



# 8 Steps to Apply for Asylum in the United States

## 1 SEEK ENTRY INTO THE U.S.

Please note that by law, you cannot call for a legal intake appointment until you are physically present in the U.S.

There are two types of asylum processes: The affirmative asylum process is for individuals who are physically present in the U.S. and have not been placed in removal proceedings before an immigration judge, and the defensive asylum process is for individuals who have been placed in removal proceedings before an immigration judge.

If you enter the U.S. at a port of entry such as an airport or border crossing, you will be interviewed by an immigration officer. If you do not have proper documentation to be admitted to the U.S. you will be subject to expedited removal. At this point you should request a “credible fear” interview from the immigration officer. The officer should take your sworn statement describing your fear of persecution or torture in your country of origin and give you a copy on Form I-867A/B, Evaluation of Credible Fear Referral in Expedited Removal. If the officer issues a credible fear referral, the officer should give you a Form M-444, Information About Credible Fear Interview in Expedited Removal Cases. You will be entitled to a hearing before an immigration judge who will decide your defensive asylum claim.

Important update for individuals planning to request asylum at the San Ysidro Port of Entry near San Diego, California: On January 25, 2019, the U.S. Department of Homeland Security implemented the Migrant Protection Protocols (“MPP”), which require asylum seekers attempting to request asylum at the San Ysidro Port of Entry to return to Mexico to await their asylum hearing dates before immigration judges. MPP appears to violate U.S. law (Section 241(b)(3) of the U.S. Immigration and Nationality Act) and international law (UN Convention Relating to the Status of Refugees, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), and is currently being challenged in federal court. We will publish updates once they become available.

## 2 SCHEDULE AN APPOINTMENT FOR LEGAL ASSISTANCE

Once you are physically present in the U.S., you can schedule an appointment for legal assistance.

We recommend Immigration Equality for legal assistance.

- Immigration Equality is a national organization. Though based in New York City, they can answer your questions no matter where you live in the United States. They schedule people for phone intakes when they are not in New York City and may also be able to connect you with a local attorney from their pro bono network.
- Their staff is multilingual, fluent in: Cantonese, English, French, Mandarin, Russian, Serbian/Bosnian/Croatian, and Spanish.
- They also have a team of volunteer translators.
- To contact Immigration Equality fill out this online contact form: <http://www.immigrationequality.org/get-legal-help/#contactform>
- You can also search our catalog’s “Legal Services” section for additional legal aid.

### 3 CONSULT AN ATTORNEY

*It is highly recommended that you consult with an attorney before filing your application. (If you file on your own, be sure to keep a copy of every page you submit for your records.)*

*You should send the application by certified mail (or through a delivery service such as FedEx or UPS) to make sure you receive a tracking number for the package. This tracking number is sometimes the only way to prove that you filed for asylum on time.*

### 4 FILE ALL PARTS OF THE ASYLUM APPLICATION

You may apply for asylum status regardless of how you arrived in the U.S. or your current immigration status. You must apply for asylum within one year of the date of your last arrival in the U.S., unless you can show:

- Changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances relating to the delay in filing, and
- You filed within a reasonable amount of time given those circumstances.

Please see:

<http://www.immigrationequality.org/get-legal-help/our-legal-resources/asylum/applying-for-asylum/>

The affirmative asylum application includes:

- Immigration Form I-589
- A declaration (detailed personal statement by the applicant)
- Supporting documents (medical reports, police reports, letters from witnesses, etc.) to back up the applicant's story
- Country conditions documentation (human rights reports, newspaper articles, reports from expert witnesses) demonstrating how the government treats LGBT or HIV-positive people in your country

For information on where to file (by state) please visit: <http://www.uscis.gov/i-589>

### 5 WAIT 150 DAYS AND SUBMIT THE 180-DAY ASYLUM EMPLOYMENT AUTHORIZATION DOCUMENT

**Permission to work:** It's best to submit your asylum application as soon as possible so that you can apply for employment authorization (the 180-Day Asylum Employment Authorization Document) once your asylum application has been pending for 150 days. However, it will not be reviewed until your asylum application has been pending for 180 days. In many cases, processing times vary by case and location. To apply for employment authorization, you must file a Form I-765, Application for Employment Authorization. There is no fee to apply for your first EAD if you have a pending asylum application or if you have been granted asylum. (Available at: <http://www.uscis.gov/humanitarian/refugees-asylum/asylum>. For filing addresses: <https://www.uscis.gov/i-765-addresses>)

Note: The clock for 150 days starts as soon as the asylum application is received by the U.S. Citizenship & Immigration Services office with jurisdiction over your case. Once you receive your application receipt notice, you can check the status here: <https://egov.uscis.gov/casestatus/landing.do>

## 6 AFTER YOU FILE YOUR ASYLUM APPLICATION

After your application is filed, the U.S. Citizenship & Immigration Services will issue you a receipt notice to let you know that the document was properly filed. If you do not receive a receipt notice, your application may not have been properly filed, or your receipt notice may have been mailed to the wrong address.

Timelines of asylum applications vary by case. Some applicants wait months (and even years) to have their asylum interview scheduled. However, some applicants are randomly chosen for much quicker processing times. (NOTE: The length of time an applicant may have to wait has no real relationship to the strength or weakness of a claim.)

For information on how to check the status of your pending application please visit:  
<https://www.uscis.gov/unassigned/faq/how-can-i-find-out-status-my-asylum-application>

Note: Any time you change your address, you must notify U.S. Citizenship & Immigration Services within ten days of moving by submitting the "Alien's Change of Address Card" (Form AR-11) online. Intentionally failing to give U.S. Citizenship & Immigration Services your new address is considered a misdemeanor that can be punished by a fine of up to \$200 and up to 30 days in jail. You can access the online form here: <https://egov.uscis.gov/coa/displayCOAForm.do>

## 7 THE INTERVIEW

For those applications randomly chosen for a quick interview, an individual can receive an interview appointment within approximately six weeks of mailing in the application.

At the interview, applicants generally describe what happened in the past and what they fear could happen in the future if they are forced to return to their home country.

Note: The interview will be conducted in English. If you need an interpreter, you will be responsible for bringing a qualified interpreter to your asylum interview.

## 8 RECEIVING THE DECISION

The applicant returns in person to pick up the decision generally two weeks after the interview (although it may take up to a year). In some cases the decision may be mailed to the applicant.

The decision will either: grant asylum, recommend asylum approval, refer the case to immigration court, or provide a notice of intent to deny a case.

**WELCOME TO THE U.S.!**

**WE LOOK FORWARD TO WORKING WITH YOU IN  
YOUR PURSUIT OF HAPPINESS, FREEDOM, AND SAFETY.**

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