Applying for Asylum: Key Takeaways

Based on a presentation made at RIF Asylum Support meeting on April 15, 2019 by Ethan Taubes. Ethan Taubes worked as an asylum officer and supervisor for over twenty years at the USCIS asylum office in Newark, New Jersey. He retired in 2018 and now provides trainings and consultations: https://www.ethantaubes.com/.

Submitting documents and evidence

- The best time to send in documents/evidence is when you are your lawyer submits your application. Do not come with a huge amount of documents the same day of your interview. The interview may be rescheduled in that case. Try to send them or go in person to deliver them at the asylum office at least a few days before the interview. If you bring a few documents on the day of the interview the asylum officer may not have enough time to review documents properly. Asylum officers know that some documents take time to get, but try your best to get them early.

- Do not submit any untranslated documents.

- If you plan to submit a video as evidence, pick a portion that is directly relevant to your case and write a script in English of what is being said during that portion. Include a letter telling the asylum officer what the video is and why it is important.

Preparing an effective statement/story

- By including information in your statement, you are swearing to the truth of your story. It is known as "swearing under oath." That means that if you say or write something incorrect or untrue it will be considered illegal and a reason to deny you asylum. If English is not your native language, write a statement in your native language first and have it professionally translated, if possible.

- You will have to answer all of the questions that are on the written application during your asylum interview. The information that you provide in the interview must be the same as the information in the application. If someone helps you prepare your application, make sure that you can trust them and that they are experienced. If someone helped you fill out your application and write your story, you must verify that it reflects the facts correctly. Same thing if it has been translated. You need to verify that there is no contradictions or mistakes. If you do not speak English well, ask people you trust to review that the story and translation are accurate.

- Your story (statement) should be focused on the reasons why you are asking asylum. You do not have to write all the details of your life, education, and profession if they are not related to
your persecution. Make sure that your story is not confusing. Write a clear, logical, and chronological facts.. Your statement should not be very complicated or you may get confused and mix up your timeline during the interview.

- Country conditions are the least important part of your statement. Asylum officers will research the country conditions prior to your interview. If you have a specific document or video of new story that is very specific to your situation then you should submit it.

Applying for asylum without a lawyer

- While it is very difficult to find a lawyer to represent you during the asylum process, you should try early on, even if that means adding your name to wait lists. Do not wait until you have a deadline coming up. It is helpful to show the asylum officer that you have tried to find a lawyer. Even if you cannot get a lawyer to represent you, go to a legal walk-in clinic to discuss your case. Keep a list of all the lawyers and organizations that you went to try to get legal representation. Explain if you went to private lawyers and could not pay the fees. Also if you had just a legal consultation, you should also say so.

- If you are experiencing trauma and/or memory loss, try to get a psychological evaluation to support your case. It is helpful to show the asylum officer that you tried to get an evaluation even if you cannot find a free/low cost provider. As it is very hard to get a free psychological evaluation in the city, you should also document all the organizations you have contacted and why you could not get an evaluation. Also, medical reports from your country can help corroborate your traumatic experiences to show you may have memory and cognitive issues answering the interview. If it would be helpful to bring a priest/pastor or psychologist to the interview, ask the asylum office in advance if that would be possible.

- There are many scammers in New York City that will take your money and not help you apply or do a bad job. Scammers are fraudulent and or incompetent immigration providers, sometimes called “helpers.” If you realize that the preparer did not do a good job do not be afraid to explain to the asylum officer what happened. Prepare a letter explaining what happened so those parts of your application can be discarded. It is helpful for asylum officers to know if you have been exploited and, for instance, missed an interview because of a scammer.

Advice for your asylum interview

- You may bring an interpreter to the interview, but be sure they are trustworthy and know English very well. Go over your application with them before the interview to make sure they know exactly what you plan to say. Practice all of your answers with them.

- During the interview the asylum officer is going to ask general questions at the start about your education, job, and family. Then they get to your claim and will ask What, When, Where, How and Why questions over and over again to understand your story.

- The asylum officer will take notes simultaneously and everything you say is going into the official record. What you say should be consistent with your application and your documents. The asylum officer will ask a lot of follow up questions. If you have a lot of inconsistencies the
asylum officer may go to their supervisor and discuss if you meet the definition of a refugee and if you were credible and consistent in your answers. Asylum officers systematically review the case with their supervisors and are not allowed to make a decision on their own.

- In order to qualify for asylum, you must have come to the United States seeking protection because you have suffered persecution or fear that you will suffer persecution due to your
  - Race
  - Religion
  - Nationality
  - Membership is a particular social group
  - Political opinion

- You cannot bring any notes to answer the interview questions, but you may write notes during the interview. If you cannot tell a coherent story and get confused under stress you should bring a psychological evaluation stating that you may have trauma and other mental health issues that may make your testimony not very coherent. If you do not have a psychological evaluation, do not be afraid to tell the officer that due to stress and psychological suffering it is hard for you to tell your story in a clear way.

- It is appropriate to show emotions during the interview. If you are not feeling well, you should tell the asylum officer if you need a break or need water.

- At the end of the interview the asylum officer will ask, “Do you have anything to add?” Think if any information you provided made a bad impression or the asylum officer might have misunderstood. You should add only things that were in your application. Do not add some very important information that is not been stated in your documents. You can ask for a moment to gather your thoughts to prepare any last comments.

How asylum officers make decisions

- The asylum officer is going to make a decision based your credibility, the country conditions, and the application documents establish evidence of personal persecution. If you are found to be not credible, the asylum officer doesn’t trust you, or any of the documents are found fraudulent then the most incredible statement you wrote will not help.

- After an interview, the asylum officer has two weeks to write a decision, to do a credibility analysis, and to decide you meet a refugee definition. The decision goes to the supervisor who makes a final decision based on the asylum officer’s recommendation and documents.

- An asylum officer has no authority to remove people from the United States. An asylum officer can refer you to a judge or to initiate removal procedures. The referral notice is very short - you did not establish your credibility, or you were not consistent, or the country conditions fundamentally changed.

If you want more information or clarification, please send an email requesting an individual meeting to maria@rifnyc.org.