

# **PRO SE ASYLUM MANUAL**

Prepared by the Political Asylum/Immigration Representation Project, with help from the Massachusetts Law Reform Institute and Greater Boston Legal Services.

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## INTRODUCTION

This booklet explains how to prepare an application for asylum and withholding of removal. This is a complicated process, but this booklet is for people who do not have a lawyer to help them. In general, you may be eligible for asylum if you fear harm or have suffered harm in the past because:

- ✓ You belong to a particular race; or
- ✓ You practice a particular religion or refuse to practice a particular religion;
- ✓ You are of a particular nationality;
- ✓ You have a particular political opinion or belong to a group (e.g., opposition party) and are being harmed for your activities, or the person or group who wants to harm you believes that you have a particular political opinion;
- ✓ You have a characteristic which you cannot change, or should not be required to change. For example, your ethnicity, your gender, sexual orientation, your tribal or clan group, or your family.

The harm you have suffered or fear you will suffer in the future can be threats, physical harm or other problems that put you at risk in your country. The person or group seeking to harm you may be the government or someone the government is unable or unwilling to control.

**Tip:** If you want to apply for asylum, there is a one-year filing deadline. You must file for asylum **within one year** of arrival in the United States. There are very limited exceptions to this rule.

If you fear harm in your country, but the harm is not for one of the five reasons listed above, you should not file an application for asylum. If you do file for asylum, you must answer the questions on the asylum application form completely and honestly. Anyone who makes false statements on his or her asylum application may be permanently barred from all benefits under the immigration law of the United States.

To apply for asylum, you must fill out Form I-589, which is called *Application for Asylum and for Withholding of Removal*. See the attached sample form I-589. You can obtain an I-589 from your local Citizenship and Immigration Services (CIS) office or from the website: <http://www.uscis.gov>.

Immigration must receive your asylum application **WITHIN ONE YEAR** of your arrival in the

United States. For example, if you arrived in the United States on May 27, 2002, Immigration must receive your asylum application by May 26, 2003. If you fail to file within one year, you will not be allowed to do so later, unless you meet one of the very limited exceptions.

**Tip:** To determine the deadline when you must file, begin with your date of arrival, add one year, and subtract one day. That is the day when Immigration **must receive** the application. If you are before the Immigration Court, be sure to give your application to the judge before your one year deadline expires.

## **STEP-BY-STEP GUIDE FOR FILING AN ASYLUM APPLICATION**

### **PREPARING THE DECLARATION**

**STEP 1. How to tell your story.** A declaration is your written statement which explains in detail why you left your country and why you are afraid to return. In filing for asylum, you are not required to write a declaration. It is a good idea to do so, however, since it will help you explain your case to the Asylum Officer or Immigration Judge deciding your case. To write a declaration, consider the suggestions below. Also, see Sample Declaration in Support of the Application for Asylum.

#### Declaration of [Your Name] in Support of Application for Asylum and Withholding of Removal

I, [your name], declare as follows:

1. My name is [your name]. I was born in [your country of birth ], and am a citizen there. I make this declaration in support of my application for asylum and withholding of removal in the United States.
2. I was born on [date of birth] in [city of birth]. My parents' names are [parents' names]. They live in [parents' address]. I have [number] brothers and sisters. They live in [brothers' and sisters' location].
3. I am married to [name of spouse]. We married in [date of marriage]. I have [number] children. They live in [children's addresses].
4. [Provide information on your background and schooling. Also, if you are politically active, discuss your beliefs and activities.]
5. [After that, explain everything about your life in your country that now makes you afraid to return there. Include any times you, your family members, co-workers or friends were harmed or threatened, as well as why, and what you think will happen if you go

back.]

- Be sure to explain what happened to you. You should thoroughly explain any events which make you afraid. Include any times when the government or other person or group harmed or threatened you and why. Also explain any time when someone in a situation similar to you was harmed. For example, if you are afraid that the government will harm you because you belong to a particular family, you should explain every time that the government harmed anyone in your family. Provide as much detail about the harm against you. How were you harmed? By whom? What did the person(s) say? When did the harm occur? Why did it happen?
- If you cannot remember the exact date that something happened, do not guess. Instead, give the month or the year, or time of year, and state that you do not know the exact date. If you guess about a date and it later turns out to be wrong, the government may not believe that you are telling the truth.
- If the situation in your country has changed or there's a new ruler in power, explain why it is still not safe for you to go back.
- If you are afraid of a group or a person who is not part of the government, you should explain why your country cannot protect you. If you tried to get your government to protect you but could not, you should explain what efforts you made and what happened.

**Tip:** If you have been in the United States for more than one year, you should consult an immigration attorney before filing an application for asylum.

- You should also explain why you cannot move to another area of your country to live.

[At the end of the declaration, write, "I declare under penalty of perjury under the laws of The United States that the foregoing is true and correct." Then sign the declaration and write the date. See Sample Declaration in Support of the Application for Asylum.]

## **HOW TO FILL OUT THE ASYLUM APPLICATION, FORM I-589**

**STEP 2. Filling out the Asylum Application Form.** Before you fill out the Application for Asylum and for Withholding of Removal (Form I-589), you should carefully read the instructions attached to the form. The following will help you understand many of the questions on the form and how to answer them.

The asylum application is supposed to remain confidential.

It is important to fill out the I-589 completely; fill in all of the boxes on the form and answer all of the questions. If you live in New England, and are **not** in Immigration Court proceedings, file your application with the Vermont Service Center in St. Albans, Vermont, as explained below. (Those in removal proceedings must file directly with the Immigration Court, as explained below).

**Tip:** Fill in **all** the blanks. If you fail to answer even one question on the asylum application, Immigration will send the entire application back to you. To avoid this situation, make certain that you answer each question; if there is no answer or the question does not apply to you, then type “N/A” in the answer space. **DO NOT** leave any space blank.

## **Part A: Provide Background Information**

### **I-589, Part A.I. Information About You:**

**Questions 1-14:** Provide the requested background information.

**Questions 12-14:** If you were born in one country and currently have citizenship in another country, you will need to explain why you are afraid or unable to return to both countries.

**Questions 15-16:** Provide information relating to your ethnicity and religion, especially if your claim is based on race, nationality, ethnicity, or tribal membership.

**Question 17:** Your answer to this question determines where you will file your application for asylum. If the government has started a case against you in Immigration Court, you file your application for asylum with the Immigration Court. If the government has not started an immigration court case against you, you file your application with the USCIS and send it to the **Vermont Service Center** at the address listed on page 11.

**Question 18-21:** These questions relate to your immigration history. You have only one year from the date you arrived in the United States to apply for asylum. If you are filing more than one year after the date you arrived in the United States, you can still file for asylum if you can show that: (a) circumstances have changed in a way which affects your asylum case; or (b) extraordinary circumstances prevented you from filing within one year of arrival.

**Questions 22-24:** Provide details about the languages you speak, including whether you

speak English.

**Part A. II. Information About Your Spouse and Children.** This section requests information about your spouse and children. You should list your spouse and all your children in your application, whether they are present in the United States or not.

If your spouse and unmarried children are in the United States, they will also receive asylum if your asylum application is approved. If they are not in the United States, and you are granted asylum, you can immediately file a Refugee/Asylee Relative Petition (Form I-730) on their behalf and they will be allowed to enter the United States as asylees.

**Tip:** Be careful to list all of your children, even if they are married or twenty-one years of age or older. While married children or children twenty-one or older do not receive asylum automatically when their parent's application is approved, a parent who later becomes a permanent resident or citizen may file for legal status. At that point, your children may face problems if you failed to mention them in your asylum application.

**Part A. III. Information about Your Background.** This section requests information about previous addresses, education, employment, and information about your parents and siblings. You should be as complete and accurate as possible. You need not include the exact date, but can include a month or year if that is all you remember. If you are estimating a date, state that you are estimating it.

**Part B. Substantive Questions.** This section asks you to explain why you are seeking asylum. You should include information about what happened to you or your family in the past which has made you afraid to return, why you or your family were harmed, and what you believe will happen to you if you return.

It is important that you read each question carefully and answer it completely. You should try to explain the facts of what happened to you, and not just write general statements about the situation in your country. Whenever you cannot remember the exact date, put the month or the year. If you do not remember the year, estimate the year and state that you are using an estimate.

If you have written a declaration, as described above, you can answer the questions on the asylum application form with a brief answer that refers to the declaration for additional information.

**Question 1: Why are you applying for asylum or withholding of removal?**

In answering this question, check the box(es) for all the reasons that apply to you, your family, friends or coworkers.

**Question 1A: If your family, close friends, or colleagues have experienced harm, give**

**a detailed explanation, and include the reasons for that harm.** Include information about the person or group responsible for causing the harm. Include your beliefs about what will happen to you if you return to your country. You should give specific facts and not general statements. Be careful to explain any uncertainty about any facts that you include because it is difficult to change facts once you have written them down on the asylum application form. You need not limit your answers to the space on the form. You can attach additional pages answering each question in detail, or you can attach a detailed declaration, described above, which sets out the complete story of how and why you left your country and why you are afraid to return.

**Question 1B: Do you fear harm or mistreatment if you return to your home country?**

If you fear that you will be arrested, tortured, or killed, you should state that fact as clearly as possible. You should also explain the person or group of whom you are afraid and why you think they will harm you. You don't have to state the exact name of the person or persons you fear if you don't know the names. However, you do need to name the group to which the person belongs, if you know the name.

In explaining what will happen to you, you should try as much as possible to explain how the harm is tied to your race, nationality, ethnicity, religion, political opinion, gender, or membership in a social group.

**Question 2: Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?** Check "yes" or "no" and then explain. In answering this

question, you should answer exactly what is asked, giving as much detail as possible. If you cannot remember exactly when something happened, estimate the date, and state that you are providing an approximate date. You do not need to limit your answer to the space on the form. You can attach an additional sheet or declaration. There are two purposes to this question:

(1) To determine any encounters you may have had with the government of your home country (through the police, military, security forces, or other government representatives) which might constitute past persecution or which would provide evidence that the government might harm you if you return to your country; and

(2) To determine whether you might have committed a crime in your country or any other country that might make you ineligible for asylum. In answering this question, the following definitions are relevant:

- ✓ What does "arrested" mean? Generally, you are considered to be arrested if you are taken into custody and detained for a period of time. While you would usually be taken to a police station, military barracks, or detention center, this is not necessary.
- ✓ In some cases you may be arrested and detained at your home or some other place. What

does “detained” mean? Generally, you are considered to be detained if your movement is restricted. For example, if you are stopped for a brief period and questioned, such as at a road block, this could mean you were detained.

- ✓ What does “interrogated” mean? Generally, “interrogated” means “questioned.” The interrogation need not include force or mistreatment.
- ✓ What does “convicted and sentenced” mean? This generally means that you were found guilty and sentenced to prison for a crime. In some cases, being convicted and sentenced is persecution. For example, if a criminal conviction is used to punish someone for her political opinion or because she has violated an unfair rule, such as one requiring her to act contrary to her religious beliefs, this could be considered persecution. In other cases, a criminal conviction may bar you from receiving asylum.
- ✓ What does “imprisoned” mean? This is generally understood to mean long-term detention. A person may be imprisoned whether or not she is charged or convicted of a crime, or sentenced.

**Question 3A: Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerilla organization, ethnic group, human rights group, or the press or media?** Check “yes” or “no.” If you claim that you will be harmed because of your activities within a particular organization or movement, it is important to explain those activities.

For example, if you are afraid that you will be harmed because of your political opinions and activities in opposition to your government, you must fully list any political organizations to which you belonged and what your role was in those organizations. If you belong to a particular organization, you should include documents that show that many other people who belong to that organization were arrested or killed by the government. Also, if you are not certain of the exact dates of your membership in a particular organization, state in your answer that you are providing approximate dates

**Tip:** If you belonged to a para-military or guerilla organization, or any armed group, you should consult an attorney before completing this application. Cases that involve giving material support to a terrorist organization can get quite complicated. Also, anyone who has persecuted others is barred from receiving a grant of asylum.

**Question 3B: Do you or your family members continue to participate in any way in these organizations or groups?** Check “yes” or “no.” If you checked “yes,” be sure to give a detailed description of you or your family members’ participation. Be sure to list leadership positions held, types of activities and other participation with each group.

**Question 4: Are you afraid of being subjected to torture in your own country or any country to which you may be returned?** This question relates to protection under the United Nations Convention Against Torture. This is a special law which prohibits the United States government from returning any person to a country where there are substantial grounds for believing that he or she would be in danger of being tortured.

If you fear that you will be tortured in your country, you should explain in as much detail as possible what you believe would happen to you, by whom, and why. If you were tortured in the past, explain what happened to you. The torture must be by the government or with the government's acquiescence. The torture does not have to be on account of race, nationality, political opinion, membership in a particular social group, or religion. Also, there is no one-year filing deadline for Convention Against Torture claims.

**Part C. Additional Information About Your Application.** The questions in this section relate to situations in which you may not be eligible for asylum. For example, even though you may have a well-founded fear of harm if you return to your country, you may not be eligible if you:

- (a) previously applied for asylum;
- (b) were firmly resettled in another country;
- (c) applied for or received lawful status in another country;
- (d) participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion;
- (e) returned to your home country;
- (f) have waited longer than one year after you arrived in the United States to apply for asylum; or
- (g) committed certain types of crimes either in the United States or elsewhere.

<p><b>Tip:</b> If you answered “yes” to any of the questions in this section, consult an immigration attorney before filing your asylum application.</p>
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**Part D. Your Signature.** Before signing your application, you should review it carefully to make sure that all the information is as accurate as possible and that the entire form is complete, with no section left blank. In signing the form, you are swearing that what you have said is true. You can be punished for perjury if you knowingly include false information.

**Part E. Declaration of Person Preparing Form If Other Than Applicant, Spouse, Parent or Child.** Anyone who helps you complete the form should sign this section in the form.

**Part F. To Be Completed At Interview or Hearing.** Do not sign this section until you appear before an Asylum Officer or before an Immigration Judge.

**STEP 3. Provide Country Condition Research.** Background information about the human rights situation in your country as well as information about events in your case is extremely important to assist the Asylum Officer or Immigration Judge in deciding your case.

You may submit any articles from magazines, newspapers, books, human rights reports, or any other documents which help explain to the Asylum Officer or Immigration Judge the situation in your country and why a person in your situation would fear returning. There are a number of organizations which collect information on political conditions and human rights practices on countries around the world.

The internet is extremely helpful for gathering supporting documentation. Here is a short list of helpful website where you can find information on your country:

- Department of State: <http://www.state.gov>
- U.S. Citizenship and Immigration Service: <http://uscis.gov>
- EOIR (Immigration Court and BIA): <http://www.usdoj.gov/eoir>
- United Nations High Commission for Refugees: <http://www.unhcr.org/cgi-bin/texis/vtx/rsd>
- Human Rights Watch: <http://www.hrw.org>
- Amnesty International: <http://www.amnesty.org>
- Asylum Law: <http://www.asylumlaw.org>

**STEP 4. Provide passport style photograph.** You need to send one passport-size photograph with your asylum application. It should be a passport-style photograph. The photos must be free of shadows and contain no marks, splotches, or discolorations. Photos must have a white or off-white background. Photos should not be retouched. With a pencil, lightly write your complete name and A # (Alien number), if known, on the back of the photograph. The photograph needs to be taken within the past 30 days.

**STEP 5. Make copies of your documents.** You should copy and submit any documents which help explain your case. What you file should include:

- ✓ The **original copy** of the I-589 *Application for Asylum and for Withholding of Removal* Form and **two copies**.

- ✓ The **original and two copies** of any documents which support the facts that you have described in your application or which help to explain conditions within your country. These documents can include:
  - a. Your declaration, as explained above;
  - b. Declarations from other people who know your situation. For example, statements from family members or co-workers who were present when you were threatened or harmed will help to prove your case.
  - c. Expert Declarations from a medical practitioner or person who knows a great deal about the situation in your country and why you would be harmed if you return. It is not necessary for the expert to have personal knowledge about what happened to you.
  - d. Background information about human rights conditions in your country and other country condition information, as explained above.
  - e. Translations of any documents you included which are not in English.
- ✓ Three **copies** of your passport and three copies of any United States Immigration documents, such as an I-94 Departure Record.
- ✓ If filing for family members, include an extra **copy** of the application for each family member present in the U.S. for whom you are filing. Also, include a passport style photograph for each family member.
- ✓ Three **copies** of the passport and a **copy** of any United States Immigration documents, such as I-94 Departure Records **for each family member** included in your application.
- ✓ Three **copies** of your birth certificate.

**Tip:** Do not mail original identity cards, passports, birth certificates, I-94, etc., to CIS or to the Immigration Court. When you file your application, please include photocopies. Originals sent to immigration will likely not be returned

**Foreign Documents:** If documents are in a foreign language, you must submit an English translation of them with a certificate of translation. The certificate of translation should look like this:

<p><b>Certificate of Translation</b></p> <p>I, _____, hereby state that I am fluent in the English and _____ languages, and am competent to translate from English to _____ and from _____ to English, and that I have translated the foregoing document fully and accurately to the best of my abilities.</p> <p>Signed _____</p> <p>Dated: _____</p>
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### MAILING YOUR ASYLUM PACK

**STEP 6. Mail your application and documents.** Once you have put your application together, you should mail it to the Immigration Service Center that handles cases from your jurisdiction. For **an affirmative case in New England**, send the package to the following address (if you are not in immigration court):

Department of Homeland Security  
Vermont Service Center  
ATTN: ASYLUM  
75 Lower Welden Street  
St. Albans, VT 05479-0001

If the government has started a case against you in Immigration Court, **file all of these papers in Immigration Court** at a hearing date set by the Court. The address for the Boston Immigration Court is:

Boston Immigration Court  
Executive Office for Immigration Review  
John F. Kennedy Federal Building, Room 320  
Government Center  
15 New Sudbury Street  
Boston, MA 02203  
Phone: 617-565-3080

## THE ASYLUM HEARING

If you are detained and in removal proceedings, an immigration judge will decide your case. The immigration judges are part of the Executive Office for Immigration Review ("EOIR"), an agency of the Department of Justice. The immigration court is located at Room 320 of the John F. Kennedy Federal Building, Government Center, 15 New Sudbury Street, Boston.

The first hearing in Immigration Court is the **Master Calendar** hearing. At this hearing, you will respond to the government's charges on whether you are removable or have a right to remain in the United States. You must also tell the judge the forms of relief from removal that you plan to seek, such as cancellation of removal, adjustment of status, asylum, withholding of removal, relief under the Torture Convention and voluntary departure. This hearing is similar to an arraignment in criminal court (although Immigration Court proceedings are civil and not criminal proceedings). The government's trial attorney alleges grounds of removability, contained in the Notice to Appear (Form I-862).

The judge will have several cases set at the same time for Master Calendar hearings since each hearing is short. The hearing itself will likely last several minutes. Once the clerk calls your case, you will either appear via tele-video, or if in person, you will take a seat at the table in front of the judge. The court will provide an interpreter if you do not speak English.

- ✓ At the Master Calendar hearing, the judge will make sure that you were served with the Notice to Appear (I-862) and the list of free legal services.
- ✓ The immigration judge will ask you respond to the allegations of removability in the Notice to Appear.
- ✓ The judge will ask if you would like to time to hire an attorney.

If the immigration judge finds that you do not have the right to remain in the U.S., the immigration judge will allow you to apply for relief from removal, such as asylum, withholding of removal, Torture Convention relief, and voluntary departure. If you are requesting asylum for the first time in Immigration Court, the judge will schedule another Master Calendar hearing so that you have time to complete an asylum application to file in court. Again, you should ask for time to complete the asylum application, usually at least 2 or 3 weeks.

After you submit your asylum application, the judge will set a date for an **Individual Calendar** hearing, which is your full hearing on the merits of your claim. The judge will also schedule a date for filing the supplemental materials. At that hearing you will testify, present witnesses and be subject to cross-examination on your application for relief.

### **Individual Hearing**

**Direct Examination by Judge:** You are the most important witness in your asylum case and your credible testimony is the key to winning. Hence, preparation of your case is extremely important. Each immigration judge runs his or her courtroom differently, but you should be

prepared to tell your story clearly and truthfully on direct examination. The judge will typically interrupt and ask questions, either before, during, or after your direct examination. At times, the immigration judge may interrupt you repeatedly, ask hostile questions or even limit testimony. It is useful to take notes at the Immigration Court hearing or to bring someone to the hearing who can take notes and document unprofessional judicial behavior so that you can challenge it later.

**Cross Examination by the Trial Attorney:** The trial attorney will cross examine you and any other witness you call. Trial attorneys often look for problems with the case, such as inconsistencies in the your story, documents that you submitted that contradict aspects of your case, any unexplained trips noted in the your passport, motivation for the persecutor's behavior, proof of identity or at times even proof of nationality, firm resettlement in a country where you lived after first fleeing your home country, your criminal history, and other matters.

**Court Interpreters:** The Immigration Court will provide an interpreter for the Individual Calendar hearing. If you think that the court interpreter is not competent or is failing to interpret parts of your testimony, you can object to the interpreter. But you must state your objection to the judge, not to the interpreter.

**Witnesses:** You may call lay or expert witnesses to support your case. You should be sure that you know what your witnesses will say. Do not call witnesses who are not familiar with your case or the country from which you fear return, or who may say hostile or confusing things about you.

## THE ASYLUM INTERVIEW

If you are not detained and mail your application affirmatively, an asylum officer will decide your case. After you submit the application, the Vermont Service will review your application to make sure that the I-589 is complete and that you have submitted all the required documents. If the form is not complete, or if any required documents are missing, the Vermont Service Center will return the form to you. You **must make the necessary corrections, and mail it back** to Vermont as soon as possible (at most, within one month). If it is complete, USCIS will send a filing receipt to you.

Once you have filed an affirmative asylum application and the Service Center has accepted it, you will receive three notices:

1. Receipt notice - this notice states that the asylum application has been received and accepted.
2. Appointment notice - this notice sets the date, time and place for the asylum interview.
3. Fingerprint notice - this notice sets an appointment to have your fingerprints taken.

**Interview Date.** When the Asylum Office receives your application, the office will schedule an asylum interview. Usually, the Asylum Office will schedule the interview within 60 days after you file the asylum application. However, it can be scheduled sooner than 2 months or may take longer. When the Asylum Office schedules an interview, you will receive a notice telling you of the date, time and place of your interview.

**Reschedule Hearing Date:** If you need additional time to prepare your case, call the Newark Asylum Office at (201) 531-0555 and ask to speak to the officer in charge of rescheduling Boston asylum interviews. Ask that person to reschedule the appointment for a later date. The officer may ask you to fax a request in writing. If so, fax a letter requesting a continuance to the Newark Asylum Office at (201) 531-1877.

In Boston, an Asylum Officer will conduct your interview at the John F. Kennedy Federal Building, 6<sup>th</sup> Floor, near the Government Center T-stop. The interview can last from 1-2 hours. The Asylum Officer will question you about the information and documents you have submitted. The Asylum Officer will give you the chance to add any information or any additional documents you have.

**Tip:** If you made any mistakes when filling out the asylum application, it is important to let the Asylum Officer know at the beginning of the interview and then to correct the information.

**Asylum Office Interview.** The asylum officers conduct interviews at:

Boston Asylum Office  
Citizenship and Immigration Services  
John F. Kennedy Federal Building, Room 600  
Government Center  
15 New Sudbury Street  
Boston, MA  
617-565-9030

Asylum officers travel to Boston from the Newark Asylum Office to conduct the interviews. The Boston asylum office consists of a receptionist, a waiting room and several interview rooms.

**Originals of Documents.** When you appear for your asylum interview, make sure that you bring the originals of any documents you have with you so that the Asylum Officer can review the originals and compare them to the photocopies you submitted with your application

**Interpreter.** If you do not speak English fluently, you must bring an interpreter with you to the Asylum Officer interview. Make sure that the interpreter speaks your language and English fluently. He or she must understand that his or her role is to interpret exactly what is said,

without adding anything to what you say or trying to speak for you. If the interpreter makes mistakes or does not interpret what you say correctly, the Asylum Officer may not think that you are telling the truth.

**Asylum Office Decision.** After the interview, the Asylum Officer will notify you of the decision. This will usually happen through a letter. In some cases, the Asylum Officer may tell you to come to the office at a particular date and time to receive her decision. If the Asylum Officer decides that you are eligible for asylum, you may receive a “recommended approval” or an “approval”.

- If you receive an **approval letter**, you have been granted asylum. One year from the date of your approval notice, you can file for lawful permanent resident status.
- If you receive a **recommended approval**, it means that the Asylum Officer is waiting for a clearance on your fingerprints showing that you do not have a criminal record. Once that clearance comes through, you will receive a notice of approval.
- If the Asylum Officer decides not to grant your case, you will receive a **referral** letter, accompanied by a notice of a hearing before an Immigration Judge. The Asylum Officer will refer your case to the Immigration Court where an Immigration Judge will hear your case. The Immigration Judge will conduct a formal hearing where you can present your asylum case to the Immigration Judge as well as present other witnesses and evidence on your case. If your case is referred to an immigration judge, you should immediately consult with an attorney.

### **CHANGE OF ADDRESS**

If you move, it is extremely important to notify the government of your change of address. To do so, send one copy of the Change of Address Form AR-11 to each of the following offices:

USCIS  
Change of Address  
P.O. Box 7134  
London, KY 40742

Newark Asylum Office  
1200 Wall Street West  
4<sup>th</sup> Floor  
Lyndhurst, NJ 07071

If you have a pending petition or application, you may report the change of address to the National Service Center toll-free at 1 (800) 375-5283. You may also do this online at:

<https://egov.uscis.gov/crisgwi/go?action=coa.cr.Residence>.

### **EMPLOYMENT AUTHORIZATION**

You can apply for employment authorization if you receive a recommended approval or an approval of your asylum case. If you have not received a decision on your asylum case, you can

file an application for employment authorization after waiting 150 days from the time you first filed for asylum with the USCIS or the Immigration Judge, provided that the Immigration Judge has not denied your asylum case. The “work clock” counts the number of days your case has been pending with immigration. Unfortunately, the clock will stop if you ask for a continuance. Sometimes it will be necessary to ask for a continuance if you need more time to adequately prepare your case.

To file for employment authorization, fill out Form I-765, available on the USCIS web page at [www.uscis.gov](http://www.uscis.gov). Requests for work authorization must include the following:

- ✓ Form I-765
- ✓ G-28, Notice of Entry of Appearance of Attorney
- ✓ Copy of I-94 Departure Record (front and back), if available
- ✓ A copy of the last work authorization card if renewing your request for work authorization (front and back)
- ✓ Copy of Hearing Notice or Receipt Notice of asylum application
- ✓ Two photographs taken within 30 days of submission to DHS with name and A# written lightly (in pencil) on the back of each

If an Immigration Judge denies your asylum application within 180 days from the date you filed your asylum application, you cannot obtain employment authorization based on your asylum application.

### **POST ASYLUM GRANT MATTER**

Once you receive a final grant of asylum either from an Immigration Judge or an Asylum Officer, you may receive a variety of services which can help you adjust to life in the United States. You are eligible for a new I-94 and work card, travel document, and other ways to help you become financially stable. Upon your grant of asylum, contact the Refugee Resettlement Agency in your area to obtain these services. For further information, contact the:

#### **Office for Refugees and Immigrants**

18 Tremont Street, Suite 1020

Boston, MA 02108

Tel: (617) 727-7888

<http://www.mass.gov/ori>

In addition, once you have a grant of asylum, you may be able to bring certain family members to the U.S. Asylees may file a **derivative asylum** application for a spouse and any unmarried children under 21. You may want to contact an agency below to help you file for your family.

Finally, once you are granted asylum and have been in the U.S. for more than one year, you can file for **adjustment of status (to a legal permanent resident)** to get your green card. Before

applying for your green card, you should consult with an attorney or with one of the agencies below to make sure that you are eligible.

**Irish Immigration Center**

59 Temple Place, Suite 1010

Boston, MA 02111

Main Tel: (617) 542-7654

**International Institute of Boston**

One Milk Street

Boston, MA 02109

(617) 695-9990

# Sample Form I-589

## Application for Asylum and for Withholding of Removal

# Sample Declaration in Support of Application for Asylum

# Sample Country Conditions Packet For Asylum Application

# Sample Notice to Appear

## Sample Pleadings Form