

Spring 5-1-2012

Waiting in “The House of Life”: Experiences of Seeking Asylum in the United States while Living in Buffalo, New York

Meagan Nicole Salisbury

Follow this and additional works at: https://surface.syr.edu/honors_capstone

 Part of the [Community-Based Research Commons](#), [Inequality and Stratification Commons](#), [Other Sociology Commons](#), and the [Politics and Social Change Commons](#)

Recommended Citation

Salisbury, Meagan Nicole, "Waiting in “The House of Life”: Experiences of Seeking Asylum in the United States while Living in Buffalo, New York" (2012). *Syracuse University Honors Program Capstone Projects*. 197.
https://surface.syr.edu/honors_capstone/197

This Honors Capstone Project is brought to you for free and open access by the Syracuse University Honors Program Capstone Projects at SURFACE. It has been accepted for inclusion in Syracuse University Honors Program Capstone Projects by an authorized administrator of SURFACE. For more information, please contact surface@syr.edu.

Table of Contents

Acknowledgements	1
Introduction	2
Methodology	10
Literature Review	17
Analysis.....	30
The Work of Asylum Seekers	30
Experience with the Department of Homeland Security and the Department of Justice	39
Analysis of Institutional Life	49
Knowledge of Refugee and Asylum Law in the United States and Canada.....	62
Critiques of the Asylum Process.....	71
Conclusion	82
Works Cited	89
Summary of Capstone Project	94

Acknowledgements

I would like to thank both my Advisor Professor John Western and my Reader Professor Marjorie DeVault for their guidance and support throughout this project.

I would also like to thank all of the incredible individuals at Vive, Inc. for making this project possible.

Finally, I would like to thank Matt Friedman for his encouragement and editing skills.

Introduction

In August 2011, I set out to study the experiences of asylum seekers in Upstate New York, applying for safe harbor in either the United States or Canada. I sought to understand how refugees in the asylum process survived until that time they were eligible to apply for a work permit in the United States, or had won their case and received refugee status in either country. I think this is an incredibly important issue because, while the United States did grant asylum to 21,113 individuals in 2010 (Martin 1), this process is fraught with controversies and inconsistencies perhaps beyond those in any other area of law in the country. This area of law seriously affects the lives of the individuals applying for protection. People seeking asylum in the United States flee unimaginable hardships and persecution, and I think the government should uphold its international moral obligation to do what little it can to assist fellow human beings who survive human rights abuses. Thus, I believe that we should pursue significant investigations into the ways in which this system operates, and might be improved from a number of different perspectives. It is vital to ensure that people who need protection are granted the opportunity to live safely in the United States. I also think that individuals who are going or have gone through the asylum process should have the opportunity to voice their opinions about the

process and offer suggestions to improve it. These viewpoints are just as important as the voices of attorneys and other advocates who wish to create change to this system.

I conducted my research in the Vive, Inc. (formerly Vive La Casa [or, as their website states, “House of Life”] and henceforth referred to as Vive) shelter in Buffalo, New York, which provides food, clothing, a place to sleep, and legal assistance to asylum seekers from around the world. Through interviews with asylum seekers and members of the Vive staff, I learned that the familiar topics that advocates for asylum seekers focus on, such as obtaining work authorization and legal representation for applicants, were indeed important to this community. However, I learned that advocates might want to also consider addressing other issues voiced by the individuals whom I spoke with in the Vive shelter about their experiences in the United States. The asylum seekers with whom I spoke demonstrated that applying successfully for asylum in the United States was a more complex legal, social, and political process than I thought before undertaking this study.

While the two leading international agreements regarding refugees, the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, do not contain provisions for asylum, the Refugee Act of 1980 in the United States provided an avenue whereby individuals fearing persecution in their home countries might seek relief (Martin et al. 76-77). Both asylum seekers and refugees must adhere to the definition of refugee codified in the Immigration and Nationality Act of 1952: “a person who is unable

or unwilling to return to his or her country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political opinion.” However, an asylum seeker differs from a refugee because this individual is already in the United States or at a U.S. port of entry hoping to apply for protection (Martin 1). Additionally, the United States does not have a cap on the number of applicants the government can approve for asylum, while a limit does exist regarding the number of refugees the United States can take each year. In 2010, the total ceiling on admissions of refugees was 80,000 (Martin 2). In 2010, the United States granted asylum to 21,113 people (Martin 5).

Someone seeking asylum in the United States must submit an I-589 Application for Asylum and for Withholding of Removal within one year of their arrival in the country to the U.S. Citizenship and Immigration Services (USCIS) branch of the Department of Homeland Security (DHS). This can be done through an affirmative process, where an individual submits their application, appears for an interview with an Asylum Officer, and receives notification after approximately two weeks that the Asylum Officer either approved his or her case or referred the case to an Immigration Judge at the Executive Office for Immigration Review (EOIR). Most of the asylum seekers with whom I spoke were in the affirmative process. Some of the asylum seekers with whom I spoke, however, filed defensive applications because they requested asylum “as a defense against removal proceedings” (Martin 4) and were in immigration detention after being apprehended by U.S. Customs and Border Protection (CBP).

While the all of the asylum seekers with whom I spoke in Vive were currently applying for status in the United States, two of my interviewees applied previously for status in Canada without success. In addition, as I learned throughout my interviews with Vive staff members, Canadian asylum policies have the potential to significantly impact not only the process of applying for asylum in the United States, but also the way that Vive functions as an organization. For this reason, I will briefly describe the ways in which individuals make a claim for refugee protection in Canada on the Canadian border. This is how the majority of individuals in Vive, apply for refugee protection in Canada due to the organization's proximity to the border.

According to the Immigration and Refugee Board of Canada, a person must notify an immigration officer at a border crossing or a Canada Border Services Agency office if they wish to claim refugee protection. The officer will interview the claimant and if the officer determines the claim to be eligible, he or she will send the application to the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB). From there, the claimant will be given information about the Personal Information Form that must be completed within 28 days, and once this form is received, the IRB reviews the claim and either assigns the claim to a fast-track expedited process, a fast-track hearing, or a full hearing, depending on the complexity of the case. If the IRB determines that the applicant is entitled to refugee protection, the person may apply to the Citizenship and Immigration Canada to become a permanent resident (Immigration and Refugee Board of Canada).

People seeking asylum in the United States come from many different regions in the world and have a wide range of varying experiences that bring them to this country. The top countries of nationality for people granted asylum in the United States in 2010 were the People's Republic of China, Ethiopia, Haiti, Venezuela, Nepal, Colombia, Russia, Egypt, Iran, and Guatemala (Martin 5). The many different regions from which people flee to seek asylum illustrates that persecution occurs throughout the world. The majority of asylum seekers are between the ages of 18 and 44, male, and do not have a spouse (Martin 6).

One such individual, with whom I spoke in Vive, was a young man in previously enrolled in university in the United States. Oscar was from a country in the Middle East, and decided to seek asylum in the United States after his family reacted negatively to his conversion to a different religion. His family ceased funding his education and insisted that he come back to his home country, but he was afraid to return. Oscar found Vive on the internet and travelled to Buffalo to ask for assistance from the organization. He filed for asylum in January 2012 and is currently living in the Vive shelter. In the mornings, he mops the organization's offices before 9:00 a.m. Between 9:00 a.m. and when he washes dishes after dinner in the shelter, Oscars plays and practices his musical instrument, spends time getting to know different people and their cultures, translates for the legal department, helps new arrivals adjust to life in the shelter, and keeps up with friends from the shelter who have moved onto Canada via the internet. He also meets with his lawyer about his application and his case, though I am not sure how often this occurs. Rather than always focusing on their cases,

people seeking asylum like Oscar in the Vive shelter engage in a range of activities.

While legal distinctions, particularly between refugee and asylum seeker, make sense in the application process and in the courtroom, the asylum seekers with whom I spoke never referred to themselves as asylum seekers. The staff at Vive also did not exclusively refer to asylum seekers by this legal categorization, often referring to the collective group within the shelter as refugees, rather than asylum seekers. Similarly, if the asylum seekers referred to themselves or others, they utilized the term “refugee,” and never the term “asylum seeker.” This is important to note because throughout my thesis, I most often use the term asylum seeker to refer to the individuals with whom I spoke in shelter. However, I may also substitute the word refugee to reference the same group of people. The tension between these two terms is interesting, particularly as the United States government and the international community places the label “asylum seeker” on this group of people that may not identify with it outside of their legal proceedings. However, the term “asylum seeker” seems to permeate legal, scholarly, and policy discussions regarding the issues of this group of people who are outside the application process. Outside of their immigration proceedings, these individuals identify as many other things, including as “refugees” in the case of some of the people with whom I spoke.

I acknowledge my role in perpetuating this label and “othering” of this group of people. I am unsure why individuals, when describing their experiences and the situation of those around them in the shelter, utilized the word “refugee”

rather than “asylum seeker,” but this usage makes the former appear to be a better fit. This marking of a group of people as “others” who are not from the United States, regardless of whether the term “refugee” or “asylum seeker” comes into play often justifies inhumane and unjust treatment within the legal system. However, because I am operating within and analyzing the legal aspects of the process, I still utilize the term “asylum seeker,” though recognizing its problematic implications.

In addition to detailing the process through which I conducted my study and contributed to the problematic power relation in the asylum process, I will focus on five themes that stood out in the nine interviews. My first section of analysis will deal with the varied conceptions of work expressed by the asylum seekers in the Vive shelter and how this differed from my expectations about how asylum seekers viewed work during the application process. I will also detail the ways in which the asylum seekers understand the legal process and consider how their knowledge of this aspect of their life influenced other aspects of their life. I also focus on the experiences that the asylum seekers, and to some extent the staff at Vive, have with the United States government and how these stories reflect the discriminatory and alienating laws and policies exclude individuals from participating in their own proceedings. This section of analysis will also examine the privilege that accompanies individual association with Vive. The final two portions of my investigation will assess the ways in which the organization combats and recycles the problematic aspects of the asylum process in their own programs and operations and evaluate the critiques the asylum process, from the

asylum seekers' and staff members' perspectives. In my conclusion, I will discuss the implications of these findings for the ways in which advocates for the rights of asylum seekers may consider conducting future campaigns in the future, myself included.

Methodology

Though this study has evolved significantly since its conception in August 2011, the main questions have been the same throughout. The main question I have been interested in for my thesis is, “What is life like for individuals in Upstate New York seeking asylum in the United States?” I wanted to know about the types of legal, medical, and social services available to asylum seekers outside of areas such as New York City and Washington, D.C., where many asylum seekers find themselves during the application process and a number of organizations cater to the needs of this population. While it would be important to speak to providers of these services to asylum seekers in Upstate New York, I was more interested in what the individuals seeking asylum saw as available to them, and I wish to try to understand the process through their experiences, rather than those of the service providers.

I developed a list of questions to ask the asylum seekers before my first interviews. I planned to ask how the individual got to the United States, what types of services he or she obtained since his or her arrival, what a typical day was like for him or her, and what he or she thought of the asylum process based on personal experience, among other questions. Likewise, I developed separate

interview questions for each of the different types of service providers with whom I hoped to speak, such as lawyers, social workers, and doctors: asking about the types of services the professional provided asylum seekers with, what it is like working with asylum seekers, and what the individual thought of the asylum process. As I continued to interview more asylum seekers and service providers, I reworked my questions to better reflect some of the information I had already received from past conversations.

Originally, I designed the study with the intention of speaking to asylum seekers in Syracuse and Buffalo, as well as service providers in these cities as well. However, I learned through a series of phone calls and casual conversations with providers of refugee resettlement services in Syracuse that only approximately one to two asylum seekers come through this area per year, and many of these individuals were rerouted to Buffalo. Additionally, I received almost instantaneous positive feedback from my contact at the organization Vive in Buffalo, Sister Beth Niederpruem (henceforth referred to as Sister Beth), welcoming me to the shelter to interview asylum seekers. For this reason, I decided to narrow the focus of my study to just the experiences of asylum seekers in Buffalo who resided in Vive.

Vive is currently the largest shelter for refugees in the United States and one of the only organizations in the nation that focuses on serving refugees at the beginning of the process of seeking asylum. In 1984, 14 members of the Leadership Conference of Women Religious of the Catholic Diocese of Buffalo created the organization in response to a large influx of refugees coming to the

United States from Central and South America. At this time, this group of religious women converted one of their convents in Lackawanna, NY to a shelter they called “Vive La Casa” (“House of Life”) in honor of the large number of Spanish-speaking refugees seeking assistance (Vive, Inc. “Our History”).

According to Sister Beth, a few years later, Vive purchased an old school building from Buffalo’s Department of Housing and Urban Development on the East Side of Buffalo, where the shelter still stands today. Today, Vive is a 112-bed shelter for men, women, and children that offers food, clothing, shelter, and legal assistance to refugees from over 100 countries (November 21, 2011 2:43-53). Since the creation of the organization in 1984, Vive has helped over 80,000 asylum seekers, assisting 3,800 asylum seekers in 2008 alone, and serving those refugees 120,000 meals and providing 44,000 nights of shelter (Vive, Inc. “Everyone Should Know Freedom”).

Before my first trip to Vive, I had to submit an application to the Syracuse University Institutional Review Board (IRB) for Expedited Review because I would be working with human subjects and potentially obtaining sensitive information regarding immigration status. Through this process, I also developed consent forms for each of the individuals I would interview. The consent documents for asylum seekers did not ask for any identifying information and simply asked that the individual mark whether they consented to being audio recorded during the interview. This reflected my concern and the concern of the IRB that I did not collect any signatures or identifying information, which I asked explicitly before the interview for asylum seekers to withhold. The consent

document for the service providers had this portion, but also another segment that allowed the interviewees to indicate whether they would allow me to use their real name, occupation, and place of employment for my thesis.

In hindsight, I find it mildly problematic that I did not afford the asylum seekers the option to utilize their real name, something that I will analyze more in depth later. On the opposite end of the spectrum, I realize now that even though the IRB approved my project, I had no meaningful training in how to avoid retraumatizing an individual who has suffered persecution before my interviews. I did my best to avoid this by not asking for questions about the individual's past persecution or fear of persecution. However, there is a possibility that interviews unintentionally brought back traumatic memories for the asylum seekers, particularly those who opted to tell me about why they were seeking asylum in the United States.

My first of two trips to Vive took place on Monday, November 21, 2011. I interviewed one service provider, Sister Beth, and three asylum seekers. Sister Beth and two of the asylum seekers, individuals who I will refer to as Allison and Hassan, allowed me to audio record our conversation, while the man I will call Jacob declined. These interviews were conducted in a room referred to in Vive as "The Haitian Room," that was usually a women's-only space and very private. I transcribed the interviews I was able to audio record and took extensive notes during the interview I did not record, which I typed later for my analysis.

On my second trip to Vive on Friday, January 27, 2012, I had the opportunity to interview Mary Alexandra Verdi, referred to as Alex henceforth,

Vive's legal assistant, and three asylum seekers (individuals I will call Cole, Vivian, and Oscar). I also had the opportunity to speak with one woman, who I will call Elizabeth, who received asylum status in the United States but lived in Vive while attempting to obtain that status. Unfortunately, I could not audio record any of these interviews because "The Haitian Room" was not available, and the only place I could conduct the interviews was in Sister Beth's office, where there were constant visitors asking questions and discussing various matters of varying levels of privacy. There was no meaningful discussion about why this room was not available. Part of me wonders why Sister Beth informed me that the room was unavailable without further explanation, and whether the room was actually being used or whether the individuals at Vive felt more comfortable with my interviews being conducted under supervision. I made the choice not to audio record in this space, and instead took extensive notes on what each individual had to say, often asking my interviewee to repeat themselves. I typed these notes the following day. My data comes from these two days of interviews, as well as pamphlets and newsletters given to me during my visits to Vive.

Overall, I interviewed six individuals seeking asylum in the United States, one individual who already received asylum going through the process with the assistance of Vive, and two Vive staff members. Two of the asylum seekers were women, Allison and Vivian. Allison was 21 years old and a black woman from an African country who studied political science before applying for asylum. Vivian was a slightly older woman of color from Francophone Africa who owned

and ran a hair salon in her native country. The other four asylum seekers I interviewed were men. Jacob was a “young man” with a wife and family back in Africa who taught and “worked for God.” Cole, who was also from Africa, was a writer and had two brothers in a refugee camp. Hassan was a college-aged student from a Middle Eastern country that studied civil engineering. Finally, Oscar was a former college student at a university in the United States from a Middle Eastern country. The short interview I had with Elizabeth, the woman of color who already obtained asylum status, was from Francophone Africa and had been recently married with a baby on the way. Sister Beth, the Vive Director of Development and a licensed social worker, was my initial contact at the organization and arranged all of my other interviews. Finally, Alex is the legal assistant at Vive who graduated last year with her undergraduate degree from Georgetown and plans to attend law school in the future. The interviews with the Vive staff were the longest, which may have been expected, it was interesting that for the most part, my interviews with the male asylum seekers were longer and I had an easier time understanding them for the most part. This could have been due to a number of factors, including the languages spoken and taught in the asylum seekers’ countries of origin and accessibility of education. Nevertheless, I think is important to note that a significant amount of the analysis of the asylum seekers’ words and experiences stem from a mostly a male perspective.

The purpose of this thesis project is to better understand the process of seeking asylum from the perspective of the individuals navigating this process, while supplementing their accounts with information from individuals providing

service to these refugees. I believe it is important to see the impact that international and national refugee and asylum law has on individual asylum seekers in the United States. Gathering this information is crucial to assessing the effectiveness of these laws and determining whether changes are necessary on the national level to ensure that those seeking protection under the 1951 Refugee Convention receive the consideration and humanitarian treatment they deserve. This study will reveal the difficulties associated with asylum process in Buffalo, New York and hopefully the testimonies provided will contribute to a body of knowledge advocating for improvements within this particular branch of immigration law.

Literature Review

Research relating to asylum seekers in Western countries is, according to several studies “still in its infancy” (Silove et al. 604), and from my observations, this is especially true of the process in the United States. For these reasons, the information reviewed in this section of my thesis includes a wide variety of sources, including studies conducted by medical communities and human rights organizations. This literature review will also consider critiques of the application process of asylum by attorneys, judges, and other members of the legal community involved with this issue. Each of these sources of information about the process of seeking asylum in Westernized countries and within the United States specifically are crucial to understanding the current debates within this field. However, I find overall that they lack the direct participation of asylum seekers who through having passed through the system would reveal which experiences had the most significant impact on them.

An issue that affects individuals applying for asylum pertains to deadlines associated with filing an application for this type of protection. In the United States, an asylum seeker must file their asylum and withholding of removal application within one year of arriving in the United States (USCIS). While other Western countries have an even smaller window of time in which an asylum

seeker can apply for protection (Martin et al. 371), the one-year filing deadline in the United States has encountered significant criticism from a number of asylum and refugee law experts, human rights organizations, and medical professionals who provide testimony for asylum seekers in legal proceedings. Professionals note that many asylum seekers choose not to file immediately upon arriving in the United States because they want to wait and see whether the situation in their home country will improve before filing for more permanent resettlement. The fact of obtaining legal representation for asylum cases, a significant obstacle for nearly all asylum seekers in the United States, dissuades many potential applicants. Other logistical factors, such as language and cultural barriers, also stand in the way of applying for asylum within the one-year deadline (Martin et al. 370-371). Medical experts who provide affidavits for and testify on behalf of asylum seekers, such as those associated Weill Cornell Center for Human Rights, have also noted that this deadline is inappropriate for many asylum seekers with specific types of claims, such as one based on LGBTI status. It is also an unreasonable expectation of those who have chronic illnesses or endured such severe torture that they suffer from post-traumatic stress disorder and/or other depressive illnesses (Clark). While asylum seekers may be able to be granted an exception to the one-year filing deadline if the individual can demonstrate “either the existence of changed circumstances which materially affect the applicant’s eligibility for asylum or extraordinary circumstances relating to the delay in filing...” (INA § 208(a)(2)(D), quoted by Human Rights First 29), triers do not often grants such exceptions (Human Rights First 29). I understand why the

United States deems some limitations on filing for asylum necessary and recognize the fact that other countries have even stricter policies on this issue. However, I agree with experts and organizations that this deadline limits protection for bona fide asylum seekers. I do not think that United States should not punish categories of persons for failing to meet an arbitrary deadline when they have endured persecution that may very well inhibit their ability to file for protection in a timely manner or demonstrates other practical reasons for failing to do so.

A significant majority of research involving asylum seekers surrounds the ways in which prolonged proceedings and the detention of this population, two of the most prevalent debates in the United States asylum process, negatively impact their health and well-being. In the article “Policies of Deterrence and the Mental Health of Asylum Seekers” by American Medical Association members Derrick Silove, Zachary Steel, and Charles Watters summarized a number of studies conducted in the United Kingdom and Australia that indicated the importance of “post-migration environment” on the health of asylum seekers in these two countries. These studies showed that stressors during the process, including delays in the processing of applications, conflicts with immigration officials, being denied work authorization, unemployment, separation from family and culture, loneliness, and boredom all contributed to ongoing post-traumatic stress disorder symptoms (PTSD) both during and after the process. This article also indicates that the number of asylum seekers already exhibiting not only heightened anxiety and depression, but also symptoms of PTSD in the beginning

of the process is incredibly high (Silove et. al 606). While these studies are very important about the role that a prolonged asylum process can take generally on individuals through the application, most studies surrounding this issue involve other Western countries of asylum, particularly those in Europe and Australia, where conditions and processes are sometimes significantly different when compared to the United States.

Another significant issue for asylum seekers in the United States, in some ways more so than in other Western countries of asylum, deals with the detention of these individuals. In 2009, Human Rights First published “U.S. Detention of Asylum Seekers: Seeking Protection, Finding Prison,” a report that described how since the March 2003 Department of Homeland Security takeover of responsibilities surrounding immigration, asylum seekers have been increasingly detained along with other immigrant groups. The report cites that in 2007 alone, over 10,000 asylum seekers were newly detained and the parole rate for these individuals was only 4.2 percent, dropping from 41.3 percent in 2004 (Human Rights First 1). Among other issues discussed in this report surrounding detention of asylum seekers, the organization notes that detention increases trauma and depression in asylum seekers, decreases the likelihood that they will win asylum, and causes some individuals to abandon their claims for protection because they cannot bear to remain in prison-like conditions (Human Rights First, 42-45). Also listed as problematic were the ways in which these detention facilities lacked adequate medical and mental health care for asylum seekers (Human Rights First 51). The statistics compiled in this report, along with summaries of individual

asylum seekers' stories and quotes from refugees about their experiences and discontent with their treatment, are very compelling in their condemnation of the inhumane ways in which the United States detains those who suffered past persecution or have a well-founded fear of future persecution. Unfortunately, this is not sociological study and therefore does not give details about the ways the organization gathered the information. While some summaries of cases and small quotes from asylum seekers were included, I get the impression that refugees were not actually involved in the majority of the production of the report created by Human Rights First. While it is true that asylum seekers themselves make up one group of many involved in the legal and social process, the overreliance on other sources may overshadow their viewpoints or perhaps even leave some issues unexamined.

Another significant topic of the discussion surrounding work and asylum seekers pertains to the struggles of obtaining authorization to work in the United States. In 1995, regulations that previously allowed many asylum seekers to obtain work authorization almost immediately after submitting their application changed so individuals could not obtain permission to work until at least 180 days passed since submitting their application (Martin et al. 81). While this policy seems straightforward, asylum applicants and those who represent them have found a number of problems with this "clock." Some issues with this system include incorrect calculations that prevent asylum applicants from obtaining employment and contribute to financial insecurity, lack of communication between the two bodies responsible for the clock (USCIS and EOIR),

inaccessibility of information regarding time accumulated on the clock to applicants, and insufficient methods for correcting errors (Office of the Citizenship and Immigration Services Ombudsman 1). On August 26, 2011, the Citizenship and Immigration Services Ombudsman submitted recommendations to USCIS to rectify these issues. Some of these recommendations included increased communications between USCIS and EOIR and within USCIS, including providing updated asylum clock training to USCIS personnel, and making the information more accessible to applicants through the internet and written notice (Office of the Citizenship and Immigration Services Ombudsman 2). I find it commendable that the office considered stakeholders' concerns and feedback and case assistance requests relating to this issue (Office of the Citizenship and Immigration Services Ombudsman 3) because, in my opinion, taking into consideration the input of multiple sources improves the likelihood that the office will submit meaningful recommendations that will have a positive impact on the lives of asylum seekers.

On November 15, 2011, the U.S. Department of Justice Executive Office for Immigration Review issued a memorandum to all immigration judges, court administrators, attorney advisors, judicial law clerks, and immigration court staff that contained new guidelines regarding the asylum clock in response to the Ombudsman report. However, attorney and writer for the blog "The Asylumist" Jason Dzubow criticizes the document for not addressing major delays for some applicants caused by immigration judges complying with regulations that require expediting some cases and "bumping" non-expedited cases and others filing

defensive applications by requiring they file their I-589 in open court before being able to start the clock. I appreciate Dzubow's approach to criticizing the asylum clock because rather than trying to repair a broken system, he suggests completely reimagining the asylum clock. However, his concerns for asylum seekers in relation to work seems limited to this one issue of the asylum clock, which while important, may not not address other conceptions of work and concerns of individuals in this system.

One issue that impacts asylum adjudication throughout the country, though unevenly, is the widely varied nature of decisions on asylum cases that numerous concerned parties have documented, including three law professors who published an article in the Stanford Law Review entitled "Refugee Roulette: Disparities in Asylum Adjudication." In the introduction to the article, Jaya Ramji-Nogales, Andrew I. Schoenholtz, and Philip G. Schrag provide a striking statistic: one judge is 1820% more likely to grant an application for relief than another judge in the same courthouse (301). These disparities exist within asylum offices, immigration courts, and federal appeals courts (Ramji-Nogales et al. 301-302) as well as between different regions in the United States (Ramji-Nogales et al. 302). The authors provide a number of possible causes of inconsistency among immigration judges, including gender, length of time spent on the bench, and work experience as a judge, attorney, and professor (Ramji-Nogales et al. 302-303). I agree with the majority of the recommendations made by the authors, especially those that suggest the EOIR implement more rigorous hiring standards for immigration judges and more training for these individuals (Ramji-Nogales et

al. 380-381). However, it does not appear that the Department of Homeland Security or the EOIR have considered these recommendations in their practices.

Another issue that is particularly important for the asylum seekers seeking refugee status in Canada at Vive is the Safe Third Country Agreement between the United States and Canada that began implementation on December 29, 2004. Intended “to better manage the flow of refugee claimants at the shared land border,” this agreement states that individuals seeking refugee protection must make a claim in the first country in which they arrive. Refugee claimants may qualify for an exception if they have a family member in Canada (Canada Border Service Agency), which is what allows many of the asylum seekers in Vive to first arrive in the United States and then head north. There are other exceptions to the agreement. However, the future of these exceptions is questionable, because in July 2009, one exception was terminated that had allowed individuals temporary suspension of removals if they were from Afghanistan, the Democratic Republic of Congo, Haiti, Iraq, and Zimbabwe if they arrived in Canada after travelling through the United States. The Minister for Citizenship, Immigration and Multiculturalism Jason Kenney stated that this exception was undermining the objectives of the Safe Third Country Agreement and the integrity of the Canadian asylum system (Citizenship and Immigration Canada).

However, critical responses to this and other aspects of the Agreement have emerged from such organizations as Amnesty International and the Inter-American Commission on Human Rights (IACHR), as well as the United Nations High Commissioner for Refugees (UNHCR). In April 2011, the IACHR

determined that Canada violated the American Declaration on Human Rights by returning refugee claimants to the United States without individually determining each claimant's case. Complaints about this "direct back" policy first came to the IACHR in January 2003 when hundreds of claimants sent back to the United States were jailed and some of them were "of nationalities that had been targeted discriminatory registration programs in the US," namely Haitians (Nafziger). Amnesty International also expressed disappointment in the elimination of the exception that granted temporary suspension of removal of claimants from the countries listed above, as well as suspensions of deportations to Burundi, Rwanda, and Liberia. The organization deemed this problematic because of continued documentation of human rights violations and "dire humanitarian situations" in these countries, as well as the United States' policy of detaining and deporting Haitian refugee claimants (Ure). The UNHCR also issued a monitoring report on the Safe Third Country Agreement between the two states and indicating that the overall assessment of the implementation of the agreement was positive. However, the UNHCR was "very concerned" about the "direct back" policy. The UNHCR informed the government of Canada of these concerns, and the official response was to discontinue the direct backs, except in "extraordinary circumstances" (UNHCR 10), though concerns continue to come from the UNHCR (19) and other sources regarding other issues with the Agreement. I think these continued challenges to the Safe Third Country Agreement between the United States and Canada from a variety of sources are very important to trying to maintain the best methods of evaluating refugee claims made by

individuals. These organizations have been useful in pointing to significant issues that result from this Agreement. Unfortunately, they are unable to mandate policy changes, and because activism surrounding refugee and asylum issues in North America often take a back seat to other policy issues, these troubling practices may continue to occur and further jeopardize the safety of refugees and other individuals deserving of protection.

Vive is a relatively well-known organization in Buffalo, New York, and there has been at least one study and a few newspaper articles interviewing staff members and asylum seekers within the shelter, as well as other citation in wider immigration debates. One study, published in 2003, interviewed 301 asylum seekers living in the shelter between April 1999 and February 2000 with the intent of gathering information about the types of claims made by this group of people, in order to educate social workers about ways of better serving this “disenfranchised population[.]” (Weaver et al 86). The researchers, through hearing accounts of physical violence from multiple sources and post-migration trauma, concluded that social workers could “play a critical role in offering expert testimony or helping refugees access experts who can document the effects of trauma” (Weaver et al 96). The article revealed that of the 58 asylum seekers interviewed, 71% experienced injuries, 34% experienced illness, and 79% experienced nightmares related to the torture and persecution endured in their home country (Weaver et al. 90-91). This article, though based on testimonies of a dozen years ago, reveals the nature of the treatment the asylum seekers endured before entering the United States and gives a general idea about the histories of

individuals in Vive. However, those interviewed during the research process were mostly seeking asylum in Canada, meaning that they had different waiting periods and procedures to follow during the process. This means that while learning about some of the general conditions and experiences of the asylum seekers who enter Vive have, the Weaver et al. article does not speak to the individuals who apply to the United States.

More specific investigations into issues related directly to Vive have been conducted. The most recent news article, entitled “Stranded asylum-seekers wait and cope in Buffalo” by Jerry Zremski and Lou Michel, ran on the front page of The Buffalo News on February 27, 2012. The article described and pulled excerpts from interviews with two asylum seekers (both of whom I also interviewed during my study) about their lives before coming to Vive, Sister Beth, and a number of attorneys with varying degree of connection to Vive. The article went into detail about unilateral agreements between Canada and the United States, and the toll this takes on the refugee’s individual cases and the organization. Finally, Alejandra Lopez of Pace University in her Honors College Thesis cited Vive as a more humane alternative to immigration detention in the United States for unaccompanied immigrant children in the American immigration system. While these various sources of information that engage Vive and the asylum seekers the shelter houses, these documents do not describe in detail the inner-workings of the organization. Because there are almost no organizations that mirror Vive in structure or purpose -- providing asylum seekers shelter and other social services while they navigate the process of obtaining

status in the United States -- there has been little available critical engagement with the way the organization functions.

Attorneys, professors at law, the occasional judge, the UNHCR, human rights organizations, and a few reporters have done the majority of research and writing on issues of seeking asylum in the United States. The issues discussed in this review are only some of those currently discussed in asylum law. Some of the more sociologically oriented research deals with the impact on the system on the health of asylum seekers have been conducted by individuals associated with the American Medical Association. These sources bring a significant number of issues to the attention of the legal, scholarly, and human rights-oriented community, including the negative impact of an extended legal process, the detention of asylum seekers, work authorization, disparities among officials and regions in the United States, and the U.S.-Canadian relations and policies on individual cases. Some research and coverage of Vive-specific issues and experiences are very important to bringing awareness to important issues mainstream media and policy debates neglect. However, I think that these sources do not allocate sufficient or meaningful space to the stories and concerns of asylum seekers as they see them. The majority of these efforts, while the result of working with and for asylum seekers, do not include the voices of asylum seekers. I think neglecting these voices may neglect to bring other important and related issues to the table that impact the lives of asylum seekers in the United States. This is also problematic because it does not give asylum seekers a space

to speak out against a system that has the potential to dictate the outcome of their futures.

Analysis

The Work of Asylum Seekers

Many of the refugees with whom I spoke described with disappointment the fact that they could not work, in the traditional sense of receiving payment, while they were in the United States. I encountered this frustration working with other asylum seekers in New York City, as well as legal and social service providers, who expressed similar concerns. I will expand upon these frustrations later in the section in which I talk more about the critiques of the asylum process from the point of view of those entrenched within. However, I think it is important to note here that I went into almost all of the interviews thinking about work in the traditional sense in which one does a service or makes something for pay. While many of the refugees with whom I spoke talked about this form of work, other conceptions of work became evident in almost all of the interviews.

I also went into my interview with Sister Beth with very specific ideas about what engaging in unpaid and volunteer work meant to the refugees in the shelter, based on a conversation with a woman in Syracuse and her experiences working with asylum seekers there. I assumed, based on our exchange, that doing some form of volunteer work was important to “keep [asylum seekers] busy” during the process so that they felt as though they were contributing to society and

had something to occupy their time while they were unable to engage in traditional paid work and trekking through a very difficult legal process. Without realizing my own bias, I allowed it to influence how I spoke to Sister Beth about the tasks done by the refugees in Vive. She agreed with me in part, and further elaborated that it was a way to stave off depression and anxiety in individuals who remained in Vive for a long period of time during extended waiting periods for an asylum grant in the United States. While these two views about work may appear reasonable, none of the responses I received from any of the refugees I interviewed mirrored either of our assumptions. This was an important realization early in my research, which I was fortunate enough to have guidance in achieving, and the following analysis attempts to showcase the many varied ways of thinking about work that nine individuals can have.

Of the six asylum seekers with whom I spoke, only one individual had work authorization. (In the legal sense, the seventh woman with whom I spoke had already obtained asylum, was considered a refugee, and while having a job, had access to significantly more resources in this domain than the individuals still waiting for asylum) However, this did not guarantee her a job in Buffalo, a city with a nearly 8% unemployment rate (New York State Department of Labor). Because Vivian had been in the United States seeking asylum for over two years, she had received work authorization from the United States government. The way in which she described looking for paying work seemed to be itself a form of work. During this part of the interview, Vivian described how she had been looking for a job for months, but was unable to get one. She submitted

applications, and called the places of employment to which she applied to follow up with her application, but Vivian was never hired. Vivian indicated that she was “stressed” by how difficult it was to get a job, even though she had authorization to work.

Before this interview, I thought that once an asylum seeker was given work authorization, the battle was over and the individual would be able to find a way to support themselves. While this may be true in cities like New York, this was certainly not the case in Buffalo. This called into question my prior opinion that the United States government should allow asylum seekers to work earlier on in the process. Simply giving asylum seekers a work permit does not solve the problem in a city such as Buffalo, where there is rampant unemployment and people may forgo hiring someone like Vivian in favor of, for example, someone who has lived in Buffalo for many years. Larger issues of unemployment and possibly discriminatory hiring practices must also be addressed at the same time.

While the remaining five refugees with whom I spoke were unable to engage in paid work outside of Vive, all engaged in at least one type of work within the shelter. Each of the refugees was assigned to one or more “jobs” that helped maintain the shelter for everyone. Some of the jobs I heard from my interviews included “cleaning the building,” “cooking,” “work in the kitchen,” “moving furniture,” “doing anything,” “work at the reception,” taking out the trash, and cleaning the bathrooms. Aside from the assigned tasks that individuals had throughout their stay in Vive, others engaged in additional tasks that directly related to the running of the shelter, though they were not part of a daily routine.

Cole mentioned that because he likes helping people, he volunteers to shovel after it snows.

Allison and Jacob also mentioned “going places with Sister Beth,” which I found out meant that some people, depending on their level of English proficiency, ventured with Sister Beth and other Vive staff to sites such as the University of Buffalo to talk about Vive, raise awareness, and also, though perhaps indirectly, to solicit donations to keep Vive running. In addition, while this type of work was not explicitly mentioned, if individuals had a high level of English proficiency, there was a good chance they would be asked to do the additional work of talking to visitors to Vive, like myself, and participating in interviews if a member of the Vive staff asked them to.

There were varying levels of happiness with these assigned jobs. Vivian talked about how it was good that everyone had jobs, and talked a lot about not only her job, but the jobs that other people did as well. Perhaps this demonstrates her appreciation for the daily routine within the shelter, which she also described in detail. While some of the refugees did not have anything more to say about their tasks other than describing them, others were unhappy with the types of jobs they were assigned to do on a regular basis or asked to do on a semi-regular basis. Vivian did not like the fact that she could not cook. Oscar did not like washing dishes. This made me wonder why individuals were “given” tasks, as Sister Beth put it, rather than being consulted about what they might like to do or may be good at. This approach may possess some limitations, as perhaps someone entering the shelter may want a job to which sufficient people are already

assigned; or nobody may want to do certain jobs. However, it seemed as though this could provide an additional level of comfort or connection with the past, as Vivian emphasized because she used to do all her own cooking, and seemed to miss that, because she did not like her assigned task and wished she could cook.

Allison did not like speaking at the University of Buffalo, and did not really appreciate that Sister Beth asked her to. While I did not ask her why she did not enjoy these tasks, our short exchange on the subject was very eye opening:

Allison: Yeah, she picks me, and since, like, why not? Because I like Sister Beth a lot and I want to do her a favor, why not? But I don't really like it.

Meagan: It's sort of like doing something like this?

Allison: Yeah (laughs)

Meagan: I'm sorry... but you do it because you like Sister Beth and you try to help her out?

Allison: Mhmm. (November 21, 2011, 2:48-53)

It seems that while having English language proficiency does have its advantages, this skill may also prove to be a disadvantage for someone like Allison, who does not want to speak to people at the University of Buffalo or students from Syracuse University, but is picked for these tasks because she can communicate in a specific way. Being chosen for tasks at random also seemed to give the impression that Vive staff members assumed that because individuals were not engaging in traditional forms of work, it was assumed that as long as they were not busy doing their assigned shelter tasks, they were available to do whatever else was needed. Regardless of whatever else one of the refugees has planned to do during the day, or what they were doing when Sister Beth summoned them to her office to speak with me, the interview process interfered with prior

engagements or plans. Additionally, I was a little troubled by this finding because I felt that I was taking advantage of people who, out of their affections towards Sister Beth, spoke to me even though they did not want to. I will delve a little deeper into this finding further in my critiques later in the analysis section, however, this type of unpaid and unpleasant work is another form of work asylum seekers participate in, with varying degrees of willingness, in Vive.

Judging from Allison's feelings about speaking to people at the University of Buffalo and enduring interviews with university students, these interviews required a significant amount of emotional work on the part of at least some, if not all, of my interviewees. Even though Allison did not want to engage in this type of work, she did so to maintain a positive relationship with Sister Beth. None of my other interviewees directly stated similar sentiments, most likely because all of my interviews in January took place with Sister Beth in the room. However, others may have also felt the way Allison did, particularly Vivian, Elizabeth, and Cole who were asked to speak with me after coming into Sister Beth's office, where I was sitting, for reasons of wanting to ask Sister Beth a question or coming for a quick visit. While they may not have wanted to speak with me, some of the individuals may have done so because they value their relationship with Sister Beth and wanted to make her happy.

Speaking about the asylum process, the result of having to flee from a situation where someone faced persecution in the past or may face it in the future, also may have required a significant amount of emotional work. Many of the asylum seekers may have told their story of why they were seeking asylum many

times as part of filing their application. However, the fact that they are fleeing very dangerous situations may make these experiences difficult to talk about with someone else, even if they are willing to for the greater goal of being able to stay in the United States or help maintain their relationship with Sister Beth. Jacob became visibly and audibly agitated when he described how he felt the United States government was treating him. Hassan described over and over again the amount of money his family had to raise to free him from detention and his fear of the future and the process ahead. These both appeared to be topics that upset Jacob and Hassan, however the degree to which they were both able to express their true feelings in an interview situation with a stranger who they were probably never going to see again is questionable. As much as I may have tried to mitigate the power an interviewer has during such a situation, there probably still existed an extreme imbalance between myself and the refugees I spoke to, causing the type of information and showing of emotions to be different than if the relationship were more balanced.

Outside of assigned work within the shelter, the refugees also engaged in several different types of non-paid work within the shelter. Some of these forms of work were visibly for the benefit of more than just the individual engaging in the work; it seemed that other forms of work were for the benefit of the individual or for people outside of Vive. Some of the work for others, as well as the self, included hair dressing, interpreting for the legal department or other members of the Vive staff, answering questions about the asylum process, and playing music after meals. During my interview with Vivian, two young women came looking

for her because she had told them previously that she would do their hair. Sometime after that, and with a great deal of pride, Sister Beth described how Vivian owned her own beauty salon in her home country before coming to Vive. Cole also engaged in writing about the war in the country from which he came, as he was a writer, and about himself and his people. Oscar, who also played music for people in the dining space after meals, made a distinction that where his playing is for everyone, practicing was for himself to improve his music, though he found it difficult to do this because of the lack of private space for him to engage in this type of work. These extremely varied types of work may exemplify ways in which the individuals now living in Vive maintain connections with their lives before uprooting and journeying to Buffalo.

One particularly important type of work that many of the refugees did was finding ways to learn English and earn educational credentials that would be recognized in the United States. This was, at least in part, done with the idea in mind that it would contribute to being able to successfully find paid work, either after the 150 days expired or the refugees received asylum in the United States. Jacob was enrolled in a GED program outside of Vive, Vivian was enrolled in “school” in Vive and attended three days a week, and Hassan was taking the ESL class in Vive. In addition to taking ESL, Hassan also talked about alternative methods for improving his English during his normal day:

H: Just in the morning, because my English is a little poor, I first have work in the kitchen, after breakfast I work in the kitchen and after that in the dining room. After that I go back and study English on YouTube and another website about English. I want to study English and I memorize some words and grammar. Every day I watch one movie on my computer. And a

grammar movie, words, and also sometimes music. After that, just that I always the same schedule, every day. (November 21, 2011, 3:93-98)

One individual also spoke about being able to do work outside Vive, which he viewed as exceptionally important. Jacob described teaching in the church that he went to outside of Vive because of his English was very good. Working for God was something that was very important to Jacob. He worked for God in his home country, stated that he always wanted to work for God, and even though he was in an asylum process that he found troubling, there were no limitations to the ways he could work for God. Similar to the work that Vivian described as a hairdresser, and the information I received from Sister Beth about Vivian's ownership of her own beauty shop in her home country, it seems that asylum seekers do some work during the process that, while not receiving payment, provides a different sort of reward. This reward takes the form of allowing asylum seekers to remain connected to their lives before fleeing their home countries and maintaining a sense of comfort and normalcy through the tumultuous process of seeking asylum.

While none of the asylum seekers with whom I spoke engaged in traditional work for pay outside of Vive, all of them engaged in a variety of different types of work, both inside and outside the shelter. The asylum seekers took on a wide range of tasks, both to benefit others and themselves. The motivations behind the work are varied, depending on the individual, complicating the notions that many, including myself and perhaps some of the people who work with asylum seekers on a regular basis, may have about the

positive and negative aspects of this work. I think these findings are both interesting and important because they validate a larger spectrum of emotions and experiences of asylum seekers in Vive and give individuals a small window into the lives of a group of asylum seekers in a specific place in time. This would certainly combat any notions, often held in common conceptions of people who seek asylum by coming directly to the United States instead of applying for refugee status outside, that asylum seekers are just trying to “cut the line,” obtain better services faster, or somehow ruin the economy. In addition, these stories complicate some of the typical goals held by asylum activists everywhere, such as trying to obtain work authorization for asylum seekers sooner in the process, by showing that these narrow solutions do not address all of the situations in which asylum seekers find themselves while in the United States.

Experience with the Department of Homeland Security and the Department of Justice

The asylum seekers in Vive had varying degrees of interaction with the judicial and enforcement sides of the immigration process, both in the United States and Canada. Two asylum seekers that I spoke to previously attempted to apply for refugee status in Canada and were released to Vive after being detained by ICE (Immigration and Customs Enforcement) officials. Two young asylum seekers, at the time of the interviews, had no previous experience with any immigration officials related to their asylum case. The final three asylum seekers had appeared before an immigration judge once or twice for their case. All of the individuals seeking had a wide range of experiences with ICE officials, Canadian

processing officials, judges, and other immigration-related officers due to the different ways in which they came to Vive and the varying stages of their asylum proceedings.

The most shocking difference arose from the interviews with the two individuals who had been detained in the Buffalo Federal Detention Center in Batavia, New York. After Canadian officials turned Hassan away for lacking proper identification documents, he was arrested by ICE officials and detained for four months. The immigration judge set Hassan's bail at \$15,000, which took his family in Canada four months to raise before they could secure his release. Though I did not inquire about Hassan's time in detention directly because he seemed uncomfortable with the topic, he described many times throughout our conversation the significance of this amount of money. He did not speak about the judge other than to indicate that he allowed Hassan to be released from detention to Vive during his proceedings. Cole had a very different experience, having been in detention for one month and bail set at \$1,500. He described the judge as reasonable, fair, and thought it was good of the man to give him a second chance, despite the fact that he had done wrong.

Though it is impossible to ask the judge or have access to the reasons that the cases of these two individuals had such different outcomes, it is a significant indicator of the inconsistencies in the asylum process. Neither of these men appeared particularly dangerous, and if they were and that was the reason that they were in detention, the judge probably would not have released them to Vive and Vive probably would not have accepted them. It is especially curious because

from our conversation, I understood that Hassan had been a student in the United States before trying to seek refugee status in Canada, which would have required him to have a valid student visa, unlike Cole who did not study in the United States and planned to go to Canada right away. It seems, therefore, that Cole would have received the harsher ruling.

While I obviously do not know all the facts of the cases, and perhaps I misunderstood Hassan when he described his previous experiences in the United States, it seems that the judge was considering other factors when assigning bail to each of the asylum seekers. As immigration judges recognize that foreign policy interests are one of the factors considered during political asylum cases (Swanwick 130), it seems the very different bail amounts could have been based in part on this. Because Hassan revealed to me that he was from a country the United States has been heavily involved in and the government has recently not granted refugee status to many individuals coming from this country, there is a possibility this is one of the reasons that Hassan received a very high bail. While Cole did not reveal which African country he was from, perhaps his native country is one that the United States does not have significant involvement in and therefore Cole was deemed more credible and worthy of a lower bail amount. Neither of the individuals with whom I spoke, however, alleged this to be a case of discrimination based on country of origin, nationality, or religion. This is my interpretation of their two experiences, though I would be interested to see how individuals who have been in detention view their own experiences in relation to others, and whether they speak about these experiences in Vive.

I was very surprised to find during my interview with Sister Beth that she viewed the relationship that the organization has with the Department of Homeland Security (DHS) in a relatively positive light. In my previous experience with service providers for asylum seekers, the relationship with these institutions has been one of struggle, revealed by the way in which I framed my follow-up question.

Sister Beth: ... [the Department of] Homeland Security knows that we're here, the FBI knows that we're here, immigration knows that we're here, border control... so if there's any issues, they send them here, they can just drop them off at our front door, which they've done. ...

Meagan: Have you had any trouble in the past with these or any tensions with any of these organizations like Homeland Security or is it pretty...

Sister Beth: Homeland Security, FBI, they work with us, you know, Peter is very good about keeping in touch with them and the legal office I should say, and so is Angela, because we try to keep our doors open and phone lines open if we... if there are any issues... (November 21, 2011, 6: 219-227)

It was very interesting to learn that thanks to the work of the legal department and other branches Vive, Sister Beth reported that the organization had few troubles with branches of the government that I already deemed troublesome in my head while I was asking the question. I remember distinctly having images in my mind of ICE raids of the shelter. However, it does seem possible that not all asylum seekers in all situations will face harassment, due in part to the connections and difficult work of maintaining a positive relationship with the DHS. This was probably true also in part to the small size of the city of Buffalo. Perhaps the small city, combined with the tireless efforts of the organization, created a better environment to foster better and more personal relationships with individual officials within each of the enforcement branches of the government present in

Buffalo. The mere mention of Vive to the judge in detention, according to Hassan's experience, seemed to do wonders for his situation. There are still many problematic instances associated with the DHS and maintaining justice and fairness towards asylum seekers and other immigrant groups in the United States. However, due to the privilege of being associated with Vive, an organization that works very hard to maintain positive relations, fair treatment is possible. However, if this treatment is available only to a advantaged few who know about Vive and are associated with the organization, the issues of harassment by ICE and other branches DHS are still relevant and worth examining outside of Buffalo or for those in Buffalo who do not have access to knowledge about Vive. In an ideal world, all asylum seekers, regardless of their affiliations with groups like Vive, would be treated with the same respect and dignity.

Another surprising finding during my interview with Sister Beth was that Vive did receive some form of government assistance to run the shelter. Because Vive is the only shelter of asylum seekers, this was the first organization that aided asylum seekers that I knew of receiving this type of funding. This was an important lesson in not generalizing about all groups assisting asylum seekers based on the operations of a handful of groups with whom I am familiar. I learn some assistance is available, though under very limited circumstances and from only one source.

Sister Beth: And where do you live? You live on the street. So we're preventing people living on the street. So we get... a couple of our... funding for shelter from the Buffalo city... you know, City Mission because we're keeping all of these people off the streets of Buffalo and other streets, depending where they're coming from. So, that's our

biggest plea, you know, saying you're putting children on the streets
(November 21, 2011, 7: 249-253)

This is not to say that Vive or other organizations doing work related to combating homelessness or working with asylum seekers receive adequate funding to do their jobs. Vive appeared to be the first organization I had encountered of receiving government funding of any kind. Because Vive worked as a homeless shelter for asylum seekers who otherwise would live on the street, the organization was able to secure city funding for this purpose only. Still, these funds assisted asylum seekers. This was a discovery for me because others individuals in this field told me that organizations helping this group of people were ineligible for funding because the government did not want to in any way encourage other refugees to follow their footsteps.

Two individuals with whom I spoke had never interacted with immigration officials at the time of our interview. Thereby they were not very far in the application process and had not yet seen an asylum officer or immigration judge regarding their case. Both Allison and Oscar described finding Vive on the internet and coming to the shelter for assistance before beginning the asylum process. Allison and Oscar were also university students before interrupting their studies to come to Vive. In addition, both of these individuals spoke English in such a way that was very easy for me to understand. This lead me to think that, of course with some exceptions, the more education an individual has, particularly in a Western system of education, the better the individual is able to navigate the asylum system and make choices and decisions that prevent them from having altercations with immigration officials. This theory may not hold water when an

individual is in extreme and immediately dangerous situations, as I know Oscar's life was not in danger as he began his asylum process while in the United States, whereas the threats outside of the United States against him were relevant. While I am unaware of the details surrounding the threat that Allison faced, as opposed to the way in which I was cognizant of Oscar's situation, I do think her individual credentials made it easier for her to seek asylum and avoid such negative problems as detention, because of her education and access to resources such as the internet and travel fare.

Like Oscar and Allison, Vivian had no experience with ICE or any other enforcement branch of DHS. However, she had appeared before an immigration judge prior to our interview. Even though I did not understand some of Vivian's account of her experience in the United States prior to arriving in Buffalo or her education level, she spoke at length about her active role in the choir of a church in the United States. Vivian described traveling to several states with her church before arriving in Rochester, New York, and then coming to Vive from there for assistance with her asylum claim. This leads me to wonder whether her extended social connections in the United States and her ability to travel more freely than an individual without the resources provided by these connects helped prevent negative interactions with ICE.

Everyone also stated that since they arrived in Vive, they have had no trouble with the authorities at all. This is probably due in part to documentation that some individuals carry around with them to inform anyone, in the event of being stopped by the police or another enforcement body for whatever reason, of

their situation and affiliation with Vive. However, the one individual with whom I spoke that described this document in detail said that he has never had to show it. This leads me to believe that because of the connections with the government branches associated with immigration and the stable and strong relationship Vive has with the community, the refugees affiliated with the organization enjoy a significant amount of privilege that other refugees may not have. This amazing connection, more likely than not, puts many individuals in better circumstances than many individuals seeking asylum throughout the country.

Despite the fact that Vive seems to have a very positive relationship with the various branches of the United States government associated with immigration, Alex, the legal assistant at Vive, says that overall, Vive has a better relationship with the Canadian immigration officials and institutions than with those in the United States. This is interesting because she describes dealing with Canadian immigration officials on a regular basis in her position, which is very different from Sister Beth's position, but she had overwhelmingly positive relations to report (though when citing problems with the system, she did not name any specific branch of the government). This positive relationship may also be due in part to the physical proximity of Vive to the Canadian border and these Canadian officials. Like some of the reviews of the American immigration officials, Alex stated that Canadian officials are receptive to Vive and the two institutions have a positive relationship facilitated by good communication. Alex stated that the Canadian officials with whom she speaks every day will often even inform her of potential errors or changes that will allow Alex to give better

orientations and information regarding what the day at the border will be like to those already in Vive. While I could not independently verify this, Alex stated that 95% of the individuals from Vive that go to the Canadian border receive asylum. Even if this is an overestimation, this is significant difference when compared to the denial rate of the United States that stands at 53.2% and the two judges in Buffalo's rates at 77.9% and 89.4% between 2006 and 2010 (TRAC Immigration Project). By all accounts, individuals seeking asylum in Canada had a much better chance of receiving asylum. However, only about 60% of individuals in Vive could apply for asylum in Canada, according to Sister Beth, due to a number of restrictions outlined by the Immigration and Refugee Board of Canada. Asylum seekers in Vive applying for refugee protection in Canada were able to do so most often because they had family members in the country.

While Alex did not have much direct experience working with American immigration officials in her position at Vive, although she did have some experience from previous work experience outside of Buffalo, my general understanding from our conversation was that she considered the American system to be much harsher and more challenging for both Vive and the individuals seeking asylum. Alex informed me that a significant amount of work on behalf of the legal department has gone into trying to get female asylum seekers apprehended by ICE released to Vive rather than sent to prison (there is no women's immigration detention facility in Buffalo, so asylum seekers captured by ICE would be sent to a criminal correctional facility). The previously mentioned elevated denial rates for the two immigration judges in Buffalo

presiding over the asylum cases for refugees at Vive also represent a significant challenge for the legal department. Additional challenges specific to this region relevant to the legal department in Vive include the reduction from three immigration judges (two outside of detention and one inside) to two (one outside of detention and one inside), which places a significantly larger burden of cases on the non-detention judge. Additionally, the backlog in this region has led to refugees seeking asylum in the United States staying in the Vive shelter longer because it takes many months before they can appear before the judge (Zremski and Michel).

One of the most telling statements I heard during the interviews I conducted came out during my conversation with Oscar. Even though he had no experience with any immigration officials in the United States related to his asylum claim and was just about to submit his application, he stated that he was afraid of immigration court and the day that he would have to go for his interview. While I think Oscar will first see an asylum officer for his case, rather than first going to an immigration judge, his fear of the asylum process before his initial interview is striking. Despite the fact that his attorney, one of the best in Buffalo, thinks Oscar has a good case, and there is little to no chance he will face any time in detention, Oscar is still scared to face immigration officials. To me, this is may be indicative of a number of problems with the asylum system in the United States. The system causes people fleeing persecution who already fear for their lives outside of the United States to continue to fear while seeking protection. Vive seems to have a positive relationship with the Canadian immigration

officials; however, based on the individual experiences of the staff, there seem to be conflicting ideas about the type of relationship the organization has to immigration bodies in the United States. However, the system here still seeks to deter and exclude certain asylum seekers by placing them in immigration detention or criminal correctional facilities without any regard for how this will impact their physical, mental, or emotional health. Allison, who also had not seen an immigration official, did not express worry about her first meeting. However, the fact that Oscar was frightened this early in his application process not only revealed the serious nature of the proceedings, but what I think to be a general fear that, despite having a good case, he may be referred to an immigration judge or denied for incomprehensible reasons.

Analysis of Institutional Life

While I admire the work that the organization Vive undertakes and engages in as they aid asylum seekers trying to receive asylum in both the United States and Canada, some of the ways in which the organization conducts its work struck me as problematic. I fully acknowledge my own role in some of these practices, and do not pretend to understand the entire organization after two short visits, nor the types of struggles that the staff endure every day in trying to keep Vive running and provide the best care and services possible. I also acknowledge that these issues are not the exclusive property of Vive, and are characteristic of all organizations to some degree that work within such authoritarian systems as asylum law in the United States. These issues are also characteristic of other

institutions throughout our society, such as schools and hospitals. I recognize and respect the work that Vive does, and said to myself more than once that I would love to be a full-time attorney for the organization. However, I think bringing some of these issues to light is important to ensuring that Vive continues to provide the best care and services possible.

It was striking to me that throughout my research process and the legal process of applying for protection in the United States, there were many ways in which individuals and the system objectified people seeking asylum in ways that denied their lived experience, maturity, and agency. Before I even went to Vive, and I was applying for permission to conduct my research using “human subjects” from the Institutional Review Board (IRB), I drafted two consent forms: one consent form for the asylum seekers I hoped to speak to and separate one for those with whom I would speak who provided services to these refugees. The only major difference between the two was that at the bottom of the consent form for service providers, I gave these individuals the options to allow me to use their real names, job titles, and places of employment during the write up of my thesis and in presentations. I did not give this option to asylum seekers, mostly because I had been informed by several people in the IRB process that I should not ask for any identifying information from the asylum seekers because if I received any information regarding illegal activity, such as an undocumented immigration status (my worry), I would have to turn my research over to inquiring parties.

While this made sense initially during my application process, for which I desperately wanted approval so that I could begin my interviews as soon as

possible, I made a number of problematic assumptions. In my effort to try to protect individuals that I so far knew nothing about, other than their seeking asylum and being present in Upstate New York, I assumed that I knew what these individuals wanted: to be safe, and have all of their information confidential or anonymous. I also assumed that I knew the best way for these individuals to achieve this, by not giving me any identifying information, including but not limited to, name, signature, and country of origin. But how could I have any idea? While it may be on the safe side to assume that most people do not want their information made public if they are going through a complicated legal trial, and therefore remain particularly careful about the type of information I ask for and receive, I had no right to assume that everyone wanted their information kept private or that they would not understand the consequences of revealing certain details during a recorded interview. What if someone wanted to tell their story to me, without me putting restrictions on them? What if some of the asylum seekers wanted me to know where they were from and their names, and publish that information?

Also problematic in these assumptions I made is the fact that I assumed, perhaps as well as those individuals who influenced the way that my final consent form looked, was the implicit criminalization of asylum seekers. I presumed that most of the people with whom I would speak arrived in the United States without proper documentation. While this is sometimes the case, it is not always true, and going into my interviews with this assumption based on my past experience speaking with asylum seekers was problematic. I did not inquire during the IRB

application process whether asylum seekers could request having their full names or information printed. I assumed that the IRB knew best and was trying to prevent harm against people that the members of the board and department knew nothing about. I applaud these efforts. However, these efforts become somewhat problematic when, despite my attempts to ask people not to reveal such details as their home country, I knew the native countries of two of the seven asylum seekers with whom I spoke, and based on the details given to me during the interviews, I could probably guess some of the others as well. Who am I to tell them to censor themselves? One of the asylum seekers, who neglected to allow me to record him summed it up best when, as he was the first individual I interviewed and I was very nervous about explaining the consent process and making sure I did not receive any identifying information, told me something of which the gist was, “I know what I am comfortable answering, you do not need to spend so much telling me what to say and not say.”

Along the same lines, the ways in which I observed the medicalization of the asylum process and asylum seekers in *Vive* by others and myself, was somewhat troubling. When individuals would talk about the refugees and their lived experiences and the dramatic and varied changes associated with fleeing a home country for safety in the United States was often compacted in one-word descriptors like depression, anxiety, or trauma. These words fail to give credit to the wide array of experiences lived by the thousands of refugees who have lived in *Vive* and reduce complex feelings and emotions to buzzwords common in American and Western societies. These descriptors are often put onto the

refugees, rather than the refugees using them to describe their own experiences. When the refugees were asked about their experiences or how they felt, more often than not they gave elaborate responses that expressed many different levels of emotion and feeling. Even when Jacob utilized these loaded medicalized words like depression and trauma, he used them in a wider narrative that also included specific reasons why he felt this way and other emotional descriptors.

These loaded single-word descriptors in American culture used to describe complex emotions felt by others is often used as a stepping-stone for prescribing the right cure for such conditions. For the asylum seekers with whom I spoke, as for the service providers, it seemed as though the cure for these conditions were the assigned tasks that helped keep up the building and functions of Vive. While the assigned tasks seemed to take up at most three hours of the day, these were seen as primary “cure” for depression, particularly in those individuals who remained at Vive for a period of time longer than one year. Individuals in this type of situation seemed to be given more involved tasks. The assigning of tasks that members of the staff engage in, particularly those tasks that extend beyond the permanent assigned ones such as offering someone’s time for interviews, studies, or speaking engagements, seem to assume that the refugees have nothing better to do or because they cannot engage in paid work or much activity outside Vive, and therefore are available whenever and wherever. However, this line of thinking was disrupted several times, as the interviews for my project interrupted several different activities of the interviewees, including sleeping, and delayed the

beginning of other scheduled activities, including meeting with attorneys, having lunch, and hairdressing.

The refugees also demonstrated a significant amount of agency in, for example, engaging in tasks outside of their assignments of their choosing, and some vocalized their pride in both assigned and unassigned tasks undertaken. However, the assignment of chores seemed unappealing to some and continued to deny the individual preferences and concerns of the people seeking asylum. Oscar vocalized his discontent with dishwashing and Vivian talked about how she wished she could cook. As I have previously observed, allowing individuals to choose their own chores may be a difficult adjustment to make and maybe unpractical given the work that needs to be done and the number of refugees living in the shelter at any given time. Yet, perhaps this would be a strategy that would allow individuals to exert more control over their daily lives. The way in which individuals were assigned tasks without consideration of their interests reminded me of the way that parents may assign children household chores. It is troubling that someone in Vive (I believe the refugee coordinator, though perhaps other members of the staff were also involved) making the decisions for mostly adults who have lived on their own, raised a family, and negotiated the ways in which home needs to be run. This system does not seem to treat refugees as mature adults.

Another problematic representation of asylum seekers in Vive that seems to come from popular discourse regarding immigration and asylum in the United States was the way in which these individuals were criminalized. The

criminalization of asylum seekers in Western countries has become increasingly normalized recently, especially in such countries as the United Kingdom, where the criminal management system appears to go to extraordinary lengths to discredit asylum seekers (Sturdy), which is arguably similar in the United States. This topic seems to merge very specifically with the process of infantilization, particularly during my interview with Jacob. When he described during the conversation how he had to be back to Vive by a certain time in the evening, I made the mistake of referring to this as a curfew, which I thought based on my own social location to be a neutral word without thinking much about it. Jacob got very offended by my use of the word, possibly for two reasons that I thought about, though there could be many more. One reason could be that the word curfew, at least in my experience, demonstrates one person in power, such as a parent, exerting and enforcing a curfew over someone with less power or who has to obey, such as a child, limiting the less powerful individual's choices and movements. Second, the limiting function of a curfew can also extend to other situations of confinement or restriction, where those with more power or an institution other spend time. By using this word, I implied that Jacob had a lack of agency or ability to control his own movements within Vive, and therefore continued the negative stereotypes or views of asylum seekers and immigrants more generally.

The institution itself, from just observing from my own perspective, also had other structures in place to limit the movement and agency of individuals, or which seemed that they would, however indirectly. Sister Beth described the 24-

hour security system that the building had, which included a security officer responsible for monitoring who came in and out of the building, allowing other people to enter, and locked doors from the outside that prevented others from entering without being allowed to enter. I believe the building also possessed cameras in some areas. This may immediately seem to be a way to protect individuals in the shelter from people in the surrounding community, and this was the way that Sister Beth explained it to me and it made sense initially. That is, I was asked to sign in and had to request entrance and specify with whom I was visiting on a sign in sheet. Most people undertake such precautions as locking their doors and only allowing people into their homes and offices, especially post-9/11, with whom they are familiar. However, the same functions meant to keep outsiders from entering Vive without authorization -- even as Sister Beth explained that the organization has a decent relationship with the surrounding community -- also limited the movements of the asylum seekers. The door was locked unless someone let them in. They had to be back in Vive by a certain time. The cameras recorded some of their movements.

In addition, the house meetings held every morning, specified the rules for everyone living in Vive. This is common in other institutions, such as schools, that provide a wide range of services of individuals within the system and where dynamics are constantly changing. Because Vive is one of the only shelters in the United States housing men, women, and children, there are very specific rules about fraternizing. Individuals staying in the shelter were told each morning that they were not allowed to engage in sex, as well as not allowed to drink, smoke, or

fight. While these rules seem to make sense to maintaining the structural integrity and the community feel within the shelter and, from what I understand, have been followed and therefore peace has been kept, and as far as I know individuals can engage in these activities outside of the shelter, they still place limitations on the activities of grown adults. This led me to believe that, as much as the staff and institution of the shelter claim to respect the individuals residing in the space and going through their asylum process, this respect may extend, in some cases, only to practices condoned by the Christian/Catholic ideology upon which the institution was founded.

The lack of privacy available to individuals, and especially to men, was also an interesting issue that I did not think about prior to this study. While this issue more than likely extends to most individuals living in a communal housing situation, this seems as though it would be especially difficult for individuals who vocalize struggling in their new situations in Buffalo, particularly if they had access to privacy in the past. Women in the Vive shelter had a special room to themselves, named “The Haitian Room,” which Sister Beth informed me was for mothers who may want to have family responsibilities or want time to themselves that they would not otherwise have because they shared their rooms with other women they did not know. While this place appeared to be a sacred space for just these women, it was not. I conducted the majority of my interviews in November in this room because it was the only place I could record without picking up other conversations. This probably also happened when other visitors

to the shelter wished to interview individuals in private, and this room was also part of the tour that both I and another visitor were given in November.

The women therefore, despite being told that this was a sacred space, could not expect privacy here. Children and teens also had one room per age group, and the teen room was supposed to be exclusively for young people, but Allison also informed me that she, not technically a teenager, often went in the room. It was interesting, however, in the effort to give women space of their own, that men were neglected. While most men in the shelter may not have had the same familial responsibilities that warranted the donation of their own room in the first place, at least one young man in the shelter, Oscar, voiced the fact that he wished he had a private space where he could practice his cello. Even though this may be considered a luxury, and most of the people with whom I spoke were mostly happy about being able to live in Vive and have access to food, shelter, medical attention, and legal and social services, this made me wonder once again how much the refugees in the shelter were consulted about their desires outside of the essentials. Were women unhappy that the room that was supposed to be for their private use was shared with visitors, or did this not matter? Did they talk about their desire for the room at all in the first place? If so, who was invited to this conversation? Were the male refugees spoken to about similar topics?

The lack of privacy for my second set of interviews in January, which were conducted in Sister Beth's office while she was in there, also proved to be interesting and, at times, a little frustrating. Because of the primary service providers in Vive was sitting in listening to the questions I asked about Vive, I do

not know whether the refugees I spoke with on that day were able to speak as freely as they maybe would have been without her in the room. Some key issues regarding Vive and the asylum process still surfaced in these interviews, such as the lack of privacy and the discontent with assigned tasks in the shelter. I wonder, however, what may have also been said without the presence of Sister Beth in the room, as well as the constant stream of individuals coming in and out of the room during our conversations. Sister Beth also contributed in ways to the interview that were sometimes helpful, such as if I was having a difficult time phrasing a question in such a way that was understandable for Vivian, but also sometimes tried to steer the conversation in ways that suggested the refugees answer in a certain way. This happened at least twice. When Vivian was describing all of the aspects of Vive that she enjoyed, Sister Beth reminded her that it was not all good and that some parts of the process were difficult. This happened again with Cole and Oscar.

While I was interested to know what the asylum seekers found challenging about living in the shelter and about the asylum process more generally, I wanted the individuals to share these elements on their own, rather than being told that, essentially, I was looking for them. I was able to get several well-structured and thoughtful critiques of Vive and the asylum process during my first set of interviews without Sister Beth reminding the refugees of their own struggles. However, I feel that perhaps Sister Beth's presence and interjections may, conversely, have interfered in a negative way with the responses I received in January. However, her presence may have also been very helpful and comforting

for the individuals. But because of her constant presence I did not ask how my interviewees felt about being observed during the interview. I think it may have impacted the types of answers I received, with her sitting in the room, as I probably would not have received such candid discussions of discontent over being taken places by her to talk about Vive or being recruited for interviews. I felt that this was the most honest piece of information that I received.

Another interesting aspect that surfaced not during the interviews I conducted, but rather the general observations of the organization, was the general whiteness of the organization. Every permanent and part-time employee at the organization, with the exception of the Executive Director, was white, while the majority of the individuals seeking asylum, from my general observations, were individuals of color. While this is not inherently problematic, I questioned why this was the dynamic I observed. It appeared that individuals of color who lived in the shelter during the process did not return to the shelter after being granted asylum to assist others going through the same system. This could be due to a number of reasons, including that individuals were looking for work immediately and Vive did not have any paid opportunities available. This certainly was not, however, out of lack of interest in helping individuals in the same situation, which Sister Beth said that everyone did, Oscar agreed with and voiced how happy it made it, and Cole did as well.

While I respect Vive as a whole and truly admire the work individuals do within the organization and the impact it has in the community, I think it is important to point out the ways in which service can always be provided in a

more constructive way. I think many of the limitations in Vive can be related back to the lack of funding that the organization has at its disposal and the constant work individuals and the organization as a whole have to do to keep the shelter running. These limitations also seem to be the way that other institutions throughout the United States function. However, I think that by monitoring the ways in which common practices in the organization may recycle othering narratives practiced by some segments of the larger American culture surrounding immigration and asylum seekers specifically and trying to prevent the reenactment of these practices within the shelter would be incredibly important to staying true to the organization's mission. I believe that the refugees should have more agency and choice when it comes to what takes up their time. I believe they should have the ability to stress their grievances with the process in a productive way and not have their experiences minimized in the process of trying to help them. Suggesting this may be problematic for several reasons, including that I have only been to the organization twice and have no way of knowing just how grievances are addressed already, plus the possibility that I may not be aware of the amount of agency that refugees may have that I am not aware of. Perhaps the refugees have more agency than I thought during this analysis, and my suggesting otherwise further perpetuates negative stereotypes about the group of people. However, based on my observations and interviews within this amazing organization, these topics would be worth considering constantly when providing services to asylum seekers and other vulnerable groups.

Knowledge of Refugee and Asylum Law in the United States and Canada

Despite the fact that immigration law in the United States and Canada is complicated, and understanding an asylum case can be very challenging, the majority of the asylum seekers with whom I spoke had a strong understanding of their current place in the application process. Prior to coming to Vive, however, many did not have a clear conception of the asylum process in both the United States and Canada. Many asylum seekers, such as Hassan, thought that the process of claiming asylum in Canada would be simple. At first, I asked whether he thought it would be hard to receive asylum in Canada, but when he did not understand my question, I asked:

M: Okay, so when you went to the border of Canada, did you think it was going to be easy to get into Canada? (November 21, 2011, 4:155-6)
And he replied:

H: Oh, I asked the people in Texas and some people told me it's easy. Just go to Canada, if you have a family, it's easy for you. Just tell them it's your uncle, they will call your uncle, and your uncle is coming, no problem. I think it's easy. When I get there, she told me no, you have to have evidence like birth certificate. I didn't know about that. If I know, I collect all these. I also didn't know about the Vive. (November 21, 2011, 4-5: 158-162)

His last statement is an interesting one, with which he follows, "When I went to detention, detention people told me, 'Why didn't you go to Vive?' I told them, 'Vive is where?'" (November 21, 2011, 5:162-164) It appears that Hassan's lack of reliable information about the asylum process in the Canada and lack of awareness of Vive not only lead to his initial denial of status at the Canadian border, but also resulted in his detention by ICE officials.

Cole, currently seeking asylum in the United States, thought it would be much easier to get “refugee papers” in the United States. While I could not record our interview, I wrote in my notes during our conversation:

“When Cole got to the United States, he thought it would be easier to get refugee papers. He thought it would be easier to come to the United States on a student visa and then get refugee papers once he got here, so he tried this route. When Cole found out that it would take longer to get refugee status, he decided to follow his uncle to Canada. Cole’s uncle helped him find Vive because the uncle had come through Vive when he applied for asylum in Canada in 2007” (Field Notes 2 January 2012).

Unfortunately, Cole, like Hassan, was denied at the Canada Border Services Agency (CBSA) office for reasons he chose not to disclose after his realization that getting refugee papers in the United States was very difficult and that perhaps it would be easier to go to Canada. Also like Hassan, Cole was picked up by the border patrol and placed in detention. While both Cole and Hassan’s lack of reliable information ultimately lead to their detention, both understood that when they were denied at the border, there was a very good chance they would be detained by the United States. Hassan recalls when talking to the immigration officer that interviewed him at the Canadian border,

“I told her, “When I go to U.S.A. maybe they put me in jail because I come here without permission, I have visa... a U.S.A. visa.” She [the official] told... “It’s rule, we can’t do anything for you.” She told me, “You have to go.” When I come to U.S., she told me, “When you go to U.S.A., give asylum in the U.S.A. because you have a U.S.A. visa, first give asylum in the U.S.A. If they do not accept you, you come back and I will accept you.” But I came to the U.S.A. and the USA put me in the... detention around four months. (November 21, 2011, 2:47-52)

I find it interesting that while neither Cole nor Hassan had enough of an understanding of the asylum process to avoid being taken and detained by ICE,

both were very clear about what fate would hold for them if they returned to the United States “without permission.” I also found it incredibly interesting that Cole, after having been informed by ICE officers that he had been detained because he fraudulently applied for a visa because he did not plan to attend school in Buffalo, but instead planned to apply for asylum, he understood what he did wrong and why he had been put in detention. I suggested that he maybe did not do anything very wrong, if he thought that obtaining a student visa to the United States was the only way to get refugee status because he did not think he could by applying for it at an embassy. However, when I said this, Cole seemed to revert to the justification of the ICE officials as reasonable, saying that he had been untruthful in his application.

On the other hand, some asylum seekers had extensive knowledge and access to correct information about the asylum process before arriving at Vive. The clearest example of this is the case of Oscar, who was already in the United States on a student visa and decided to apply for asylum after doing research on the internet and venturing to Vive before beginning the application. In our interview, Oscar stated that he was “very confused” about the situation that brought him to apply for asylum and knew that he needed help with these circumstances and with deciding what to do. Allison also found out about Vive on the internet and came straight to the shelter after she arrived in the United States. While there are certainly other complicating factors separating the cases of Allison and Oscar from those of Cole and Hassan, it is interesting to note that the two individuals with access to Vive’s website and an understanding of the best

way to apply for asylum did not find themselves in detention for any amount of time.

Once the asylum seekers that I spoke to arrived at Vive, and began or continued the process for applying to the United States (everyone I spoke to had an application for asylum started in the United States, and the two who had tried to apply to Canada were not pursuing this option further at the time of our interview), they had varying degrees of understanding about their cases. The majority of individuals with whom I spoke were aware of where they stood in the process, whether this was at the very beginning or somewhere significantly further along. For example, Oscar, who had arrived at Vive five weeks before I spoke to him, was meeting with his attorney that day to review his application for the fourth and final time before submitting it to the United States Citizenship and Immigration Services (USCIS). Oscar also understood that after his application was submitted, he would probably have to wait five or six months, perhaps even longer, before he would be able to see the judge, which he was “afraid” of.

Allison also understood where she was in the process, which was a little further along than Oscar because she had submitted her application during the summer. When I asked how the process was going, she stated, “It’s very slow because I applied, um, in August... 10 this year. It’s been like three months and I’m still waiting for the interview dates. I still don’t have the interview dates.” (November 21, 2011, 2:34-35)

Even more promisingly, some individuals who had been in Vive for longer than a few months were also still aware of their coming court appearances. I had

a difficult time understanding whether Vivian had already been to court and what would happen during the next appearance before the judge, during which time she may not have spoken much on her own behalf. However, Vivian knew that during her second appearance before the immigration judge, scheduled for March, she would be able to present documents and evidence. While she did understand all of this, she told me that she did not understand what happened during her first court appearance and she had to speak with Peter and enlist the help of a translator after the appearance. While I think it was great that she had an attorney and translations available after the fact, having a translator available during the first court appearance may have been tremendously helpful. Perhaps if this had been available, Vivian would have a better idea of what would be expected during the next hearing, although perhaps she was perfectly aware of what was going on and was unable to communicate this in English to me, but would have otherwise explained it with ease in French.

Like Vivian, Cole was also going to appear before the judge in March. Even though he did not have an attorney during removal proceedings in detention, he was able to obtain counsel outside of Vive after he was released. Cole stated that this attorney was a very good man who called him or the legal department at Vive when there was an update on his case. I got the impression that while Cole had already seen a judge in detention during removal proceedings, this was his first time seeing the immigration judge in Buffalo. Like Vivian, he spoke about his lawyers getting together documents and the judge making a decision, though neither the type of decision, nor the type of documents (other than copies of his

passport) were clear. While this leaves me uncertain as to what is going on, he may have had a great understanding of the situation and just was not able to communicate it in a way that I understood, for any number of reasons. My knowledge of asylum proceedings are limited, as I have only attended one merits hearing as an observer. However, it is also possible that both Cole and Vivian were also not entirely clear about what the coming hearing would hold. It is more than likely that the attorneys representing both of these asylum seekers would prepare their clients extensively before appearing before the judge and DHS attorney because of the high quality attorneys that Vive ensures their asylum seekers work with.

Having even a general understanding about where he stood in the asylum process was enough to make Cole happy. When I asked him about how he usually felt during the day, I wrote down in my notes about his response:

“Cole said that he tried to focus on his asylum case and prayed a lot. He said the closer he gets to his court date the better he feels, and it seemed like it had a lot to do with being able to know more at that time, knowing more helps him feel better. He seemed really at peace, saying that this was the only thing left to do, that he just had to focus on his case, and that the rest would just come later. He sometimes feels good, sometimes bad (I think I remember him saying if he thinks too much, like before when in Batavia but also with his past?), but things, ‘they are the way they are.’ This sounds to me like acceptance for his situation and just focusing on what he can do and change.” (Field Notes 2, January 2012)

Based on this statement, the more knowledge and understanding at least some asylum seekers have about their case, the better they feel about being in Vive and their future. It may be true that some asylum seekers may not want to know the details of their case, and Cole cannot be thought to be speaking for asylum

seekers everywhere about what they want and to know about their cases.

However, it seemed that the less an asylum seeker knew about his or her case, the more anxious and upset the individual would be.

Jacob was the first asylum speaker I spoke to at Vive in November. He declined to allow me to record our interview, and because the majority of this interview seemed very critical and sad, I thought that all asylum seekers were left out in the cold, in terms of understanding their asylum case. When I asked Jacob about where he was in the asylum process or the status of his application, he stated that he was confused about where he was in the process, and that made him feel “depressed.” Jacob stated that he was unsure about when his next hearing was, implying that he had already seen a judge, though it was unclear if it was the Buffalo judge or whether he had been in detention and seen the Batavia judge and had just neglected to tell me. He hoped to receive a call from his attorney to learn when his next hearing would be. During the course of his answer, he repeated multiple times that he was experiencing trauma in the United States in addition to what he experienced in his home country. Jacob told me he spent many months in the United States just waiting, that the process had been terrible, and he could not speak to the immigration authorities at all, nor often to his attorney very often. There may be other factors that may have contributed to his misery in the United States. However, it appears that not knowing when his court date is, and not being able to obtain information from his attorney or “immigration” more generally, coupled with the long waiting period without information has caused Jacob a significant amount of stress, sadness, and “trauma.” Again, while the

cases of two individuals is not enough to make a significant generalization about how possession of knowledge about the asylum process during the process itself benefits the asylum seekers significantly, these two testimonies at least lend weight to the idea.

Additionally, Vive's Legal Assistant Alex elaborated about the significance that a solid base of knowledge about the asylum process more generally and one's individual case has, not only for individuals but for almost all parties involved in the process. Alex finds herself frequently trying to dispense information regarding several topics to the refugees in Vive, including informing asylum seekers going to Canada what their interview day will be like with the Refugee Protection Division (RPD) of the Immigration Refugee Board of Canada (IRB). She finds that she has a relatively easy time dispensing this information because she speaks English, Spanish, and French, and if she cannot communicate in the language someone needs the information in, interpreters are available from a few sources, including within the shelter. Alex also gives orientations for individuals who are new arrivals to Vive, and during this time she can give relevant general information.

While I will delve more into this concept later, Alex cites one of the major problems within Vive is the number of rumors that circulate about the asylum process. She notes that these rumors are normal in a time when people are "nervous and bored" and in a vulnerable position in which they are trying to determine the course of the rest of their lives. Alex finds that people are not shy about coming to ask her whether the rumors they hear are true, which gives her

the opportunity to correct misunderstandings or false information. There was a time when people would not consult her, and in these instances asylum seekers would become very worried. She said that because there is misinformation throughout the asylum process for both the United States and Canada, many people do not understand what is happening with their cases and do not feel safe. Oftentimes, because of misinformation, individuals may for example think that their best option is to lie to an immigration official about their asylum claim to have a better chance of receiving a grant. Again, when I address the asylum system, this theme of rampant misinformation in almost every step of the asylum process will surface.

From the accounts of both the asylum seekers that I spoke to and Vive's legal assistant, people's understanding of the asylum process in which they are embedded varies depending on the individual. While I was only able to speak to people who also spoke English with proficiency, I would imagine based on Vivian's account that the level of understanding can be hindered by language, among other factors. It seems when people have a relatively good understanding of what is happening in their case, even if I cannot understand their interpretation and translate it to my own frames of reference about asylum cases, they better they feel about the process and their lives in Vive generally. While there was only one individual with whom I spoke that seemed very confused about where he stood, from his account, I think that if individuals do not have at least a basic understanding of where they stand in the process, this makes the process significantly more challenging.

Critiques of the Asylum Process

During my interviews, I was very interested in the criticisms of the asylum process the individuals living in Vive made. While the majority of these criticisms were ones that I was already aware of and are the subject of advocacy work on behalf of asylum seekers in areas such as New York City, several critiques were specific to seeking asylum in Buffalo and ones that I had not heard made previously. Additionally, some of the subjects that I expected significant critiques about from everyone I spoke with were mentioned only by service providers as being harmful. However, those who experienced the very aspects, which the service providers described as detrimental, did not mention them when asked what they would change about asylum. The ways in which the asylum seekers made these critiques were also interesting and often stemmed from stories of friends or acquaintances, but also from personal experience.

The most frequent critique of the asylum system that arose during nearly all of the nine interviews I conducted was the fact that the process took a very long time. Everyone viewed as problematic for a variety of reasons. Because another immigration judge never replaced Judge Michael Rocco who retired in July 2011, there is currently one immigration judge, Judge Philip J. Montante Jr., for all of the different types of immigration cases in Buffalo, including asylum cases (Zremski and Michel). This led to one of the main critiques that I heard, which was it took too long, anywhere from six months to almost two years, to be able to see a judge after submitting an asylum application. This also led the

entire process to take much longer, and according to Cole, one of his friends waited six years before a judge granted her asylum in the United States. Individuals described this waiting period in a variety of ways, but all in negative terms. Many people talked about the fear, anxiety, trauma, depression, hopelessness, boredom, and other emotional results of this waiting period. More than one asylum seeker also described this period as a waste of time, as individuals felt that they should be doing other things with this time, such as studying, attending school, and working. While there is growing evidence of the detrimental role that this extended waiting periods takes on individuals, the American government seems to ignore this fact and continue with the current system that causes these problems.

During this time, an individual can apply for work authorization 150 days after submitting their application and can receive work authorization in 180 days (Martin et al. 81). Many individuals who did not yet have work authorization voiced discontent with the amount of time they would have to wait until they could receive it. Without Vive, this would lead to many asylum seekers homeless and hungry because they would not be able to have the income to afford basic necessities. Sister Beth called this process of forcing asylum seekers to wait for work authorization a second deterrent. The one woman who had work authorization, however, described the process of looking for work and not being able to find it, which makes the problem significantly bigger than just applying for and receiving a piece of paper that says you can work in a city like Buffalo. She stated that even though Vive provided her with all of the necessities for her to

live, she longed to have her own money and control the way that she spent it.

Hassan also described this as problematic because he wished to send money to his needy family, but would not be able to until he had work authorization.

Inability to access information and other valuable resources from various sources was also a significant problem noted by Sister Beth, by Alex the legal assistant and by some of the asylum seekers, but these two groups mentioned different kinds of information to which they desired access. One asylum seeker, Jacob, who as we mentioned before seemed to not have a very good understanding of where his case stood in the process, mentioned that he did not have access to his lawyer outside of Vive as much as he would like. If he had questions about the immigration process, access to her was difficult and access to the United States immigration institutions was near impossible. On a similar note, Sister Beth explained the difficulty of obtaining counsel outside of Vive, which was sometimes necessary if a case was particularly difficult because the organization had only one part-time attorney who could not handle all of the cases. While I am sure the majority of individuals had mostly positive experiences with outside counsel, Sister Beth still expressed worry about an individual's ability to pay for adequate counsel and the prospect of being swindled by people looking to take advantage of prospective clients. Additionally, because immigration law can be very complicated, access to accurate information about both Canadian and United States asylum processes can be a challenge, and most always left up to non-governmental organizations (NGOs). Prior to beginning the application for Canadian asylum, individuals may

not know, as Hassan's case exemplified, the type of documents an individual needs to complete their applications and how vital those documents are. Sister Beth noted that trying to obtain all of these documents can be challenging and often take weeks, particularly if an individual is from a war-torn area or was born in a village, according to Hassan.

Another common criticism was that the American asylum system contained too much bureaucracy and not enough humanity or understanding about the situations of refugees throughout the world. Jacob was extremely vocal about this point. Alex also described frustrations in the legal department stemming from, for example, judges who did not understand country conditions from which an individual comes from. While it is understandable to some degree to put the burden of explaining the situation on the shoulders of the applicant and his attorney, the fact that judges could make rulings about situations they still do not fully understand is incredibly problematic. Problems stemming from different cultural experiences of anyone within the asylum process with whom an asylum seeker speaks, including judges but also attorneys, asylum officers, and members of law enforcement. Because the asylum system, according to Alex, does not make individuals feel very safe, and they may have cultures that discourage talking to police, for example, if an asylum seeker does not reveal the whole truth or says something untrue, these cultural contexts are not understood or taken into account. Rather, the act is simply seen as lying when the issue is much more complicated than that.

The one-year filing deadline, which is another common issue debated and criticized in asylum law, was also brought up during my interview with Alex. She would be the staff member that has the most experience, aside from Peter with whom I was not able to speak, about the issue, and she talked about it being a significant barrier. Alex did not necessarily talk about why this rule was problematic by itself, however, she noted that if an asylum seeker misses the one-year filing deadline for their application, receiving permission from an immigration judge to continue the application because of “exceptional circumstances” is difficult. Not many exceptions, in her experience, were granted. I wonder, based on her comments, how widespread this issue is in Vive, Buffalo more generally, and throughout the country, as I have read conflicting reports on the reasonableness of this law. I was surprised to find that none of the nine refugees with whom I spoke brought up the issue as one that either themselves or a friend had experienced. As I only spoke to a small fraction of asylum seekers in Vive, it was impossible for me to speak to someone who experienced every issue. However, I wonder if I did not get to speak to someone who would have voiced this as a concern because these individuals, once no longer deemed eligible for asylum because they did not meet the one-year filing deadline, were turned away from Vive. I further wondered whether Alex herself had much experience with this issue, as the rules for Canada were slightly different for those present in the United States applying for asylum elsewhere. This could have meant that this was an issue that Alex did not have much experience with in Vive. Instead this could have been an issue that she

experiences trouble with elsewhere or was using this opportunity to speak with me to discuss issues more generally in asylum, rather than always specific to her experiences and the experiences of the asylum seekers in Vive.

One criticism that I expected to hear was regarding the detention center. While both Sister Beth and Alex described a number of problems with putting asylum seekers in detention, and this is a national and international critique of the American asylum system, the two individuals who had previously been in detention did not criticize their treatment. Other than Hassan talking a great deal about the amount of money this diversion cost him and being afraid before and after being detained, he did not make any comments about his time in detention, either positive or negative. Perhaps this was because this was a difficult subject for him to speak about, but based on my prior experience and the words of the staff members with whom I spoke, I expected this to be something that an individual spending four months in detention would have spoken about.

Furthermore, when I asked Cole about his experience in detention, he did not have overwhelmingly negative things to say about his experience either and did not critique what I imagined asylum seekers noticing and condemning during their time. Cole did speak about the fact that some of the guards were “bad.” He also said there were some good guards, which led me to believe that maybe he did not have any negative experiences with guards that caused him to condemn individuals in this position. He stated that being in detention was “an experience,” and mentioned a lack of fights as being a highlight. Cole talked

about how it was “bad,” however, and that he could not think too much or he would go crazy while in detention. He mentioned that some people did go crazy.

These adverse health effects were more likely than not exacerbated by being in detention and not receiving adequate treatment, particularly for individuals seeking asylum who may have experienced any number of horrible things that lead them to seek protection from persecution in their own country. However, Cole did not make this connection or in any way blame any part of the detention or judicial process while in Batavia. I thought this was very interesting, especially the fact that he seemed to have relatively positive or neutral things to say until he mentioned individuals “going crazy” while in detention, presumably while he was also there and had some knowledge of it because all the men were housed, according to his description, in a giant dome-like structure with beds. If I had the opportunity to speak more with Cole, I would like to know more about what he say and what he thought about this, and also whether he felt that he himself almost ever got to that stage and why, and whether he believed anyone was at fault for these episodes.

One critique Vivian made was that she did not understand what was going on during her initial appearance before the judge. However, her discussion of this did not come in the form of a criticism, but rather when she was describing to me what her experiences had been with immigration officials so far in the United States. The way in which she described this discrepancy did not seem to be a problem, as she stated later that she was filled in by Peter and a translator after leaving court about what happened and what the next meeting with the

Immigration Judge would be like. A translator provided by herself or Vive will be necessary during the second appearance, and from what I heard from a professor with experience in asylum law is that the first meeting with the judge is used to bring up the issue of needing a translator rather than having one there at that time. I thought this would be problematic and individuals seeking asylum would like to know everything going on during the process as it happens. Perhaps many asylum seekers would like this, and it did not come up with any of my other interviewees currently seeking asylum because most of them had higher English proficiency than Vivian. However, this was a good lesson in not assuming that you understand what all asylum seekers want, and working out arrangements that make sense for each individual is best. I wonder if Vivian wanted someone there to translate during the first session, and did not ask or was not given the opportunity to express this desire.

One interesting critique of the American asylum system that I did not think about prior to speaking with Sister Beth was her comment that “the poor never get out” of their lands of origin and that, based on that statement, her view is that the American asylum system favors individuals of realive wealth. Following this statement, she talked about many of the individuals who had come through Vive coming to the United States with professional degrees and careers that did not translate into having these types of jobs when they arrived or even after they obtained refugee status. This was interesting, because it made me wonder whether she meant the poor never got out in relation to the asylum system or refugees more generally, as getting to the United States as an asylum seeker

requires more resources. For one, an asylum seeker must pay their own way to the United States, or at least find the funds themselves, while individuals with refugee status are flown to the United States by another institution. Perhaps this statement meant that Vive did not see many individuals in the shelter who she considered very poor. But not having access to ways to make money in the United States proved to be very difficult, as noted earlier, and it would seem that perhaps Sister Beth would want to see an asylum system that worked for more people, regardless of their economic status before fleeing to the United States. Perhaps she was also making a comment on how she wished credentials would transfer so that more individuals would be able to find work easier than maybe individuals like Vivian are now.

Another criticism of the asylum process that I would make from information I gathered from both the asylum seekers and the Vive staff with whom I spoke is that this process necessarily reinforces problematic binaries that actually benefit the United States at the expense of the “Global South.” I learned about this concept at a refugee and asylum law conference in which Saida Hodzic, professor of anthropology at Cornell University presented a paper on the “ethics of expertise” in an asylum case. In the presentation of her paper, she described how the asylum process almost always presents the country from which an asylum seeker flees, particularly female asylum seekers, as patriarchal, traditional, and violent. From my understanding of her presentation, this process thereby presents the United States, and other “Global North” states, as free of patriarchy, modern, and safe (Hodzic). In some of my interviews, I saw similar presentations

of countries of origin and the United States when individuals would speak about why they were seeking asylum. For example, when Oscar described his conversion to a new religion and explained his family's negative reaction, he utilized the word traditional. A sense of infallibility of the United States was also evident when Cole felt that the United States government was being fair when they detained him for one month. While I did not obtain much information relevant to this criticism by Hodzic, I think it is still an important point to note the ways in which the asylum process, and American culture and education more generally, portrays the United States as superior to countries in the "Global South." This is problematic, according to Hodzic, and I agree because it oversimplifies the conditions in the United States and other countries, neglects to recognize how all countries interact and feed into each other's cultures, and masks human rights atrocities committed in the United States at the expense of overexposing or exploiting the conditions of the "Global South."

The changing nature of the asylum law in Canada, while not directly related to the functioning of asylum law in the United States that would affect the asylum seekers I interviewed, was also a vocalized issue for both Alex and Sister Beth. Apparently, there were conversations occurring in Canada during my January interviews that the government wanted the number of people seeking asylum and refugee status in the country to decrease. The way that they were going to do this was have immigration judges hear all cases regarding asylum, rather than the immigration officials that hear them now. Applicants would have to see the judge within weeks of applying, cutting number on the amount of time

given for collecting documents and putting cases together. Alex thought this would put less knowledgeable people in charge of adjudicating cases. Due to poor response to these proposals, these proposals keep getting pushed back because they are inhumane. This would not have any direct impact on asylum in the United States. However, there were predictions that maybe this would increase the number of asylum seekers applying to the United States, or at least a larger number present in Vive perhaps for extended periods of time, which would put a strain on not only the shelter but also the already overburdened judges in Buffalo.

The critiques of the asylum system, while some were similar to what I was expecting to hear with comparable types of evidence and reasoning behind these critiques, there were some critiques, or lack thereof, that I found surprising. Particularly the lack of complaints about understanding proceedings and detention from the asylum seekers were shocking to me. Perhaps I just expected more over-the-top criticisms of the detention system in Buffalo because of the overwhelmingly horrific accounts I have heard about some other detention centers. However, I think this is a good lesson in making sure that when advocates are working towards issues that they believe will improve the conditions of asylum seekers in the United States that they are constantly consulting the people who are and have been affected by these policies and practices. Furthermore, the last critique about the Canadian changes that may happen in the next several months were an important lesson in the impact that changes to international law may have for the United States.

Conclusion

The findings from my interviews with six asylum seekers, an additional individual who already received asylum in the United States, and two staff members at the Vive shelter in Buffalo, New York provided several key insights into the ways in which individuals in one particular geographic area apply for asylum in America. The asylum seekers and staff members of Vive vocalized many of the current issues that advocacy groups for asylum seekers already focus on in the United States legal system generally. These issues, including helping asylum seekers obtain work authorization, finding adequate legal representation during the application process and hearings, conceptualizing more humane alternatives to detention, and decreasing the amount of time asylum adjudication takes, among others, that advocates currently work towards represented ways in which current debates are relevant to the individuals living in Vive. However, the issues that asylum seekers and the Vive staff vocalized that may be specific to their geographic region, such as changes in Canadian asylum law, and the nature the critiques made by the asylum seekers, perhaps suggest that some alterations could be considered to the current ways in which issues surrounding asylum receive attention and advocacy.

Several issues arose during my interviews and observations at Vive that I do not think receive enough attention in current debates about asylum. While employment authorization for asylum seekers is an issue I mention as being one that many organizations and attorneys for asylum seekers latch onto, most of these critiques do not take into consideration the broader picture. As Vivian's account of trying to find a job and being unsuccessful with her employment authorization illustrates, it is not enough to just advocate for getting authorization sooner and more efficiently if there are no jobs for asylum seekers to be hired for or if discriminatory hiring practices prevent them from receiving a job fairly. I think that while issues like employment authorization are incredibly important, this proves that it is impossible to advocate for a single issue like this without being conscious of other issues, such as unemployment, discrimination, and xenophobia that impact one's ability to obtain and maintain a job in the United States. The current scholarship also does not give enough attention to other types of work in which the asylum seekers in Vive engaged. These other types of work that the individuals living in Vive did in were important to their daily lives and the way that they related to their small community and the larger community around them. Groups that work on issues like this should consider taking a more intersectional and inclusive approach to their analysis and, though I understand they most likely have difficulties advocating the way that they are now due to limited resources, explore different kinds of advocacy strategies.

The ways that these advocacy and service providing institutions operate I think also needs to be addressed, and in some cases challenged. While Vive is

unique because of the population for which it provides services, and the organization does great work, I think organizations like this also need to be evaluated constantly for the ways that they function. Even though an outsider perspective is sometimes useful, I think it would be more helpful to have this be examined mostly from the perspective of staff and asylum seekers within Vive, though I do not know how effective this would make the effort. Regardless, the fact that I saw things in Vive that recycled exploitative power relations that often played out between white staff members and asylum seekers of color was somewhat disturbing. Just because organizations do amazing work does not mean that they are immune to recycling harmful stereotypes about immigrants or treating them in the way that the media and xenophobic individuals and organizations do because the national dialogue about immigration is so pervasive and problematic. I do not want to appear hyper critical, but the need for constant evaluation of the ways in which the organizations that assist asylum seekers and provide services to any population generally are functioning is critical in keeping to the overall goal and mission of organizations like Vive so that they can better provide services. Above all, these organizations must maintain the perspective the asylum seekers are already “risk takers” because they already fled horrible situations in their home country, and should be involved in all aspects of “what’s going on” in their own case and able to make their own decisions (Redman). While I am unclear about who would be responsible for this evaluation, and whether this would be an internal or external review process, this would be process worth considering.

The fact that there were also several issues that I expected the asylum seekers to discuss as being problematic factors in their experiences for applying for asylum also spoke to the ways in which some of the important issues in Buffalo may not be those shared with other regions in the United States. For example, I expected to hear significantly harsher criticisms regarding the immigration detention center in which two of the young men that I interviewed were detained and more discontent from individuals with lower levels of proficiency in English regarding a lack of understanding about hearings before the immigration judge. Perhaps these were concerns on the minds of the individuals with whom I spoke and for any number of reasons, including that I did not ask the right questions or the asylum seekers did not wish to share this information with me. However, I think the lack of conversation around these issues gives rise to a number of important points. Perhaps detention issues, especially for men who have been housed in Batavia, are not those issues that are most important to discuss or change in a system with many other challenges to face. Maybe this issue is one that individuals do not discuss amongst themselves during a time of precarious immigration status and aspirations of staying in the United States. I think if these are issues that asylum seekers think are worth discussing and translating to activism based on their own experiences, the United States asylum system should give them the opportunity to raise these concerns without worrying whether it will impact their case. However, if this is not an issue that male asylum seekers are particularly worried about, advocacy in this area and nationally should consider speaking to asylum seekers in the area for which they

advocate for individuals to learn about what they perceive to be the most important issues, rather than perhaps following “one-size-fits-all” debates at the national level.

Trying to promote activism that addresses all of the complex issues that asylum seekers face in the varied regions in the United States would be a significant challenge for a number of reasons. Firstly, the amount of activists working on this issue in the first place is small, especially outside of organizations that work with asylum seekers and the other individuals with whom they work, such as attorneys and volunteers. The limited number would seriously put obstacles in the way of advocating on a regional level, as it does on a national level. I do not know how many advocates for asylum seekers there are in Buffalo outside of the Vive staff. The individuals who work at Vive are already overwhelmed with complex issues, so doing advocacy work outside of this capacity would be incredibly difficult to imagine. However, in an ideal world, I think more consciousness raising about asylum issues throughout the country would be important, as well as advocacy for other immigrant groups, would be helpful in furthering this goal. At this time, however, I do not know the best way of going about this.

Because of this study, I think there are a number of other research projects that could be done revolving around the experiences of seeking asylum in Buffalo, New York, be they related to the organization where I conducted my study, or unrelated. Being able to do a more in-depth analysis of the ways in which individuals live their lives in Vive and the ways in which the organization

obtains its funding and the staff operates would be very useful in ascertaining a better idea of what is going on than I was able to get in my two visits. I would also be interested to know if there are asylum seekers in Buffalo who do not utilize the services of Vive. While this is probably very unlikely, it would be interesting to see what these persons would look like.

On a national level, I think it would be interesting for individuals who advocate for the rights of asylum seekers to take a critical look at the issues they are advocating for and assure that these are issues about which asylum seekers in their particular locale have concerns. Too often, it seems that the issues advocated for are often from a judicial/legal perspective, privileging the critiques made by the individuals who help asylum seekers, such as service providers and attorneys, rather than the asylum seekers themselves. The criticisms that I heard from Alex and Sister Beth definitely lined up more with the current debates in asylum law that I have heard more so than what the asylum seekers told me. This is why I began the project in the first place, to see what the asylum seekers themselves had to say, rather than everyone else who claimed to be (and most often were legitimately) helping the asylum seekers. I do not mean to say that those stories that we hear from attorneys and service providers are not important because they are very valuable to the debate and the striving toward changing the system for the better. However, I think the debate needs to make room for alternative stories told by those that are most immediately affected by everything going on in the asylum system.

Overall, I think the most important point to take from this project is that the asylum process must be analyzed more from the perspective of those individuals seeking asylum, who see themselves not only as part of this system, but also in a variety of ways unrelated to their immigration status. When outsiders see these individuals more as people with a wide range of experiences and interpretations of their current lives, people in the legal and advocacy community can take better steps towards humanizing the asylum process.

Works Cited

Allison. Personal Interview. 21 November 2011.

“The Asylum Filing Deadline: Denying Protection to the Persecuted and Undermining Government Efficiency.” *Human Rights First* (September 2010): 29. Print. 2012.

Canada Border Services Agency. “Canada-U.S. Safe Third Country Agreement.” 23 July 2009. Web. November 2011.

Citizenship and Immigration Canada. *News Release – Minister Kenney announces removal of exception relating to Safe Third Country Agreement*. Ottawa: Media Relations Unit, 23 July 2009. Web.

Clark, Taryn. “The Weill Cornell Center for Human Rights: Medical Expert Testimony in Asylum Law.” Conable Conference in International Studies: Refugees, Asylum Law, and Expert Testimony: The Construction of Africa & The Global South in Comparative Perspective, Rochester, April 2012. Unpublished conference proceedings. Rochester Institute of Technology, Rochester, 2012.

Cole. Personal Interview. 27 January 2012.

Dzubow, Jason. “New Rules for the Asylum Clock.” *The Asylumist*. The Asylumist, 23 November 2011. Web. April 2012.

Elizabeth. Personal Interview. 27 January 2012.

- “Employment Authorization for Asylum Applicants: Recommendations to Improve Coordination and Communication.” *Citizenship and Immigration Services Ombudsman* (August 2011): 1-3. Web. April 2012.
- Everyone Should Know Freedom*. Buffalo: Vive, Inc. Print.
- Hassan. Personal Interview. 21 November 2011.
- Hodzic, Saida. “Beyond Reluctant Witnessing: An Ethics of Expertise in a Minor Key.” Conable Conference in International Studies: Refugees, Asylum Law, and Expert Testimony: The Construction of Africa & The Global South in Comparative Perspective, Rochester, April 2012. Unpublished conference proceedings. Rochester Institute of Technology, Rochester, 2012.
- Jacob. Personal Interview. 21 November 2011.
- Lopez, Alejandra. “Seeking ‘Alternatives to Detention’: Unaccompanied Immigrant Children in the U.S. Immigration System.” *Honors College Theses* (2010). Web. March 2012.
- Martin, David A., T. Alexander Aleinikoff, Hiroshi Motomura, and Maryellen Fullerton, eds. *Forced Migration: Law and Policy*. St. Paul: Thomson/West, 2007. Print.
- Nafziger, Gloria. “Canada Violated American Declaration on Human Rights.” *Amnesty International Canada Refugee and Migrants Rights Blog*. Amnesty International, 14 April 2011. Web. November 2011.

- New York State Department of Labor. "State Labor Department Releases February 2012 Area Unemployment Rates." February 2012. Web. April 2012.
- Niederpruem, Beth. Personal Interview. 21 November 2011.
- Oscar. Personal Interview. 27 January 2012.
- "Our History." *Vive, Inc.* 2012. October 2011.
- "Process for making a Claim for Refugee Protection." *Immigration and Refugee Board of Canada.* 17 November 2011. 8 April 2012.
- Ramji-Nogales, Jaya, Andrew I Schoenholtz, and Phillip G. Schrag. "Refugee Roulette: Disparities in Asylum Adjudication." *Stanford Law Review.* Volume 60, Issue 2 (2007): 295-411. Web. 20 March 2012.
- Redman, Renée. Comments made as discussant in panel entitled "Medical and Psychiatric Expertise in Asylum Claims." Conable Conference in International Studies: Refugees, Asylum Law, and Expert Testimony: The Construction of Africa & The Global South in Comparative Perspective, Rochester, April 2012. Unpublished conference proceedings. Rochester Institute of Technology, Rochester, 2012.
- Silove, Derrick, Zachary Steel, and Charles Watters. "Policies of Deterrence and the Mental Health of Asylum Seekers." *The Journal of the American Medical Association* Volume 284 No.5 (2000): 604-610. Web. 7 March 2012.
- Sturdy, Steve. "Testing Asylum Seekers for Country of Origin: The Case of the UK Border Agency's Human Provenance Pilot Project." Conable

Conference in International Studies: Refugees, Asylum Law, and Expert Testimony: The Construction of Africa & The Global South in Comparative Perspective, Rochester, April 2012. Unpublished conference proceedings. Rochester Institute of Technology, Rochester, 2012.

Swanwick, Daniel L. "Foreign Policy and Humanitarianism in U.S. Asylum Adjudication: Revisiting the Debate in the Wake of the War on Terror." *Georgetown University Law Center Scholarly Commons*. (2007): 130. Web. April 2012.

TRAC Immigration Project. "Judge John B. Reid." 2011. Web. 2012

TRAC Immigration Project. "Judge Philip J. Montante, Jr." 2011. Web. 2012

Verdi, Mary Alexandra. Personal Interview. 27 January 2012.

Vivian. Personal Interview. 27 January 2012.

United Nations High Commissioner for Refugees. "Monitoring Report: Canada – United States "Safe Third Country Agreement 29 December 2004 – 28 December 2005." UNHCR, June 2006: 10, 19. Web. November 2011.

United States. Department of Homeland Security. *Annual Flow Report Refugees and Asylees: 2010*. By Daniel C. Martin. Washington: Office of Immigration Statistics, 2011. Print.

Ure, Susanne. "Canada removes exceptions relating to Safe Third Country Agreement." *Amnesty International Canada Refugee and Migrants Rights Blog*. Amnesty International, 28 July 2009. Web. November 2011.

“U.S. Detention of Asylum Seekers: Seeking Protection, Finding Prison.” *Human Rights First* (April 2009): 1, 42-45, 51. Print. 2012.

Weaver, Hilary N., Janine Hunt-Jackson, and Barbara Burns. “Asylum Seekers Along the U.S.-Canada Border.” *Journal of Immigrant & Refugee Services*. 1:3-4 (2003): 81-98. Web. March 2012.

Zremski, Jerry and Lou Michel. “Stranded asylum-seekers wait and cope in Buffalo.” *The Buffalo News*. 26 February 2012. Web. 1 March 2012.

Summary of Capstone Project

This project seeks to understand some of the experiences of individuals seeking asylum in the United States who live in Buffalo. Each of the individuals interviewed lives, works for, or once lived in an organization called Vive, Inc. (henceforth referred to as Vive). In addition to providing shelter, Vive also provides food, as well as access to legal, medical, and other social services. My project focuses on five aspects of the lives of individuals currently residing in Vive, while supplementing these experiences with those of the service providers who assist these individuals and perspective of a woman who already successfully completed the process and was granted asylum by an immigration judge. One of these aspects involves the type of work that individuals seeking asylum engage in currently, both within and outside Vive, and hope to engage in eventually. Another topic I focus on is the ways the individuals seeking asylum understand the legal process they are involved in and how this knowledge impacts other areas of their life.

I am also interested in the experiences that individuals seeking asylum and the Vive staff have with branches of the United States government associated with immigration and asylum law, noting that these experiences differ depending on where an asylum seeker is in the legal process and how they reached Vive. Additionally, I examine the critiques of the asylum process from the perspective of the individuals seeking asylum, adding also my own critiques and those of the Vive staff members with whom I spoke. I note a disconnect between some of the perspectives of the staff and the asylum seekers who live these experiences, which

I find very interesting. Finally, I look at some of the ways that Vive, while engaging in admirable human rights work and service provision, objectifies individuals seeking asylum and recycles some aspects of general institutional life in the United States that some find unappealing. While I rely mostly on the words of the asylum seekers for this section, I also insert some of my own critiques that I noticed during my brief time spent at the organization.

After obtaining approval from the Syracuse University Institutional Review Board, I conducted nine interviews. I interviewed six individuals seeking asylum in the United States, one individual who already obtained asylum status and continued to live in Buffalo, and Vive's Director of Development Sister Beth Niederpruem (Sister Beth) and Legal Assistant Mary Alexandra Verdi (Alex). These nine interviews took place during the span of two days, November 21, 2011 and January 27, 2012. On November 21, I obtained permission to audio record my interview with Sister Beth and two of the three asylum seekers I spoke with that day (Allison and Hassan). All three of these interviews were transcribed the following week and were coded once in November and once in January after the second round of interviews. I interviewed another asylum seeker that day, Jacob, but he did not give me permission to record our conversation. For this reason, I took extensive notes during this interview and typed them. On January 27, I interviewed Alex, three more individuals seeking asylum, and one woman who already obtained asylum after receiving assistance from Vive. Unfortunately, I was unexpectedly unable to conduct these interviews in a private space, and therefore decided not to audio record any of them. I took extensive notes by hand

during these interviews and asked my interviewees to repeat themselves several times to ensure that I recorded as much information as possible under the circumstances. I typed these notes the following day, and coded them within a week of the original interviews. On the days that I conducted interviews, I took notes based on my observations within the shelter. Some of my analyses, particularly those talking about the ways that Vive operates, stem from these observations. Finally, some of my information also comes from pamphlets and newsletters that I received from Sister Beth on the days that I came to the shelter. While I understand that it is impossible to understand all of the inner workings of a complex organization like Vive in a few short visits, I think the interviews with asylum seekers, a few staff members, and these alternative sources helped give me a small window into the way that it runs.

This project is significant for several reasons. Firstly, I think it offers a solid contribution to an area of scholarship, asylum in the United States that currently does not receive much attention in mainstream academics or in wider discussions about immigration. Additionally, I think this is a unique contribution to this growing area of study because it focuses exclusively on asylum seekers outside of large cities such as New York and Washington, D.C., where the experiences of individuals seeking asylum may be completely different from an individual going through the process in Upstate New York. Because Vive is one of the only shelters in the United States that houses asylum seekers and actively assists them throughout the asylum process, this is also a unique window into the way that assisting refugees could be done in other places.

I also think this project is very important because the primary source for all of the analyses are the words of asylum seekers, rather than those of other individuals involved in the asylum process such as lawyers, judges, medical professionals, human rights advocates, and services providers. While I think all of these other sources of information are very valuable, I think the scholarship in this area of study disproportionately represents these voices. Oftentimes, these sources speak on behalf of asylum seekers based on their personal experience working within the system. I think that this area of study needs to have more voices of actual asylum seekers because they offer a very important perspective as the individuals who are subject to the laws and policies of the United States. Individuals who speak to a larger number of asylum seekers and make recommendations to change asylum law based on these opinions help the cause, but I think it would be more helpful to have the asylum seekers speak for themselves. For this reason, I asked asylum seekers about what stood out to them about the process of seeking asylum in the United States, what they would change, and what suggestions they had for making changes to aspects that they deemed difficult or problematic. I think actively including their perspectives on such matters, especially when trying to determine what does not work about the asylum system in the United States and what should be changed, the collective group of people interesting in making changes will be able to make more meaningful ones that take into consideration those most impacted by the current laws. These perspectives will help the collective group imagine more humane laws that asylum seekers themselves want to see in the future.