1:08:53.

²² Zoom: Reimagining the Refugee and Asylee Experience Through Law: Building Partnerships to Reimagining the Refugee and Asylee Experience—Day 2—Panel 3 3:35 (American University Washington College of Law *Human Rights Brief* 2022).

²³ *Jaya Ramji-Nogales*, TEMPLE UNIV. BEASLEY SCH. OF L., <https://law.temple.edu/contact/jaya-ramji-nogales/> (last visited May 2, 2022).

²⁴ *Jayesh Rathod*, AM. UNIV. WASHINGTON COLL. OF L., <https://www.wcl.american.edu/community/faculty/profile/rathod/bio> (last visited Apr. 8, 2022).

²⁵ *Jason Dzubow*, L. OFFS. OF DZUBOW & PILCHER, <https://www.dzubowlaw.com/dzubow.htm> (last visited Apr. 8, 2022).

²⁶ *TASSC Leadership*, TASSC INT'L, <https://www.tassc.org/tassc-team-bios> (last visited Apr. 8, 2022);

²⁷ Zoom: Reimagining the Refugee and Asylee Experience Through Law: Building Partnerships to Reimagining the Refugee and Asylee Experience—Day 2—Panel 3 11:25–12:56 (American University Washington College of Law *Human Rights Brief* 2022).

²⁸ *Id.* at 8:45.

²⁹ *Id.* at 16:40–16:55.

³⁰ *See id.* at 48:50–49:25

Professor Ramji-Nogales offered action items that can be implemented to benefit asylum seekers, one of which is a country of origin information system to aid USCIS.³¹ A proposed solution for the affirmative backlog issue and refugee/asylee law in general is the importance of an individual’s right to the appropriate counsel which was emphasized by Professor Rathod.³² The panel concluded by imagining what a partnership between an asylum seeker and their legal counsel should look like and how that partnership can strengthen community ties; one suggestion was that lawyers take a backseat and allow the voices and opinions of community members to be the driving force of deciding how that partnership should ideally look like.³³

³¹ *Id.* at 20:56–22:25.

³² *Id.* at 27:20–27:48.

³³ *Id.* at 1:08:40–1:11:00.