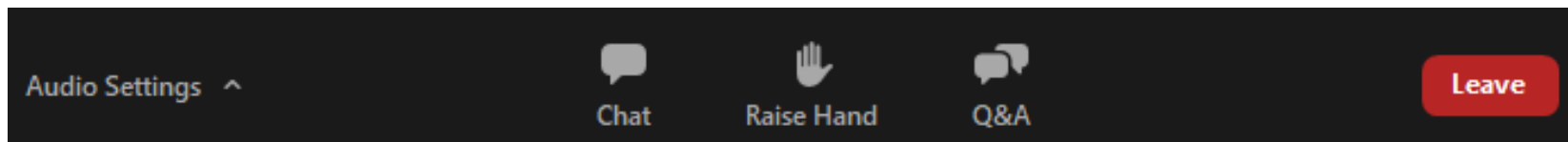


The webinar is about to start...

Q&A: We encourage attendees to submit non-case-specific questions throughout the webinar. Please click on the Q&A box, *not* Chat, in your toolbar to open the Q&A box. Type your question into the Q&A box and click “Send”. Panelists may answer relevant questions in the Q&A box or out loud. While we endeavor to answer as many questions as possible, we may not be able to answer all questions.

Chat: The Chat box located on the tool bar may be used to communicate directly with the host/panelists if you encounter problems with the sound quality, viewing of PowerPoint presentations, or other logistics questions. **Do not use the Chat box to ask substantive questions. Use the Q&A box instead.** Participants may use the Chat box to participate where instructed by the panelists.



Strategies for Maximizing CGRS Technical Assistance in Asylum Cases

Center for Gender & Refugee Studies

Nina Harris, Legal Program Associate

Kristen Henderson, Legal Program Associate

Christine Lin, Director, Training & Technical Assistance



CGRS Program Areas

- Training
- Technical Assistance
- Litigation
- Policy & Advocacy

Contents

- Overview of CGRS Training & Technical Assistance Program
- Technical Assistance Library
- Expert Witness Database
- Questions & Answers

Poll #1

1. How many asylum cases have you worked on?

- a) None
- b) 1-5
- c) 6-10
- d) 11+

2. Have you requested case assistance from CGRS?

- a) Yes
- b) No

3. Have you accessed the CGRS TA Library for a specific case?

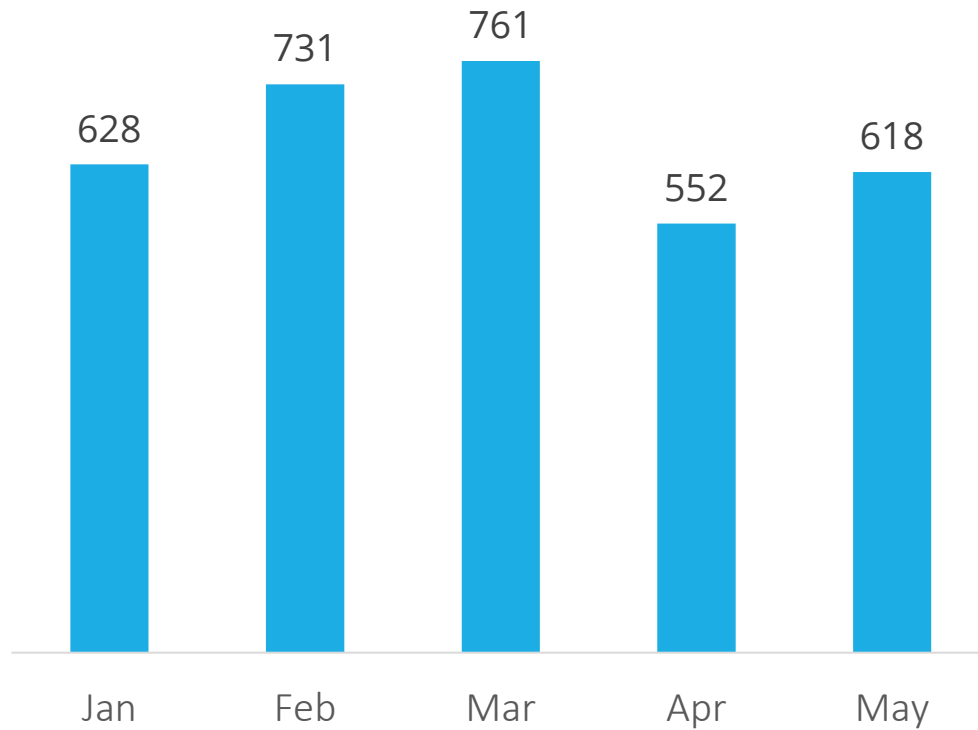
- a) Yes
- b) No

Training & Technical Assistance

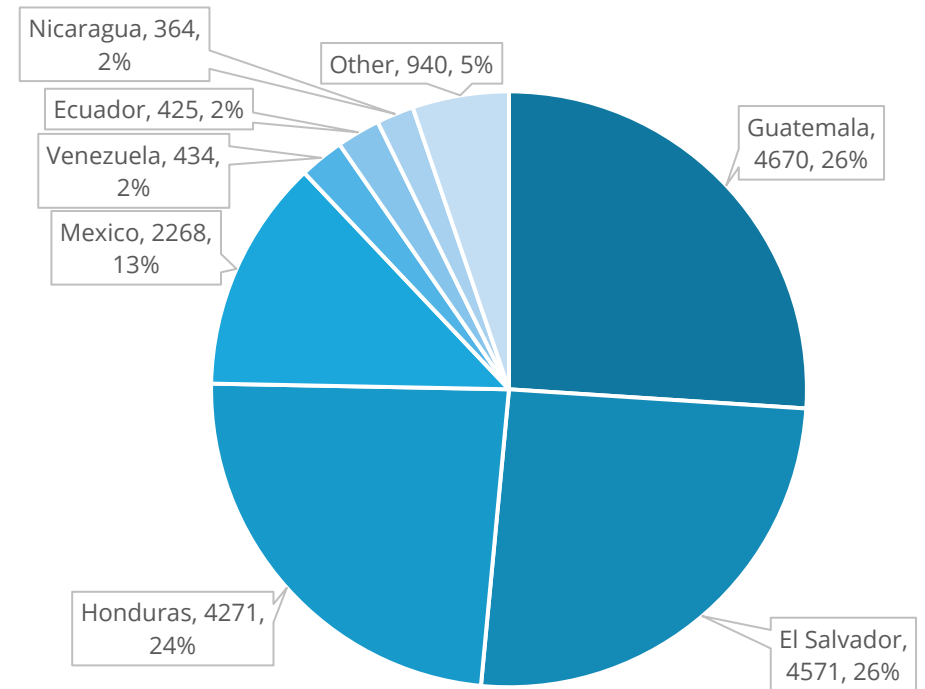
- Equipping attorneys with resources necessary to win protection for their clients
- Mentoring attorneys in developing winning legal strategies at all levels of adjudication
- Tracking outcomes in asylum cases to identify adjudication trends
- Connecting attorneys to health, country conditions, and issue-specific experts

Technical Assistance Program Statistics

TA Cases Per Month, 2022 YTD



Countries of Origin, 2019-21



CGRS Technical Assistance Resources

Practice Advisories

- Domestic violence
- Children's asylum
- Fear-of-gang claims
- Gender-based claims
- CAT protection claims
- EAD Rule

Country Conditions Reports

- Specific topics in individual countries (e.g., children, indigenous, LGBTI, gang)

Unpublished Case Law

- IJ and BIA decisions

Expert Declarations

- Country-specific (e.g., violence against women, children, LGBTQ)
- Topic-specific (e.g., domestic violence, incest, trauma and memory)

Sample Pleadings

- Case documents: declarations, indices, expert affidavits
- Legal briefs

Access CGRS Technical Assistance

CGRS provides free expert consultation to attorneys and organizations representing asylum seekers, including legal technical assistance, strategy development, sample briefs, unpublished decisions, country conditions evidence, and expert witness affidavits.

Request assistance in your case: <http://cgrs.uchastings.edu/assistance>.

Email: CGRS-TA@uchastings.edu with your CGRS Case Number if you have follow-up questions.



Let's take a look at the
TA Library...

Accessing CGRS TA

- My account page: Case dashboard
- Must be logged in to view
- View case records, report outcomes, view TA Libraries, edit contact info

ACCESS ASSISTANCE

To access resources for your asylum case, please fill out this [form](#).

USER MENU

[My account](#)

[Log out](#)

[View](#)

[Edit Contact Info](#)

Test Submitting Attorney

If you have follow up questions or would like to request additional materials for any of your cases, please send a note to CGRS-TA@uchastings.edu with your CGRS assigned case number in the subject line. You do not need to submit a new request for assistance.

Your Assistance Requests

	Date Created	Type of persecution	Country of Nationality		TA Library
Case #47183	Mar 31, 2021	Domestic violence - Child abuse, Gang-related violence - General, Gang-related violence - Gender-based, Gang-related violence - Family-based	Honduras	Add an Outcome	View TA Library for This Case
Case #47182	Mar 31, 2021	Domestic violence - Child abuse, Domestic violence - Partner abuse, Gang-related violence - General, Race/ethnicity/clan (includes indigenous status)	Ecuador	Add an Outcome	View TA Library for This Case
Case #47181	Mar 31, 2021	Political belief/opinion, Political association/activist general, Whistleblower or other informant / witness to corruption, Family-based (non-gang), Race/ethnicity/clan (includes indigenous status)	Cameroon	Add an Outcome	View TA Library for This Case

CGRS Technical Assistance Library

- On-demand, tailored resource library
- Available for new and prior cases
- Resources automatically updated

The screenshot displays the CGRS Technical Assistance Library website. At the top, the CGRS logo (Center for Gender & Refugee Studies) is on the left, and navigation links for 'OUR WORK', 'CASE ASSISTANCE', 'TAKE ACTION', 'ABOUT', and 'NEWS' are on the right. The main heading is 'Technical Assistance Library'. Below this, a disclaimer states: 'CGRS provides information for general purposes only. Information available through CGRS's Technical Assistance Library does not constitute legal advice. Although CGRS strives to provide updated information to the greatest extent possible, advocates should conduct their own independent research and analysis to ensure current, situation- and jurisdiction-specific legal assessments.' A search bar is present with the instruction: 'To filter results, select one or more filters and click "Apply Filters" at the bottom.' Below the search bar, there are several filter categories: 'Country of Origin' (Guatemala: 23), 'Type of Persecution' (Domestic violence - Partner abuse: 85, Gang-related violence - Gender-based: 77, Gang-related violence - Family-based: 60, Harm to children - Other: 28), 'Bars' (One-year bar issue: 21), 'Procedural Stage' (Asylum Office: 3, Immigration Judge: 65, BIA: 32, Fed Courts: 14, CFJ/RFI: 1), and 'Type of Document' (Article or Report: 23, Case Summaries: 9, Country Conditions: 17, Expert Declaration: 12, Government Resource: 16, International Guidance: 4, Practice Advisory: 50, CGRS Practice Advisory: 27, Other Practice Advisory: 25, Referral Resources: 8, Recorded Training: 28, Sample Filing: 12, Sample Brief: 17, AO Brief: 1, II Brief: 5). On the right side, a featured resource is highlighted: 'CGRS Factsheet: DHS Motions to Dismiss Under the Doyle Memorandum (May 2022)' with a date of 05/2022. It includes a 'Summary' and 'Tags' (Immigration Judge, Authored by CGRS). Below this, another resource is shown: 'CGRS Country Conditions Toolkit: Government Ineffectiveness in Guatemala (May 2022)' with a date of 05/2022, 'Tags' (Guatemala, Authored by CGRS), and 'Type of Document' (Country Conditions). Both featured resources have a 'Download' link and a 'READ MORE' button.

Case Intake Form

- Submit one case intake per applicant
- TA Library generated based on responses
- Informs CGRS analysis

Key Information

Country of Origin *

- None -

Subject to the Third Country Transit Bar? *

Applies to an individual who "enters, attempts to enter, or arrives in the United States across the southern land border on or after July 16, 2019"

☐ Yes

☐ No

☐ Unsure

☐ Check if this case is Pro Bono

Please only select this option if you are a law firm attorney providing pro bono services, not if you are an attorney at a non-profit that provides all legal services free of charge.

Is your client indigent as defined under CA Bus & Prof Code § 6213(d)? *

- None -

CGRS requires this information for internal reporting purposes. [See here for CA Bus & Prof Code § 6213\(d\)](#).

Gender of applicant *

- None -

Age of Applicant *

- None -

Minor Unaccompanied Status

- None -

Age when past persecution occurred (if any) *

- None -

TA Library Sharing

- Access on [My Account page](#)
- Browse TAL
- Email CGRS to un-share cases

Cases Shared with You

	Date Created	Type of persecution	Country of Nationality	TA Library
Case #54930	May 26, 2022	Harm to children (non-domestic violence), Harm to children - Other, Domestic violence (includes forced marriage), Domestic violence - Partner abuse, Gang-related, Gang-related violence - Gender-based, Gang-related violence - Family-based	Guatemala	View TA Library for This Case

Case Intake Form: Relevant Funding Network

☐ California Department of Social Services Immigration Services Funding Contractor?

Click here if your organization is receiving **Immigration Services Funding (ISF)** from the California Department of Social Services (CDSS).

☐ QLSP Provider?

The State Bar of California **funds** over 70 eligible qualified legal services projects (QLSPs).

☐ San Francisco Immigrant Legal Defense Collaborative (SFILDC) Case?

Click here if this is an **SFILDC** case.

☐ Vera Unaccompanied Children Legal Services Program Case?

Click here if this case is a part of the **Vera Unaccompanied Children Legal Services Program**.

Case Intake Form: Pro Bono



☒ Check if this case is Pro Bono

Please only select this option if you are a law firm attorney providing pro bono services, not if you are an attorney at a non-profit that provides all legal services free of charge.

Organization you received the case from (if any)

- None -

Poll #2: Country Conditions

- 1. Have you ever used CGRS country conditions materials?**
 - A. Yes
 - B. No
- 2. Have you ever requested country conditions materials but not received anything in your TA Library?**
 - A. Yes
 - B. No

Country Conditions

- Toolkit vs. Resource List vs. Memo vs. Sample ATOC
- Materials included in CGRS country conditions resources
- Available in the TA Library

Country Conditions Toolkit

<p>MEXICO</p> <p>Country Conditions Toolkit for Fear-of-Return Claims Based on Harm to Indigenous and Afro-Mexican People</p>		
DATE	SOURCE	TAGS + NOTES
March 21, 2022	Alice Pipitone, Indigenous fishermen on Mexico's Gulf coast want to put oil giant on trial for decades of pollution, The Oregonian	Nahua + Ineffective Institutions + Land Rights + Poverty + State Violence + Activists
February 24, 2022	Marycarmen Lara Villanueva, In Mexico, how erasing Black history fuels anti-Black racism, The Conversation	Afro-Mexican People + Discrimination/Racism + Context + Healthcare + Poverty
February 23, 2022	Magdalena Rojo, Indigenous farmers mourn Catholic activist who championed their rights and rituals, Earthbeat	Zapotec + Land Rights + Self-governance + Activists + Context
February 22, 2022	Viridiana Ríos, Edgar Denova-Gutiérrez, and Simón Barquera, Association between living in municipalities with high crowding conditions and poverty and mortality from COVID-19 in Mexico, PLoS One 17:2, e0264137	COVID-19 + Healthcare

Country Conditions Resource List

Nicaragua: Country Conditions Resource List for Fear-of-Return Claims Based on Political Opinion		
DATE	SOURCE	NOTES
February 10, 2022	<u>Swissinfo, Nicaraguan opponents found guilty of conspiring rise to 14</u>	This source is written in Spanish and may have additional information that is not available in English-language resources.
February 9, 2022	<u>AlJazeera, Nicaragua sentences journalist to 13 years for 'conspiracy'</u>	
February 8, 2022	<u>Confidencial, University closures move the country back towards the "dark ages"</u>	
February 7, 2022	<u>Infobae, President of Sandinista dissidence in Nicaragua found guilty</u>	This source is written in Spanish and may have additional information that is not available in English-language resources.

"existence of harmful practices, such as keeping asylum seekers blocked indefinitely at a transit area within Guarulhos international airport. "

E. Anti-Black Discrimination, Violence, and Racism in Brazil

a. Key Information Regarding Racial Discrimination, and Violence Against Afro-Brazilians

U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2020 Country Reports on Human Rights Practices: Brazil (Mar. 30, 2021) <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/brazil/>

"Approximately 52 percent of the population self-identified as belonging to categories other than white."

"Despite this high representation within the general population, darker-skinned citizens, particularly Afro-Brazilians, encountered discrimination, [...] experienced a higher rate of unemployment and earned average wages below those of whites in similar positions. There was also a sizeable education gap. Afro-Brazilians were disproportionately affected by crime and violence."

"The law provides for quota-based affirmative action policies in higher education, government employment, and the military. Nevertheless, Afro-Brazilians were underrepresented in the government, professional positions, and middle and upper socioeconomic classes."

"Labor laws and regulations prohibit discrimination on the basis of race, sex, gender, disability, religion, political opinion, natural origin or citizenship, age, language, and sexual orientation or gender identity."

"The law prohibits racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race."

"The law also prohibits the incitement of racial discrimination or prejudice and the dissemination of racially offensive symbols and epithets, and it stipulates prison terms for such acts."

Freedom House, *Freedom in the World 2021: Brazil* (Mar. 3, 2021) <https://freedomhouse.org/country/brazil/freedom-world/2021>

"Afro-Brazilians suffer from high rates of poverty and illiteracy."

"Almost 80 percent of Brazilians living in extreme poverty are Black or mixed race."

"Victims of violence in Brazil are predominantly young, Black, and poor: according to a 2020 report by the Brazilian Public Security Forum, nearly 75 percent of violence victims in 2019 were Black."

b. Police Violence and Excessive Use of Force Targeting Afro-Brazilians

BBC News, Black Brazilians protest against racism and police violence (May 14, 2021) <https://www.bbc.com/news/world-latin-america-57112382>

"Thousands of black Brazilians have demonstrated against racism and police violence, on the anniversary of the abolition of slavery in the country."

"Black people are three times more likely to be killed by police in Brazil, experts say."

"The protesters accused far-right President Jair Bolsonaro of genocide through police violence. He supports hardline policies to combat crime, including raids in areas where the majority of residents are black and poor."

"About 57% of the Brazilian population is black or mixed race, but they represent two-thirds of the victims of lethal violence, according to the Brazilian Forum on Public Safety, a non-governmental organisation."

Rupert Colville, *Press Briefing Notes on Brazil*, OHCHR (May 7, 2021) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27069&LangID=E>

"The killing of at least 25 people in a police operation in the Jacarezinho neighbourhood of Rio de Janeiro yesterday (6 May) (...) furthers a long-standing trend of unnecessary and disproportionate use of force by police in Brazil's poor, marginalized and predominantly Afro-Brazilian neighbourhoods, known as *favelas*."

"It appears to have been the deadliest such operation in more than a decade in Rio de Janeiro."

"It is particularly disturbing that the operation took place despite a Federal Supreme Court ruling in 2020, restricting police operations in Rio's favelas during the COVID-19 pandemic."

"We also urge a broad and inclusive discussion in Brazil about the current model of policing in *favelas* – which are trapped in a vicious cycle of lethal violence, with a dramatically adverse impact on their already struggling and marginalized populations."

Amnesty International, *Amnesty International Report 2020/21: The State of the World's Human Rights*, (Apr. 7, 2021) <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

"According to the Brazilian Public Security Forum, 79.1% of the people killed by the police were Black and 74.3% were under 30 years of age. Brazil's population

Country Conditions Memo

Country Conditions Sample Topics

- Harm to Children
- Violence Against Women
- Fear-of-Gang
- LGBTQI
- Indigenous
- Disability
- Government Ineffectiveness

Country Conditions Guides

- *Conducting Country Conditions Research for Asylum, Withholding of Removal, and Convention Against Torture Claims* (March 2018)
- *Finding Country Conditions Evidence for Asylum and Fear-of-Return Immigration Cases: Pro Se Manual* (June 2020)
- *Como encontrar la evidencia de las condiciones del país para su caso de asilo, suspensión de remoción y la Convención contra la Tortura* (January 2022)
- *Finding Country Conditions Evidence for Asylum Cases While Detained: Pro Se Manual* (February 2021)
- *Como Encontrar Evidencia Sobre las Condiciones de su País para su Caso de Asilo Cuando Está Detenido* (March 2021)

Expert Declarations

INDIVIDUALIZED

- Specific to an individual
- Review client declaration and other relevant background documents
- Interview individual to make assessment and provide evaluation
- Resource-intensive

UNIVERSAL

- Developed to be used in many cases
- Specific to topic, issue, country
- No individual interviews
- Efficiency

TA Library Instructions & FAQ

- For detailed information on accessing our TA Library, see [TA Library Instructions](#).
- For additional information about CGRS's TA program and the TA Library, see [Technical Assistance FAQ](#).
- If run into any technical issues or have feedback on the TA Library, please fill out [this form](#).

Email the CGRS TA Team

Contact the TA team at: cgrs-TA@uchastings.edu

- Update CGRS case record with new information
- Request further assistance from CGRS team
- Transfer case record to another user
- Change contact email address
- General questions on using the TA Library
- Un-share case

Outcomes

Report Case Outcomes

Advocates can report case outcomes at: <https://cgrs.uchastings.edu/outcomes>

IN THIS SECTION

> GET HELP WITH AN ASYLUM CASE

> TECHNICAL ASSISTANCE FAQ

> FIND AN EXPERT WITNESS

> REPORT AN OUTCOME IN YOUR CASE

REQUEST ASSISTANCE

To request assistance in your asylum case, please fill out this [form](#).

Report an Outcome in Your Case

In order to update us about your case, the case must first be in our database. If it isn't, please fill out the [intake form](#), where you can tell us about your case *and* enter an outcome.

If the case is already in our system, please do the following:

- 1. [Log in](#)
- 2. Find the case in our system on [your account page](#).
- 3. On the case page, under the "Outcomes" tab, select "Add an outcome."
- 4. If you would like further assistance on this case (i.e. with an appeal), please also email CGRS-TA@uchastings.edu and include the case number in the subject line.

Poll #3: Outcomes

1. Have you ever reported an outcome to CGRS?

A. Yes

B. No

Outcomes Inform Guidance

Practice Pointer: Age-Based Social Groups

In many cases, a child applicant's age is a central reason they were initially targeted for recruitment and for violence when they refused to join. Advocates may thus be inclined to include terms like "youth" or a specific age range in the social group definition. As discussed in more detail *infra* in Section I.A.8, adjudicators often find that terms like "youth" or "young" are too amorphous to be particular and find that groups based on specific age ranges are not socially distinct. Advocates will need to carefully document the cognizability of any age-based social group and may wish to use terms like "children," which usually has a concrete legal definition and more available evidence of social distinction. Section I.A.8 discusses these and other considerations for age-based PSGs in more detail, including strategies for avoiding issues that can arise when a child ages out of their proposed group and suggestions for precise delineations of a PSG that should pass muster under proper interpretation of the law.

EXAMPLES OF PSGS IN CHILDREN'S AND OTHER CHILD ABUSE CLAIMS

Child/youth status (and/or gender) + nationality

[Nationality] children/minors

[Nationality] females/women/women and girls/young females/female children/females under 18 years old

[Nationality] girls during the civil war

Women/young women/women and girls in [country]

Female citizens of [country]

.

EXAMPLES OF PSGS IN CHILDREN'S AND OTHER CHILD ABUSE CLAIMS

Child/youth status (and/or gender) + nationality + other immutable characteristics, such as:

Race/ethnicity/ tribe

[Nationality] indigenous females/women/girls
 Indigenous girls in [country]
 [Nationality] [ethnic group] children/women/females/girls
 [Ethnic group] children/women/women and girls in [country]
 Females belonging to the [tribe] that practices female genital cutting (FGC) in [country]
 Disabled, indigenous [nationality] children

Domestic/ familial relationship

[Nationality] stepchildren
 [Nationality] unmarried, adolescent women
 Women in domestic relationships in [country]
 [Nationality] spouses and children of commercial farmers in [region]
 [Nationality] women in female-headed households

IJ XX – Recent Outcomes

Transactional Records Access Clearinghouse (TRAC) Immigration Judge Reports - Asylum: <https://trac.syr.edu/immigration/reports/judgereports/>

CGRS Case Outcomes:

- #3XXXX, 10/XX – DV, grant PSG “Honduran women”
- #3XXXX, 8/XX - gang/DV, grant PSG “Salvadoran woman”
- #3XXXX, 9/XX – DV, denied b/c no evidence of inferior position in relationship or because of her political opinion; PSGs were defined in part by the harm suffered and that they were not particular or socially distinct
- #3XXXX, 9/XX – gang witness, grant PSG “Salvadoran witnesses who have testified against gang members in open court”

Expert Witness Database

Poll #4

- 1. Have you accessed CGRS's Expert Witness Database before?**
 - A. Yes
 - B. No
- 2. Have you connected with an expert using CGRS's Expert Witness Database?**
 - A. Yes
 - B. No
- 3. What type of experts are you most interested in finding through the Expert Witness Database? (Check all that apply)**
 - A. Medical
 - B. Mental Health
 - C. Country Conditions
 - D. Issue-specific

CGRS Expert Database

- Free, searchable repository of health, country conditions, and issue-specific professionals who serve as expert witnesses to support the legal claims of asylum seekers in the United States.
- Expert profiles with areas of expertise, availability, and CV.
- Advocates can sign into their CGRS accounts to search and contact experts:
<https://cgrs.uchastings.edu/expert/search>.
- Experts who wish to be considered for inclusion in the database may create a profile at: <https://cgrs.uchastings.edu/register/expert-witness>.

CGRS Expert Database

Expert Witness Search

Name

FIRST NAME

LAST NAME

Expertise

TYPE OF EXPERT

Please select some options ▼

LANGUAGE CAPACITY

Please select some options ▼

Expert's Location

COUNTRY

Please select some options ▼

STATE

Please select some options ▼

AVAILABILITY

- ☒ Show all experts matching my search criteria, regardless of availability.
- ☐ Show only experts currently accepting new cases

[Reset](#)

SEARCH

303 results

Leisy J. Abrego

Assistant Professor

Type of Expert

Country Conditions Expert

Topic(s) of Expertise

Violence / discrimination
against women/girls (includes
domestic violence) / women's
rights

ACCEPTING NEW CASES

VIEW PROFILE

Waheed Ahmad

Attorney

Type of Expert

Country Conditions Expert
Other

Topic(s) of Expertise

Forced marriage
General country knowledge
Land rights
LGBTQI issues
Political associations (includes
party politics as well as social
and environmental activism)



CGRS Expert Database

Sample Expert Profile

EXPERT WITNESS INFORMATION

DECISION EXCERPTS/QUOTES

ACCEPTING NEW CASES

Stuart L. Lustig

Lead Medical Director, Child & Adolescent Psychiatry Programs

Cigna Behavioral Health
Glendale, CA
United States

Type of Expert

Mental Health Expert

CONTACT EXPERT

PLEASE CONTACT FOR INFORMATION ABOUT TESTIFYING IN COURT

EXPERIENCE WITH

Asylum seekers
Children / youth
Survivors of family violence
Survivors of sexual violence / incest / rape
Survivors of trauma

LANGUAGE CAPACITY

English

RELEVANT ACADEMIC QUALIFICATIONS

MD, MPH

INSTITUTIONAL AFFILIATION(S)

Cigna Behavioral Health

CV

 Lustig_Stuart_CV_2018.pdf

FEE STRUCTURE

Please contact this expert directly for fee information.

ACCEPTING NEW CASES

CONTACT EXPERT



Working with Experts Resources

- [University of North Carolina, Expert Witnesses in U.S. Asylum Cases: A Handbook \(2018\)](#)
- CGRS Practice Advisory, Strategies for Success: Responding to Challenges to Expert Witnesses in Defensive Asylum Proceedings (December 2018)
- [Chakravartula, et al, Working with Medical and Mental Health Experts in Asylum and Related Fear-of-Return Claims, Bender's Immigr. Bull. \(Apr. 1, 2019\)](#)

Share with CGRS TA!

- Submit sample materials
- Report outcomes
- Refer expert witnesses
- Keep CGRS apprised of trends

Q&A

Webinar Evaluation Form

Evaluation Form: Thank you for attending the webinar. We appreciate your feedback and invite you to [fill out a short evaluation form.](#)

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