

Highlights of the 2026 Edition

Now in its 16th year of publication with Thomson Reuters, *Law of Asylum in the United States* is the leading resource on U.S. asylum law, containing detailed references and analysis of relevant U.S. statutes, regulations, case law, as well as from international and comparative sources.

Up-to-date

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recent developments in the law, including a careful look at federal district and circuit court case law, published and unpublished Board of Immigration Appeals (BIA) and immigration judge decisions, and decisions of international tribunals and agencies (e.g., the United Nations High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).

Early impact of *Loper-Bright*

While the circuit courts have not yet reviewed most administrative decisions issued by the present administration, this edition contains some early indications of the impact of *Loper Bright v. Raimondo* on deferential treatment. As one example, in rejecting the BIA's interpretation of "material support," the Fourth Circuit in *Ozurumba v. Bondi* stated that it was neither bound by the agency's interpretation nor permitted to defer to its reasoning. As this edition was going to press, the Supreme Court in *Urias-Orellana v. Bondi* addressed the question of the standard of review in agency determinations of persecution. See §§ 4:1, 6:27.

Asylum eligibility and climate displacement

The 2026 edition continues to include a dedicated section addressing how climate change 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 2026 edition continues to address cases involving the interpretation of the “particular social group” ground in the treaty definition of “refugee.” The treatise documents recent administrative decisions seeking to restrict particular social group formulations based on gender, including the BIA’s decision in *Matter of K-E-S-G-* and the Attorney General’s decision in *Matter of S-S-F-M-*. Importantly, this edition discusses how these decisions contrast with the growing body of law defining gender itself (gender per se) as a ground of protection, and how other elements of the refugee definition are often employed in domestic law interpreting the Convention and Protocol. 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, 5:41, 5:44, 5:46.

Recent case law addressing nexus

The 2026 edition contains recent circuit case law addressing when nexus is established for purposes of linking an applicant’s fear to a statutorily protected ground. Most importantly, in *O.C.V. v. Bondi*, the Tenth Circuit vacated the BIA’s precedent decision in *Matter of M-R-M-S-*, which the court found applied an over-exacting nexus standard. Also included are published decisions of the Third and Seventh Circuits. The former of these, *Tipan Lopez v. Att’y Gen. of U.S.*, addresses the distinction between a “reason” and a “motive” for establishing a nexus to persecution. See §§ 5:9 to 5:10, 5:14, 5:32, 5:41, 5:45.

Convention Against Torture: recent case law (including international law sources)

The 2026 edition includes recent BIA decisions addressing claims under the Convention Against Torture (CAT), including decisions overturning IJ grants of protection in which the agency incorrectly applied the clear error standard. 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 in the context of generalized country violence. See §§ 7:21, 7:35.