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# Affirmative Asylum Frequently Asked Questions

If you were placed in expedited removal proceedings, you received a positive credible fear determination, and USCIS retained your asylum application for further consideration in an Asylum Merits Interview, please visit our [Asylum Merits Interview with USCIS: Processing After a Positive Credible Fear Determination](#) page. For information on ways to obtain asylum in the United States, visit the [Obtaining Asylum in the United States](#) page.

## Background and Security Checks

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### Will I Be Required to Undergo Any Other Criminal or Security Checks?

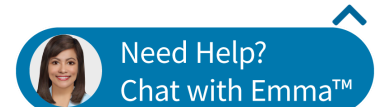


Yes. Every individual who applies for asylum will be subject to a series of background/security checks. You will not have to complete any additional steps to complete your background/security check once you have submitted your Form I-589 and have had your fingerprints taken. Depending on the results of these mandatory checks, you may not be eligible for a final grant of asylum. Your application may be referred to immigration court for removal proceedings.

The background/security check consists of the following:

- USCIS may send a copy of your Form I-589, *Application for Asylum and for Withholding of Removal*, to the U.S. Department of State.
- USCIS sends your biographical information to the Federal Bureau of Investigation (FBI).
- USCIS checks your biographical information against law enforcement databases.
- USCIS schedules you, if you are between 12 years and 9 months of age and 79 years of age, for fingerprinting at an Application Support Center or Designated Law Enforcement Agency. The fingerprints are sent to the FBI to conduct background/security checks and enrolled in the DHS Office of Biometric Identity Management's (OBIM) Automated Biometric Identification System (IDENT). The asylum offices use OBIM to verify the identity of the applicant at the time of the interview.

### When Will I Need to Be Fingerprinted?



Applicants 12 years and 9 months 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. After the USCIS Service Center receives your completed Form I-589, you will be sent a notice to go to an Application Support Center or authorized Designated Law Enforcement Agency to have your fingerprints taken. You are exempt from the fingerprint or biometric fee. The fingerprints will be sent to the Federal Bureau of Investigation (FBI) for a background/security check. The FBI will send those results to USCIS. Additional information about the fingerprinting process can be found on the Fingerprints webpage below, or by calling the USCIS Contact Center at 1-800-375-5283.

**Do not** submit a completed fingerprint card (FD-258) or fingerprint fee with your application. Your application will be accepted without the fingerprint card attached. If you submit a completed fingerprint card with your application on or after March 29, 1998, the card will be rejected and you will be re-fingerprinted by USCIS.

If you are asking for derivative asylum status for your spouse and children, they will also need to be fingerprinted if they are between 12 years and 9 months of age and 79 years of age. Additional information about the fingerprinting process can be found on the Fingerprints webpage below, or by calling the USCIS Contact Center at 1-800-375-5283.

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## Decisions

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### What is a Final Denial?



You will receive a Final Denial of your asylum claim if you received a Notice of Intent to Deny (NOID) and either did not provide a response to the letter within 16 days, or the asylum officer determined that the evidence or argument you provided failed to overcome the grounds for denial as stated in the NOID.

### What Will Be My Status After I Am Granted Asylum?



You will have asylee status. You will receive an I-94 Arrival and Departure record documenting that you are able to remain indefinitely in the United States as an asylee. You will be authorized to work in the United States for as long as you remain in asylee status. You may obtain a photo-identity document from USCIS evidencing your employment authorization by applying for an Employment Authorization Document (EAD). You will also be able to request derivative asylum status for any spouse or child (unmarried and under 21 years of age as of the date you filed the asylum application, as long as your asylum application was pending on or after Aug. 6, 2002) who was not included as a dependent in your asylum decision and with whom you have a qualifying relationship. This means that you will be able to

petition to bring your spouse and/or children to the United States or allow them to remain in the United States indefinitely incident to your asylee status.

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## To What Benefits May I Be Entitled After I Am Granted Asylum?



Asylees are eligible to apply for certain benefits, including an Employment Authorization Document (EAD), an unrestricted Social Security card, cash and medical assistance, employment assistance, and a Refugee Travel Document. For more information on the benefits and responsibilities associated with asylee status, see the [Asylum](#) webpage

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## Where Can I Find Further Information if My Asylum Claim is Referred to Immigration Court?



The Immigration Courts are located within the Executive Office for Immigration Review at the U.S. Department of Justice. Information about the Immigration Courts can be found at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir) or you can call their electronic information system at 1-800-898-7180. You will need your A-Number to get information on your case. This telephonic information system can give you information about your next hearing date, time and location; elapsed time and status of the clock for asylum cases; immigration judge decision information; case appeal information, including appeal due date, brief due date, date forwarded to the Board of Immigration Appeals (BIA), and BIA decision and decision date. If the immigration judge denies your asylum application, you will receive a notice telling you how to appeal the decision.

Generally, you may appeal within 30 days of receiving the denial. After your appeal form and a required fee are processed, the appeal will be referred to the Board of Immigration Appeals in Washington, D.C. For more information, see the [Executive Office for Immigration Review](#) website

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## What is a Notice of Intent to Deny?



You will receive a Notice of Intent to Deny if you are currently in valid status and found ineligible for asylum. You will have 16 days to provide a response to the letter. The asylum officer will then either approve or deny the claim.

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## What is a Conditional Grant of Asylum?



Before passage of the Real ID Act of 2005, applicants who were found eligible for asylum based on past persecution or a well-founded fear of persecution solely on account of resistance to a coercive population control (CPC) program were subject to a 1,000-per-year statutory limit on grants of asylum based on CPC, and were given a conditional grant until a final approval authorization number became

available within the annual 1,000 cap. Section 101(g)(2) of the Real ID Act of 2005 eliminated this annual 1,000 cap, and asylum offices have been issuing final, as opposed to conditional, asylum approvals to new, qualified applicants whose asylum claims are based solely on CPC, as well as to applicants who had previously received a conditional grant, provided that they clear background check requirements and otherwise qualify for asylum status.

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## How Will the Asylum Officer Make the Decision About Whether to Grant Me Asylum?

The asylum officer will evaluate your testimony, the information you provide on your application, and any supplementary materials you submit to determine if you are a refugee and whether any mandatory bars apply. The asylum officer will consider country condition information from reliable sources and will consider the relevant law found in the Immigration and Nationality Act (INA), the regulations found in Title 8 of the Code of Federal Regulations, and case law. The asylum officer will also evaluate the credibility of your claim. See 8 CFR § 208.9.

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## What Does It Mean to be Referred to Immigration Court?

This means that the asylum officer was unable to approve your asylum application and you are not currently in valid status. You will receive charging documents that place you in removal proceedings in Immigration Court. Your asylum application will be referred to the Immigration Court for an Immigration Judge to decide during the removal proceedings.

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## When Will I Be Notified About the Decision on My Asylum Claim?

In most cases, you will return to the asylum office where your interview was held **two weeks** after the interview to pick up your decision. However, there may be longer processing times if you were interviewed at a district office, are currently in valid status, or if your case will be reviewed by Asylum Division Headquarters staff. You will generally receive the decision by mail if any of these circumstances occur.

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## What is a Recommended Approval of Asylum?

As of Aug. 25, 2020, USCIS is no longer issuing recommended approvals. Before Aug. 25, 2020, you may have received a recommended approval of asylum if an asylum officer made a preliminary determination to grant you asylum, but USCIS had not received the results from the mandatory, confidential investigation of your identity and background. If you have received a recommended approval, and if the

results reveal derogatory information that affects your eligibility for asylum, USCIS may deny your request for asylum or refer it to an immigration judge for further consideration.

## Can Asylum Status Be Terminated?



Yes. Your asylee status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2). An asylee is not a lawful permanent resident. You may apply for lawful permanent resident status after you have been physically present in the United States for a period of 1 year after the date you were granted asylum status. See Asylee Adjustment for more information about becoming a lawful permanent resident. The law can be found at INA § 209(b).

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## Affirmative Asylum Interviews

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### What if I Need to Reschedule the Interview?



If you need to reschedule your interview, you must either mail a letter to the asylum office where your interview is scheduled to be held or go to that asylum office and complete a Request to Reschedule Asylum Interview in person. The addresses for the 8 asylum offices can be found using the [Asylum Office Locator](#). A request to reschedule an asylum interview must include the reason for the request and any relevant evidence. The asylum office will reschedule an interview if it is the applicant's first request for rescheduling and the request is received before the interview date.

### What and Whom Should I Bring With Me to the Affirmative Asylum Interview?



You should bring the following documents to the interview if available:

- A form of identification, including any passport(s) you possess, other travel or identification documents, and the Form I-94 Arrival-Departure Record, if you received one at the time of your arrival in the U.S.;
- The originals of any birth certificates, marriage certificates, or other documents you previously submitted with your Form I-589;
- A copy of your Form I-589 and other supplementary material that you previously submitted in case the asylum office is missing any of this information;

- Any additional available items documenting your claim that you have not already submitted with your application. Any document in a language other than English must be accompanied by an English translation that the translator has certified as complete and correct, and by the translator's certification that they are competent to translate into English the language used in the document.

You must bring an interpreter if you are not able to proceed with the interview in English.

You have the right to bring an attorney or representative. The attorney or representative must have filed or bring with them a [Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative](#), which states that they are your attorney.

If your spouse and/or children under 21 at the time you filed your application are included in your asylum application as derivatives, they must also appear for the interview and bring any identity, travel or other supporting documents they have in their possession. Although you are required to list all of your family members on your application, you only need to bring those to the interview that will be included as dependents in the asylum decision.

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## What Will Happen at My Affirmative Asylum Interview?

The interview will generally last at least an hour, although the time may vary depending on the case. You will be asked to take an oath promising to tell the truth during the interview. If you have an interpreter, your interpreter will also take an oath promising to interpret accurately and truthfully. The asylum officer will verify your identity and ask you basic biographical questions. The asylum officer will also ask you about the reasons you are applying for asylum. The asylum officer will know that it may be difficult for you to talk about traumatic and painful experiences that caused you to leave your country. However, it is very important that you tell the asylum officer your experiences so that the asylum officer can determine whether you qualify for a grant of asylum. The asylum officer will also ask you questions to determine if any bars will prevent you from applying for or being granted asylum. For more information on the bars to asylum, see the "Bars to Applying for and Receiving Asylum" info sheet in the links below.

The information you share with the asylum officer is protected by confidentiality provisions found in 8 CFR § 208.6. In general, information related to your asylum claim cannot be shared with third parties without your written consent or specific authorization by the Secretary of Homeland Security. There are certain exceptions to this rule, however, which can be found in the confidentiality regulations cited above. For more information on confidentiality and the asylum process, see the "Fact Sheet on Asylum Confidentiality" and "Is the Information I Provide on My Application Protected?" in the links below.

You and your attorney or representative, if any, will have time at the end of the interview to make a statement or add any additional information. A decision on your case will not be made at the asylum interview. For the legal regulations governing asylum interviews, see 8 CFR § 208.9.

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## What if the Applicant's Attorney Is Unavailable for the Interview?

Generally, unavailability of the applicant's attorney will not constitute good cause. The filing of a [Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative](#), does not prevent asylum



offices from processing an application in the absence of the applicant's attorney. If an asylum office denies an applicant's request to reschedule an interview and the applicant's attorney is not available for the interview, the applicant can either sign a waiver and proceed with the interview without the attorney or accept referral to an Immigration Judge. Although an applicant is entitled to have an attorney present at the interview, the applicant, not the asylum office, is responsible for ensuring that their attorney is present for the interview.

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## How Is "Good Cause" Defined?

"Good cause" may be defined as "a reasonable excuse for the inability to appear for an asylum interview." What constitutes good cause for one applicant may not constitute good cause when looking at the circumstances of another applicant. Asylum offices review requests for rescheduling on a case-by-case basis before determining whether the request to reschedule will be honored. In making the good cause determination, asylum offices examine the totality of the history of the applicant's case and the reason for the request, together with all evidence submitted.

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## What if the Interview Date Has Already Passed or the Interview Has Already Been Rescheduled on One or More Occasions?

If a request to reschedule an interview is made on or within 45 days after the interview date, or if the interview has already been rescheduled on 1 or more occasion, the applicant must establish that the request for rescheduling is due to good cause. If the interview notice was not mailed to the most recent address provided to USCIS by the applicant, the asylum office will reschedule the interview without requiring a showing of good cause.

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## What if I Fail to Appear for My Affirmative Asylum Interview?

If USCIS does not receive a written explanation for your failure to appear within 45 days after the date of the scheduled interview, and you do not have legal status in the United States, your case will be referred to the immigration court. If you have legal status in the United States, your case will be administratively closed. See 8 CFR § 208.10. The asylum office director has discretion to reschedule your interview if you provide a reasonable explanation for your failure to appear. If you establish an exceptional circumstance that explains your failure to appear or can show that USCIS did not properly notify you of the interview, USCIS will reschedule your interview.

If you fail to appear at the interview, it may affect your eligibility to apply for work authorization. You may file a Form I-765, Application for Employment Authorization, based on your pending asylum application 150 days after you filed your asylum application. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 30 days, for a total of 180 days. 8 CFR 208.7(a)(1). However, if you applied for asylum on or after Jan. 4, 1995, you will be ineligible for employment authorization if you fail to appear for an interview, unless your

failure to appear is excused. See 8 CFR § 208.7(a)(4). For more information on employment authorization and applicant-caused delays, see [The 180-Day Asylum EAD Clock Notice. \(PDF, 321.97 KB\)](#).

## Should I Bring an Interpreter to My Affirmative Asylum Interview?



USCIS does not provide any interpreters during the asylum interview, except in the case of hearing-impaired applicants\*. You must bring an interpreter if you do not speak English well enough to proceed with the interview in English. The interpreter must be fluent in English and a language you speak fluently and must be at least 18 years old. The following persons cannot serve as your interpreter: your attorney or representative of record; a witness testifying on your behalf at the interview; or a representative or employee of the government of your country. The regulation relating to interpreters can be found at 8 CFR § 208.9(g).

*\* If you are hearing impaired and need assistance in obtaining an appropriate interpreters, contact the asylum office with jurisdiction over your case in advance of your scheduled asylum interview.*

Although the Asylum Division does not provide interpreters for the interview, asylum offices use contract interpreters to monitor affirmative asylum interviews at local asylum offices and at circuit ride locations. In general, the role of the contract interpreter is limited to monitoring interpretation by an interpreter provided by the applicant. Contract interpreters may be expected to occasionally interject if the applicant's interpreter fails to provide adequate, accurate, and neutral interpretation.

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Last Reviewed/Updated: 05/21/2025