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LEX COMPETITION FIRST PLACE WINNER¹

Samantha Panizo

Maria López, a journalist from Venezuela, fled her home country after receiving death threats for exposing government corruption. She arrived in the United States seeking asylum. Upon arrival, she was detained at the border for lacking proper documentation. She filed for asylum under the grounds of credible fear, but her case was complicated by missing paperwork and contradictory witness statements.

Does Maria meet the legal definition of a refugee under U.S. immigration law?

Was due process violated when she was detained for an extended period without legal representation?

Should political conditions in Venezuela be considered sufficient grounds for asylum?

Samantha Panizo is a dedicated legal professional with a strong academic foundation in criminology and criminal justice. She graduated from George Mason University in 2018 with a bachelor's degree in Criminology, Law and Society, and a minor in Forensic Psychology, and later earned a master's degree in Criminal Justice, deepening her understanding of the legal system. Currently working as a paralegal in immigration law, she is continually learning and growing in the field. Coming from an immigrant family, she is deeply passionate about helping others navigate complex processes and find stability, purpose, and opportunity while building a meaningful and impactful career.

The case of Maria López, a Venezuelan journalist fleeing persecution after exposing government corruption, raises fundamental questions under U.S. immigration law: (1) whether

she qualifies as a refugee under the statutory definition; (2) whether her detention without counsel violated due process; and (3) whether the political climate in Venezuela should be sufficient grounds for asylum. Each of these issues is analyzed below.

I. Refugee Definition under U.S. Immigration Law

The Immigration and Nationality Act (INA) defines a refugee as any person outside their country of nationality who is unable or unwilling to return because of “persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political² opinion.”³ Maria fled Venezuela after receiving death threats for reporting on government corruption. Journalists who expose official misconduct frequently express political opinion through their reporting, particularly when the corruption implicates state officials. If the persecution Maria suffered is connected to her political opinion, she may satisfy the refugee definition.

The Supreme Court in *INS v. Cardoza-Fonseca* held that asylum applicants need only show a “reasonable possibility” of persecution to establish a “well-founded fear.”⁴ Death threats delivered because of critical reporting meet this threshold if credible. Moreover, the Board of Immigration Appeals (BIA) has recognized that whistleblowers and journalists may constitute a “particular social group” in certain contexts when they are targeted for their professional role.⁵

Ambiguities remain. Additional information is required regarding whether the threats originated directly from government actors or from groups the Venezuelan state is unwilling or unable to control. Furthermore, evidence of Maria’s inability to safely relocate within Venezuela would strengthen her claim. Without these details, her eligibility cannot be definitively determined, but the statutory and precedential framework strongly supports her classification as a refugee.

II. Due Process and Detention Without Counsel

The Constitution guarantees that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.”⁶ The Supreme Court has consistently held that due process protections extend to noncitizens within the United States.⁷ However, the application of due process at the border is complicated by expedited removal procedures.

Under INA § 235(b)(1), noncitizens arriving without valid documents may be placed in expedited removal, subject to a “credible fear” interview by an asylum officer.⁸ If a credible fear is found, the applicant may pursue asylum before an immigration judge. Importantly, immigration proceedings are civil, not criminal, so there is no constitutional right to government-appointed counsel. 8 U.S.C. § 1362 guarantees only that applicants may be represented “at no expense to the Government.”

If Maria was categorically barred from contacting an attorney or even her employer during weeks of detention, this raises significant due process concerns. Courts have recognized that interference with access to counsel can undermine the fairness of immigration proceedings.⁹ Whether a violation occurred here depends on whether Maria requested counsel, how long her detention lasted, and whether she was denied the opportunity to prepare her asylum claim

adequately.

III. Political Conditions in Venezuela as Grounds for Asylum

Political conditions in Venezuela have deteriorated severely. U.S. State Department reports document widespread censorship, arbitrary detention of journalists, and government retaliation against dissent. Generalized violence or poor conditions alone are not grounds for asylum.¹⁰ However, country conditions evidence is critical in demonstrating the “objective reasonableness” of an applicant’s fear.

For Maria, the political repression of journalists provides essential context. Her individualized threats are bolstered by the broader climate of hostility to the press in Venezuela. In similar cases, courts have considered country reports persuasive in evaluating the credibility and reasonableness of an asylum claim.¹¹ Thus, Venezuela’s conditions are not independently sufficient for asylum, but they significantly strengthen Maria’s claim when combined with her personal experiences.

Conclusion

Maria López’s asylum claim is compelling. Based on threats linked to her political reporting, she likely meets the INA’s refugee definition. Her prolonged detention without access to counsel may raise due process concerns, though further details are needed to confirm a violation. Finally, while political conditions in Venezuela cannot alone justify asylum, they provide powerful corroboration for her well-founded fear of persecution. With complete evidence, Maria has a strong legal basis for asylum under U.S. law.

¹ Lambda Epsilon Chi (LEX), the national paralegal honor society, sponsors an annual essay competition. The Journal of Paralegal Education and Practice highlights student excellence by publishing the first and second place winners.

² 8 U.S.C. § 1101(a)(42)(A).

³ 8 U.S.C. § 1101(a)(42)(A).

⁴ *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987).

⁵ *Matter of Acosta*, 19 I. & N. Dec. 211 (B.I.A. 1985).

⁶ U.S. Const. amend. V.

⁷ *Zadvydas v. Davis*, 533 U.S. 678 (2001).

⁸ 8 U.S.C. § 1225(b)(1).

⁹ *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549 (9th Cir. 1990).

¹⁰ *INS v. Elias-Zacarias*, 502 U.S. 478 (1992).

¹¹ *Kourouma v. Holder*, 588 F.3d 234 (4th Cir. 2009).