

U.S.C. 1101 (a) (42) THE TERM REFUGEE



ANY PERSON WHO IS OUTSIDE ANY

POV

SUCH PERSON'S NATIONALITY OR IN



A PERSON HAVING NO NATIONALITY

ANY COUNTRY IN WHICH SUCH PERSON

USUALLY RESIDED AND WHO IS UNABLE

TO RETURN TO AND IS UNABLE OR

TO OBTAIN HIMSELF OR HERSELF OF

PROTECTION OF THAT COUNTRY BECAUSE

OF PERSECUTION OR A **WELL-FOUNDED FEAR** OF

facilitators guide

PERSECUTION ON ACCOUNT OF RACE RELIGION

a film by SHARI ROBERTSON / MICHAEL CAMERINI

MEMBERSHIP IN A PARTICULAR

GROUP OR POLITICAL OPINION OR (B) IN

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As filmmakers, we are really happy about this beautiful guide — some great people put it together, and we think it contains strong and useful material to help viewers reflect on the concept of political asylum more deeply. We hope that both the film and this guide will provoke argument, disagreement, discussion, new ideas and insights. And we hope the experience is meaningful to you, wherever it was that you began. The ideal of asylum matters a lot, we think, to who we are as Americans. That in a nutshell is our POV.

But a film isn't just about its subject. It is always, also, about "seeing" in its simplest meaning. We wanted to make a film that asks the viewer to watch closely, to pay attention to details, to notice the things that people say. In real life, every moment is full of meanings (some of them contradictory), possible interpretations, and things that on the surface don't really make sense. In film, as in real life, the words matter and so does the color of the walls. A good movie, we think, helps you notice all that in a new way.

This film introduces you to people who must draw on their own moral compasses in a difficult situation. We hope you will find that you too have to reflect on your own compass as you find your way through Well-Founded Fear and the discussions to follow. In the end, your experience is a test not just of the film.

In the end, we bring the movie. You bring yourself.

With our thanks and best wishes to you all,

Shari Robertson and Michael Camerini



Filmmakers Shari Robertson and Michael Camerini

STEFFENHALEMANN

Well-Founded Fear

is an evocative documentary about what goes on behind the electronic doors of the asylum office at the U.S. Immigration and Naturalization Service (INS). On this dramatic, real-life stage, American ideals about human rights collide with the nearly impossible task of trying to learn the truth from asylum-seekers. *Well-Founded Fear* challenges us as viewers to think about whether government institutions reflect our political beliefs, including our level of commitment to protecting individuals from persecution. Getting to know the people behind the institutions also challenges us to evaluate how our beliefs, biases and experiences influence our ability to judge the credibility of others.

BACKGROUND INFORMATION

History

Before World War I, the United States made no distinction between refugees and immigrants, and most newcomers were processed through centers such as Ellis Island in New York or Angel Island in San Francisco Bay. Such centers no longer exist, and immigration currently is limited to close relatives – parents, children, spouses, siblings – or people with certain job skills. For those without such ties or skills, asylum may be the only way to obtain legal, long-term residency in America. Some people believe that immigration restrictions have led to an increase in fraudulent claims for asylum.

Beginning the year before the end of World War I, the United States enacted a series of laws (in 1917, 1921, 1924) that restricted immigration. Fueled by prejudice against people of color and non-Protestant Christians, as well as fear of communism and poverty, those laws prohibited immigration or created quotas and ceilings on the number of immigrants from selected parts of the world.

During World War II, the United States and other nations made little effort to resettle people threatened by Nazi Germany. In 1939, while war raged in Europe but

before America had officially entered as a combatant, the United States refused entry to the *St. Louis*, a ship carrying Jewish refugees. The ship was forced to return to Europe, where many of its refugee passengers were murdered in concentration camps.

The plight of the refugees in the aftermath of Nazi atrocities had a profound influence on United Nations and U.S. immigrant, refugee, human rights and asylum policies.

KEY DEFINITIONS

refugee – a person who leaves his or her country of origin because of a **well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion.**

political asylum – legal permission to live in a country given by its government to people fleeing danger or persecution in their original homelands.

immigrate – to come into a region or country where one is not a native.



MICHAEL CAMERINI

Farida, asylum applicant from Algeria.

Historical Dates

1948 *U.N. Universal Declaration of Human Rights* declared that “everyone has the right to seek and to enjoy in other countries asylum from persecution.”

1948 *U.S. Displaced Persons Act* allowed 100,000 people displaced in World War II to enter America (later amended to 400,000), but national origin quotas and other restrictions kept out many people who had been targeted for annihilation by the Nazis.

1950 For the first time, America adopted a legal provision to allow people at risk of persecution to remain in this country, the precursor of today’s asylum provision.

1951 In the proceedings of the *U.N. Convention Relating to the Status of Refugees*, a refugee was defined for the first time as a person with a “well-founded fear of persecution.” The convention gave the U.N. High Commissioner for Refugees the power to aid and protect refugees. The United States was not a signatory to this convention, but it did sign on in 1968 when the protocol was updated.

1952 *U.S. McCarran-Walter Immigration and Nationality Act* reaffirmed the national origins quota system while allowing Asian nations small quotas for the first time.

1953 *U.S. Refugee Relief Act* and other acts in the 1950s overrode national origin quotas for refugees escaping from communist countries. Until the end of the Cold War, the United States generally remained open to anyone defecting from a communist nation. Those admitted under this policy included 340,000 Cubans and 90,000 Soviet Jews.

1965 *U.S. Immigration Act* ended national origin quotas for immigrants and refugees and replaced them with ceilings for the Eastern and Western hemispheres, with top priority given to those with special skills or family already in America. The act was amended in 1978 to provide a single, worldwide ceiling for immigrants.

1976 In the aftermath of the Vietnam War, the United States accepted 335,000 Indochinese refugees, most of whom had worked for or supported the U.S. government during the war and were in danger under communist rule. Despite this policy, war refugees from Indochina continued to flee the region, often on rickety boats. Neighboring countries turned away these “boat people,” but President Carter ordered all ships under U.S. registry in the vicinity to pick up the refugees and promised to resettle them in America.

1980 *U.S. Refugee Act of 1980* defined a refugee as a person outside his or her country of origin “unable or unwilling to avail himself or herself of the protection of that country because of a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” The policy distinguishes between “political refugees” who are eligible for asylum and “economic refugees” who are not eligible. Also in 1980, America admitted 125,000 Cuban refugees as part of the Mariel Boatlift Operation.

1990 *U.S. Immigration Act of 1990* gave “temporary protective status” (18 months without deportation) to individuals fleeing emergency situations. For the first time, the INS also created a special Asylum Corps, officers specially trained in human rights issues to review political asylum cases.

1996 *U.S. Illegal Immigration Reform and Immigrant Responsibility Act* required people entering the United States without documents to demonstrate a “credible fear” of persecution at the border before they may apply for asylum. Those who cannot demonstrate such a fear may not apply; they and all those whose asylum applications are rejected face an expedited removal, despite the fact that being detained in a jail makes gathering documentation difficult. Application for asylum also must be filed within one year of the alien’s arrival – the first time a filing deadline was imposed. The act also redefined refugees to include people who have been forced to abort a pregnancy, undergo involuntary sterilization, or who have been persecuted for resisting coercive population-control programs.



Each asylum application file represents someone’s life.

Information adapted from David M. Donahue and Nancy Flowers, *The Uprooted: Refugees and the United States*. Amnesty International and Hunter House Publishers, 1995.

DISCUSSION QUESTIONS

In many groups, the facilitator can encourage productive discussion of *Well-Founded Fear* by simply opening with a general question: “What is the film about?” or “What do you think you’ll remember about the film a week from now? A month from now? A year from now?” The group’s comments and concerns will determine the agenda of the ensuing dialogue; the facilitator’s primary role will be to keep things flowing and ensure that everyone is heard.

Another important role for the facilitator is to protect group members who may be vulnerable, such as refugees who have experienced trauma or those still involved in legal proceedings. At the beginning of your event, help your group establish ground rules that ensure everyone’s safety. These may include agreeing to confidentiality and reminding people to use respectful language. You may need to do some prior planning to provide a safe environment, perhaps arranging for translators or making sure that people with conflicting legal interests don’t attend the same event.

It’s always helpful to prepare for your event by identifying your community’s refugee groups, the countries they came from and their reasons for leaving home. It’s also important to have on hand accurate information about general U.S. asylum and human rights policies and where those in need can get help (see Program Partners, page 11 of this guide).

Finally, to combat the “compassion fatigue” that can sometimes come from seeing too many media stories about people in need, plan to end your event by directing the group toward action. If the suggestions listed at the end of this guide don’t meet your group’s needs, spend some time before the session ends brainstorming about next steps.

The following sections offer questions and issues you might use to frame your discussion. “In Their Shoes” concentrates on sharing personal stories and establishing empathy with the people on screen. “Judging Credibility” asks participants to examine the factors that influence their ability to judge others fairly. “Human Rights and Public Policy” looks at beliefs about democratic ideals, responsibility and human rights. Facilitators are not expected to have their groups address every question. Rather, choose the questions that best meet the needs and interests of your audience.

STATISTICS

- The current estimated population of the United States is 274 million (U.S. Census Web site: www.census.gov).
- There are an estimated 14 to 21 million refugees worldwide. In 1999, the United States approved 13,220 applications for asylum and denied or referred 21,403 applications. As of September 30, 1999, 341,622 asylum cases were pending. There is no limit on the number of people who can be granted political asylum (U.S. Dept. of Justice, INS, tabulated by the U.S. Committee for Refugees).
- Most refugees’ first choice is to return home when conditions become safe (*The Uprooted*).



Huang Xiang, from China, waits for his INS interview with his pro bono attorney, Jennifer Schantz.

LEO HSU

In Their Shoes

- Imagine what it would be like to seek asylum. How would you feel talking about embarrassing, painful or terrifying moments – moments you had tried to erase from your mind? How would it feel to have a physician examine your physical wounds? Would you have acted differently from the people you saw in the film?

You may want to read aloud this passage from the filmmakers:

“Imagine that your life has fallen apart – something terrible has happened and you’ve lost every material possession, you’ve been tortured or seriously hurt, or maybe you’ve gotten out just in time. You’ve said good-bye to the people you love and now you find yourself faced with the barest possibility of a new start, a glimmer of hope that you can begin a new life in a strange new place in relative safety. Your papers have been submitted, your file is being processed, and now here is your chance. You will enter a small, fluorescent-lit office where you will have one hour to tell your story to a neutral bureaucrat. Two weeks later you will return to pick up a paper. This page will tell you your fate.”

- Imagine what it would be like to be an INS asylum officer who has the fate of others in his or her hands daily. Would you have acted differently from the people you saw in the film? The facilitator may want to

read aloud this passage, written by the filmmakers:

“You’re an American citizen; you have a good, steady job. You come to work every morning and you have no idea who you’ll meet, because a computer assigns cases at random. You walk out into the waiting room and call someone’s name – a name from any one of a hundred countries. Each person comes to tell you a story. Sometimes a lawyer or translator is there. You have listened to blood-curdling details, you have seen a lot of confusion, and you have heard many lies. In the afternoon you have an additional 90 minutes to research and to write up a defense of your decision. Your job is to convince your supervisor that each person deserves one of two things – to be invited to stay here in safety or to be deported. There is no recommendation in between.”



MICHAEL CAMERINI

Asylum applicant Gladys felt threatened because of family members' political activity.

- Have you ever had to prove a story or explain a complicated situation to someone who doubted you? How did it feel? What did you do?
- Have you ever been in a position to judge someone’s credibility? What was the potential impact of your decision? How did it feel to be put in that position? What did you do?
- In a poem, the Chinese dissident Huang Xiang asks: “Who am I?” If you had to try to answer that question in five minutes or less for a stranger, what would you say? Can someone who doesn’t really know you judge you fairly? In the asylum process, would it be practical or desirable for officers to take the time to get to know applicants, or should officers focus on assessing the credibility of specific stories of persecution?
- How do the applicants’ stories in *Well-Founded Fear* compare with your family’s migration stories? Were the people in your family immigrants? Refugees? Slaves? Indigenous?

Judging Credibility

- In the film, which applicants seemed credible to you and why? In which cases did you agree with the asylum officer's judgment and in which did you disagree? Were there instances in which you would have liked the officer to ask more questions? If so, what questions would you have asked? If you were an asylum officer, how would you improve your chances of making an accurate evaluation in each case?

- How can you tell whether someone is telling the truth? List what you look for and compare your list with others in the room. Besides consistency – for example, the story during the interview matching the story on the written application – how do the following factors influence your perception of credibility?

Race, ethnicity or religion

In addition to our own prejudices, how are our views influenced by the prejudices of our family and society?

Gender Do you expect different kinds of behavior from men and women?

Body language

Consider that some body language, such as eye contact, means different things in different cultures.

Expression of emotion What behaviors do you expect to see only in private? How does it feel to be with someone who is crying or embarrassed?

Education level How might this influence how well-organized or well-spoken a person is?

Speaking ability Are you persuaded solely by content or does eloquence play a role?

English fluency How does fluency relate to comprehensibility?

Translation How do you know if a translation is accurate or complete?

Attire How do you determine what kind of clothing is appropriate for a given situation? Do all cultures share values about appropriate clothing? Is it hard to imagine someone in a new suit with a fresh haircut being tortured and starved in a jail cell?

Age Do you assume children are innocent? Do you associate old age with wisdom?

Media portrayals How does what we see on TV influence our perception of groups with which we have little or no direct contact?

Personal prior knowledge Can you make better judgments when you're familiar with someone's background? What is the effect of hearing the same story multiple times or having been lied to in the past?



Asylum officer Gerald.

MICHAEL CAMERINI

Human Rights and Public Policy

- Compare the following expressions of American ideals with the government’s actual human rights policies and practices. Did the things you saw in *Well-Founded Fear* reflect the ideals expressed in these quotes? Did they reflect your ideals and beliefs about democracy? What historical circumstances have changed since these quotes were first written? Do they still apply? Should they still apply?

“Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.”

– Excerpt from “The New Colossus” by
Emma Lazarus, 1883, inscribed on the base of the Statue of Liberty

The United States should forever be “an asylum to the oppressed and needy of the earth.”

– George Washington, late 1700s

- How do we choose who should be granted asylum? Which of the following factors are important to consider? Are some more important than others? If so, which ones would you weight the most and why?
 - ◇ The number of refugees worldwide.
 - ◇ The number of refugees for which the United States feels a special responsibility because it contributed to the refugee problem.
 - ◇ The number of refugees for which the United States feels a special responsibility because of its historical connections to the refugees’ homeland.
 - ◇ The number of refugees who will be accepted by other countries.
 - ◇ A refugee’s wealth or poverty.
 - ◇ A refugee’s educational background and skills.
 - ◇ A refugee’s ability to speak English.
 - ◇ The overall health of the U.S. economy.
 - ◇ The success of past refugees in adjusting to American life.
 - ◇ A refugee’s race, religion or ethnicity.
 - ◇ A refugee’s sexual orientation.
 - ◇ A refugee’s age or gender.
 - ◇ A refugee’s family connections in the United States.
 - ◇ A refugee’s political beliefs, such as belief in democracy, communism, anarchism or socialism.
 - ◇ A refugee’s belief in capitalism.
 - ◇ A refugee’s criminal record in his or her country of origin.
 - ◇ The degree to which a refugee has suffered.
 - ◇ The degree to which a refugee influenced, perpetrated or was simply the victim of circumstances that led him or her to leave his or her country of origin.

Adapted from The Uprooted.

- How would you define “well-founded fear,” the kind of fear needed to qualify for asylum under existing law (see definition of “refugee,” which lists the five grounds for possible persecution)? What creates fear in a community? Would you grant asylum to applicants who were not victims of violence themselves but were afraid because they witnessed violence to family or group members?



Asylum supervisor Larry.

MICHAEL CAMERINI

- How does your definition of “persecution” compare to how the law defines it (see definition of “refugee”)? Does discrimination qualify as persecution? Under what circumstances? What would the implications be of including discrimination in the government’s definition of “persecution”?
- How do we distinguish between cultural or political practices that we simply don’t like, or with which we disagree, and those that are truly damaging or dangerous? For example, should a woman who fears being forced to undergo genital mutilation in her country of origin, where it is a common custom, be granted asylum? How about a child living under communism but who is not in any physical danger? Should asylum be granted to a family that is being threatened because, contrary to its government’s policy, it wants to have more than one child? Can we or should we distinguish between human rights and other rights – civil rights, women’s rights, parents’ rights, gay rights?
- Is it ever reasonable to expect people to stay in their home countries and work to end human rights abuses rather than granting them asylum in the United States?
- If you or someone you loved were applying for asylum, which asylum officer in the film would you hope to have review your case? Why? What characteristics would you hope all asylum officers would possess? Were you satisfied with the fairness of randomly assigning cases to officers? Can you think of anything that could make the process more fair? Is it possible or desirable to remove “human error” from the process? How can experienced asylum officers do their job without becoming jaded or cynical?
- Investigate the historical details of the United States denying or granting asylum to groups of refugees (the *St. Louis*, the Haitian and Vietnamese “boat people,” the Mariel Boatlift). How did these events influence U.S. asylum policy? In the cases where refugees were granted asylum, how did the refugees influence the communities in which they settled?



Ana Maria’s asylum claim was based on religious persecution in Romania.

TAKING ACTION

- *Brainstorm a list of the people in your community who, in the course of their jobs, routinely judge others’ credibility.* Examples might include judges, police officers, parole officers, jury members, teachers, youth workers, child care providers, employers, security guards, store clerks and bankers. What training do these people receive that helps them judge credibility? Does their training address diversity issues? Do the situations in which they work address language and translation issues? How might you improve the training available to people in your community?
- *Identify refugee groups in your community.* What are their primary needs and how can you or your group help meet those needs? Keep in mind that in addition to help with finances, housing, and employment or training, refugees may benefit from help with such day-to-day tasks as homework, getting a library card and meeting neighbors.
- *Do a community assessment.* What do refugees find when they come to your community? Are their lives easy or difficult? Talk with local refugees to identify your community’s strengths and weaknesses, then use the assessment to determine action steps.

- *Examine your religion's beliefs about refugees.* Without eroding the separation of church and state, how might your congregation, community or group act on your beliefs? The following passages may be helpful:

“The stranger that sojourns with you shall be to you as the home-born among you, and you shall love him as yourself; for you were once strangers in the land of Egypt.” (*Leviticus 19:34*)

“If one amongst the Pagans
Asks thee for asylum,
Grant it to him
So that he may hear the word
Of God; and then escort him
To where he can be secure.”
(*The Koran 8.72*)

“Our League is a Great Tree. It reaches high into the sky so that all peoples will see and know of it. The Eagle watches from its top as our guardian bird. The Tree has four white roots, White Roots of Peace that go to the four winds. If any man or any nation shall show a desire to trace these roots to their source and obey the Law of the Great Peace, they shall be made welcome to take shelter beneath this tree.”

(From *New Voices from the Longhouse: Anthology of Contemporary Iroquois Writing*.
Joseph Bruchae, Editor. 1989)

- *Provide an opportunity for a refugee or someone who works with refugees to tell their story publicly.* Include as part of your event an audience survey on the myths and facts about refugees and asylum. What misconceptions did people have? Where might those ideas have originated? Distribute handouts summarizing accurate information.
- *Find out whether your school district curriculum includes information on human rights.* If not, work with teachers and school officials to see how such information might be integrated.
- *Review legislation relating to asylum and human rights.* Do existing laws and policies reflect your beliefs? If you are a citizen, what might you do to help your government better represent your views?

*The Statue of Liberty remains
a potent symbol of freedom
in the United States.*



LEO HSU

WELL-FOUNDED FEAR PROGRAM PARTNERS

These organizations can be excellent resources and may have affiliates in your community.

Amnesty International USA

National Refugee Office
500 Sansome Street, Suite 615
San Francisco, CA 94111
(415) 291-0601
www.aiusa.org

World Affairs Council

World Affairs Council of Northern California
312 Sutter Street, Suite 200
San Francisco, CA 94108
(415) 293-4600
www.wacsf.org

Center for Victims of Torture

717 East River Road
Minneapolis, MN 55455
(612) 626-1400
www.cvt.org

Church World Service

Immigration and Refugee Program
475 Riverside Drive, Room 658
New York, NY 10115
(212) 870-3153
www.churchworldservice.org

Also, there are many useful Web sites about political asylum issues, such as www.immigrationforum.org, <http://shusterman.com/toc-asyl.html>, www.aila.org, and www.ins.usdoj.gov. The P.O.V./ *Well-Founded Fear* program Web site, www.pbs.org/pov/wellfoundedfear, contains more information on political asylum issues and community organizations.

For additional resources, please refer to *Delve Deeper into Well-Founded Fear* (a guide to books, Web sites and films) produced by *Booklist*, the review journal of the American Library Association.

TELEVISION RACE INITIATIVE NATIONAL PARTNERS

Facing History and Ourselves

Facing History and Ourselves is a national educational and teacher training organization whose mission is to encourage students of diverse backgrounds in an examination of racism, prejudice, and anti-semitism in order to promote a more humane and informed citizenry.

www.facing.org

National Conference for Community and Justice

NCCJ is a human relations organization dedicated to fighting bias, bigotry and racism in America through advocacy, conflict resolution and education.

www.nccj.org

Association of American Colleges and Universities

AAC&U is a national association committed to making the aims of liberal learning a vigorous and constant influence on institutional purpose and educational practice in higher education.

www.aacu-edu.org

YWCA of the USA

YWCA of the USA is dedicated to the empowerment of women and girls and to the elimination of racism. The YWCA has historically implemented communitywide dialogues and initiatives on issues of racism.

www.ywca.org



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www.pbs.org/pov/tvraceinitiative

Well-Founded Fear is a featured program of the Television Race Initiative (a project of P.O.V./American Documentary, Inc.), a multi-year effort in which diverse, character-driven, high-profile television broadcasts create a spine for sustained community dialogue and problem-solving around the issue of race relations. In partnership with national and community-based organizations, TRI uses story-telling – initially in the form of several public television broadcasts – to “break the ice” and encourage essential conversations that lead to constructive action.



P.O.V./American Documentary, Inc.
220 West 19th Street, 11th Floor, New York, NY 10011
Phone: (212) 989-8121 / e-mail: connect@pov.org
www.pbs.org/pov

Well-Founded Fear had its national broadcast premiere on June 5, 2000, on PBS’ acclaimed showcase for independent non-fiction film, P.O.V. (a cinematic term for “point of view”). A laboratory for television’s potential, P.O.V. amplifies broadcasts by pioneering media innovation, interaction, and impact through a wide range of energetic broadcast-related activities including, Talking Back: Video and Digital Letters to P.O.V., High Impact Television (HITV) and P.O.V. Interactive.

OBTAINING COPIES OF THE FILM:

Beginning May 1st, 2000, VHS copies of **Well-Founded Fear** may be ordered from www.wellfoundedfear.org or by calling (212) 594-2522.



Cover text: excerpt from the law that defines who deserves political asylum

cover design: Level Design, NYC

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