

## **An Exploratory Qualitative Study of Asylum Seekers' Challenges of Becoming Displaced<sup>1</sup>**

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### **Abstract**

Becoming an asylum seeker is an experience that entails extreme hardship and an immense amount of anxiety. Examining in-depth interviews over a four-month period with asylum seekers and the staff of an independent non-governmental organization (NGO) who work with them, this paper explores the challenges of asylum seekers and the dynamics of their forced movement when making their journeys to the United States. The exploratory findings reveal that the asylum seeker experiences the un-healable rift between the identity and the homeland while at times simultaneously experiencing the discourse of criminalization under strict procedural aspects of immigration law. The narratives unveil traumatic memories of persecution, undergoing detention, and the emotional struggle to understand the outcome of an unknown future including the possibility of *refoulement* to the hands of the persecutor.

### **Introduction**

Forced migration continues to be a vexing problem for our global community. The experience of becoming a refugee and its overwhelming challenges and trauma are descriptively articulated in the poetry of Iris Kusalsic, a refugee from Bosnia-Herzegovina. She writes, "Sometimes, it seems, I begin to forget. The images fade away disappearing from the mind, but some gesture, a well-known sign, arouses again the bitterness of parting" (Mertus et al., 1997: 84). This refugee poem has a comparable theme to the many refugee voices from around the globe when describing the experience of leaving their homes due to forced migration. The un-healable rift that forces the refugee to experience exile is one that "its essential sadness can never be surmounted" (Said, 2000: 173). In this paper, I will unveil some of the dynamics and challenges of the refugee subjectivity through in-depth interviews with asylum seekers and the individuals who work closely with them and know of their daily struggles. The

narratives unfold themes of distress, trauma, and fear of persecution coupled with the anxiety of returning to the hands of the persecutor.

Refugees and asylum seekers have experienced severe physical and psychological harms prior to their entry into the hosting nation-states (George, 2010; Goodwin-Gill, 1996; Goodwin-Gill & McAdam, 2007; Kaplan, 2008). They have been victims of countless human rights abuses including prolonged torture and rape. They have no protection from their own state governments and on numerous occasions it is the government of their home countries that has conducted the act of persecution (UNHCR, 2012). There is research suggesting that asylum seekers and refugees experience an immense amount of trauma with profound effects throughout their lives (Montgomery, 2010; Henry, 2012; Highfield et al. 2012). In 1995, a research study performed by the Flykting Center examined the effects of Post-Traumatic Stress Disorder (PTSD) among 47 Iranian refugee families and their 50 preschool children living in Sweden. In addition to finding the stable prevalence of PTSD, the researchers observed that play involving reenactment of war and persecution was performed by 19 of the children who were eyewitnesses of violence (Almqvist and Brandell-Forsberg, 1995). Furthermore, in a follow-up study performed 2 and 2 ½ years later, the researchers found that the prevalence of PTSD remained high among Iranian refugees and 23% of the children who experienced traumatic exposure still met the full criteria of PTSD (Almqvist and Brandell-Forsberg, 1997). It is important to point out that it is not only trauma but other daily stressors in a refugee's life such as lack of basic needs and safety concerns in refugee camps that can contribute to variance in refugee distress as well (Rasmussen et al. 2010).

### **Understanding the Context of Who is a Refugee**

The answer to the question "who is a refugee?" can be a complicated one if we attempt to define the term in a manner that provides international community protection and global responsibility. Under international law, refugees are not simply persons who are forced to flee their homelands. They are individuals who are forced to flee because of a particular characteristic specified within the text of the 1951 UN Convention Relating to the Status of Refugees. This international treaty is the legal document that

defines the term “refugee,” outlines the rights of refugees, and delineates the responsibility and legal obligations of state members towards refugees. In sum, the 1951 Convention Relating to the Status of Refugees is the international agreement between states for the protection of refugees. According to Article 1(A)(2) of the 1951 Refugee Convention, a refugee is “a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country.” A refugee is then a person who is forced to move due to persecution based upon one of the five grounds outlined in Article 1(A)(2). Under Article 33(1) of the Convention, the contracting nation-states are also obligated to recognize the principle of *non-refoulement* and not return a refugee back to the place of persecution. Although there are exceptions under Article 33(2) to this general rule, such as national security concerns, the Refugee Convention prohibits refoulement—the expulsion or return of a refugee to a place “where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” It is the recognition of refugee rights and obligations of hosting nation-states towards this vulnerable population that have led the international community in defining the term so narrowly within the convention.

### **Categorization of Asylum Seekers and Refugees: Timing and Territory**

Given that the interviewees for this project were asylum seekers, I find it necessary to explain the legal distinction between refugees and asylum seekers. The difference between the two categories is complex and centered on procedural legal aspects of the applicant’s claim to gain refugee status. The fine-line distinctions have led to much confusion by the general public and the media using the terms interchangeably both domestically and internationally. Outlining the technical differences between these two categories is beyond the scope of this paper but a brief description will assist in understanding the context and predicament of asylum seekers. Although both refugees and asylum seekers have a well-founded fear of persecution in their countries of origin, refugees are individuals who have already obtained “refugee

status” prior to their entry into the United States and their applications have been adjudicated in favor of finding their claims credible for refugee status. Under U.S. Immigration and Nationality Act section 101(a)(42), refugees are individuals located outside of the United States who can demonstrate that they have been persecuted or fear persecution due to one of the five grounds of the 1951 Refugee Convention mentioned previously. Although refugees are of special humanitarian concern to the United States, a refugee claimant must go through the proper international channels and receive a referral to the U.S. Refugee Admissions Program by the United Nations High Commissioner for Refugees or other humanitarian agencies (USCIS, 2011). After receiving the referral, USCIS officers will interview the refugee applicants abroad and determine whether these individuals are eligible for refugee resettlement in the United States. Therefore, when a refugee enters the United States, a USCIS officer has conducted the eligibility determination of the refugee’s case and has approved that the individual meets the conventional refugee definition (USCIS, 2011). The U.S. Department of Health and Human Services Office of Refugee Resettlement provides benefits and services to refugees from the first day they arrive in the United States (ORR, 2008).

Unlike a refugee, an asylum seeker does not enter the United States with a granted refugee status. An asylum seeker is an individual who is already within the territory of the United States or is present at a U.S. port of entry when applying for asylum (USCIS, 2011). It is important to note that an asylum seeker is not barred from applying for asylum because of immigration status. Therefore, individuals who enter the United States illegally can apply for asylum based on their fear of persecution. U.S. law provides complex channels for obtaining asylum status, which include “affirmative asylum processing” with the U.S. Citizenship and Immigration Services or “defensive asylum processing” with the Executive Office for Immigration Review (USCIS 2011). The key difference between the two types of legal procedures is that a defensive application for asylum arises when the asylum seeker is placed in removal proceedings and the individual requests asylum as a defense against removal. Finally, in most situations, asylum seekers do not receive any benefits or services from the U.S. Department of Health and Human Services Office of Refugee Resettlement during the

pendency of their cases until the final grant date of their asylum application (ORR, 2008).

### **Methodology**

In this qualitative study, I conducted in-depth interviews over a period of four months with fourteen asylum seekers and the staff of an independent non-governmental organization (NGO) who work with them. The non-governmental organization, FELA (pseudonym), in this study is located in an urban area of the United States and has a rich history of assisting individuals who are victims of forced migration. FELA offers basic needs, shelter, and legal assistance to refugees and asylum seekers. While employing semi-structured open-ended interviews, I also conducted participant observation and informal discussions with asylum seekers and the staff of FELA in order to obtain grounded knowledge of the field and have a contextual understanding of the data collected. Although English was not the first language for the asylum seekers who were interviewed, they spoke English fluently and there was no need for translators during the interview process. After recording and transcribing the interviews, I conducted a qualitative analysis of emerging themes and patterns directed towards the discourse of refugeehood and the refugee subjectivity. The interview data presented in this paper focus on the thematic narratives that unfold the various struggles and negotiations which victims of forced movement experience.

### **Embedded Narratives of the Field Site**

Prior to my entry at FELA, I was familiar with NGOs assisting victims of forced migration. I had worked as a volunteer case manager and interpreter for Farsi speaking refugees and asylum seekers for approximately four years. During my four-month qualitative study at FELA, I observed familiar elements and indications of a transitory space and a longing for homeland. Interestingly, the intensity of these embedded narratives of transition and memories were stronger and more vivid in comparison to my past experience working with this vulnerable population. I believe this was due to the larger number of asylum seekers that FELA assisted who were placed in “defensive

asylum processing” and were in removal proceedings while awaiting a decision on their asylum case before an Immigration Judge. There were many strong indicators of FELA being a transitory space for victims of persecution. The consistent observation of individuals packing suitcases and suitcases—both packed and unpacked—standing alone and grouped together blended naturally in the background of FELA’s institutional spaces such as the front lobby, rooms, and halls. The pamphlets for English classes and bus schedules, the clients speaking various languages, the large number of couches and chairs in the hallways including the presence of two sets of passenger van seats in FELA’s waiting rooms further echoed the embedded narratives of transition and mobility.

The walls of the hallway leading to FELA’s cafeteria articulated a multiplicity of homeland narratives and a longing for a *return*. These walls had become the canvas for the paintings of victims of forced movement. The staff informed me that most of these paintings were completed when the refugee clients were temporarily housed at FELA. The paintings were of various countries left behind by asylum seekers and many of the paintings included symbols and writings of nationhood alongside the painted maps. The overwhelming number of countries represented on the walls ranging from Burundi, Sudan, Democratic Republic of Congo, Guatemala, Somalia, Chile, Colombia, Sri Lanka, Bolivia, and El Salvador is a testament to the global issue of forced migration and the plight of its victims. Written messages such as “fight against corruption” and “never give up” *around* the borders and *within* the borders of the painted countries reminded the spectator that for the artists of these expressive paintings the memories of homeland were intertwined with seeking justice and finding a durable solution against the hand of the persecutor. During part of his interview, Keith, one of the staff members at FELA, informed me about the paintings we examined while walking towards the cafeteria.

**B:** You said that they [asylum seekers] spend a lot of time on these paintings. Can you tell me more about that?

**Keith:** Yes. A lot of people work together to make these paintings. All these have been done by refugees. You can see how much time they put into them and it helps them. There are countries everywhere on these walls. You see a lot of

flags around in the cafeteria too painted on the walls... [**B** pushes a trashcan away from the wall in order to observe the Bulgaria painting on the wall]. I haven't seen anyone from Bulgaria since I have been working here.

**B:** [approaching the painting of Colombia] Can you tell me why people from Colombia are coming here?

**Keith:** Colombia is a country right now where there is basically a lot of armed opposition to the government. There are a few paramilitary groups that kind of terrorize the countryside. One is called the FARC and the other is ELN. A lot of people are displaced because of them and they say the government is reluctant to help them and can't help protect them from these groups. So they are threatened.. there is a lot of kidnapping. People who don't want to become part of the FARC are threatened and flee.

Keith's statements begin to unveil the importance of paintings in healing the refugee identity. The long journey of healing encompasses many layers and the act of painting with others who share the consciousness of being uprooted is an important step towards coming to terms with what happened. The nature of FELA's transitory space is further amplified when Keith informed me that he had never seen any asylum seekers from Bulgaria during his time of employment, but yet their intangible presence and their demand to hold accountable those who caused their forced migration can be felt. Also, Keith's comments on the painting of Colombia with its paramilitary groups of FARC and ELN is applicable to the other paintings in the sense that each painting of a nation-state had similar lines of flight with its own particular layers of history and oppression that have caused currents of displacement amongst the artists who paint them.

Another FELA staff member, Michael, elaborated on the complex social and individual issues surrounding displacement in response to my interview question of why asylum seekers paint the walls with memories of their homeland.

**Michael:** Being a refugee is a major step in a person's life. It basically cuts you off from your whole history, and considering that most of the folks that receive services and are refugees are coming from the third world where family ties and relationships are extremely important in their lives, people don't make that

decision easily. One of the things that we tell people [referring to population of the United States] is that people are basically moving everything that they have for a new chance. That's really pivotal to understanding what's going on here.

The refugees' reasons for painting are complex and have a dense sense of grief, loss, and trauma. It is the pain and suffering of being "cut off from one's own history" and leaving everything behind, both physical and nonphysical, that have led to the construction of the colorful maps, symbols, and messages on the walls of FELA. Both Keith and Michael had comparable responses when asked how the paintings help the asylum seekers. Keith stated, "These paintings are really helpful for them [*refugees*] in remembering their homes and having the hope of going back one day." Michael said that refugees have many unanswered questions when they come to the United States and these paintings are "part of answering those questions." When I asked Michael for examples of these unanswered questions, he stated, "questions like why was I persecuted for being from a particular group or tribe or simply why did I have to leave." Keith and Michael's responses articulate the imminent challenge of asylum seekers in understanding the experience of becoming uprooted with little or no warning. Desiring answers to unanswered questions that caused great hardship both during internal movement and across borders can be seen when A.K., one of the asylum seekers waiting for her immigration court hearing, points at the painting of her country on the wall and shares her reasons for leaving.

**A.K.:** I had to go. This one is my country (*A.K. points at the painting of her country on wall*). There is a lot of crime there and people dying.

**B:** Can you tell me why you left your country?

**A.K.:** They hurt my family and they were going to hurt me. I didn't have much things but I had to go.

**B:** Can you tell me who hurt your family?

**A.K.:** The government people. They are everywhere.

**B:** How many days did it take you to decide to leave?



**A.K.:** Three days I think. It was very fast. [*pause*] And I didn't have time to say goodbye to family and friends. It was very fast for me but I am happy I am here now.

A.K.'s quick decision to flee within a short amount of time coupled with her inability to say "goodbye to family and friends" is a central theme surrounding the paintings on the walls. The collective consciousness of the refugee identity and the fluidity of territorial lines is further exemplified when A.K. points at other countries on the wall and states, "this could be my country, that could be my country, just put my country name under that one [*pointing at a country across the hall*]. We are all here now [*A.K. smiling*]." The powerful message of the interchangeability of country names by A.K. combined with her deeply felt smile opened a path to the shared painful experience of asylum seekers revisiting what was left behind and the everyday struggle of becoming familiar with the unfamiliar space of the present.

The elements of social isolation and the cultural adjustment that the refugee identity has to make within the adapting host countries resonates through L.M.'s comments during a segment of his response.

**L.M.:** Well [*pause*] I am alone here and gives me a lot of time. I have a lot of things to learn too you know [*laughing*]

**B:** What are the things you think you have to learn here?

**L.M.:** A lot of things. I have to learn about the people and where I am. I am not used to this. I have to get used to culture and the people. I know it is probably difficult for you to understand since you came here different [*smiling*].

**B:** Can you tell me more about what you mean when you say I came here different?

**L.M.:** There was maybe few people in my country who came here like you. I don't know them personally but my village was different and many of us came like me.

**B:** OK. [*nodding*] When you say like you, do you mean as refugees?

**L.M.:** Yes. Many of us like that.

Understanding the “*culture and people*” of the new locality and being alone in the process of this journey reestablish one of the central themes of distress for L.M. and other asylum seekers when first arriving in hosting nation-states. Interestingly, in the above dialogue, L.M. also prompted a crucial discourse in distinguishing between the social reality experienced by the immigrant identity (the ethnographer) and that experienced by him. The differing social realities for those who *choose* to move and those who are *forced* to move is noticeably vivid in L.M.’s response. L.M. reminds us that for those who have not experienced forced migration, the refugee experience is difficult to understand. This is inclusive of migrants who have voluntarily moved beyond homeland territories and have experienced various challenges and difficulties in belonging and adapting within their new societies. L.M. also conveys that he was not alone in his experience of involuntary movement and that many individuals in his village suffered the similar injury of unplanned and unwanted journeys resulting in feelings of intense longing for homeland, a feeling than an immigrant or a native would not understand.

### **Tracing the In-depth Narratives of Ada, Ramon and Jodi**

Being a victim of systematic persecution and fleeing the hand of the persecutor is a dangerous and intensely traumatic event in one’s life. During my conversation with K.M., one of the staff members at FELA, she expressed that she has come across cases where asylum seekers escape their countries without any documentation or paperwork. According to K.M., these asylum seekers, having a genuine fear of persecution in their country, decide not to visit a government establishment and request a passport or visit an embassy in their nation-state and apply for a visa. Therefore, these individuals seek other means for entering the United States when making their journeys across sovereign territories. Indeed, the risk of harm for the victim of forced migration increases exponentially when asylum seekers depend on human smugglers and other illegal methods of entry in order to reach their destinations.

Once in the United States, asylum seekers face a complex legal process when filing their asylum claims. One of the staff members, V.S., who works daily with asylum seekers in providing basic necessities, shared with me the resulting categorizations

within the social space of FELA depending on the status and outcome of the asylum seekers' particular cases.

**B:** Did you say north bounders?

**V.S.:** Yes. North bounders. They are the ones who are going to Canada and applying there.

**B:** Are there any other groups?

**V.S.:** Yes. There are what we call south bounders.

**B:** Interesting. Can you tell me who they are?

**V.S.:** South bounders are the asylum seekers that are rejected and are coming back to the United States.

Later V.S. told me that the terms *north-bounders* and *south-bounders* are informal FELA terms used by the staff members after getting to know the asylum seekers and their stories. She also informed me that there is a third category of asylum seekers at FELA who are filing asylum claims in the United States and are waiting for the decision of the U.S. government. When asked if there is a name for this category, she stated that this particular group is known as the *long-termers*. The social constructs of *north-bounders*, *south-bounders*, and *long-termers* speak volumes not only of the daunting complexity and duration of the legal process facing asylum seekers, but also of the immense emotional distress that accompanies their journeys. Another staff member, E.M., expressed that the asylum seekers' emotional distress is coupled with pressure on FELA's resources in its mission of serving the refugee community. E.M. spoke of the major struggles of FELA as an institution and the continuous exhaustion of its resources in dealing with the incoming refugees. She stated, "the numbers of asylum seekers running away are many and there is so much going on in the world." When asked if she remembers a time when FELA had its greatest challenge in assisting refugees, she responded that during 9/11 period there were so many asylum seekers in FELA that there were not enough staff members to process the applications. Staff members worked extended hours daily to process the applications. While highlighting the trauma experienced by refugees, the continuous emotional stress of working with this vulnerable population resonates during the later part of E.M.'s interview.

**E.M.:** It's not easy to work with people who have been harmed, you did this kind of work so you know, they are somewhere they don't know, they are afraid, and they don't know the legal process here and how overwhelming it can be. Sometimes you wish you could do more to help them but you know we have limited resources. So we do the best we can.

The following narratives of Ada, Ramon, and Jodi unveil the emotional distress and collective trauma that asylum seekers experience. Ada, Ramon, and Jodi shared with me their narratives of past persecution, the fear of being harmed, and the driving force that resulted in the most difficult decision of their lives in becoming displaced.

Sitting across from Ada, Ramon, and Jodi, extreme hardships are unfolded in parallel trajectories. Ada was a politically active member of his community. He told me that he desired justice and fairness in his homeland.

**Ada:** I hate corruption. Corruption by government is in a lot of places in Africa and in my country. I had to say something when I saw what was happening in my community. It's not like this country or Canada. The government isn't there to protect the people. They have their own interests and fill their pockets. I had to say something.

**B:** Do you remember what you said?

**Ada:** Yes. I said why are you charging us for this? I said so much. I said how I feel. They steal money from people and after take us to police if we say anything.

**B:** Did they take you?

**Ada:** Yes. They came at night. But when I got out I had to leave because I knew they were coming back to look for me. So, because when they know who you are then they know you. You understand I had to leave (*Ada shaking head*). If they hear you say something they don't leave you alone. That is why I am here.

Ada's nonverbal cues coupled with his words articulated an intense experience of injustice. This was a familiar encounter experienced by Ramon. During his interview, Ramon discussed his dangerous journey from his home to the capital of Sri Lanka, Colombo. As a schoolteacher in his village, Ramon was targeted by the Tamil Tigers

(LTTE) who demanded he assist the militants in recruiting his students for the LTTE military forces. Ramon refused and became concerned about the safety of his own children and their forcible conscription. Ramon's account of being uprooted also entailed the difficult decision that he and his wife were forced to make for the safety of their children.

**Ramon:** We had to leave the place. We took whatever we could carry and had to cross the lagoon. That's a very difficult thing to cross... the lagoon... very dangerous. We got into boats, small boats, and in the rough lagoon and came over to Colombo. First we stayed in a refugee camp. In Colombo, I was only allowed my two daughters, my son and I crossed the lagoon with them. But my wife couldn't come with me. The Tigers said if you go to Colombo you should come back. So to make you come back we have your wife here. They didn't give the pass to her. So I said yes and the wife allowed us to go and we came over to Colombo.

A similar description of a painful separation from his wife echoed in Jodi's narrative who was forced to leave his homeland due to his political opinion.

**Jodi:** I was a political opponent and ran away from my country because of persecution. There is no freedom. They arrest political opponents and beat political opponents, and I knew they can kill me too. So first of all I ran from my country because of persecution. The only place I could go I knew it was a western nation because I knew there was no persecution there. Because I knew if I go to any African country it would be the same situation. Most of our countries have agreements whereby any political opponent crossing to another country would be returned to their country and therefore you are going to face a lot of persecution. That's why I decided to cross to North America... I have been out for almost three years now.

**B:** Three years now

**Jodi:** Yes. Yes. So I don't have any clue. My wife moved from the place I was living and went somewhere else because they were harassing her trying to ask

her where I am... where I am... so she had to leave and went somewhere where there is no communication at all. So I don't know where they are now. So that is how it is.

The multiplicity of techniques that can be utilized by the modern day persecutor in targeting, harming, and traumatizing the victim of forced migration is descriptively illustrated within the above narratives. As Ada, Ramon, and Jodi have articulated, these calculated strategies could take the form of abduction at nighttime, detention, torture, forced separation from spouse, and harassment of family members. The hand of the persecutor generates immediate unexpected decisions by the victim and in turn allows no time for contemplating what has happened. Themes of "grabbing whatever that can be carried" and "heading for western nation-states in fear of being returned by a neighboring country" were themes that I frequently encountered when working with asylum seekers and refugees prior to my entry into the site. For Jodi and Ada, these themes indicated not only the urgency of the need to leave at the time of persecution, but also the intense surge of anxiety of an unknown future.

Being outside of his homeland for three years with no knowledge of the whereabouts of his wife and family was a major concern for Jodi. During his interview, Jodi expressed that he wanted to reunite with his family in the United States but that was dependent upon the outcome of his asylum case. As mentioned earlier, unlike the refugee, the asylum seeker does not enter the United States with a positive status determination surrounding his or her well-founded fear of persecution. The process of obtaining a grant of asylum is lengthy and can take months or years depending on the particular facts of the case, appeals on denial determinations, and possible national security concerns. During his interview, Jodi discussed his sleeping disturbances and the mental pressures of waiting for the decision of the Immigration Judge on his case.

**B:** This long process you were telling me about you have been through... Can you tell me when are you going to know?

**Jodi:** In a month time. In a month time I am going to know. So I am just here, sleeping and waking up in the morning. Not sleeping at all. I don't sleep at all. I remember today people tell me why do you wake at 5, why do you wake at 4

(*Jodi laughing*), I said because of what I am going through. I don't know what's going to happen. I don't know. Sometimes I think I am sleeping, but I am not sleeping. I am thinking. I am very far from this body. I try very hard not to think about what is going to happen if the court doesn't let me stay.

It is clear from Jodi's response that the process of asylum eligibility determination and the permission to remain in the United States is one that weighs heavily on the mind of the asylum seeker. The nonverbal body language of powerfully directing his arms upwards when stating that he was *very far from his body* and the meaningful laughter when discussing other people's perception of his sleeping habits strongly communicated Jodi's high level of anxiety and distress surrounding the outcome of his case. Ada also discussed his concern regarding the outcome of his case and the struggle of trying not to think about the uncertainty. He called attention to the lack of control and the knowledge that his journey can possibly end in a return to his homeland.

**Ada:** I try not to think about what the judge will say. Everyone here is very supportive. It's not easy and the more I think about it, the more I feel like it is out of my control.

**B:** What do you think would happen if you returned?

**Ada:** I don't know what would happen. If they take me and send me back I have to hide and find my way out again. The government there knows me. They have people all over the country. It's a very difficult situation I am in.

The shared circulation of anxiety amongst asylum seekers is also well established when Ada explained his increasing distress in listening to other asylum seekers whose cases have been denied by the immigration court.

**Ada:** So I listen to the ones who are ahead of me and they weren't accepted and listen to see if their cases is like mine. I really listen and it doesn't help because I get afraid, very afraid, because I don't know what will happen. People are not accepted some times and I think that her case is like mine or his case is like

mine. So mine will be turned down. I try not to think about it and just wait. I just can't control it.

Similar to Ada and Jodi, Ramon expressed his fear of a negative outcome on his case and the *longer felt* duration of each day as he waits for the decision. Ramon stated, "The days are long and they get longer as I get closer (*laughing*)."

Later in the interview, the lifting of the weight of Ramon's anxiety upon a positive decision is illustrated when he states, "I have been thinking about my case for so long, so long, and when there is a decision for me to stay, to stay and I am free I don't know what to do with all this time (*laughing*). I would have so much time (*smiling*)."

### **Criminalization of the Asylum Seeker**

During the course of this exploratory project, I found that Ada and Jodi experienced detention as they were pursuing their asylum claims under the U.S. defensive asylum processing channel. Capturing the asylum seekers' psychological impact of being labeled as a criminal and the overlapping of criminal law into immigration law is an important theoretical framework that can be the subject of future research. During the in-depth interviews, both asylum seekers consistently expressed their mental distress during the time they were detained in U.S. Ada described his experience of being detained after leaving his homeland as "completely shocking and unexpected." He further elaborated on this unexpected event in his life and its psychological impact.

**B:** Can you provide me with more detail as to why you thought your detention in the United States was unexpected?

**Ada:** Sure. You see in my country things are different... very different. People go to jail for saying anything against the government. Lots of political prisoners in my country just watch the news there. When I was in my country I wasn't surprised that I could go to prison. I knew they abuse people but here in America... I was very surprised. I never expected that I would be put in prison. I run away from that country (*pointing in air with right hand*) to this country (*pointing in air with left*



*hand*) and then I am in prison where I ran away to. I was shocked and depressed. I don't understand what I did wrong. I am not a criminal. I ran away from criminals (*laughing*).

Ada's statements, "*I am not a criminal. I ran away from criminals,*" unveil the shocking social reality faced by many asylum seekers when detained. For Ada, escaping the criminal hands of the persecutory agent and its past actions constructs the very basis of his claim to asylum but yet his mode of entry into the United States resulted in his detention as a "criminal." His self-categorization of being seen as a "criminal" was evident when Ada stated on three separate occasions that people must have assumed he was a criminal during his detention period. While in the detention facilities, Ada described his initial feelings as being "shocked" and "depressed" but later he elaborated how these feelings transformed into anger and the feeling of being a "victim of injustice."

**Ada:** I began to question my even coming here. I didn't do anything wrong. I ran away from the government like they did and they are treated differently.

**B:** Can you tell me who you mean when you say "they"?

**Ada:** The people who come here with visas.

**B:** How are they treated differently?

**Ada:** They are treated differently because why was I not free like those other people who come here legally and then get asylum. I just didn't have a way of coming here like that. It's not easy to get a visa. I had to leave and now I was in detention. I was angry. I felt like it was really not right. I didn't have a choice.

Interestingly, in the above dialogue, Ada reveals the sharp contrast in the treatment of asylum seekers who enter the United States legally and then apply for asylum at a U.S. Asylum Office versus individuals who are apprehended at U.S. borders prior to their request for an asylum claim in the United States. It was the "unfairness" and the "injustice" in Ada's mind that motivated him to study immigration law and criminal law while in detention. Ada's interest in law was one of the central reasons he was targeted by the government of his country and yet it was the very same interest that inspired him to find explanations of his state of detention in his host country. I asked Ada if he had

obtained an explanation about his detention. He smiled intensely and stated, “I did. It’s all about loopholes.” He elaborated on the distinction between immigration law and criminal law in defining the concept of loopholes and its direct impact on the plight of asylum seekers applying through U.S. defensive-processing mechanism.

**Ada:** I felt like a criminal the moment I set foot here and got detained. It is all about loopholes because criminal law has loopholes in this country and there are ways of getting around things. But there are no loopholes in immigration law. If there was loopholes things could have been a lot easier for me. I wouldn’t spend so much time in detention like the criminals and with the criminals. But you never know what to expect... you never know what to expect.

The themes of unexpected detention and the time spent in detention “*like the criminals and with the criminals*” resonated in Jodi’s narrative of arrival in the United States. As an asylum seeker held in detention and subsequently released on temporary protection while his case was pending in Immigration Court, Jodi provided a detailed description of his experience in Immigration custody.

**Jodi:** They handcuffed me. I was confused. It was like I was in a movie. They straight away took me to the office and put me there and it was night. For the first time I got handcuffed. In the morning they picked me up from the office. I didn’t know what was happening, they told me to bend down and they handcuffed even my legs, my waist and my hands... I don’t even know how they do it. I pleaded with them to call my friend and my friend picked up some clothes. I couldn’t even see the friend because they wouldn’t let me to see him. I was tired, tired, confused. I didn’t know where I was actually.

Sitting across from Jodi and observing him hit his wrists together when articulating his experience of being handcuffed for the first time, manifests the criminalization of the asylum seeker and the mental struggle in attempting to understand what is happening. Later in the interview, Jodi expressed that his inability to see his friend emphasized the reality that he was imprisoned in an unknown location. The mental distress and feelings

of hopelessness are conveyed through Jodi's multiple statements of being tired and confused. The following account of Jodi's detention demonstrates the substantial mental harm and embarrassment he endured when walking in public with handcuffs.

**Jodi:** When I got out of the car, they just lifted me up and they carried my documents and my bag, there are a lot of people sitting and waiting to attend and you see people and they see you passing like a criminal (*Jodi hitting wrists together*). They thought maybe I have stolen something. You see, I got scared and I said my god people are going to think I have done something very very wrong. Then when I came out I was shy because looking at people they saw me when I was handcuffed both legs, hands, and my waist... you see, I have never done a crime in my life. I was confused and I just don't understand. I am here now and just waiting for the decision.

His concern about being tagged as a criminal and his fear of being seen in the public spectacle as an offender who had committed a crime of moral turpitude reveal the persisting mental anxiety that Jodi suffered. In a later conversation, when I asked Jodi why he thought his arrest was similar to a movie, he stated while laughing,

**Jodi:** I didn't know this could happen here to me. It was really like a movie. Even in my country of persecution I was never handcuffed. The United States was the last place I expected this. I had no idea. I had no idea.

Indeed, Jodi's surprise at being detained in the United States exemplifies the lack of knowledge many victims of forced migration have in regards to the rigorous immigration laws within sovereign fortresses of western nation-states and the consequences of breaking such laws.

## **Conclusion**

Through interviewing staff members and asylum seekers at FELA, this exploratory project revealed the dense site of the displaced peoples' subjectivity and

mapped their *bitterness at parting* from homelands and its continued resonance in the United States. The paintings on FELA's walls and the narratives that followed demonstrate the ever-present collective anxieties that continue amongst this marginalized population in various forms and lines of flight. The dialogues within FELA's social space of mobility and transition also unveiled the uninterrupted struggle of the asylum seeker in understanding the un-healable rift and searching for a durable solution. In addition, the narratives vividly unfolded two additional themes pertaining to asylum seekers. In facing a complex legal discourse for filing asylum claims within the restrictive regime of U.S. immigration laws, asylum seekers experience immense mental distress during their waiting periods regardless of whether they filed a claim affirmatively or defensively. This mental distress can be attributed to being in a state of limbo and ascertaining the possibility of a return to the hands of the persecutor. Finally, criminalizing defensive asylum seekers and placing them in prolonged confinement results in substantial mental harm. For this vulnerable population, the distress of becoming "criminal" in the hosting nation-state is coupled with circulating traumatic memories of past persecution, torture, and detention in homeland.

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**Endnotes**

<sup>1</sup> Paper presented at the 2012 meeting of the New York State Sociological Association.