

Asylum Mandamus Introduction and Overview

Monday 3/11/24, 12pm-1pm CT

Marc Prokosch, Prokosch Law marc@prokoschlaw.com

Alexis Dutt, Karam Law alexis@karamlaw.com

John Bruning, Advocates for Human Rights jbruning@advrights.org

Key Statutes – Asylum Mandamus

- Administrative Procedures Act (5 U.S.C. § 701 and 5 U.S.C. § 551)
- Mandamus (28 U.S.C. § 1361 and Declaratory Judgment Act (28 U.S.C. § 2201)
- Equal Access to Justice Act (28 U.S.C. § 2412(d))
- 8 USC § 1158(d)(5)(A)(ii) & 8 USC § 1158(d)(5)(A)(iii)
 - “In the absence of exceptional circumstances, the initial interview or hearing on the asylum application shall commence not later than 45 days after the date the application is filed.”
 - “In the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed within 180 days after the date an application is filed.”

Screening/Building a case for asylum application mandamus

- Scheduling “normalcy”
 - [Current “last in first out” guidelines](#)
- Exhausting your remedies
 - Contact the [local asylum office](#) to request:
 - Expedite Request
 - [Affirmative Asylum Procedures Manual](#)
 - [Expedited processing](#) standards for USCIS (note – do not reach out to the contact center on asylum cases)
 - Short Notice list
 - Volunteer to travel to Chicago

Unique cases

- *Nunc pro tunc* cases
 - *Dorbor v. United States*, 379 F.Supp.3d 765 (W.D.Wisc. 2019) \
- TVPRA “Trafficking Victims Protection and Reauthorization Act”
 - [Asylum Procedures for Minor Children](#)
- Afghans
 - *Ahmed v. DHS*, case no. 4:23-CV-01892 (N.D.Cal)

Filing concerns

- *Ali v. Frazier*, 575 F.Supp.2d 1084 (D.Minn. 2008)
- 208(d)(7) issues
 - *Fangfang Xu v. Cissna*, 434 F.Supp.3d 43 (S.D. N.Y. 2020)
 - *Ying Yu Liu v. Wolf*, 19 Civ. 410 (PGG) (S.D. N.Y. May 30, 2020)

Additional Resources/Templates

- Advocates for Human Rights Volunteer Attorneys: Contact AHR team for templates
- AILA Member Attorneys: [AILA Litigation Resource Center](#)