AFFIRMATIVE ASYLUM AT A GLANCE

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.

ADDITIONAL RESOURCES

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.
- 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

PROTECTION • INTEGRITY • SERVICE

OVERVIEW OF ASYLUM PROCESS

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 latency 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.

USCIS Asylum Program

Information Guide for Prospective Asylum Applicants

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**FREQUENTLY ASKED QUESTIONS ABOUT THE ASYLUM PROCESS**

**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](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 before 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. Federal regulations that provide on your application and during your interview with an 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 do I find out the status of my case?**

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.

**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.