

 U.S. Citizenship  
and Immigration  
Services



# No Time to Lose

Uyghurs Stuck in the United States Asylum System

**UHRP**

UYGHUR HUMAN RIGHTS PROJECT  
ئۇيغۇر كىشىلىك ھوقۇق قۇرۇلۇشى

## About the Uyghur Human Rights Project

The Uyghur Human Rights Project (UHRP) promotes the rights of the Uyghur people through research-based advocacy. We publish reports and analysis in English and Chinese to defend Uyghurs' civil, political, social, cultural, and economic rights according to international human rights standards.

## About the Author

*No Time to Lose: Uyghurs Stuck in the United States Asylum System* was researched and written by Dr. Henryk Szadziewski, Director of Research at the Uyghur Human Rights Project.

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# Table of Contents

<b>I. Key Takeaways</b>	<b>1</b>
<b>II. Summary</b>	<b>1</b>
<b>III. Methodology</b>	<b>6</b>
<b>IV. From the Fear to the Hope</b>	<b>6</b>
Leaving East Turkistan	7
Delays in the Asylum Process	11
Documentation Issues and Financial Stress	15
Impacts on Family Life and Health	17
After Asylum	18
<b>V. Background</b>	<b>19</b>
The Asylum Process in the United States	19
Analysis of Reforms to the Asylum Process	22
Uyghur Asylum Seekers in the Media	23
Previous UHRP Reporting	25
<b>VI. Implications and Significance</b>	<b>27</b>
<b>VII. Recommendations</b>	<b>29</b>
For the U.S. Congress	29
For the U.S. Executive Branch	29
For Civil Society	31



## I. Key Takeaways

- There are currently 500 to 1,000 Uyghurs caught up in the U.S. asylum system, with some having waited upwards of eight years for resolutions to their cases;
- Asylum seekers are experiencing significant stress on multiple fronts, including on their physical and mental health, as well as financial strains as a result of limited incomes;
- Separation from family in East Turkistan amounts to an additional source of stress and anxiety, which leads to feelings of re-traumatization and survivor's guilt;
- Uyghurs waiting for adjudication of their asylum claims have fled persecution in East Turkistan, which escalated in 2016 to atrocities that constitute genocide and crimes against humanity;
- The updated guidelines for the “last in, first-out” procedure for processing asylum applications has significantly delayed many Uyghur asylum cases;
- The Uyghur Human Rights Project urges the U.S. asylum system to quickly resolve the outstanding applications, and makes 14 recommendations for action to address the distress experienced by asylum-seekers. The recommendations urge action by Congress, the U.S. Citizenship and Immigration Services (USCIS), the White House-led interagency Task Force on Atrocity Prevention, the Department of Homeland Security, the Department of Justice, and civil society actors.

## II. Summary

Uyghur asylum seekers in the U.S. contend with multiple stresses. The uncertainty of sanctuary from their persecutors and separation from family members still in harm's way are overwhelming pressures. Moreover, Uyghur asylum seekers must also manage the insecurities of long delays in the U.S. asylum process, most notably

on their financial, physical, and mental wellbeing. The Uyghur Human Rights Project (UHRP) spoke to Uyghur asylum seekers in the U.S. who described the difficulties of meeting the threshold of a dignified life for themselves and their families. Low incomes, restricted employment opportunities, and bureaucratic delays in work authorization all contribute to economic hardships. Significantly, the lack of resolution in their cases means those on marginal incomes have recurring expenses to process paperwork and pay fees to immigration lawyers. Many of the Uyghurs who spoke to UHRP explained that delays in the asylum system are keeping them in a situation where they are making ends meet through a combination of precarious employment arrangements along with the assistance of family, friends, faith-based groups, individual philanthropists, private businesses, and local government programs.

Further, being stuck in the asylum system has significant impacts on physical and mental health. Uyghurs feel the pain of disconnection from family members still in East Turkistan due to Chinese government persecution of individuals communicating with loved ones overseas. Many provided details of their survivor guilt, their response to the losses experienced by others, and the realization that by fleeing abroad they may have sent their mother, father, sisters, and brothers into concentration camps or prison. Additionally, Uyghurs link waiting for decisions on their asylum cases to depression, reduced cognitive abilities, including forgetfulness, and sleeplessness in what amounted to a re-traumatizing experience. The expense of health insurance and counseling services, often on minimum wage jobs, means it is difficult if not impossible to access help from mental-health professionals for their trauma.<sup>1</sup>

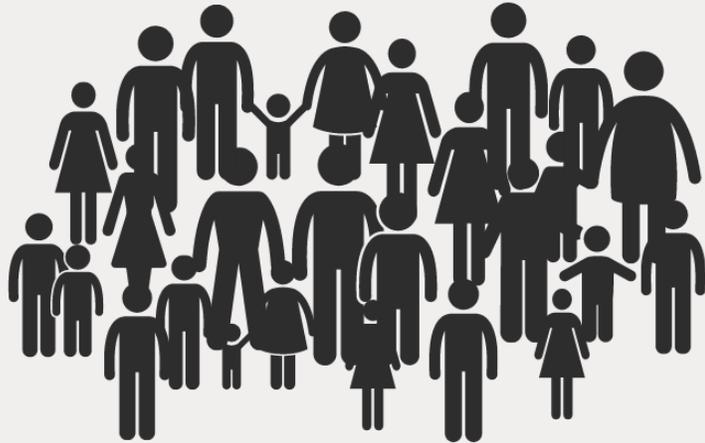
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<sup>1</sup> For an overview and analysis of the challenges faced by Uyghur refugees and asylees around the world, including in the U.S., see: "'On the Fringe of Society': Humanitarian Needs of the At-Risk Uyghur Diaspora," UHRP, February 1, 2023, <https://uhrp.org/report/on-the-fringe-of-society/>.

As of January 2022, there were an estimated 800 Uyghurs stuck in the U.S. asylum system, seemingly indefinitely.<sup>2</sup> The Uyghur American Association (UAA), a Uyghur community organization based in Northern Virginia, estimated 300 unresolved cases as of September 2022, which could include between 500 to 1,000 individuals, since each case is a whole family. In December 2022, one immigration lawyer detailed a caseload of 25 Uyghur clients, where 17 were waiting for interviews, five were waiting for a decision after an interview, and three were about to file an asylum petition. As of March 2023, delays in most Uyghur cases across the asylum system centered on receiving court dates.

## Number of Uyghurs Stuck in the US Asylum System

**Estimated  
500–1,000**



Source—Uyghur Human Rights Project, *No Time to Lose: Uyghurs Stuck in the United States Asylum System* (2023)



The Uyghurs UHRP interviewed describe wait times ranging from two to eight years. Reforms in 2022 to asylum policy under the Biden Administration mandate a regulatory requirement for “the entire process to take six months, compared with a current average

<sup>2</sup> Caroline Coudriet, “Uyghurs who fled China face lengthy asylum backlogs,” *Roll Call*, January 11, 2022, <https://rollcall.com/2022/01/11/uyghurs-who-fled-china-face-lengthy-asylum-backlogs/>.

of about five years.”<sup>3</sup> However, backlogs in the system, particularly for court dates, appear to be exacerbated by changes to the asylum system implemented in 2018.<sup>4</sup> The 2018 measures took a “last in, first out” approach to clearing caseloads, putting those Uyghurs who had already been waiting many years for an adjudication to the back of the line.<sup>5</sup> The reform to the system was put in place to discourage non-meritorious claims for asylum as a means of securing work authorization. Although most of the Uyghurs UHRP spoke to have already secured work authorization, most had professional careers in East Turkistan that they have been unable to resume in the U.S. Therefore, their asylum claims were evidently not made for economic reasons, but to seek sanctuary from internment, and security against forced return and the Chinese government’s genocide of the Uyghurs.

UHRP has regularly informed the U.S. authorities about delays in the asylum process, including Secretary of State Blinken in July 2021, and Secretary of Homeland Security Mayorkas in April 2022. In addition, UHRP has written to U.S. legislators, presented Congressional testimony, and submitted written statements seeking support in offering relief to Uyghur asylum seekers.<sup>6</sup> Further, UHRP has assisted Uyghur asylum seekers in the preparation of their

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<sup>3</sup> Eileen Sullivan, “Biden Administration Prepares Sweeping Change to Asylum Process,” *The New York Times*, March 24, 2022, <https://www.nytimes.com/2022/03/24/us/politics/us-asylum-changes.html>.

<sup>4</sup> “Human Rights First Finds Asylum Seekers Waiting Years in USCIS Backlog Which Delays Safety and Integration for Refugees,” Human Rights First, April 9, 2021, <https://humanrightsfirst.org/library/human-rights-first-finds-asylum-seekers-waiting-years-in-uscis-backlog-which-delays-safety-and-integration-for-refugees/>, and “In the Balance: The Human Cost of Delayed Refugee Processing in the United States,” Human Rights First, April 2016, <https://humanrightsfirst.org/wp-content/uploads/2022/11/HRF-In-The-Balance.pdf>.

<sup>5</sup> The “Last In, First Out” approach was used for many years, then the policy switched to “First In, First Out,” then switched back again to “Last In, First Out” in 2018.

<sup>6</sup> Nury Turkel, “Written Testimony of Nury Turkel, Chairman of the Board, Uyghur Human Rights Project,” before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific, September 26, 2018, <https://docs.house.gov/meetings/FA/FA05/20180926/108718/HHRG-115-FA05-Wstate-TurkelN-20180926.pdf>.



*"Friends in DC! Join leaders from the Uyghur community this Wednesday for a peaceful protest outside of DHS to call for the processing of their asylum claims." UAA Facebook Page, March 1, 2022.*

public testimonies to Congress, as well as provided support to immigration lawyers.<sup>7</sup>

In expressions of frustration at the delays in their cases, Uyghurs in Northern Virginia have held regular demonstrations in front of the U.S. Citizenship and Immigration Services (USCIS) office in Arlington, Virginia, and around 60 Uyghurs held one such protest on August 31, 2022. During previous protests, USCIS officers had come out to meet protestors to discuss the process for dealing with the backlog of asylum cases. However, on this occasion the protestors were met by a security guard who handed them the business card of a USCIS officer with whom they were instructed to make contact. The impersonal nature of the exchange was unexpected. USCIS officers had met with leaders of the Uyghur American community on several previous occasions, and provided open office hours for asylum seekers to stop by and discuss their cases. Although the interaction of August 31, 2022 may not have been representative, Uyghurs fear that it may have signaled USCIS officers' fatigue with their direct advocacy.

As expressed by many of the interviewees, Uyghur asylum seekers stuck in the system feel they have no time to lose. Under intense pressure from China's transnational repression,<sup>8</sup> they are anxious to secure their personal safety, find information about their family members in East Turkistan, and speak out for the

<sup>7</sup> A recurring issue for Uyghur asylum seekers is the seeming inconsistency on official Chinese documents that reference their proper names. Inconsistencies arise because official Chinese documents use Mandarin transliterations and conventions to render Uyghur names – for example, "Ā bo dù lā" instead of "Abdulla," as well as placing Uyghurs' patronymic (or family) names before given names. These renderings are neither consistent nor compliant with Uyghur naming conventions. UHRP has issued letters to Uyghur asylum seekers when the individual has been required to prove that their documents were not fraudulent because of the multiple versions of their names on the papers. For more on this topic, see: "Decolonizing the Discussion of Uyghurs: Recommendations for Journalists and Researchers," UHRP, December 21, 2022, <https://uhrp.org/report/decolonizing-the-discussion-of-uyghurs-recommendations-for-journalists-and-researchers>.

<sup>8</sup> For more information on China's transnational repression, see UHRP's "Transnational Repression Resources," <https://uhrp.org/transnational-repression/>.

persecuted of their homeland. Uyghur asylum seekers want to start a new life. As one said, “We contribute to the United States in so many ways already, there are lots of positives, but we want to be able to contribute in all ways. Our community doesn’t want handouts.”

Toward this end, this report recommends actions by Congress, government agencies, the multi-agency Task Force responsible for implementing the 2022 U.S. Strategy for responding to atrocities, and private humanitarian organizations.

### III. Methodology

For this report, UHRP interviewed eight Uyghurs seeking asylum in the U.S. UHRP selected the participants through network sampling, leveraging UHRP’s Uyghur contacts within the U.S. with interviews taking place from June to July 2022. The transcripts were uploaded to a Computer Assisted Qualitative Data Analysis (CAQDAS) platform and analyzed through an iterative process of coding so that dominant themes emerged. Secondary sources on Uyghurs’ experiences of the political asylum process were gathered from Google search engines, including Scholar. The search yielded nine texts (four published in 2020, three in 2021, and two in 2022), which were analyzed on an Excel spreadsheet. The text analysis comprised two steps: the first, an initial reading to record basic information (title, URL, date, and source), and the second, a critical reading to note core claims, keywords, and any standout quotes. As interview participants’ applications for asylum were still in process at the time of writing, and because Uyghurs overseas are highly vulnerable to China’s transnational repression, all identifying details have been removed.

### IV. From the Fear to the Hope

In 2022, UHRP interviewed eight Uyghurs for this report. As noted in the Methodology section above, identifying details of participants have been removed. However, for the purpose of clarifying the

**“We contribute to the United States in so many ways already, there are lots of positives, but we want to be able to contribute in all ways. Our community doesn’t want handouts.”**

narrative in this section, a short and anonymized description of each person follows:

- (1) Alimjan, male, asylum case active for seven years
- (2) Murat, male, asylum case active for seven years
- (3) Adil, male, asylum case active for four years
- (4) Aynur, female, asylum case active for eight years
- (5) Yusup, male, asylum case active for two years
- (6) Abdulla, male, asylum case active for six years
- (7) Ehmet, male, asylum case active for six years
- (8) Hoshur, male, asylum case active for two years

## Leaving East Turkistan

The Uyghur asylum seekers UHRP spoke to all had something to lose in leaving China, whether it was family members, professional employment, or financial assets. Most individuals held advanced degrees. For example, Abdulla and Murat studied at elite universities in Beijing, while Yusup, Adil, Alimjan, and Hoshur graduated from the Uyghur Region's most prestigious tertiary institutions, including Xinjiang University. Uyghur asylum seekers left behind occupations such as entrepreneur, multinational corporation representative, university lecturer, teacher, and researcher. To gain a higher education and secure a professional job took significant effort and resources in the context of formidable state and social discrimination. Uyghurs who migrated from the rural south of the Uyghur Region to the urban north faced even greater obstacles because of negative attitudes directed at those from places in the south, such as Kashgar and Khotan. In sum, the asylum seekers had invested lives in East Turkistan.

**“I didn’t care that the government would take away my business, or steal the money out of my bank account, I only cared that my family would be safe. I can rebuild a business. I cannot rebuild my family.”**

Although the Uyghurs UHRP interviewed were engaged in a range of professions, a clear pattern of targeted mistreatment by the Chinese state emerged in the interviews. They described their experiences of regular harassment and questioning from state representatives, including police. Many expressed a sense of being “blacklisted” from regular participation in society and official suspicion about their attitudes and activities. Surprisingly, the

Uyghurs' professional successes made them targets. China's government-controlled media amplifies so-called Uyghur success stories in a propaganda effort to conceal repression; however, at the same time, the state perceives professional accomplishment as a potential threat.<sup>9</sup> For example, scholars among UHRP's interviewees found that their teaching and writing, fundamental tasks in their work, could be used as a basis for persecution. Further, Yusup, a business owner, shared how his financial support for local religious figures and for the construction of religious buildings made him vulnerable to suspicion from the authorities.

## Reasons for Uyghurs Leaving China (pre-2017)



**Targeted mistreatment**



**Harassment and questioning**



**Blacklisted from participation in society**



**Suspicion about attitudes and activities**

Source—Uyghur Human Rights Project, *No Time to Lose: Uyghurs Stuck in the United States Asylum System* (2023)



UHRP has documented the targeting of intellectuals and businesspeople as part of the ongoing Uyghur genocide.<sup>10</sup> Uyghurs interviewed as part of that documentation process were confused by the paradox described above, concluding that a good strategy for avoiding state suspicion was to be not successful in life. Adding to

<sup>9</sup> "The Disappearance of Uyghur Intellectual and Cultural Elites: A New Form of Eliticide," UHRP, December 8, 2021, <https://uhrp.org/report/the-disappearance-of-uyghur-intellectual-and-cultural-elites-a-new-form-of-eliticide/>.

<sup>10</sup> "Under the Gavel: Evidence of Uyghur-Owned Property Seized and Sold Online," UHRP, September 24, 2021, <https://uhrp.org/report/under-the-gavel-evidence-of-uyghur-owned-property-seized-and-sold-online/>.

their confusion was the knowledge they had not done anything illegal. Adil described how, during a search of his house, police found religious books printed legally in China. The police officers detained and interrogated him about his religious beliefs and perceived connections with overseas Uyghurs, torturing him with electric batons during his interrogations. Despite such violence, for some, the decision to leave China was not easy; however, for others, such as Ehmet, the opposite was the case. He explained, “I didn’t care that the government would take away my business, or steal the money out of my bank account, I only cared that my family would be safe. I can rebuild a business. I cannot rebuild my family.”

UHRP has extensively recorded how the forms and intensity of the Chinese government’s transnational repression of Uyghurs varies across different sovereign spaces, a factor influencing the considered decision of many to come to the U.S. over other countries.<sup>11</sup> Essentially, Uyghurs believe the U.S. has the capacity to protect them from transnational repression when other countries cannot. As conditions rapidly deteriorated beginning in 2016, Uyghurs, who could, left East Turkistan.

Although some Uyghurs arrived in the U.S. directly and made immediate applications for asylum, interviewees also described transit through third countries, including states in Africa, Latin America, East Asia, and the Middle East. Interviewees described their experiences in the United Arab Emirates (UAE), Japan, and Turkey. Fleeing to the UAE brought serious risk of refoulement, and in Japan, Adil described pressure exerted on him by police from his hometown in the Uyghur Region to disclose personal information, as well as stalking from unidentified individuals. When Adil asked local authorities in Japan for police protection, he was not offered it. Interviewees also relayed how Chinese police officers based in China put pressure on them over messaging apps to surrender personal information. Furthermore, pressure came from police officers in host countries. Following a 2019 protest in Istanbul against China’s treatment of Uyghurs, Turkish police arrested Yusup and warned him not to disrupt relations between Turkey and

**China’s government-controlled media amplifies so-called Uyghur success stories in a propaganda effort to conceal repression; however, at the same time, the state perceives professional accomplishment as a potential threat.**

<sup>11</sup> “China Perpetrating Transnational Repression of Uyghurs on Massive Scale, New Joint Report Reveals,” UHRP, June 24, 2021, <https://uhrp.org/statement/china-perpetrating-transnational-repression-of-uyghurs-on-massive-scale-new-joint-report-reveals/>.

China. Abdulla highlighted his vulnerability due to the difficulty of securing long-term legal residency in Turkey. Fear pervaded the Uyghur community in Turkey, especially among those who had expiring Chinese passports which Chinese consular services would not renew, declaring instead they had to return to China to renew their passports. Abdulla added that those who had gone back to China had disappeared and those who remained in Turkey lived without legal papers.

People took different routes to the U.S.; however, the most popular was by air with arrangements made in China. Before 2016, Uyghurs were already fleeing China and the intensification of repression experienced that year. But from 2016, the government resumed confiscating passports and required Uyghurs to apply for permission to leave China.<sup>12</sup>

Alimjan had been warned by colleagues that he was in danger due to police interest in his activities, and with this knowledge he was able to prepare his family's documents by 2014. The U.S. consulate approved Alimjan's application for a visitor visa and he left China with his wife and children in early 2015. As he exited, Chinese immigration officials questioned him about his intentions in the U.S., asking specifically if was going to meet with activists in Washington, DC. Alimjan told them he would not. He applied for asylum once in the U.S.

Hoshur also applied for asylum at an airport in the U.S. Upon arrival, he made his intention known to officials and he and his family were held overnight then released to Immigration and Customs Enforcement (ICE) officers the following afternoon.

Murat sold his business in China after the U.S. Embassy granted him a B1/B2 visitor visa, which combines both business (B1) and tourism (B2) purposes for entry to the U.S. He and his wife went directly to Washington, DC, where his wife had a relative.

Aynur explained she also had a relative in the U.S. and that exit from China presented no problems in 2014.

**Uyghurs believe the U.S. has the capacity to protect them from transnational repression when other countries cannot.**

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<sup>12</sup> "China confiscates passports of Xinjiang people," BBC News, November 24, 2016, [www.bbc.com/news/world-asia-china-38093370](http://www.bbc.com/news/world-asia-china-38093370).

Ehmet and his family applied for a B1/B2 visa in 2015, which was granted, and they left for the U.S. in 2016.

Abdulla was granted a visitor visa, which he secured in the UAE.

However, Yusup crossed the border between Mexico and the U.S. After four months of detention in an immigration detention center, he was released upon payment of \$10,000 bond and agreeing to electronic tagging. Yusup did not disclose how long he was required to wear the tag. This procedure is common for those released from immigration detention centers; however, this was the only case of tagging among individuals interviewed by UHRP.

## Delays in the Asylum Process

Uyghur asylum seekers expressed that their greatest frustration with the asylum process was the waiting. Most hold positive attitudes about the U.S., especially regarding the value of personal liberty. People are optimistic about permanently securing individual freedoms in the U.S., as well as safety from internment and sanctuary from Chinese state repression. Asylum seekers are waiting at various stages of the process, including on initial interview dates, decisions on interviews, and court dates, which is the next step after a negative decision. People understand there can be delays; yet, the length of waits is felt to be excessive.

Additional frustrations include a perceived lack of literacy among USCIS officers about conditions for Uyghurs in China despite the existence of a dedicated section about Uyghurs on the Department of Justice's Executive Office for Immigration Review webpage for China.<sup>13</sup> USCIS officers apparently do not appreciate that Uyghurs in the U.S. are frequently unable to contact family in China to provide supporting evidence for their asylum case and that separation from family members still in harm's way is a particular stress.

Ehmet could not reconcile how the U.S. executive could describe the conditions for Uyghurs in China as a genocide, but that

**Ehmet could not reconcile how the U.S. executive could describe the conditions for Uyghurs in China as a genocide, but that USCIS almost had no sense of the urgency that this designation should create.**

<sup>13</sup> "People's Republic of China," U.S. Department of Justice, accessed March 9, 2023, <https://www.justice.gov/eoir/china-contents#egr3>.

USCIS almost had no sense of the urgency that this designation should create.

Alimjan said, “We shouldn’t be treated like other Chinese citizens.” Murat added that it was only through making a petition to expedite his case that USCIS officers understood the distinction between Uyghurs and other Chinese citizens. However, this kind of awareness also had variances depending on where the USCIS field office was located. The office in Arlington, Virginia was more attuned to the specifics of Uyghur petitions than the office in Los Angeles, apparently given the concentration of Uyghurs in Northern Virginia.

Alimjan explained he had applied for asylum with USCIS in 2015, attended an asylum office interview in 2017, and then received a decision two weeks later referring his case to an immigration court. Five years after the initial referral decision, in 2022, he was informed of his court date. “The system is broken,” he said. “I’ve waited at every stage of the process. We deserve to get on with our lives.”

Ehmet has been waiting six years for an interview, noting changes and delays in the process because of the Covid-19 pandemic. “I understand that Covid impacted the way we work, but five years is a long time to wait and that has an impact on getting my life restarted. It just seemed to me that there was no Plan B to deal with the backlog of asylum applications during Covid.”

Murat described waiting seven years for an asylum office interview and that he was now preparing for another wait to get a decision.

Aynur, who left Ürümchi in 2014, received a court date in 2023, nine years after her application for asylum. She learned this online after receiving no updates from a 2018 asylum office interview at which she received a court referral. An initial immigration court date had been set in August 2021 and then changed without explanation. Like others, Aynur wanted to expedite her case; however, she has no money to pay a lawyer. Instead, she frequently goes to the immigration court in Arlington to advocate for some movement in her case.

Asylum seekers waiting on interviews, decisions, and court dates have often protested in front of the Arlington field office, but the protests exposed Uyghurs to China's transnational repression. After attending protests, Yusup received messages on Telegram from police officers in Kashgar, his hometown, telling him to end his asylum application and return to China. He said, "The protests put me in the public eye, as the media covered them. I'm caught in a tricky situation. I want to protest the delays in my asylum application, but if I do, China will use this against me." Despite their presence in the U.S, the shadow of China's repression still affects the asylum process. Hoshur spoke of his instinctive fear of USCIS officers given his negative experiences with law enforcement in the Uyghur Region. Adil said USCIS requested documents, such as a marriage certificate and professional diploma to substantiate his story, but these are documents he cannot acquire because if he asked relatives in East Turkistan to help him get them, those family members would be put at risk.



*"Today on Wednesday August 31st 2022, another peaceful demonstration had been held in front of the USCIS office in Arlington, VA, demanding to expedite the Uyghur Asylum cases and the decision process specially for the camp survivors." UAA Facebook Page, August 31, 2022.*

The UAA, which, alongside UHRP, acts as a support resource for asylum seekers, notes that since mid-2022, interview scheduling has accelerated. As a result, concerns among Uyghur asylum seekers about securing an interview have lessened. Some interpreters reported working on three to four interviews a day in the latter part of 2022; nevertheless, those asylum seekers sharing information with UAA do not include all Uyghurs with current cases.

In December 2022, UAA noted that delays are currently concentrated post-interview. While some Uyghurs do receive notifications within the mandated two weeks after the interview, many others do not. One individual, a Uyghur woman with two children, has received no response since her February 2022 interview. Another individual reported to UAA she has had no update since an April 2022 interview.

UAA representatives believe delays post-interview are likely due to the following reasons:

- An initial denial was referred to the immigration court, and as a result, the case has joined the backlog in the court system. However, UAA reports that under the Biden Administration's February 2022 reforms, one case was referred back to a USCIS officer from the court.
- An individual transited through a third country, such as Malaysia, Turkey, or Pakistan, requiring the Department of Homeland Security to conduct a security check.
- A USCIS officer was unable to make a decision on a case and referred it to supervisors or the immigration court.
- Variations in familiarity among USCIS officers with Uyghur asylum cases. As noted, Arlington, Virginia has more familiarity than other offices. However, high staff turnover in some offices, including Arlington, may be impacting officer literacy.
- An individual was flagged at the border for issues with their paperwork or detained for illegal entry, even if that person was subsequently released. Such cases are referred to the immigration court as a procedural measure.

**USCIS requested documents, such as a marriage certificate and professional diploma to substantiate [Adil's] story, but these are documents he cannot acquire because if he asked relatives in East Turkistan to help him get them, those family members would be put at risk.**

## Documentation Issues and Financial Stress

Securing supportive documentation from China and onerous paperwork requirements in the U.S. creates significant barriers for Uyghurs. The recurring objection UHRP heard in the interviews was about undue expenses caused by delays in the asylum process. Delays in the asylum process, especially the perceived need to engage lawyers to expedite cases, causes undue financial burdens. Furthermore, the necessity to frequently renew work permits because of long waits for decisions added other costs, especially for individuals surviving on the support of the Uyghur American community, or those living on low incomes. Delays in the asylum process were compounded by delays in the granting of work permits. For work permits with a one-year validity – some are issued with longer validity – delays were so prolonged that by the time the permission was issued, the application process to renew for the following year needed to start, in order to avoid a lapse in work authorization, offering the prospect of a never-ending round of bureaucracy. Alimjan said paperwork demands have other impacts on earnings as some applications have to be made in person, so he has to take time off work.

## Effects of Prolonged Wait Times for Uyghur Asylum Seekers



**Economic hardships**



**Physical and mental health issues**



**Depression and sleeplessness**



**Stress and anxiety, survivor's guilt**

Murat detailed the costs of work permit renewal. Every year, he and his wife pay \$410 each for the application renewal, plus \$200 in lawyer fees. Their asylum cases were pending at the time of interview for this report, and they had been waiting seven years for a resolution, meaning that as a couple, the cost of keeping current on work permits alone amounted to around \$7,140. Delays in issuing the work permit one year almost cost Murat his job, which could have led to serious run-on problems for the family including homelessness and/or food insecurity.

Ehmet also described problems with work permit delays. On two occasions, he managed to secure renewals easily; however, on one occasion, his renewal was delayed by nine months.

Even though he began the renewal process in March 2021, Abdulla said that his permit expired in May 2021, and an extension was not granted until August 2021. In the period between, he lost his job, after which he found it difficult to pay rent on his apartment.

In a December 2022 interview, a UAA representative told UHRP that work permit issues had been resolved for many individuals in contact with the organization. The representative added that work permits are now granted promptly, including for asylum petitioners with longstanding cases. However, the same caveat described above also applies here: that is, not all Uyghur asylum seekers work with the UAA as not all are comfortable working with an activist organization, fearful that doing so might put their family in East Turkistan at risk.

The wait for a decision has other financial implications. Alimjan said he cannot get federal contracting jobs because of his immigration status and that this was a significant disadvantage in the Washington, DC labor market. Adil explained finding work was difficult without an H-1B visa, which permits U.S. employers to temporarily hire non-U.S. citizens for specialty positions, or a Green Card because employers did not see job applicants as long-term employees. “I’ve been to many interviews, but they always ask me the same question about my immigration status,” he said.

Many of the asylum seekers who spoke to UHRP also noted the impact of their status on education opportunities. Access to student loans and domestic tuition fees are denied to asylum seekers. Murat

**[N]ot all Uyghur asylum seekers work with the UAA as not all are comfortable working with an activist organization, fearful that doing so might put their family in East Turkistan at risk.**

said he had lived in Virginia for seven years and paid state and federal taxes, yet he and his wife cannot access the more favorable conditions for financing a university-level degree.

Yusup and Hoshur shared how unemployment was a dignity issue. “I rely on the good nature of others,” Yusup told UHRP, “I don’t feel like I am a decent human,” he said. Similarly, Hoshur said, “I need to borrow money from friends to support my children. What I really need is work.”

## Impacts on Family Life and Health

Uyghur asylum seekers described multiple stresses on family relationships and health issues related to permanent exile in the U.S. and delays in the resolution of their cases. Foremost, Uyghurs were traumatized by the lack of information about family members in East Turkistan, as well as Chinese state persecution of loved ones caused by their decision to seek asylum. There is sometimes the addition of deep uncertainty as significant and sensitive family news is often delivered indirectly, so individuals feel unsure about its veracity.

For example, Alimjan reported that he learned about the death of his mother and father via anonymous messages.

Hoshur shared how he learned from a third party that a close family member had suffered a heart attack. He desperately wanted to go home to offer care and support but knew that this was ultimately impossible. Hoshur detailed the mistreatment of his family by the Chinese state precisely because he had applied for asylum in the U.S. His five siblings were interned in concentration camps, and he has completely lost contact with a sister and brother. A nephew, who was also his business partner in East Turkistan, was also interned. Throughout his interview with UHRP, Hoshur spoke about his sense of guilt, adding that because of him, the lives of his siblings and their children had been destroyed. “I can’t sleep,” he said.

Aynur said she had purposefully not contacted her family because she knew that this might be one way for the Chinese authorities to persecute them to pressure her. “I’d like to bring my

**“I’d like to bring my mother and father to the United States if I can,” [Aynur] explained, “However, they will never get a passport and China will never let them leave. I won’t see them ever again.”**

mother and father to the United States if I can,” she explained, “However, they will never get a passport and China will never let them leave. I won’t see them ever again.”

Ehmet described the lack of direct contact with family members and state retribution against them as a “cruel punishment.” “My brother got 20 years in jail, another brother I haven’t heard from. My wife’s brother was put in jail for seven years. My mother, who is 71 years old, cares for my brother’s three children,” he said.

The stresses of the asylum process also put marriages under strain. Partners become irritable with each other about their lives apart from family and far from their homes. Delays were cited as sources of conflict with one partner blaming the other for some perceived misstep in paperwork or with immigration officials. Parents find it difficult to explain to their children the long waits and the fact that their sons and daughters would not see their extended families again. As one asylum seeker explained, “What am I supposed to say when my daughter asks me if she will see grandma again?”

Discussion of mental health challenges was a difficult subject. Nevertheless, one asylum seeker linked waiting as cause for trauma, saying, “My wife doesn’t leave the house. I have depression, and I don’t sleep. When I do sleep, I dream of becoming an American citizen.” Two other asylum seekers said they struggled with depression, impaired cognitive function, including forgetfulness, and sleeplessness. The expense of health insurance and counseling services, often on minimum wage jobs, means treatment is difficult to access.<sup>14</sup>

## After Asylum

A common theme in our interviews with asylum seekers was the prospect of life after the resolution of their cases. Murat described the greatest change would be safety from internment and protection from Chinese state persecution. Moving onto personal ambitions, he

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<sup>14</sup> See: “On the Fringe of Society”: Humanitarian Needs of the At-Risk Uyghur Diaspora,” UHRP, February 1, 2023, <https://uhrp.org/report/on-the-fringe-of-society/>.

added that he would be able to get a better job and be able to afford the domestic rates of university tuition for his daughter.

Aynur also anticipated an improvement in her economic condition through increased opportunities to train for skilled employment. She explained legal permanent residency in the U.S. would give her confidence to advocate for family reunification in the U.S. Although she was unsure how this would work, she felt that once her own security was ensured, she would be better positioned to work on her family's safety.

Similarly, Ehmet felt he could securely speak out about family members who have either been imprisoned or disappeared. One interviewee spoke about enlisting in the U.S. Army, an opportunity open to citizens and lawful permanent residents.

Adil noted that "everything would change," saying that he would have a new sense of pride. "I have no big dreams, maybe buy a house, and just live a normal life," he said.

Abdulla shared his dream of completing a Ph.D. Ehmet added if he were to gain legal permanent residency, he would travel overseas. He said, "Just give us Uyghurs an opportunity to start a new life. We are so eager! We contribute to the U.S. in so many ways already, there are lots of positives, but we want to be able to contribute in all ways. Our community doesn't want handouts."

## V. Background

### The Asylum Process in the United States

Processing logistics in the U.S. asylum process have been reformed over the past eight years, including measures that have impacted Uyghur cases. The following subsections briefly explain and analyze the current process and changes to the asylum system by referencing U.S. government texts as well as published commentaries by specialists.

Asylum seekers in the U.S. constitute a different legal category to refugees under U.S. immigration laws. Refugees are relocated through the U.S. resettlement program under a process conducted

outside the U.S., whereas asylum seekers make applications when they are physically present in the U.S. or entering the U.S. at a port of entry. Asylum is open to individuals who seek “protection because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, and political opinion.”<sup>15</sup> Country of origin and current U.S. immigration status are not impediments to making an asylum application.<sup>16</sup>

There are two principal routes to making an asylum claim in the U.S.<sup>17</sup> One is for individuals who are not in removal proceedings, and one for those who are in removal proceedings. The first, termed the “affirmative process,” is initiated through submission of the form I-589, Application for Asylum and for Withholding of Removal, to the U.S. Citizenship and Immigration Services (USCIS), a branch of the Department of Homeland Security (DHS). Asylum applicants must submit the I-589 within one year of their last arrival in the U.S. unless they can prove changed or extraordinary circumstances. When the claim is made, USCIS sends an acknowledgement of receipt, an appointment for biometric services (including fingerprints, photograph, and/or signature), and security screening of the asylum seeker begins. A second appointment is scheduled for an interview with an immigration official at which a well-founded fear of persecution if removed from the U.S. must be established.<sup>18</sup> If a well-founded fear of persecution is not established, the officer refers the applicant for removal proceedings.<sup>19</sup>

**“Just give us Uyghurs an opportunity to start a new life. We are so eager! We contribute to the U.S. in so many ways already, there are lots of positives, but we want to be able to contribute in all ways. Our community doesn’t want handouts.”**

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<sup>15</sup> “Asylum,” U.S. Citizenship and Immigration Services, accessed March 9, 2023, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>.

<sup>16</sup> “Refugees and Asylum,” U.S. Citizenship and Immigration Services, accessed March 9, 2023, <https://www.uscis.gov/humanitarian/refugees-asylum>.

<sup>17</sup> A third route is an asylum merits interview after a positive credible fear determination, which occurs when an individual is placed in expedited removal proceedings and applies for asylum upon expressing fear of persecution or torture in the country of return. The individual is referred to USCIS for screening. None of the Uyghurs interviewed for this report were in this position.

<sup>18</sup> “Types of Affirmative Asylum Decisions,” U.S. Citizenship and Immigration Services, accessed March 9, 2022, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/types-of-affirmative-asylum-decisions>.

<sup>19</sup> Credible fear is a different legal standard that applies to border entrants who must pass an initial fear screening to be permitted to pursue asylum in the U.S.

The second route is the defensive process. This includes individuals who are in removal proceedings, either because their case was referred by the USCIS after an unsuccessful affirmative application, or because they are in removal proceedings for another reason. Individuals who enter the U.S. by crossing the border without authorization or presenting themselves at a port of entry without proper documents, can also seek asylum, generally before an immigration court.

The defensive process is held in the court system. When an affirmative application is denied, the asylum seeker is then issued with a Notice to Appear, and the case is referred to an immigration judge at the Executive Office for Immigration Review (EOIR) in the Department of Justice. A judge reviews testimony from the asylum seeker who may be represented by an immigration attorney; however, there is no universally appointed government-funded counsel for asylum seekers in immigration proceedings. The U.S. government is represented by an attorney from U.S. Immigration and Customs Enforcement (ICE). The hearing is considered “de novo,” meaning the judge’s decisions are unaffected by USCIS adjudications.

The immigration judge considers eligibility for asylum as well as withholding removal under the U.S. Immigration and Naturalization Act or under the United Nations Convention Against Torture. If the judge approves the case, the applicant is granted asylum. If it is denied, the judge decides if the asylum seeker has any other route preventing removal from the U.S. If asylum is denied, the judge may grant the respondent withholding of removal or deny their application in its entirety. If the judge denies the entirety of the case, an order for removal from the U.S. is issued. Both the respondent and the government have the right to appeal the judge’s decision.<sup>20</sup>

**Asylum is open to individuals who seek “protection because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, and political opinion.”**

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<sup>20</sup> “Obtaining Asylum in the United States,” U.S. Citizenship and Immigration Services, accessed March 9, 2023, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/obtaining-asylum-in-the-united-states>.

## Analysis of Reforms to the Asylum Process

Regarding USCIS processing times, the Catholic Legal Immigration Network notes, “Asylum offices have a statutory duty to schedule an asylum interview within 45 days of the initial filing; the entire case must be completed within 180 days (the time it takes for a person with a pending asylum application to procure an employment authorization card).”<sup>21</sup> However, beginning in 2014, the affirmative asylum process began to significantly slow due to a sudden increase in asylum seekers from Central America. USCIS officers were reassigned for credible fear determinations and the system became backlogged, and in December 2014, “first in, first out” (FIFO) guidelines were issued to immigration officials to deal with the bottleneck of cases.

On January 31, 2018, the Trump Administration introduced updated guidelines for prioritizing asylum cases with a “last in, first out” (LIFO) approach. The rationale was to prevent non-meritorious asylum applications so that claimants could be processed within the 180 days it took to acquire work authorization; as a result, “the prior scheduling bulletin no longer exists on the USCIS website.”<sup>22</sup> The change had a profound impact on Uyghur asylum seekers arriving prior to January 2018, significantly delaying their cases. As one observer noted the delays were felt across the system:

Over 430,000 affirmative asylum-seekers have been subject to a processing policy referred to as ‘Last in, First Out’ (LIFO) that prioritizes recently submitted applications over older cases. A person who applies for affirmative asylum this year should have their interview within 45 days, but the wait is averaging 1,621 days. For those who applied in 2015, 2016, or 2017 when the backlog began, the delay has lasted seven years.<sup>23</sup>

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<sup>21</sup> “Asylum Office Updates Scheduling Procedures,” Catholic Legal Immigration Network, accessed March 9, 2023, <https://cliniclegal.org/resources/humanitarian-relief/asylum-and-refugee-law/asylum-office-updates-scheduling-procedures>.

<sup>22</sup> “Asylum Office Updates Scheduling Procedures,” Catholic Legal Immigration Network, accessed March 9, 2023, <https://cliniclegal.org/resources/humanitarian-relief/asylum-and-refugee-law/asylum-office-updates-scheduling-procedures>.

<sup>23</sup> Alexandra Martinez, “Asylum seekers ‘last in, first out,’” *Prism*, March 31, 2022, <https://prismreports.org/2022/03/31/asylum-seekers-last-in-first-out/>.

Further, the Trump Administration implemented new regulations on securing an Employment Authorization Document (EAD).<sup>24</sup> These new regulations required individuals to wait one year (an additional six months over the prior measures) from the date of their asylum application before making a request for permission to legally work in the U.S. However, the Biden Administration permanently vacated these EAD regulations and USCIS has reverted to using the prior rules. While the Trump Administration's EAD policy was in effect, many of the Uyghurs interviewed for this report were impacted and even under the current Biden Administration policy there can still be formidable backlogs for acquiring an EAD. In another indication of changing rules under separate U.S. administrations, a Trump era measure to limit the validity of employment authorization to no longer than two years, requiring renewals, has been retained; yet, the 30-day deadline for processing employment authorization requests was removed.<sup>25</sup>

## Uyghur Asylum Seekers in the Media

In July 2020, *The Wall Street Journal* highlighted how USCIS asylum policies have led to longer waits for Uyghurs already experiencing years of delay on decisions. *The Wall Street Journal* spoke to one Uyghur asylum seeker in Boston who explained that she and her husband had been waiting six years for an interview; however, her sister, who applied in 2018, had her asylum application resolved within three months.<sup>26</sup> Also in 2020, *American Prospect* elaborated on the impact of the Trump-era one-year wait to apply for a work permit. According to the article, the one-year delay was intended to act as a disincentive to making asylum applications, even though people who apply for asylum are seeking to obtain permanent safe

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<sup>24</sup> "Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review," *Federal Register*, Vol. 85, No. 124, 38532-38628, June 26, 2020, <https://www.govinfo.gov/content/pkg/FR-2020-06-26/pdf/2020-13544.pdf>.

<sup>25</sup> Peniel Ibe, "How Trump Is Making It Harder for Asylum Seekers," *American Friends Service Committee*, November 2, 2020, <https://www.afsc.org/blogs/news-and-commentary/how-trump-making-it-harder-asylum-seekers>.

<sup>26</sup> James T. Arredy and Michelle Hackman, "China's Muslim Uighurs Are Stuck in U.S. Immigration Limbo," *The Wall Street Journal*, July 28, 2020, <https://www.wsj.com/articles/chinas-muslim-uighurs-are-stuck-in-u-s-immigration-limbo-11595937603>.

status, not work authorization; however, the resulting effect on livelihoods was to exacerbate economic and social vulnerabilities.<sup>27</sup>

Noting the increased risks to Uyghur asylum seekers through the change of rules, U.S. Representatives Ted Yoho and Ami Bera, acting in their roles as the Chair and Ranking Member of the House Foreign Affairs Subcommittee on Asia, wrote a letter on September 17, 2020 to USCIS to express concern. The Members of Congress urged USCIS to expedite all Uyghurs' asylum cases, citing the specific dangers to Uyghurs who are abroad.<sup>28</sup> An October 8, 2020 letter sent by UAA to USCIS cites transnational repression as an urgent reason to expedite Uyghur asylum applications and adjudications.<sup>29</sup>

Over a year later, in November 2021, Voice of America reported ongoing issues with wait times for Uyghur asylum applications. The report highlighted the case of Tahir Hamut Izgil, his wife, and three children, who at the time of publication had been waiting four years for an adjudication. Tahir further explained, "My two daughters' China-issued passports expired in 2019, and they have no official status here in the U.S. Without any status, my daughter who is now a first-year student at Virginia Tech, is not able to apply for a student loan or scholarship." Despite the delays, Tahir expressed that he was fortunate to be in the U.S., where he did not fear deportation – unlike Uyghurs in other countries, such as the UAE, Egypt, and Saudi Arabia. Uyghurs in these countries are unable to leave to seek asylum elsewhere due to the expiration of travel documents.<sup>30</sup> In October 2021, Tahir appeared as a witness at the Congressional-Executive Commission on China hearing "Protection from

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<sup>27</sup> Marcia Brown, "After Uighurs Escape China, They Face U.S. Asylum System," *The American Prospect*, August 5, 2020, <https://prospect.org/world/after-uighurs-escape-china-face-u-s-asylum-system/>.

<sup>28</sup> Representatives Ted Yoho and Ami Bera's Letter to Acting Director, U.S. Citizenship and Immigration Services, Ken Cuccinelli, September 17, 2020, [https://www.uscis.gov/sites/default/files/document/foia/Uyghur\\_asylum\\_seekers\\_Representative\\_Yoho.pdf](https://www.uscis.gov/sites/default/files/document/foia/Uyghur_asylum_seekers_Representative_Yoho.pdf).

<sup>29</sup> "Special considerations for Uyghurs and others persecuted by the Chinese government," Letter to Acting Secretary U.S. Department of Homeland Security, Chad F. Wolf, Uyghur American Association, October 8, 2020, [https://www.uscis.gov/sites/default/files/document/foia/Asylum\\_for\\_Uyghurs\\_and\\_others\\_persecuted\\_by\\_the\\_Chinese\\_government-Uyghur\\_American\\_Association.pdf](https://www.uscis.gov/sites/default/files/document/foia/Asylum_for_Uyghurs_and_others_persecuted_by_the_Chinese_government-Uyghur_American_Association.pdf).

<sup>30</sup> Asim Kashgarian, "Uyghurs Outside China Say They Have Been Abandoned," VOA News, 14 September 2021, <https://www.voanews.com/a/uyghurs-outside-china-say-they-have-been-abandoned-/6305087.html>.

Persecution: Establishing Humanitarian Pathways for Hong Kongers and Uyghurs.” In his testimony he urged Congress “to find out why Uyghurs’ U.S. asylum applications have been in limbo for so many years, at a time when the U.S. government has recognized the genocide.”<sup>31</sup>

Two articles published in 2022 focused on the impacts of long waits on asylum cases, as well as the disconnect between U.S. government rhetoric on genocide and humanitarian relief for Uyghurs. A January 11, 2022 piece in *Roll Call* noted how unresolved asylum claims have an impact on general stability, family reunification, and mental health, adding, a long wait “limits the stability asylum-seekers can achieve, even if they can work legally. Many are unable to access government benefits or education for themselves and their families.”<sup>32</sup> An article published by *Reason* on January 12, 2022, concluded, “While immigration relief alone won’t solve the plight of the Uyghurs, speeding up those processes is something that the U.S. government should prioritize.”<sup>33</sup>

## Previous UHRP Reporting

In 2011, UHRP published “They Can’t Send Me Back: Uyghur Asylum Seekers in Europe.”<sup>34</sup> The report documented Uyghurs’ asylum applications in Sweden, Norway, and the Netherlands. The more-than 50 Uyghurs interviewed for the report frequently spoke of a confusing and frightening process. Rejections of Uyghurs’ asylum applications, at that time, were frequently underpinned by little awareness of the repression faced by Uyghurs in China. In the context of this research on Uyghur asylum seekers in the U.S.,

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<sup>31</sup> Tahir Hamut Izgil, “Hearing on Protection from Persecution: Establishing Humanitarian Pathways for Hong Kongers and Uyghurs,” written testimony of Tahir Hamut Izgil, Uyghur poet and filmmaker for the Congressional-Executive Commission on China, October 19, 2021, <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Hearing%20Testimony%20-%20Tahir%20Hamut%20Izgil.pdf>.

<sup>32</sup> Caroline Coudriet, “Uyghurs Who Fled China Face Lengthy Asylum Backlogs,” *Roll Call*, January 11, 2022, <https://rollcall.com/2022/01/11/uyghurs-who-fled-china-face-lengthy-asylum-backlogs/>.

<sup>33</sup> Fiona Harrigan, “The U.S. Immigration System Needs to Do More to Help Uyghurs,” *Reason*, January 12, 2022, <https://reason.com/2022/01/12/the-u-s-immigration-system-needs-to-do-more-to-help-uyghurs/>.

<sup>34</sup> “They Can’t Send Me Back: Uyghur Asylum Seekers in Europe,” UHRP, September 20, 2011, <https://uhrp.org/report/they-cant-send-me-back-uyghur-asylum-seekers-europe/>.

Uyghur interviewees told UHRP that they were being pressured by Chinese government representatives via messages and emails to return to China. The continuing issue of transnational repression of Uyghurs in 2023 indicates the pressing need to address the issue transnationally, as covered in UHRP's extensive reporting on the issue.<sup>35</sup>

UHRP has frequently documented the challenges Uyghurs face in obtaining travel documents. In "Refusals of passports to Uyghurs and confiscations of passports held by Uyghurs indicator of second-class status in China," published in 2013, UHRP revealed a pattern of Chinese government refusal to issue passports to Uyghurs stretching back to 2006.<sup>36</sup>

In 2020, UHRP issued two further documents focused on passport denials. "Weaponized Passports: The Crisis of Uyghur Statelessness" detailed refusals to issue passports to Uyghurs at Chinese consulates across the globe, including the U.S. At the time, Chinese consular officials told Uyghurs that the only way to renew a passport was to return to China. Given the high possibility of persecution in China, Uyghurs opted to remain overseas with expired passports, impacting their livelihoods and freedom of movement. In interviews, Uyghurs also discussed the psychological pressures and fears of living without documents.<sup>37</sup> In "Uyghurs to China: 'Return our relatives' passports," UHRP reported on the frustration of Uyghurs overseas unable to reunite with family members because of the Chinese government's refusal to issue passports.<sup>38</sup>

In 2018, UHRP published "'Another Form of Control': Complications in obtaining documents from China impacts immigration processes and livelihoods for Uyghurs in the United

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<sup>35</sup> See: "Transnational Repression Resources," UHRP, <https://uhrp.org/transnational-repression/>.

<sup>36</sup> "Refusals of passports to Uyghurs and confiscations of passports held by Uyghurs indicator of second-class status in China," UHRP, February 7, 2013, <https://uhrp.org/report/briefing-refusals-passports-uyghurs-and-confiscations-passports-held-uyghurs-indicator/>.

<sup>37</sup> "Weaponized Passports: The Crisis of Uyghur Statelessness," UHRP, April 1, 2021, <https://uhrp.org/report/weaponized-passports-the-crisis-of-uyghur-statelessness/>.

<sup>38</sup> "Uyghurs to China: 'Return our relatives' passports," UHRP, May 19, 2021, <https://uhrp.org/report/uhrp-briefing-uyghurs-china-return-our-relatives-passports-html/>.

States.”<sup>39</sup> The research details how Uyghurs in the U.S. often face insurmountable obstacles in beginning new lives due to the difficulty of securing official documents from China evidencing life events, such as college transcripts, birth certificates, and divorce decrees. Uyghurs were unable to acquire documents from Chinese government entities because of Chinese officials’ imposition of arbitrary conditions, or because relatives in East Turkistan who were in a position to assist feared the repercussions of being in contact with Uyghurs overseas.

However, in subsequent guidance, current as of February 2023, the USCIS Policy Manual, Chapter 5 - Verification of Identifying Information, states, “There may be instances in which a birth certificate is unobtainable because of country conditions or personal circumstances. In these instances, a requestor may submit secondary evidence or affidavits to establish his or her identity. Any affidavit should explain the reasons primary evidence is unavailable [...] Asylum applicants may be able to establish their identity, including their full legal name, with testimony alone.”<sup>40</sup> While the guidance does not verify marital status and other life events, it does permit asylum seekers to avail themselves of alternative ways to establish identity.

## VI. Implications and Significance

The 2022 U.S. Strategy to Anticipate, Prevent, and Response to Atrocities, created under the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (P.L. 115-441), commits the U.S. government to pursuing a “government-wide strategy” for “timely and effective action to anticipate, prevent, and *respond* to atrocities” (emphasis

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<sup>39</sup> “‘Another Form of Control’: Complications in obtaining documents from China impacts immigration processes and livelihoods for Uyghurs in the United States,” UHRP, July 10, 2018, <https://uhrp.org/report/briefing-another-form-control-complications-obtaining-documents-china-impacts/>.

<sup>40</sup> “Policy Manual, Volume 1: General Policies and Procedures, Part E: Adjudications, Verification of Identifying Information,” U.S. Citizenship and Immigration Services, accessed March 3, 2023, <https://www.uscis.gov/policy-manual/volume-1-part-e-chapter-5>.

added).<sup>41</sup> As a key response to the Uyghur genocide, assisting and protecting Uyghur asylum-seekers should be a high priority for the White House-led Atrocity Prevention Task Force.

Nury Turkel, Chair of the United States Commission on International Religious Freedom and Board Chair of UHRP, has also served as an immigration attorney on several Uyghur cases. Commissioner Turkel, himself a Uyghur, assesses the situation as follows:

The United States has declared the persecution of the Uyghurs in China a genocide. There are often questions about what the United States can do to help Uyghurs through this dark period in history. It is not an easy question. However, there is one noticeably clear action the United States can take. That is to grant asylum to Uyghurs backlogged in the USCIS system. These individuals have given up much and suffer the consequences of their exile. However, they are here. They are in the United States and the U.S. can offer these individuals some relief from their pain. They can be helped.

The main purpose of this report has been to highlight the delays in Uyghur asylum claims in the U.S. It is important to note that Uyghurs are not the only persecuted peoples who have been caught in a system of delay. The financial hardships and emotional stresses described here are no doubt felt across other communities who have come to the U.S. to seek asylum from their persecutors. It is only right that all backlogged asylum cases are resolved in a timely manner, and UHRP stands with all those individuals stuck for years in the system.

However, as Commissioner Turkel has noted, the U.S. government has singled out what is happening to Uyghurs in East Turkistan as a genocide, and that the power to offer new lives to those who have escaped that genocide is within the U.S. government's control. Uyghurs face extraordinary challenges as highlighted here, particularly the severance of any communication

**[T]here is one noticeably clear action the United States can take. That is to grant Uyghurs backlogged in the USCIS system asylum.**

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<sup>41</sup> "2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities," U.S. Department of State, July 15, 2022, <https://www.state.gov/2022-united-states-strategy-to-anticipate-prevent-and-respond-to-atrocities/>.

with loved ones in their homeland and the anguish this causes, as well as the stresses from China's continuing threats and harassments in the form of transnational repression. The U.S. has recognized the severity of the plight facing the Uyghur people, and Uyghur asylum seekers are now gratefully but urgently awaiting the opportunity to restart their lives without fear in the U.S.

## VII. Recommendations

### For the U.S. Congress

- Congress should direct U.S. Citizenship and Immigration Services (USCIS) to implement procedures to allow for priority processing of asylum-seekers who are victims and survivors of genocides and atrocity crimes recognized by a U.S. policy determination, as is the case for the Chinese government's atrocity crimes against Uyghurs, Kazakhs, and other Turkic peoples in East Turkistan.
- Members of Congress should continue to highlight the urgency of appropriating adequate funding to address USCIS asylum-processing backlogs, as part of a meaningful U.S. atrocity-crimes response in the case of the Uyghur genocide.
- For Fiscal Year 2023, Congress should pass a supplemental funding provision for USCIS in the 118th Congress to address the asylum backlog.
- Congress should pass the Asylum Seeker Work Authorization Act, directing the Department of Homeland Security to ease restrictions and shorten the waiting period for asylum seekers to receive work permits.

### For the U.S. Executive Branch

- For Fiscal Year 2024, the White House Office of Management and Budget (OMB) should propose a USCIS budget with the

necessary resources for resolving the asylum backlog; Congress should appropriate the necessary funds.

- Under its mandate to coordinate government-wide action “responding to and assisting in recovery from atrocities,” the White House-led U.S. Task Force on Atrocity Prevention, created under the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (P.L. 115-441), should focus on the asylum backlog. The Task Force should consult with the Uyghur American community to prepare an action plan for facilitating swift decisions on asylum applications by Uyghurs.
- The Task Force should also update the [2022 United States Strategy to Anticipate, Prevent, and Respond to Atrocities](#), under Section V., “Integration of U.S. Government Tools and Policy Initiatives,” with a set of tools and instruments to assist genocide survivors in finding safe haven, including policies for priority and expedited review of asylum cases when the U.S. government has made an atrocity determination.
- USCIS should publicly provide clear guidance on how to submit a “short notice form” for interview scheduling, enabling Uyghur asylum-seekers to schedule long-delayed interviews by agreeing to appear for appointment slots that open up on short notice.
- USCIS should ensure that all asylum officers are familiar with Chinese government atrocity crimes against Uyghurs and the U.S. designation of these crimes as genocide and crimes against humanity, in light of UHRP’s findings that some asylum-seekers perceived USCIS officers to be unfamiliar with key country conditions.
- The Department of Justice (DOJ) should regularly update its “Country Conditions Research” reference materials to ensure that Immigration Court judges and USCIS officers are able to rely on accurate, updated information in adjudicating Uyghurs’ asylum applications. The material on the DOJ website intended to guide immigration and asylum decisions, while commendable in providing a stand-alone

section on Uyghurs, provides links to some outdated materials.

- The State Department should provide leadership on the issue of providing safe refuge by updating the “Diplomatic Strategy,” as mandated in the Uyghur Human Rights Policy Act of 2020, to include provision of updated country information to counterparts in other countries where asylum cases may also be hampered by inadequate documentation relied on by their asylum agencies.
- The Department of Homeland Security should hold continued community outreach events with the Uyghur American community, following on from past sessions during which Uyghurs in the U.S. were able to detail ongoing Chinese government transnational repression, and U.S. immigration system failures, that cause ongoing suffering for Uyghurs in the U.S.

## For Civil Society

- Charities and humanitarian-assistance organizations should establish partnerships with Uyghur community organizations in the U.S. to offer additional assistance in dealing with the application process, work permit applications, and other needs arising from long-delayed asylum decisions that have stretched years past the six-month regulatory requirement for a decision.
- Charities and humanitarian-assistance organizations should also partner with the Uyghur Wellness Initiative<sup>42</sup> to establish adequate programs for addressing the trauma and psychological distress suffered by asylum-seekers facing continued delays in their cases.

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<sup>42</sup> See: The Uyghur Wellness Initiative: <https://www.uyghurwellnessinitiative.com/>.



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