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STEP SIX: Asylum Officer Makes Eligibility Determination and Supervisory Asylum Officer Reviews Decision

The Asylum Officer determines whether the applicant meets the definition of a refugee in INA § 101(a)(42)(A) and if a bar from being granted asylum under INA § 208 (b)(2) applies. A Supervisory Asylum Officer reviews the Asylum Officer’s decision to determine if it is consistent with the law.

STEP SEVEN: Applicant Receives Decision

In most cases, the applicant returns to the Asylum Office to pick up the decision two weeks after the interview was conducted. The applicant will generally receive the decision 60 days after the filing date.

Case decisions may be delayed, however, due to pending security or background checks. Longer processing times also may be required for an applicant who is currently in valid status, was interviewed at a District Office, or whose case is being reviewed by Asylum Division Headquarters staff. The decision is generally mailed to the applicant in these situations.



You have a right to provide your own legal representation at an asylum interview, at no cost to the U.S. Government. You may obtain a list of pro bono (free or reduced cost) attorneys or community-based, non-profit organizations that may be available to assist you by:

- Viewing our webpage that provides information on free legal advice.
- Calling the forms request line at **1-800-870-3676**.
- Visiting the United States Department of Justice Executive Office for Immigration Review website at <http://www.usdoj.gov/eoir>.
- Contacting the Asylum Office or District Office near your home.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying persons to help you complete your Form I-589. To contact the UNHCR call (202) 296-5191 or visit <http://www.unhcr.org>.

For more information about the topics discussed in this pamphlet, please visit:

**<http://www.uscis.gov/asylum>
or call 1-800-375-5283**



USCIS Asylum Program

Information Guide for Prospective Asylum Applicants



U.S. Citizenship and Immigration Services

Every year people come to the United States seeking protection because they have been persecuted or fear they will be persecuted on account of their race, religion, nationality, membership in a particular social group, or political opinion. Those found eligible for asylum may be permitted to remain in the United States.

What is asylum?

Asylum is a form of protection from removal to a country of feared persecution that allows an eligible refugee to remain in the United States and eventually to become a lawful permanent resident.

Who can apply for asylum?

Non-U.S. citizens who are physically present in or arrive in the United States, whether or not at a designated port of arrival, may apply.

When must I apply for asylum?

Generally you must apply for asylum within one year of your last arrival into the United States. Exceptions may apply such as (1) changed circumstances in your home country that affect your eligibility or (2) extraordinary circumstances related to your lateness in filing.

Can I apply for asylum if I am here illegally?

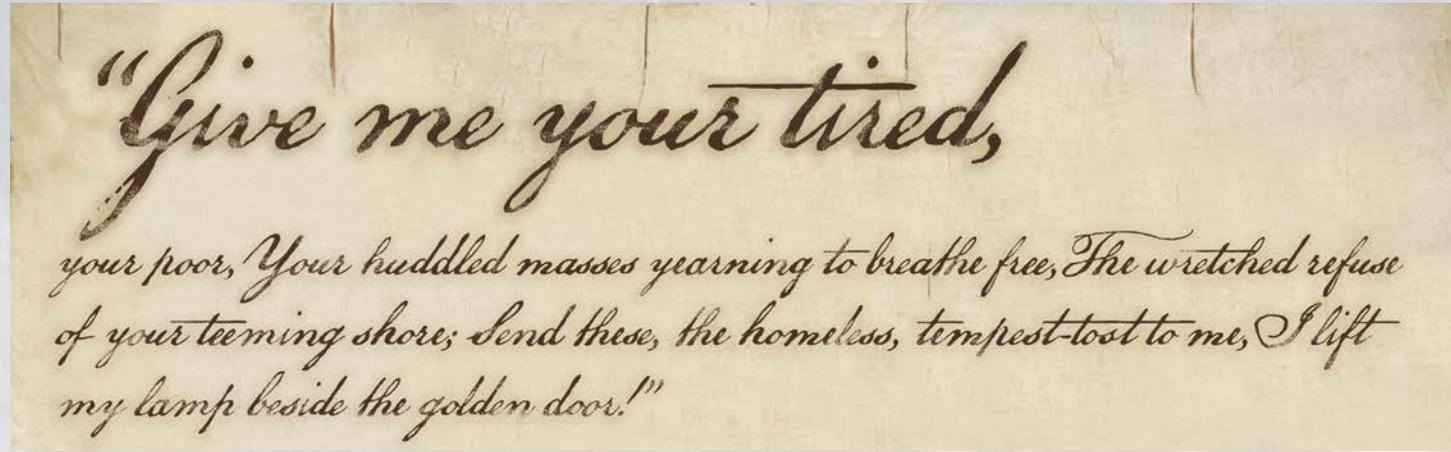
Yes. You may apply regardless of your immigration status as long as you file your application within one year of your last arrival or demonstrate that you are eligible for an exception to that rule.

Can I apply if I was convicted of a crime?

Yes. However, you may be barred from being granted asylum depending on the crime.

Can I be barred from applying for or being granted asylum?

You may be barred from applying for asylum if you previously applied for asylum and were denied by an immigration judge or the Board of Immigration Appeals, if you did not apply within one year of your last arrival, or if you could be removed to a safe third country pursuant to a bilateral or multilateral agreement. You may be barred from a grant of asylum due to certain criminal activities, security-related grounds, or if you have been involved in the persecution of others or were already firmly resettled in another country. Certain exceptions may apply. If you are barred from applying for asylum, however, you may still be entitled to withholding of removal, another more limited form of protection that can be granted in removal proceedings.



Excerpts from the sonnet, "The New Colossus," written by Emma Lazarus in 1883. A bronze plaque of the inspiring poem was placed on the inner walls of the Statue of Liberty's pedestal in 1903.



How do I apply for asylum?

To apply for asylum, you will need to complete Form I-589, *Application for Asylum and for Withholding of Removal*, and follow the instructions carefully. Forms are available online at <http://www.uscis.gov/forms> and also by calling the forms request line at 1-800-870-3676.

What is the fee to apply for asylum?

There is no fee to apply for asylum.

Can I include my spouse and children on my case?

Your spouse and children who are in the United States may be included on your application at the time you file or at any time until a final decision is made on your case. A child must be under 21 and unmarried to be included as a dependent on your application. You should bring these dependents with you to your asylum interview.

Am I subject to security and background checks if I apply for asylum?

Yes. Every individual who applies for asylum is subject to background and security checks. Depending on the results of these checks, you may be found ineligible for a grant of asylum.

Will I be fingerprinted if I apply for asylum?

Yes. After you have filed your asylum application, you will receive a notice in the mail with the time, date, and location to have your fingerprints taken at an Application Support Center.

Can I work after I file for asylum?

You cannot apply for work authorization at the same time you apply for asylum. However, you can apply for work authorization if 150 days have passed since you filed your complete asylum application, excluding any delays caused by you, and no decision has been made on the application.

Additionally, if granted asylum status, you are authorized to work as soon as your asylum case has been approved.

Can I travel outside the United States after I file for asylum?

If you must travel outside the United States before a final decision has been made in your asylum case, you must receive advance permission, also called Advance Parole, before leaving the United States in order to return. If you fail to obtain Advance Parole, USCIS will presume you have abandoned your application and you may be denied readmission into the United States. Additionally, if you obtain Advance Parole and return to the country of feared persecution, USCIS may determine you have abandoned your application for asylum unless you can provide compelling reasons for your return.

Can anyone help me with my asylum interview?

You may bring your own attorney or legal representative to the asylum interview at no cost to the U.S. Government.

How will I be interviewed if I do not speak English?

You will be interviewed through an interpreter. USCIS does not provide interpreters. You must bring your own interpreter to the interview. If your interpreter does not speak English sufficiently, your interview may need to be rescheduled so that you can find a more competent interpreter.

What will happen at my asylum interview?

You will arrive at the Asylum Office for a non-adversarial interview with an Asylum Officer who will verify your identity and ask you basic biographic questions and the reasons you are applying for asylum. Everything you say at the interview is confidential. It is very important that you tell the Asylum Officer your experiences in as much detail as possible so that the Asylum Officer can determine whether you qualify as a

refugee. A decision on your case will not be made on the same day as the asylum interview.

How does the Asylum Officer determine if I am eligible for asylum?

The Asylum Officer will determine if you are eligible by evaluating whether you meet the definition of a refugee and are not barred from a grant of asylum based on information you provide on your application and during your interview with an Asylum Officer, as well as other information that may be available to the officer.

What happens if I am found ineligible for asylum?

If you are found ineligible but hold a valid immigration status or are qualified to remain in the United States (based on Temporary Protected Status or, in some cases, parole), you will receive a notice of intent to deny your case that explains the reasons you were found ineligible. You will have the opportunity to rebut these reasons and provide additional evidence to support your case. If you do not hold a valid immigration status or are not qualified to remain in the United States, you will be placed in removal proceedings and your case will be referred to an immigration judge who will evaluate your asylum claim anew.

How do I find out the status of my case?

Please contact the USCIS Asylum Office that has or will be conducting your asylum interview.

Where can I find the law?

The legal foundation for asylum comes from Section 208 of the Immigration and Nationality Act (INA). Federal regulations that explain the eligibility requirements and procedures for asylum can be found in the Code of Federal Regulations (CFR) at 8 CFR § 208.

STEP ONE: Asylum-Seeker Arrives in the United States

An asylum-seeker is generally eligible to apply for asylum under INA § 208(a) if he or she 1) is arriving in or physically present in the United States, and 2) files within one year of arriving in the United States or establishes that an exception to the requirement to file within one year applies.

STEP TWO: Asylum-Seeker Applies for Asylum

Asylum-seeker files **Form I-589, Application for Asylum and for Withholding of Removal**, with the appropriate Service Center.

STEP THREE: Applicant Is Fingerprinted and Background Security Checks Conducted

Applicants 13 years of age and older receive a notice to go to an Application Support Center or authorized Designated Law Enforcement Agency to have their fingerprints taken.

STEP FOUR: Applicant Receives Interview Notice

In most cases, an applicant will receive a notice stating the date, location, and time of the asylum interview within 21 days after the applicant submitted a complete Form I-589.

STEP FIVE: Applicant Is Interviewed

The applicant is interviewed by an Asylum Officer at one of eight Asylum Offices located in Arlington, VA; Chicago, IL; Houston, TX; Los Angeles, CA; Miami, FL; Newark (Lyndhurst), NJ; New York (Rosedale), NY; and San Francisco, CA, or, if the applicant lives too far from an Asylum Office, at a District Office. In the majority of cases, the applicant is interviewed within 43 days after filing, though time frames for individuals interviewed at a District Office may be longer because Asylum Officers must arrange to travel to these offices.