

Ep #15: Inside the Asylum System:
What Faith Looks Like in High-Stakes Decisions with Heather Hogan



Full Episode Transcript

With Your Hosts

Tracie L. Morgan & Ashley Glimasinski

[Hope In Action: Navigating Immigration with Faith and Care](#)

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Ashley: So here's this week's conversation topic. Where is the tension between justice and mercy hardest for you?

Tracie: What would it look like to add humility to the way you approach the issue? You're not going to abandon your convictions or pretend every answer is equally right, but ask, what don't I know? And is the way I'm thinking about this person consistent with believing that they're made in the image of God?

Ashley: And so does the person sitting across the table who has been given the responsibility to make a decision. Our calling isn't to make the complexity disappear. It's to enter it faithfully, to seek justice, to love mercy, and to walk humbly with our God.

Tracie: Remember, the person asking for protection bears the image of God.

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Tracie: Hi, I'm Tracie.

Ashley: And I'm Ashley.

Welcome to Hope In Action, where we offer clear insights, practical tools, and inspiring stories to navigate immigration with confidence, compassion, and faith.

Each week, we break down the law, share real-world examples, and help you speak up, live out your values, and make a difference in your community.

Whether you're looking to understand immigration through a faith-driven lens, have courageous conversations with those who matter to you, or take small steps toward justice, you're in the right place. Let's dive in.

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Tracie: Welcome back to Hope in Action. I'm Tracie.

Ashley: And I'm Ashley.

Tracie: Today, we're going inside the asylum system. And before we get into how that system works, I actually want to start somewhere different. There's a verse that we've come back to as we've thought about what it means to engage immigration faithfully. Micah 6:8 tells us, "What does the Lord require of you? To do justice, to love mercy, and to walk humbly with God."

Ashley: I love that those three things are together. We have justice, we have mercy, and humility. And sometimes I hear about it talked as like we have to choose just one, but the verse has all three together.

Tracie: Yes, and I think asylum is one of those areas where we're tempted to pick just one of those. We can talk about law and forget mercy, or we can talk about compassion without wrestling seriously with what justice requires. Or we can become so certain that our understanding is the right one that we forget the last part entirely, to walk humbly.

Ashley: And humility feels especially important for today's conversation because some of us, maybe most of us, have strong opinions about a system that we've never actually seen from the inside. So today we're going to practice something that I think is actually deeply connected to our faith. Before deciding what we think, we're going to try to understand.

Tracie: So we'll set the scene. Imagine that a person encounters a customs and border protection officer at the northern or southern border. Maybe they're at the airport and they tell them, "I'm afraid to go back." Here's a whole human story contained in that sentence, but there's also a legal process that follows it. And those two things aren't always identical. They don't match up. A person can be genuinely

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afraid and not ultimately qualify for asylum under US law. A person could also tell a story imperfectly and still be telling the truth. And a government official has to somehow listen, ask questions, evaluate the evidence, apply the law, and make a decision.

Ashley: And immediately that raises questions for me that aren't only legal questions. They're human questions, and for us, they're faith questions as Christians. How do we see the person in front of us? How should someone entrusted with authority exercise the authority that's been given to them? How do we make judgments about another person's story with humility? And what do we owe someone who is vulnerable or afraid?

Tracie: And that's why I'm so excited about our guest today. Heather Hogan, she brings a perspective on asylum that very few people get to hear firsthand. Heather spent nearly a decade working within the US asylum system. She began as an asylum officer and later became a supervisory asylum officer. She conducted credible fear and reasonable fear screenings and eventually reviewed decisions, trained officers, and led teams during protection screenings at detention centers.

Ashley: And Heather's experience goes beyond conducting the interviews themselves because she later worked at asylum headquarters in Washington, D. C. where part of her job was quality assurance, looking not just at individual cases, but at whether asylum officers across the country were applying the law and legal standards consistently.

Tracie: So Heather has seen the system from several different vantage points. From sitting across the table from people asking the US for protection, she supervised and trained the officers making those decisions. She also reviewed how the law was being applied and working at the national level as policies changed.

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Ashley: And she's also a person of faith, and that's one of the reasons we were especially interested in having this conversation with her because today we don't just want to understand how the asylum system works, although we will ask some of that, but we also want to understand what it's like to be a human being working inside the system of asylum to carry the responsibility of making decisions that can profoundly affect another person's life.

Tracie: And to wrestle with questions about justice and mercy, authority and compassion, and what it means to recognize the dignity of the person sitting across from you while still being responsible for applying the law, we are here to talk with Heather. Heather, we're so glad that you're here.

Heather: Thank you very much for having me.

Ashley: We are so excited for this conversation. And Heather, let's start with how you actually sat across the table from people asking the United States for protection. So I want us and our listeners to imagine that room, and someone comes in, contact with an immigration official, and says, I'm afraid to go back. What happens next? And what is the asylum officer in that room actually being asked to decide?

Heather: So essentially, after somebody asks for protection from the first official they come into contact with, which it could be CBP or Border Patrol, then they come to an asylum officer who does a screening interview with them to see if their case appears to meet an initial threshold. So it's a screening to see if they can move on to a full asylum hearing.

So what the officer is looking at is their eligibility under the law. So it's a very fact-intensive inquiry, and the officer looks to see if the facts of the case fit within the parameters of US asylum law. So first, we ask about if somebody's been harmed in the past because initially you want to go to if there's any past persecution or past

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torture, because in these screening interviews, we also are screening to see if people could potentially qualify for protection under the Convention Against Torture, which immigration judges can grant. So we just screen to see if they might potentially meet that threshold.

So the standard is low. It's a significant possibility standard for the screening interviews because the idea is that we want to cast a wide net to gather the facts in cases where there's just a potential that they could meet the threshold for asylum or CAT because we don't want to send people back to their countries if there is a chance that they could be persecuted or tortured in the future. So the asylum officer is asking about past persecution or torture, whether there is a nexus to a protected ground. So what was the basis of the harm? Was it on account of, there are five protected grounds, so we're asking about the why. Like, why do you think this happened to you? And those can be really difficult questions for people to answer because sometimes it's really clear and sometimes they may not really understand the why as much. So officers have to be creative in how they ask questions, especially because the interview is also happening typically through an interpreter. So we're speaking to people who, usually English isn't their first language, and these are complicated questions even for when you're speaking to an English speaker, the terms, the legal terms and stuff.

So we try to frame the questions in ways that are easier to interpret and maybe not as not as open to like different understandings. We want to use kind of like more plain language. And then we talk about the why and how severe was the harm because that's part of the legal fact-finding decision. It has to rise to the level of persecution or torture. So like the severity of the harm and then any future fears that people have and kind of go through a similar inquiry, the why and how serious would the harm be if they were returned or if they returned to their countries. And these are really difficult conversations to have with somebody who, as the officer,

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I've just met this person a couple minutes ago, and we go through an initial explanation of the process of the interview, what they're asking for, that they're, you know, they're seeking protection.

And this is all explained through an interpreter. So I've just met them and I'm asking them then a couple of minutes later about the worst things that have ever happened to them and like their worst fears of for the future. So it's a pretty serious conversation in really difficult circumstances.

Tracie: Thank you for doing or having done that work. I often find myself diving straight into consultations and say, so explain to me how your spouse beat you. And it's just awful. And so the lawyer in me is thinking about when you're interviewing someone in that initial context, be it at the border or in a detention center, there's really an important distinction between, you know, feeling someone's emotions and understanding that they're genuinely afraid and then determining whether or not they meet that legal standard.

And you just said that there's a wide net, but then in the back of my mind, I'm thinking about, well, what about domestic violence claims and gang-based claims? Because the law goes back and forth on that all the time. So if someone's on the ground now, you know, how are they making that distinction? Are they still able to cast that net wide or how narrow do they have to be when you're looking at the legal standards for protection?

Heather: Right now with the way that the case law is, I think it is a really difficult inquiry, but I think officers, you know, they do have discretion because asylum ultimately is a discretionary benefit. It's like how it's referred to, you know, within the government within USCIS, like any other immigration benefit. So it, they do have some discretion.

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And I found, you know, when I was working at asylum headquarters in around like 2018, 2019, we encountered similar restrictions. There were similar cases with domestic violence and with gang-based claims. And so I think what my approach was to ultimately, you know, look at the facts of the case and see if there is any possible nexus to a protected ground, if there is any alternate claim that they might have, because sometimes people have more than one basis for a claim, right? Like multiple, unfortunately, multiple different incidents of harm in the past or multiple different fears in the future.

You know, for example, in certain cases, maybe there was, you know, like domestic violence or they had people had issues with gangs in their neighborhoods, but perhaps they also, you know, participated in like political protests and were repressed or oppressed by the government. So that's one approach is to look at whether there are alternate claims. And then if there aren't and that's the only basis, I think sometimes it makes the most sense just to continue to cast that wide net and think in the spirit of the protection.

And the significant possibility standard is low, and it's intentionally so. And I think for most officers, including me, I think the idea was that if you don't want to foreclose a claim at the screening phase, if you can help it, because ultimately they may be eligible for relief in court, including CAT, including convention against torture, or you know, CAT relief. And so we don't want to cut that off before they have a chance to fully explore their case in court. So I guess all of that is to say it is complicated, but the officers, I think do their best to work within the parameters of the law and the kind of restrictions that are in place in any given time.

Ashley: Well, I'm actually kind of encouraged to hear that the net is cast wide. I imagined it was really restrictive from the beginning. So this actually gives me some hope. And you touched on it earlier how many of the people that you're speaking with are often speaking through an interpreter, or English isn't their first

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language. And I imagine there may be some cultural differences, too. They may not think to tell a story, their story in a way that you would expect them to, or they may not be remembering the events in the way that you would, you know, say this is the best way to lay it out.

As you're having these conversations with someone in this room and there's all of these things coming up, right? That they're from a different culture, there may be shame, there may be trauma around how they tell that story, and they may not tell the story the way that you expect them to tell it, right? Like the elements are different, the version is different. How are asylum officers trained to handle that? And then how do you respond in that situation?

Heather: Well, so that, I think that's a really important point. And so there's responsibility on both from the organization to train officers, you know, from USCIS and the asylum division to train officers to ask questions in not only a sensitive way, but also with cultural awareness, taking everything, the whole context into consideration. So there's like a responsibility on the organization to train people appropriately. But I think there's also responsibility that a lot of officers take on themselves to continue developing those skills over time as they continue in their role.

So from the training perspective, so I did, you know, work as a training officer with the headquarters team with asylum. So I worked on training. And we do a lot of scenarios, like mock interview scenarios where we'll have somebody be a role player and they'll present a case to officers and have the officers ask questions of somebody who has been through a really traumatic experience and try to demonstrate the different ways that people present themselves because you know, some people are affected, you know, as we know, people are affected by trauma and past harm in really different ways. So some people might be just have a very

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like flat sort of affect where they aren't reacting to the questions, they're not showing any emotion visibly.

And I think at first, I think officers can be a little bit like surprised by that and they don't always know because you expect if somebody's telling you these horrible things that they're going to get sort of like emotional and stuff. But I think officers have to move past that and realize that's everybody comes at it from different vantage points. People deal with things so differently. And then there might be people who do break down and cry in interviews. And I've cried with people. Honestly, like it just sometimes you just can't help it as a human. So there's the training part of it. So there are like mock interviews and like, you know, different scenarios. And there's ongoing training.

So officers also, interestingly, the division has a pretty intensive training requirement. At least when I was still there, I'm not sure if it's still the case, but they we were required to do four hours of training like per week. So every Wednesday morning in the office I worked in, that was reserved for training. And so people had to put their cases aside and we would go through like credibility scenarios and stuff and talk about ways to try to like legitimately get at credibility without retraumatizing people, without making them feel like we're interrogating them, because there's a lot of emphasis on the fact that this is not a law enforcement environment. This is not an investigatory, at least at the time, it was not supposed to be like an investigative kind of interview where you're, you know, interrogating somebody. It's supposed to be non-adversarial, sensitive type of interview.

We'll preface the questions with these things and give people, tell them like that you can take breaks if you need to. Let me know if you want to talk about something else and we can come back to this. Like there are lots of different ways to approach it both from like the legal perspective, getting at the facts that we need

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under the law, but also just like the talking to a human who's been through these terrible things and like ultimately we need those facts too. So like, you know, it serves a lot of different purposes. Like it's just the human thing to do to speak to somebody about these terrible experiences, but also how to get your job done.

Ashley: Wow, that is just so much. I cannot believe like when you were talking about how the officers had to sit and listen to like multiple of these cases every day, my first thought was how are the officers taking care of themselves as humans? Like you're hearing someone's worst nightmare again and again and again in different variations.

Heather: Yeah, it's so true. It is quite a significant responsibility, I think. And also, people do have to really make conscious efforts to take care of themselves. You know, I would, personally, the way it worked for me was that I would kind of like shift my job responsibilities, like I would move to different like portfolios every so often. So I did detained work maybe for six months or a year, and then I would do, I did affirmative cases. So I would do an affirmative rotation. And fortunately, the office I worked in would ask officers, like what their preferences were, maybe every six months or so. Do you want to work on affirmative asylum? Do you want to work on detained? And you they don't always get their preference just because of the needs of, you know, like the case load. But we did have the ability to do that.

And then also making sure just to do the things that we need to do, like regular yoga practice, like try to read books that aren't related to asylum and talk to colleagues about it too, because you know, ultimately there were there are only a certain number of people who kind of understand what that experience is like and having that be your day-to-day because it becomes very normal. You know, it's like extremely normal for me to just talk about like persecution and torture and stuff. And sometimes I have to remember that it's not normal for everyone, you know, like, because it's just your day-to-day. So, yeah, I think it's a lot of the combination

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of all of those things. And our and our like division was pretty good about reminding people that, you know, like secondary trauma is a thing and to be cognizant of it and like here are some resources to try to process it.

Ashley: Right. So you touched a little bit on the affirmative asylum versus like defensive asylum, and I'm curious if you could talk briefly about that and maybe what the difference is in the credible fear interview at that point. Are you actually deciding if someone qualifies for asylum at any point in this? Could you just educate our listeners briefly on that?

Heather: Sure, absolutely. So affirmative asylum is where somebody, you know, enters the US and then they are often, it's not always, but often it's on a visa. So maybe somebody has come in on a tourist visa or a student visa, and they have, you know, similarly, they have a fear of return to their home country. So then they apply for asylum affirmatively, and they submit, it's the same application form, but they submit that to USCIS, to US Citizenship and Immigration Services. In the past, every person was required to have an interview in the office face-to-face with an officer. And then that too kind of changed a bit with like COVID. I think they were doing more virtual, but still like with the screen on interviews. So it had to be a face-to-face interview where an officer goes through a similar inquiry, but it's more in-depth than the screening interviews because the officer is making a decision on the case, whether the person qualifies for asylum or not, whether they're eligible for asylum or not.

But then with the screening interviews in the defensive context, applicants have entered the US and they're typically, you know, they're in like expedited removal. That's not always how they get into like, you know, credible fear or there's another version of that called reasonable fear, which is they just are in a different like case posture. Usually they've been removed, again, not always. It's sort of complicated. But like they've been removed often in the past, and so they have a prior removal

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order, and so they're in a more limited form of - they have a more limited form of relief. So they get like a reasonable fear interview. But those are like defensive cases where people are being put in removal proceedings. And then the asylum officers do just the screening interview. And then that screening interview is only to determine if the person is eligible to basically move on to the next step of the process, which is a hearing in court where an immigration judge will hear the full case. The asylum officers do not make a final decision in the credible fear cases or reasonable fear. They just decide whether they appear to meet like, you know, under the legal standards that apply, whether they appear to meet the grounds for asylum eligibility or convention against torture eligibility.

So affirmative is where people are not in removal proceedings already, and then defensive is where they are in removal proceedings. And that's typically expedited removal, which is when somebody comes into the country and then they've been found to like be inadmissible. You know, often the scenario either where they've crossed the border and encountered border patrol and asked for asylum and they don't have, you know, a visa or other documents, or they come to the border and request asylum at a port of entry to a CBP officer, which absolutely happens even at airports, too, right? Like people that fly into the airport. So that's kind of the what's the like, the non - I really don't have a good brief way to describe it, but that's it. So those are the differences. And asylum officers are involved with both scenarios.

Tracie: Thank you for going through all of that. It's never easy. Even sitting here as a lawyer with 18 years of experience, it's just, it doesn't fit into a tweet, right? It's certainly going to take more than 180 characters to explain the system. And I think that's one of the things that our listeners are so involved in is like, what are the complications behind the scenes? And you've just done an amazing job explaining that. And so my follow-up to that is, you have the law, you have policy, you have

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changing administrations, but you also have different people. And so Ashley and I have spoken a lot about, I don't want to say inconsistencies, but you have very similar facts for a husband and wife, for example, from Afghanistan. One's approved, one's not. And from the outside, it just feels so frustrating. Can you help kind of pull back the curtain a little bit on why something like that might happen?

Heather: Absolutely. So, yeah, I know that is really frustrating from like the outside perspective. There are definitely different reasons why people in a really similar posture, including even people related, like in the same family might have different outcomes. When an officer finds somebody is not eligible, it might be for like credibility. So that could be one thing. And credibility is not necessarily just like inconsistencies where they've like presented different facts or different responses in different contexts or different parts of their applications. It could be there could be like differences between their written documents, their written application and their interview. They might have contradicting facts, and you might say, hey, so you wrote down in your declaration that you know, you went to this place three different times, and you met with these two people there, and you talked about your political activities or whatever. And then today in your interview, you told me that like you only went there one time, and you met with one person.

So back to the question about the family members, sometimes you might have a family member who speaks very candidly, very like openly, is able to like explain themselves really well, and they can get all the facts of the case out. And then you might have another one who just can't. I don't know whether it's like either - so there are a couple scenarios, like either they just kind of buckle a little bit under pressure and they just don't testify well, which like as attorneys, you know, we all have like, I've worked in private practice briefly and there are clients who just it just doesn't happen on the stand. You know, you're like, oh, this isn't going well.

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Or there may be some facts that they were like told to present that aren't true. And it might have originated a long time ago. You know, when they first, you know, before they came to the US, especially with the example of like Afghans, you know, since I worked on Afghan resettlement with the State Department, you know, I talked to people where they said like, well, my, you know, this is like very, it's not that common, but I definitely have talked to people who said like, well, my brother worked for this company and he said if I just like presented this letter, I could get, you know, this visa. And you understand why people do it. Like they're desperate, you know, they are trying to get themselves out of a really dangerous scenario. But sometimes there are underlying issues with the basis of the claim.

And there may be information that one person has like been privy to that the other hasn't. So there's that. And then there are also really difficult circumstances where like maybe one person in a family, this actually there was a case like this that I worked on with state where it was a husband and wife and the wife had a very legitimate claim for relief, but her husband had been, he had been arrested in his, in their home country and detained in a prison where intelligence indicated that a lot of people involved with criminal or organized crime/terrorist groups were detained. So it was a prison where it was known that people involved in particular types of crimes were held. And he had, he definitely had opportunities to like explain why he was detained there. Like he said essentially that like a police officer had framed him and, you know, they had targeted him, I think because he wasn't paying like an extortion type tax. But the facts were the detention and then there was some intelligence in his case that the officers couldn't see. The officers adjudicating their case couldn't see.

So there was kind of like a block on his case where I don't know that he was ever going to be able to resettle in the US because of this like detention and whatever other intelligence there was on his claim or his case. And those cases are really

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hard because we knew that his wife, and they had like four young children, so she was kind of stuck outside the US pending his case. And even if like it seemed like they were - all he genuinely wanted was to like resettle with his family and take care of them, but there were a lot of other factors and other entities involved in the decision-making process such that no matter how badly the adjudicator might have wanted to approve his case, I just don't think that they could. So those things can also happen. And that can be one that I think is extra frustrating to the attorneys because you don't get those facts. And even if you were to like FOIA for his file, I don't think you would get the intelligence that was the basis of him being unable to ever be approved to resettle in the US. And sometimes that intelligence isn't even necessarily, I don't know, I don't want to get too into - I could go down a rabbit hole with that but there are a lot of other people involved in the background of these files that have put in information and the officers can't do anything else with it.

Ashley: Wow, that is so interesting. There's like so much more that I know about this system now that I didn't know before, which is kind of what this episode is about. Like you can learn more so you can do something about it, right? So we'll talk about that in a little bit, but there's something that I'm hearing behind all of your stories and your experiences here is like you just have this heart for serving these people. Serving maybe is a stronger word, but for just helping them, for hearing them where they are, seeing them where they are. And I want to point out to our listeners that you're a Christian. And in, you know, this role that you've had, you weren't necessarily like a pastor or an advocate, and you were working for the government, exercising authority and applying the law. But your faith seemed to have a part of that, too. Like, how did your faith shape the way you approached that job and that responsibility?

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Heather: So I've been really lucky in that I've been able to like encounter people from so many different backgrounds and different faiths and different belief systems. But one thing I've really observed is that in pretty much any background, a really central part of somebody's faith is like, and their the teachings of their religion is to take care of people who need help, right? Like feed people who are hungry, clothe people who don't have clothing, house people who need a place to stay. Like open up, you know, and try to help people who need help in that moment. Because all of us might be in a position where, you know, we need a helping hand at some point. And I think it's really important to like when we have the ability to do it, to do that. And there's really no good reason not to, right?

I think a lot of the discussion right now around immigration has become very, it's become very like, I guess the word that's used a lot is like divisive. But I don't think it needs to be that way. And I think that, you know, I understand that's I think a lot of what you both talk about in your podcast is like going back to people's the teachings of their faiths and how to view people who are really just seeking like, safety and opportunities for their children and their families and a better future. You know, so I think a lot of it, for me, it really hasn't even been very complicated because it seems so plain. It seems so like plain to see, you know what I mean? I actually I haven't like talked about this a whole lot with like, you know, just outside of my community I lived at when I was overseas, but when I like worked with Afghans, they, you know, they of course, like a lot of people who have fled abruptly, they didn't have much at all when they when they arrived, you know, outside of Afghanistan. And so my colleagues and I would go into this facility where people were staying. It was like not a detention facility, but they couldn't, they weren't free to leave. So basically, and they were given clothing by the host government, but not a whole lot because they weren't supposed to be there very long. And then over time with the with the US like kind of changing of policies and procedures and stuff, it extended the period of time.

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And so me and some colleagues would like, we would ask our neighbors and uh colleagues for clothes and for toys and for like you know, books for the kids or for coloring books, crayons, just all those things that you would need if you're a family, toys. And we were told that like it was a sensitive issue with the host government. So they would allow us to bring things into the facility, but like we needed to be discreet about it. So we would sort of like gather up all of these things from our neighbors and colleagues and we would put them in individual like backpacks or like tote bags and then as we got off our shuttle to go into the facility, I would just like give a bag to every person on the team and I would be like, you carry this. And so we all just like subtly walked in, you know, with our bags and stuff.

But the thing is about doing that was that it just kind of like made sense. It just felt like the right thing to do. It was just such a, I don't know, natural thing to do, I guess, because you have people who need things. They are stuck in this place. They have little kids. Kids are crawling up the walls. So if we're in a position to do something, just do it. It's not that, you know, it wasn't that hard, right? But I do really think that it just seems if we think about what the teachings are in like the Christian faith or in most other faiths, it's that's it. Like just provide people with safety, with help, with whatever you have to provide, even if it's not very much, even if it's just your compassion. You know, even if it's just being understanding of their situation and not judgmental about why people do things. It's pretty simple, you know?

So, yeah, I think especially the judgment part. I learned a lot during my time actually in the asylum office. At first, when I realized that people would like present fraudulent documents or misrepresent their cases, I became really upset at first when I started because I was like, this is a really serious program for people who really need it. And people who are presenting false information are taking up

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interview spaces from people who really need protection. And I was like really mad about it. And then I started to over time, I realized that I had to just like accept that was part of it. Like it's in any benefit program, there's fraud always. Like I can't think of any program where there's not. And that's just the way that it is.

And once I like accepted that and started to actually think about the reasons why people do this and put myself in their shoes, I was like, well, of course they're going to, like there aren't a lot of other avenues, you know, for a lot of people to seek status in the US and to get jobs. They're literally just trying to like feed themselves and their families. And once I kind of started to understand that, I was able to look at these cases from a much more neutral perspective and think about the fact that like actually what we really need are just other avenues for people to come to the US to work and have, you know, pathways for that so that they're not using like things like the asylum system because there aren't any other options and they just want to work and are hungry.

Tracie: That was an amazing answer and I would encourage our listeners to listen to that again, going from the hope and joy and honestly breaking down my stereotypes of cold government officials, like giving out crayons, that's amazing. I just so like heartwarming.

Heather: The kids were drawing on the poles, like in the...

Tracie: Well, I would be okay getting in trouble for that.

Heather: They were like white poles and on the white covers on the chairs, the kids were like, they were like, yeah, give them these crayons. And we're like, well, they're here for so long. What are they going to do? Anyway, sorry, I interrupted you.

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Tracie: No, no, no, that's totally fine. I just love that image though. And so kind of for our final question, and we're asking this to everybody this season. You know, thinking about your experiences, and I mean, you've seen the system from a variety of vantage points, from interviewing people, to supervising, to reviewing decisions, you've worked at headquarters, you've seen policies change with administration changes. I mean, you've seen it all. But thinking ahead to perhaps the next administration or just if you had a magic wand, if you could change anything in the asylum process, what would it be?

Heather: So, I'm glad you asked, because, you know, of course, at AILA, we are always offering like, kind of alternative and improvements to these processes. So it's something I think about for work, but it's also something I think about just personally, because I think after spending years, you know, meeting people who have been through a lot of really, really tough situations, and still like persevering and wanting nothing more than, you know, like I mentioned before, just like safety and a chance to take care of their families and for like a better future for their kids. After seeing, you know, people for so many years in these positions and not seeing improvements in access to the asylum system or alternatives for people to get jobs, I think if I could wave a magic wand, I think what I would want to see is for asylum seekers to have full access to be able to just request asylum without all these barriers that have been put up to stopping them.

I would want to see asylum seekers not being detained, even if it's in the, you know, credible fear context and they're in expedited removal. I really do not see an upside to having people seeking protection and most other immigrant populations, honestly, in immigration detention. I just don't see the point, frankly. Like it's just taking people out of away from their families, out of their lives. Like it's so disruptive. And then how do you, just the thought of like being able to present your case from detention, you know, it's hard enough when you're just like in a stable

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environment with your family, working at your job, and you have to like take a day off and go to this asylum office for an interview. But to like be detained, you know, in jail and trying to present your case when you can't talk to your lawyer freely and you can't see your family freely and you can't, you know, can't work. It's such a stressful environment. It's really difficult for people to have positive outcomes. And so I would love to see detention just only used for when it's like absolutely necessary for like people with like, you know, really intense like criminal backgrounds, public safety threats, that kind of thing. I just really don't think it's necessary otherwise.

So I would like to see asylum officers adjudicating all asylum cases. I think that's a really good idea that we've talked about at AILA. You know, instead of having like defensive cases initially go to the courts, even that they're in removal proceedings, like asylum officers should do non-adversarial interviews with all asylum seekers. Like there shouldn't be a reason that just because one person entered on a visa and they're not in removal proceedings, they get an affirmative non-adversarial interview. But because another person like made this horrific, difficult, dangerous journey and entered without inspection or didn't have a visa, now they have to be detained and go to court and, you know, and present their case in court. It's just like, I don't see why. So I'd like to see that.

And then I would really like to see some relief on the asylum system in the form of alternative paths for people to get jobs in the US. Like I would just love to see there be like visas for the jobs people are doing that don't have visa categories. And I think that's something that is a big misconception in the public is that there are visas available for like all the different types of jobs that people do in the US who are non-citizens, when realistically, it's actually like extremely difficult and there just there are certain jobs, there just aren't visas for them. You know, and so people, a lot of like non-citizens do a lot of like really challenging jobs in the US and fill a

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lot of positions that aren't able to be filled by US citizens, but there aren't like visa categories for them.

You know, when we think about a lot of the jobs people do, like landscaping or, you know, cooks in kitchens and stuff. Like there's not like a cook visa, you know? There's not a housekeeping visa at hotels. Like just, you know, some of the common jobs that there are not visas for that people fill. There are certain like agriculture jobs that are really particular that have visa categories, but just because those industries like lobbied for that and had some influence and were able to get it. But then other types of agricultural jobs like don't have visas for them. There's just, I just really think that it could be so much easier if the employers who need to hire non-citizens and have non-citizens who want those jobs and it makes sense to fill them that way, there should just be visa categories for them. And then they can go through the process of like interviewing at a consulate, like flying into the US on an airplane safely. You know, it just makes so much more sense to me. And then there's so much more relief on the asylum system because it takes away - because you can get a work-based visa, or sorry, you can get a permit to work under with the asylum application.

So it is just a natural application that sometimes people fill out in order to potentially get a work permit. That's just happens. But when you think about the why, the why is because they can't otherwise get a work permit. So like, just give people the permission to work, let their employers hire them. It just makes sense to me. And I think that would put a huge amount of relief on the system. You know, there's something like, I don't want to misstate the number, but it's like three million pending cases in court right now. I think asylum cases. I believe that's the number. And then in the affirmative system, I want to say they're somewhere near a million in the backlog, but I could be completely like, you have to double check my numbers, but it's huge numbers. So just have alternative pathways, even some

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of the other types of ways people come to the US, like with siblings, right? Like the wait time for sibling visas for certain countries is like, it's 10, 20 years, right? So like just make some of these pathways easier and I think it would benefit everybody to be honest. So that's my something I think. That's my plug for, you know, fixing the asylum program.

Ashley: Well, I think we can agree with a lot of those points. I think Tracie and I would be on the same page with those. We definitely need to take the burden off the asylum system. We need to clear it up for people who really do have cases needing asylum. We could definitely make more visa pathways for all the jobs that we do need to fill because we know that just dropping asylum cases and saying, well, you don't really have asylum, sure it's going to clear the backlog, but then we're also going to be down a lot of workers and that's also not good for our country or our economy or for the people who are just like you said, trying to provide for their families. So I feel like there's so much we can think about if we could wave that magic wand and just fix the system. I would go with a lot of the things that you've just told us about. But we do know that we are approaching our end of this session here and the end of our episode. So we just want to say thank you, Heather, for all that you've told us today, all that you've shared with us. I feel like there's so much more we could talk about, so we might just have to ask you back at another time to do this again.

Heather: Part two.

Ashley: That would be amazing. Part two, right. We can always do a part two. And I think again, just, you know, we've learned so much about understanding the asylum system and it's not just what it looks like on paper, but I think you've helped us get the heart and the soul behind it as well. And I never thought I would say the asylum system had a soul or a heart, but you've given me hope that actually exists. So thank you so much for joining us today.

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Heather: Thank you very much. I really appreciate you like having this conversation and inviting me to join it. So I'm glad you're talking about this.

Ashley: Wow. So like I said, I feel like we could have talked to her for so much longer. There's so much more I could learn, but something she said stuck with me and that was that if you're in a position to do something, do it. It's not that hard. Like, I mean, it can seem hard, but she just, she said she took the backpacks into the detention center, into the camp where people were being held and she's like, we had to maybe subvert some rules to do it, but that could have seemed hard and she just did it. So I'm coming back to that verse that we mentioned at the beginning, Tracie, where we said, "Do justice, love mercy, and walk humbly."

Tracie: Yes, absolutely. And after hearing Heather, I don't think that those are three competing instructions. She's such a great example of that. I think we need all three because these questions are difficult, and they balance. Justice asks us to care whether the systems and the decisions are right. Mercy refuses to let the person become just a case number or file. And humility reminds us that we don't see or know everything.

Ashley: That's so true. And also maybe humility is the one that's easiest to leave out because our culture, our Western American culture does reward certainty. We like to say, pick your team, know who's right, know who's wrong, share the post, be confident. And we respect people who look like they have all the answers, whether they actually do or not. We respect that they look like they do.

Tracie: I mean, that's the trick to being a good lawyer. You say it with confidence, people will believe you. But let's be honest, scripture gives us a different posture and I'm so thankful for that. James tells us to be quick to listen and slow to speak.

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And that doesn't mean Christians shouldn't speak. It just means listening needs to come first.

Ashley: And today's conversation with Heather gave us an opportunity to listen to someone who has actually sat in a place that most of us haven't.

Tracie: But that doesn't mean Heather has to tell us what to think. It means we know something now that we didn't know before. And now we're responsible for what we do with that understanding.

Ashley: So here's this week's conversation topic. Maybe use this around the dinner table or with friends, with your small group, or just sit with it yourself. Where is the tension between justice and mercy hardest for you?

Tracie: That's a good one. And there's a second part to this. What would it look like to add humility to the way you approach the issue? You're not going to abandon your convictions or pretend every answer is equally right, but ask, what don't I know? Whose experience haven't I heard? What assumptions am I making about someone's motives? And is the way I'm thinking about this person consistent with believing that they're made in the image of God?

Ashley: And your one small action this week comes from James 1:19. Be quick to listen and slow to speak. So the next time immigration or asylum comes up in conversation, ask one question before offering your opinion. It could be, what part of the asylum process are we talking about? We just heard a little bit about defensive versus affirmative asylum and how complicated that could be. You could also ask, where did you hear that? Or even, I wonder what we're missing about that person's story.

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Tracie: And just keep it to the one question. That's it. No need to overcomplicate. Not because these questions solve everything, but because curiosity can interrupt your judgment and listening creates space for humility.

Ashley: And speaking of questions, we want yours. At the end of the season, Tracie and I are going to do a special Ask Me Anything episode where we'll take on the questions that have come up for you as you've listened to this season.

Tracie: And we really mean the questions that you're wrestling with. Maybe something Heather said today surprised you. Maybe you've always wondered about how some part of the immigration system actually works or doesn't work. Maybe you're struggling with a particular scripture or with what faithful Christian engagement on immigration is supposed to look like. Or maybe there's something you've heard in the news at church, around the dinner table, or online, and you're thinking, okay, yeah, but is that actually true? Send us those questions.

Ashley: And don't worry about making it sound perfect. If you're wondering about it, there's a good chance that someone else is wondering about it too. We may not have a simple answer to every question, and sometimes that's part of what we're learning together. But we'll take as many of your questions as we can in our end-of-season Ask Me Anything. So keep them coming as you listen.

Tracie: And I'm just going to say it again as we end, justice, mercy, and humility.

Ashley: Maybe that's what we carry with us from today's conversation. Asylum is complicated. Government has a legitimate responsibility to protect and care for its people. Laws matter, truth matters, and the people caught inside the systems matter too.

Tracie: Remember, the person asking for protection bears the image of God.

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Ashley: And so does the person sitting across the table who has been given the responsibility to make a decision. Our calling isn't to make the complexity disappear. It's to enter it faithfully, to seek justice, to love mercy, and to walk humbly with our God.

Tracie: So keep asking questions and keep listening.

Ashley: And keep looking for that one small way to put hope into action. We'll see you next time.

Tracie: This podcast is to inform, educate, and entertain and does not constitute legal advice. If you are making decisions related to immigration or any legal matter, please consult a licensed attorney in your state of residence.