

## **Changed Country Conditions Sink Asylum Claims**

The immigration laws of the United States provide relief to political refugees through the asylum process. That is, persons who are persecuted or who fear persecution by their government on account of their race, nationality, religion, political opinion, or membership in a particular social group may apply to remain in the U.S. in order to avoid returning to their home countries. In order to qualify, however, an applicant for asylum must show he or she would be persecuted if returned to the home country.

This case involves an Albanian individual, who came to the U.S. in 2001 and applied for asylum. He claimed he would be persecuted because he was a democratic activist when the country was Communist, and his enemies in the Albanian government would try to harm him if he returned. The man claimed a long history of opposition to the Albanian government, starting when he was a student. At that time, Albania was headed by the Communist government. When Communism fell in Eastern Europe, the Communist party in Albania morphed into the Socialist Party, which remained in control of the country. The man continued to protest and denounce the Socialist Party, and was an activist in the Democratic Party of Albania.

As a result of his anti-government activities, he claimed the Socialist-run Albanian government targeted him for persecution. Specifically, the government arrested him on several occasions and kept him imprisoned without charges. While he was in custody, the police beat, punched, kicked, and starved him. When the police released him, they told him the worst was yet to come for his family and friends. The man fled Albania and came to the U.S.

Unfortunately for the man, the government of Albania changed leadership by the time his asylum application was finally decided. Through democratic elections, the Socialist Party was removed from power and replaced by the Democratic Party of Albania.

The Immigration Judge determined the changed country conditions of his home country made the man ineligible for asylum benefits. His government no longer had a motive to persecute him. The government that persecuted him no longer has the reigns of power. The man actually admitted he did not fear returning to Albania as long as the Democratic Party was in power. He feared, however, that the Socialist party might seize power and his old enemies would try to harm him. The court found his vague and generalized concerns were not sufficient to establish he had a credible fear of persecution on account of his political opinion.