



Small Group: Protection Against Return to Persecution Under the UN Refugee Convention and the Torture Convention

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Hypotheticals

1. An applicant testified at his asylum hearing that he fears returning to his country because he is a Jehovah's Witness and his government persecutes Jehovah's Witnesses. The applicant says that Jehovah's Witnesses cannot participate in national service (which in his homeland involves military service), because they "don't intend to kill anybody because we have to love each other." Jehovah's Witnesses have been denied government jobs, housing assistance, travel documents, and business licenses because they refuse on religious grounds to vote or participate in national service. Others who refuse to perform national service also are penalized. Is the applicant entitled to protection in the United States?
2. Does your conclusion change if the applicant presents evidence that the government arrested his brother for refusing to engage in national service? After a number of severe beatings in jail, his brother was taken to a hospital where he eventually died.
3. Same facts as in scenarios # #1 and 2 above. In addition, the applicant has been convicted of robbery, a felony, in the United States and sentenced to four years in prison. He presents evidence that he will be imprisoned when he returns to his homeland for having failed to report for required military service.

4. Same facts as in scenario # 3, and the applicant also presents evidence that he suffers from serious chronic asthma. The evidence indicates that prison officials in his homeland often deny inmates food and medical treatment as a form of punishment or to extort money from them. Without medication, the applicant's asthma attacks could prove fatal.