

## Highlights of the 2025 Edition

Now in its 15th year of publication with Thomson Reuters, *Law of Asylum in the United States* is the leading comprehensive resource on U.S. asylum law, containing detailed references and analysis of relevant U.S. statutes, regulations, case law, as well as international and comparative sources.

### Up-to-date

Asylum law is rapidly changing. This treatise, with new cases and analysis incorporated every year, comprehensively discusses recent developments in the law, including a careful look at federal district and circuit court case law, published and unpublished Board of Immigration Appeals (BIA) and immigration judge decisions, and decisions of international tribunals and agencies (e.g., the United Nations High Commissioner for Refugees (UNHCR), and decisions of other state parties to the Refugee Convention).

### Restrictions on asylum applicants arriving at the southern border

This edition contains information on Proclamation No. 10888, “Guaranteeing the States Protection Against Invasion,” and Exec. Order No. 14165, “Securing Our Borders,” both issued on January 20, 2025, creating additional legal restrictions on asylum eligibility for applicants arriving at the southern border. Legal responses to the rule are also discussed, including a July 2, 2025, order in *RAICES v. Noem* vacating the former, holding that “neither the INA nor the Constitution grants the President or the Agency Defendants authority to replace the comprehensive rules and procedures set forth in the INA and the governing regulations with an extra-statutory, extra-regulatory regime for repatriating or removing individuals from the United States, without an opportunity to apply for asylum or withholding of removal and without complying with the regulations governing CAT protection.” See § 1:3.

### Asylum eligibility and climate displacement

The 2025 edition continues to include updates addressing how climate change factors may (in whole or in part) affect claims for refugee and asylum status under international and U.S. refugee and asylum law. In addition to its analysis of reports from the White House and UNHCR recognizing the role of climate change in causing refugee displacement, and its discussion of a 2021 report of Harvard and Yale Law Schools, the University Human Rights Network, and Jeffrey S. Chase, “Shelter From the Storm: Policy Options to Address Climate-Induced Displacement From the Northern Triangle,” this edition includes subsequent resources addressing this topic. See §§ 1:19 to 1:25.

Comprehensive treatment of new cases on gender and the “particular social group” ground

The 2025 edition elaborates on the interpretation of the “particular social group” ground in the treaty definition of “refugee.” The treatise documents the growing body of law defining gender itself (gender per se) as a ground of protection, and how it interacts with other elements of the refugee definition, in domestic law and under the Convention and Protocol. The edition adds a recent agency decision (issued as this edition was going to press) questioning the growing trend domestically and internationally. The treatise also details cases of domestic violence decided under other grounds in the Convention and U.S. law, including the “political opinion” ground. *See* §§ 5:30, 5:46.

Recent case law addressing nexus

The 2025 edition contains updated case law from the Board of Immigration Appeals and circuit courts addressing when nexus is established for purposes of linking an applicant’s fear to a statutorily protected ground. Included are published decisions of the Third and Seventh Circuits that were issued as this edition was going to press. The former of these, *Tipan Lopez v. Att’y Gen. of U.S.*, provides a useful discussion of the distinction between a “reason” and a “motive” for establishing a nexus to persecution. *See* §§ 5:7, 5:9 to 5:10, 5:14, 5:32.

Convention Against Torture: Updates to case law (including international law sources)

The 2025 edition adds decisions from U.S. circuit courts on various aspects of the legal standard for Convention Against Torture (CAT) protection, including decisions relating to specific intent, consent and acquiescence, and the need to consider all evidence. The edition includes treatment of the CAT by different international bodies, including the European Court of Human Rights, with emphasis on that court’s treatment of the nature of the risk of torture, i.e., where the risk arises amidst general country violence, or from health or prison conditions. *See* §§ 7:22 to 7:24, 7:26.

Overview of procedures for asylum: new fees

The Appendix to the 2025 edition has been updated, providing an overview of the procedures for asylum to reflect the creation by Congress in July 2025 of a filing fee of \$100 for asylum applications, the creation of an annual asylum fee of \$100 for each year that the application remains pending, and a 10-fold increase in the fee for appealing denials of asylum, withholding of removal, and CAT protection to the Board of Immigration appeals to \$1,010. *See* §§ A2:10, A3:43, A3:54, A4:2.