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THE PLIGHT OF ASYLUM-SEEKERS

With a hold on refugees being resettled in our town, the Bloomington Refugee Support Network has turned its attention to helping those in desperate straits already here.

A stranger approached Lucia on a motorcycle and threatened her with a gun.

We'll call them Miguel and Lucia. Before economic and political chaos descended on their home country of Venezuela, they were content and prosperous, with good, stable jobs and a family. But more than a decade of autocratic government wrecked the economy and made Venezuela a dangerous place.

"Everyone thinks the protests have only been happening this year," Miguel says through an interpreter. "But it's been going on for six or seven years."

The couple's relative affluence and connections made them influential. Miguel became associated with *Voluntad Popular* (Popular Will), an opposition political party, and he was active in protests. "Over time the demonstrations became much more violent," he says. "An armed group connected with the government came and shot at the demonstrators. They took photos and videos of the protesters."

Lucia and her children were followed. One morning, she was taking her children to school, and a stranger approached her on a motorcycle and threatened her with a gun.

Masked intruders broke into the house one night, showed Miguel and Lucia a video of themselves at a demonstration, and told them to leave Venezuela. They were *Collectivos*—pro-government gang members who identify and threaten members of the opposition. Lucia knew one of them personally. The family soon left for the United States on tourist visas. They told no one where they were going.

Miguel has relatives in Bloomington. A cousin briefly helped support the family here, but they have been living on their savings. They have applied for asylum in the U.S., and for work permits. Miguel's goal is to resume the professional work for which he was trained. Both he and Lucia want to return to Venezuela someday, but they feel the situation is too dangerous right now.

Their children show signs of post-traumatic stress disorder; whenever they hear a motorcycle, they become agitated and try to hide. Miguel and Lucia have no health insurance, and have been relying on



Volunteers in Medicine, a local nonprofit organization, for health care.

The details of this story are deliberately vague. Asylum-seekers have little to gain, and often much to lose, from talking about their experiences. If they can be identified, harm can come to relatives still living in their home country.

"Unlike some who come to the United States looking for safe haven, asylum-seekers are in the United States lawfully," says Diane Legomsky, director of the Bloomington Refugee Support Network (BRSN), a group of southern Indiana residents and organizations dedicated to helping refugees settle here. "Once they apply for asylum, they usually can't be picked up by ICE (U.S. Immigration

and Customs Enforcement) and deported while their case is pending. We just want to find ways to reach out and let these people know they are safe talking to us."

Legomsky, a retired academic who works as a volunteer case manager with the Community Justice and Mediation Center (CJAM), stepped up to lead the BRSN when it came together in 2016. As its name suggests, the network was originally formed to help settle refugees in Bloomington who are coming into the U.S. amid the current global refugee crisis, the worst since World War II, according to the United Nations High Commissioner for Refugees.

The first of those refugees—20 families from Syria and/or the Democratic Republic



Diane Legomsky, director of the Bloomington Refugee Support Network (BRSN).
Photo by Rodney Margison

of the Congo—were scheduled to start arriving here in March. But the election of President Donald Trump and the resulting change in refugee policies in Washington effectively shut off the flow of new refugees into the U.S.

Since then, BRSN has refocused its efforts toward helping asylum-seekers like Miguel and Lucia. “We don’t want to ease up on our commitment, at least to advocacy for refugee resettlement, even if we won’t be getting any refugees soon,” Legomsky explains. “But the asylum-seekers are here, and refugees are delayed. There could be 100 to 200 asylum-seekers in the Bloomington area; it’s a question of reaching out to them safely.”

How the local movement began

BRSN grew out of a task force at Congregation Beth Shalom, Bloomington’s synagogue, whose mission has long emphasized humanitarian outreach. The congregation created the task force in January 2016 to give its members a way to support the refugee relief efforts of the Hebrew International Aid Society. But a public forum held in March 2016 drew such a strong response from the community that it became clear that support for refugee relief in Bloomington went well beyond the walls of the synagogue.

Within a month of that public forum, BRSN coalesced as an informal community-wide organization. Legomsky and her leadership team established a relationship with Exodus Refugee Immigration Inc., a nonprofit organization that had settled hundreds of refugees in Indianapolis and Fort Wayne, Indiana. With the support of BRSN, Exodus soon applied to the U.S.

Department of State for authorization to set up a Bloomington office—a prerequisite for settling refugees here.

Over a series of public meetings, BRSN created 10 resource committees to help with day-to-day practicalities and focus charitable giving to meet the needs of refugees settling in Bloomington. Active membership peaked at about 400, including representatives of more than 80 faith groups and nongovernmental organizations, Indiana University, Ivy Tech Community College–Bloomington, the Monroe County Community School Corporation, Monroe County Public Library, the City of Bloomington, and many other organizations, including *Bloom Magazine*.

Those meetings drew local media coverage, as well as strident opposition from some right-wing conservatives in the community, who channeled the growing nationalist animosity toward immigrants generally, and, more specifically, the fear of an influx of refugees from Muslim-majority countries, particularly from war-torn Syria. Vice President Mike Pence, then governor of Indiana, went so far as to try and impose an illegal ban on Syrian immigrants settling in the state.

Unperturbed by the controversy, the BRSN and Exodus continued to marshal resources. But the prospect of bringing refugees to Bloomington was stalled with the election of Trump.

A shift in direction

In June, Legomsky called a meeting of the core BRSN group and asked for consensus on a proposed change in scope: Should the BRSN redirect its resources for the foreseeable future toward asylum-seekers, some number of whom are already here? Assent was unanimous.

“There are a lot of misconceptions about asylum-seekers, particularly those from Central America,” says Christine Popp, a Bloomington-based immigration lawyer who handles numerous asylum cases. “Many people who come here and ask for asylum are in the country without legal status, so there is this idea that they are illegal and deportable. In fact, under international treaties, they are not deportable until they’ve had hearings. So we’re working with people who are actually doing what’s required under the law.”

Popp was involved with the refugee task force when it first formed at Congregation Beth Shalom. Since then, she has advised



Christine Popp, Bloomington-based immigration lawyer. Courtesy photo

BRSN on legal matters. “I’m glad to see this change of focus, because I don’t think asylum issues get discussed much in public,” she says.

One misconception about immigration and the politics surrounding it is that nationalistic animosity toward immigrants began with Trump. “Under President Obama, more people were deported than under any other president before him,” Popp points out.

The Obama administration’s focus was on deporting immigrants from Central America—tens of thousands over the last eight years. “The idea was that these were bad people coming to the U.S. illegally, and the priority was to deport them as quickly as possible,” Popp asserts. “This is the image that the Obama administration created. They were ignoring what was going on in Central America. If you are going to die in your home country if you stay there, or if you are a parent and you know that your children could be killed, your choice is between certain death or the possibility of a better life in the U.S., even if the trip is dangerous. Any parent would do exactly the same as the Central American parents chose to do.”

Valentina’s story

Valentina came to the United States from a remote tribal village in Central America. Trained as a nurse, Valentina had worked as a volunteer in health care for 11 years. She had three children in her home country; two are still there.

In 2013, representatives of the provincial governor approached the tribal lead-

ers offering to buy some of their ancestral land to build an airstrip. Valentina's older brother was president of the tribal council that refused to sell the land. Reprisals began quickly. "They started hunting us like animals," Valentina says.

Members of a gang associated with the governor murdered multiple people in the village, including an 11-year-old child, in an effort to intimidate the tribe, Valentina says. They killed Valentina's uncle, and later Valentina's brother and his family.

Valentina and her boss were kidnapped by the governor's bodyguards. "They tortured us, abused us," she says. "They had us there all night at an abandoned house. Our watcher was someone we knew. He told us he would let us go if we would leave. We managed to get a bus to another city in the next province. While we were there, I got a call from my brother. He told me to get out of the country because the gang members had killed the man who had let us go."

Valentina fled by bus north through Mexico. Crossing the border into Texas with other immigrants, she was apprehended by ICE. Weakened by illness—Valentina suffers from lupus—she fainted. Immigration officials took her to a hospital, where doctors told them that Valentina showed clear signs of abuse and should not be in jail. An immigration official took her statement and said he felt strongly that she had a case for asylum.

At home, the gang seized the land for the airstrip and continued to brutalize the tribe. They made an attempt on her son's life. Later, they killed Valentina's 7-year-old daughter.

After applying for asylum and moving to Bloomington, Valentina remarried. She has two children. Meanwhile, the provincial governor and his brother were arrested on drug trafficking and weapons charges. After a brief stay in a military jail, they were released.

"I feel safe in the U.S.," Valentina says. "I meet good people who want to help. I have a new life and two beautiful new children. But I miss my kids in my old country. I miss so much. My kids are still in danger. I cannot do anything for them."

The path for asylum-seekers

Once an asylum application is accepted, the next step is a hearing with the United States Citizenship and Immigration Services. For someone in Bloomington, that generally

means a costly trip to Chicago. Given the current caseload, it may be two to three years before that asylum interview is scheduled. Even after a successful interview, the final decision may not come for a couple of years.

The majority of asylum seekers are denied permission to remain in the United States. On average, between 2011–16, judges approved just over 40 percent of 115,500 asylum applications, according to TRAC Immigration (Syracuse University).

Asylum-seekers have to fulfill the same requirements as refugees under international law. They have to show that they have a well-founded fear of persecution if they

return to their home country either because they suffered past persecution or because people like them are currently experiencing persecution in their home country.

But it is not sufficient to be in danger. The asylum applicant's fear must be based on one of five factors: race, religion, nationality, political opinion, or membership in a persecuted social group.

Further, it must be the government that is persecuting them; someone the government cannot or will not control, such as a militia or a guerrilla army; or an abusive spouse in a case where the police refuse to protect the individual from domestic violence.



Members of a gang associated with the governor raided the village, murdering many people, including an 11-year-old girl.



Daoud marvels at the help he received from the diverse group of friends he made in Bloomington.

“The common misconception is that if you believe you will be killed if you return to your home country, you can get asylum in the United States, but unfortunately, that’s not what the law says at all,” Popp laments. “Generally, if they can’t define membership in a social group as the reason they fear persecution—if they’re just afraid of extortion, which is how a lot of Central American gangs make money—that is not enough for asylum under U.S. law.”

“I explain to clients what rises to the standard for an asylum case. Often, that will draw out more stories and we can find something that does meet the criteria,” Popp says. “But this is the worst part of asylum law. People talk to me, and I am 95 percent certain that they will be harmed if they go back home, but I know the government will deny them asylum.”

The U.S. government not only denies the majority of asylum applications, but often appeals to overturn successful ones. “The government is very concerned about ‘opening the floodgates,’” Popp explains. “They don’t want to identify a broad group

of people that would qualify for asylum. So they try to define eligible groups as narrowly as possible.”

The applicant has a 70–80 percent greater chance of winning the case if he or she has a lawyer, Popp estimates. But only a small percentage do. In 2016, there were 4,515 asylum applications filed in the U.S. by individuals who did not have lawyers. Immigration judges denied unrepresented asylum-seekers’ claims 90 percent of the time. In contrast, the odds of denial for applicants who had legal representation were 48 percent.

Unfortunately, not enough lawyers have this expertise. Moreover, asylum-seekers are ineligible to receive public benefits or work permits for six months after applying for asylum. They either have no income or work only minimum wage jobs, so affording a lawyer is a struggle.

“They may try to go to a nonprofit organization, but that organization can only take so many people,” Popp says. “A lot of people fall prey to unscrupulous individuals posing as immigration attorneys or agents. And

there are lawyers out there who don’t really take the time to build good cases.”

Popp began her Bloomington practice with Indiana Legal Services, a nonprofit backed by the federally funded Legal Services Corporation. “We could take asylum cases where somebody had filed their application and then had a citizen child or spouse,” she notes. “That’s not unusual, when you consider how long the process takes.”

Neighborhood Christian Legal Clinic in Indianapolis is the only nonprofit legal organization in central Indiana that takes asylum cases. The National Immigrant Justice Center in northern Indiana and Chicago also takes asylum cases when they can find pro bono attorneys.

A new role for BRSN

Now that it has turned its attention to asylum-seekers, the Bloomington Refugee Support Network can build on its experience in caring for immigrants. First, however, it will have to set aside planning for refugee assistance and figure out how best to

support asylees. Their needs are urgent and compelling. But their needs are also different than those of refugees.

According to Diane Legomsky, several BRSN members have volunteered to house asylum-seekers in their homes, at least temporarily until the person can obtain a work permit. But long-term, that's not a solution. "It's just difficult to bring someone into your home," Christine Popp cautions. "The process takes years, and the asylum-seeker is likely to wear out his welcome."

Unlike refugees, asylum-seekers often don't want to be known, especially among their countrymen. "Here in Bloomington, the immigrant communities are so small that, even if it's someone who has become your best friend here in the United States, that person's uncle might be someone who could really hurt your family back home," Popp explains. "Asylum-seekers often keep people at a distance."

Many asylum-seekers in Bloomington, especially those with student visas, arrive well educated. They speak English, and they can do the online research that could lead them to competent legal counsel and other resources. "Unlike refugees from impoverished countries, they know how an apartment or a toaster or the lights work, or how to flush the toilet," Popp says. "But they might need to figure out the bus system here, or where to shop for groceries. Asylum-seekers generally can't afford to live downtown—they have to live farther out, and they can use help with rides to shopping and school and other appointments."

Fortunately, the school system in Bloomington has good resources for people who don't speak English. But helping people with the basic forms could be valuable, Popp suggests.

Daoud's story

Daoud was a student at Indiana University when the volatile political situation in his country in the Middle East made it unsafe for him to return home. He needed to change his immigration status in order to bring his wife and children to safety in the U.S.

A key hurdle was the cost of travel—to Indianapolis for bureaucratic formalities like fingerprinting and other biometric identification, and the 260-mile trip to Chicago for the hearing on his asylum application.

The travel cost was daunting for Daoud, who was just getting by on his scholarship while sending a portion of that money home to his family. "A burger and fries at Burger King—that was a feast for me," he says.

His lawyer and friends in Bloomington helped, by offering meals and driving him to appointments. Most importantly, his lawyer helped him find overnight lodging in Chicago, and helped him navigate the high-stakes interview with the asylum judge.

Today, with asylum granted and reunited with his family, Daoud marvels at the help he received from friends with whom he had little

in common. "They were not my countrymen," he says. "Mostly, they were not even Muslims. But they were friends I trusted more than myself. They just wanted to help. I'm glad to know there is an organization in Bloomington that wants to channel resources to help asylum-seekers. But Bloomington, the community, already is so helpful by itself. For what they did for me ... I'm speechless." ✨

HOW YOU CAN HELP

Asylum-seekers must anticipate a long and uncertain journey through the American immigration court system. Many fear reprisals to relatives in their home country and prefer to live in the shadows. Because they cannot work for long periods or receive public benefits, money is always an urgent need. The Bloomington Refugee Support Network is developing and coordinating its assistance on these resources:

- **Funds**—Asylum-seekers need all of the things that make up a household and a life. The least complicated way to help is to donate money. BRSN expects to complete its registration as a 501(c)(3) entity before year-end, which will simplify tax-deductible giving. Contributions to organizations like Volunteers in Medicine (vimmonroecounty.org), Exodus (exodusrefugee.org), and Catholic Charities (archindy.org/cc) are also helpful.
- **Storage**—The network has limited space to store small furniture and other household goods.
- **Housing**—Asylum-seekers need accommodations and help navigating the process of renting an apartment.
- **Food, hygiene supplies, and other household goods**—BRSN will channel donations to individuals.
- **Child care items**—Especially car seats and strollers.
- **Transportation**—Volunteers to drive asylum-seekers or to help them understand the local bus system. Asylum-seekers also must travel to Indianapolis to check in with the Department of Homeland Security and to obtain identification documents. And ultimately, the asylum-seeker must make the trip to Chicago for the hearing with the asylum judge, which will involve an overnight stay.
- **Legal help**—BRSN cannot provide legal advice, but it can offer referrals. The network hopes to persuade corporations to provide pro bono help from their legal departments. The National Immigrant Justice Center in Chicago can train pro bono lawyers on the asylum process. Also, help is needed writing the asylum-seekers' stories so that valuable time is not wasted in the lawyer's office.
- **Language translation**—While asylum-seekers who originally came to the U.S. on student visas tend to speak English, others will need help, especially when interacting with Homeland Security or the immigration courts. BRSN has identified skilled interpreters in French, Spanish, Arabic, and many African languages, but additional translators will be needed.

To offer assistance, contact BRSN at bloomingtonrefugees@gmail.com.