Overview Map

Vocabulary

EOIR

USCIS

Asylum

A-Number

Personal Flow Chart Process

If not specified, from the following website

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/the-affirmative-asylum-process>

**Step 0: Eligibility and Right to Counsel**

<https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf>

From pages 3 and 4

Eligibility

To qualify for asylum, you must establish that you are a refugee who is unable or unwilling to return to his or her country of nationality, or last habitual residence if you have no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. This means that you must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for your persecution or why you fear persecution. (See section 208 of the INA; 8 CFR sections 208 and 1208, et seq.)

If you are granted asylum, you and any eligible spouse or child included in your application can remain and work in the United States and may eventually adjust to lawful permanent resident status. If you are not granted asylum, the Department of Homeland Security (DHS) may use the information you provide in this application to establish that you are removable from the United States.

Right to Counsel

Immigration law concerning asylum and withholding of removal or deferral or removal is complex. You have a right to provide your own legal representation at an asylum interview and during immigration proceedings before the Immigration Court at no cost to the U.S. Government. If you need or would like help to complete this form and to prepare your written statements, assistance from pro bono (free) attorneys and/or voluntary agencies may be available. Voluntary agencies may help you for no fee or a reduced fee, and attorneys on the list referred to below may take your case for no fee. If you have not already received from USCIS or the Immigration Court a list of attorneys and accredited representatives, you may obtain a list by calling 1-800-870-3676 or visiting the U.S. Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) website at [www.justice.gov/eoir/list-pro-bono-legal-service-providersmap](http://www.justice.gov/eoir/list-pro-bono-legal-service-providersmap).

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying persons to help you complete the application. RefWorld, a resource database available on UNHCR's website or at www.refworld.org, provides useful country conditions information from a variety of sources. Contact information for the UNHCR is: United Nations High Commissioner for Refugees 1800 Massachusetts Avenue NW, Suite 500 Washington, DC 20036 Telephone: 202-296-5191 Email: usawa@unhcr.org Website: www.unhcr.org Calls from Detention Centers and Jails. Asylum-seekers in detention centers and jails may call UNHCR toll-free by dialing #566 or 1-888-272-1913 on Monday, Wednesday, and Friday, 2 p.m. - 5 p.m. (Eastern Standard Time).

Step 1:

Be Physically Present in the United States

<https://www.uscis.gov/i-589>

From the “Where to File” section

NEW STEP:

Do you have an Alien number?

The A-Number begins with the letter “A” and is followed by eight or nine digits. This number is printed in all DHS and Executive Office for Immigration Review (EOIR) correspondence.

Check if you are in the system

Call the EOIR Automated Case Information Hotline at (800) 898-7180 (TDD 800-828-1120) (toll-free in the United States) or (304) 625-2050 (local toll call), or check the EOIR Automated Case Information online system at [portal.eoir.justice.gov/InfoSystem](https://portal.eoir.justice.gov/InfoSystem)

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/obtaining-asylum-in-the-united-states>

If Yes, proceed to Step 2A

Defensive Asylum Process

If the EOIR hotline or online system has information regarding your name and next hearing date, then your case has been filed and docketed with EOIR and you must file your Form I-589 with EOIR.

If No, proceed to Step 2B

Affirmative Asylum Process

If the EOIR hotline or online system indicates that your A-Number did not match a record in the system, or if you have never been issued an A-Number, then you must file your Form I-589 with USCIS

Step 2A:

Where to apply for Asylum with the EOIR with Form I-589

You also may locate immigration court information at [justice.gov/eoir/eoir-immigration-court-listing](https://www.justice.gov/eoir/eoir-immigration-court-listing). If you file your Form I-589 anywhere other than the court identified by the EOIR hotline or online system, EOIR will reject your Form I-589 and send you a notice that specifies the address where you should file your Form I-589. If you file your Form I-589 with USCIS, we may reject your Form I-589.

Step 2B:

Where to apply for Asylum with USCIS with Form I-589.

Make map from the following data:

| **If you live in:** | **Then file your application with the:** |
| --- | --- |
| * Alabama * Arkansas * Colorado * District of Columbia * Florida * Georgia * Louisiana * Maryland * Mississippi * New Mexico * North Carolina * Oklahoma * Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland * Puerto Rico * South Carolina * Tennessee * Texas * U.S. Virgin Islands * Utah * Virginia * West Virginia * Wyoming | **U.S. Postal Service (USPS), FedEx, UPS, and DHL deliveries:**  USCIS TSC Attn: I-589 6046 N Belt Line Rd. STE 589 Irving, TX 75038-0018 |
| * Arizona * California counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, San Luis Obispo, or Ventura * Connecticut * Delaware * Guam * Hawaii * Maine * Massachusetts * Nevada counties of Clark, Esmerelda, Nye or Lincoln * New Hampshire * New Jersey * New York * Pennsylvania counties that are not listed above * Rhode Island * Vermont | **U.S. Postal Service (USPS):**  California Service Center P.O. Box 10881 Laguna Niguel, CA 92607-0881  **FedEx, UPS, or DHL:**  USCIS California Service Center Attn: I-589 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677 |
| * Alaska * California counties that are not listed above * Idaho * Illinois * Indiana * Iowa * Kansas * Kentucky * Michigan * Minnesota * Missouri * Montana * Nebraska * Nevada counties that are not listed above * North Dakota * Ohio * Oregon * South Dakota * Washington * Wisconsin | **U.S. Postal Service (USPS):**  Nebraska Service Center P.O. Box 87589 Lincoln, NE 68501-7589  **FedEx, UPS, or DHL:**  USCIS Nebraska Service Center Attn: I-589 850 S Street Lincoln, NE 68508 |

If you file your Form I-589 with EOIR and the court has no record of your A-Number, the immigration court will reject and return your Form I-589.

Step 2C:

Obtain form

<https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf>

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USCIS provides forms free of charge through the USCIS website. To view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at http://get.adobe.com/reader/. If you do not have internet access, you may call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish.

<https://www.uscis.gov/forms/all-forms>

<https://www.uscis.gov/downloading-and-printing-immigration-forms>

Step 2D:

Complete Asylum Application

<https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf>

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You must type or print all of your answers in black ink on Form I-589. Your answers must be completed in English. Forms completed in a language other than English will be returned to you. You must provide the specific information requested about you and your family and answer all the questions asked. If any question does not apply to you or you do not know the information requested, answer "none," "not applicable," or "unknown." You must provide detailed information and answer the questions as completely as possible. If you file your application with missing information, we may return it to you as incomplete. If you need more space, attach Form I-589 Supplement A or B (included in the application package) and/ or additional sheet(s) indicating the question number(s) you are answering. You are strongly urged to attach additional written statements and documents that support your claim. Your written statements should include events, dates, and details of your experiences that relate to your claim for asylum. NOTE: Put your Alien Registration Number (A-Number) (if any), name (exactly as it appears in Part A.I. of the form), signature, and date on each supplemental sheet and on the cover page of any supporting documents.

Step 2E:

Required Documents Needed for Application

<https://www.uscis.gov/sites/default/files/document/forms/i-589instr.pdf>

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You must submit the following documents to apply for asylum and withholding of removal:

1. The completed, signed original and one copy of your completed application, Form I-589, and the original and one copy of any supplementary sheets and supplementary statements. If you choose to submit additional supporting material, see Section VII, Additional Evidence That You Should Submit, in Part 1 of these instructions. You must include two copies of each document. You should make and keep an additional copy of the completed application for your own records.

2. An additional copy of your completed application, Form I-589, with supplementary statements, for each family member listed in Part A.II. that you are including in your application. VI. Required Documents and Required Number of Copies That You Must Submit With Your Application

3. Two copies of primary or secondary evidence of relationship, such as birth or school records of your children, marriage certificate, or proof of termination of marriage, for each family member listed in Part A.II. that you are including in your application. NOTE: If you submit an affidavit, you must submit the original and one copy. (For affidavit requirements, see Part A.II in Part 1, Section V, of these instructions.)

4. One passport-style photograph of yourself and of each family member listed in Part A.II. that you are including in your application. The photos must have been taken no more than 30 days before you file your application. Using a pencil, print the person's complete name and A-Number (if any) on the back of each photograph

5. Two copies of all passports or other travel documents (cover to cover) in your possession and two copies of any U.S. immigration documents, such as a Form I-94, Arrival-Departure Record, for you and each family member included in your application, if you have such documents. Do not submit original passports or travel documents unless specifically requested.

6. If you have other identification documents (for example, birth certificate, military or national identification card, driver's license, etc.), we recommend that you submit two copies with your application and bring the original(s) with you to the interview. Copies. Documents filed with this application should be photocopies. If you choose to send an original document, USCIS or the Immigration Court may keep that original document for its records. Translations. Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Step 2F:

Compile Form to Mail

<https://www.uscis.gov/forms/filing-guidance/tips-for-filing-forms-by-mail>

Step 3:

Fingerprinting and Background/Security Checks

You should read the ASC Appointment Notice and take it with you to your fingerprinting appointment at the ASC. You do not need to pay a fingerprinting fee as an asylum applicant.

If you are also requesting asylum status for your spouse and children and they are with you in the United States, they will need to go with you to your ASC appointment.

More information is available on our [Preparing for Your Biometric Services Appointment](https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment) page.

Step 4:

Receive an Interview Notice

Depending on where you live, we will schedule you for an interview with an asylum officer at either a USCIS asylum office or a USCIS field office (also called a circuit ride location). For more information about USCIS field and asylum offices, visit our [Find A USCIS Office](https://www.uscis.gov/about-us/find-a-uscis-office)page. Your interview notice will tell you the date, location, and time of your asylum interview.

Asylum office directors may consider, on a case-by-case basis, an urgent request to be scheduled for an interview outside of the priority order listed above. Please submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over your case. Go to the [USCIS Service and Office Locator](https://egov.uscis.gov/office-locator/#/) page for contact information.

Step 5:

Interview

You may bring an attorney or accredited representative to the interview. You must also bring your spouse and any children seeking derivative asylum benefits to the interview.

If you cannot proceed with the interview in English you must bring an interpreter.

The interview will generally last about 1 hour, although the time may vary depending on the case. You may also bring witnesses to testify on your behalf.

For more information about your asylum interview, see our Web page on [Preparing for Your Asylum Interview](https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/preparing-for-your-affirmative-asylum-interview).

Step 6:

Asylum Officer Makes Determination on Eligibility and Supervisory, Asylum Officer Reviews the Decision

You must meet the definition of a refugee in order to be eligible for asylum.

The asylum officer will determine whether you:

* Are eligible to apply for asylum;
* Meet the definition of a refugee in section 101(a)(42)(A) of the INA; and
* Are barred from being granted asylum under section 208(b)(2) of the INA.

A supervisory asylum officer reviews the asylum officer’s decision to ensure it is consistent with the law. Depending on the case, the supervisory asylum officer may refer the decision to asylum division staff at USCIS headquarters for additional review.

Step 7: Receive Decision

In most cases, you will return to the asylum office to pick up the decision 2 weeks after the asylum officer interviewed you.

Longer processing times may be required if you:

* Are currently in valid immigration status;
* Were interviewed at a USCIS field office;
* Have pending security checks; or
* Have a case that is being reviewed by asylum division staff at USCIS headquarters.

We will normally mail your decision to you in these situations.

For more information on the types of asylum decisions issued by USCIS, see our webpage on [Types of Asylum Decisions](https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/types-of-affirmative-asylum-decisions).

Additional information on the affirmative asylum process is available on our [Resources for Asylum Applicants](https://www.uscis.gov/node/41630) page.

You can check your [Case Status Online](https://egov.uscis.gov/casestatus/landing.do). All you need is the receipt number that we mailed you after you filed your application.

Asylum Decisions

Grant of Asylum

If we determine that you are eligible for asylum, you will receive a letter and completed Form I-94, Arrival Departure Record, indicating that you have been granted asylum in the United States.

The grant of asylum includes your spouse and minor children, provided that:

* They were present in the United States
* They were included in your asylum application
* You established a qualifying relationship to them

See [Family of Refugees & Asylees](https://www.uscis.gov/family/family-of-refugees-and-asylees) for more information on immigration benefits for your spouse and children.

A grant of asylum allows you to apply for:

* An Employment Authorization Document (EAD)
* A Social Security card
* A Green Card (permanent residence)
* Immigration benefits for your spouse and unmarried children under the age of 21

See [Benefits and Responsibilities of Asylees](https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/benefits-and-responsibilities-of-asylees) for more information on how to obtain these benefits.

A grant of asylum in the U.S. does not expire. However, USCIS may terminate your asylum status if you:

* No longer have a well-founded fear of persecution because of a fundamental change in circumstances
* Obtained protection from another country
* Obtained the original asylum grant through fraud
* Committed certain crimes or engaged in other activities that make you ineligible to retain asylum in the United States

See [Section 208(c)(2) of the Immigration and Nationality Act](https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1158&num=0&edition=prelim) for more information on the termination of asylum status.

Referral to an Immigration Court

If we are unable to approve your asylum application and you are in the United States illegally, we will forward (or refer) your asylum case to an immigration court. A referral to an immigration judge includes your spouse and unmarried children under 21 if they:

* Were included on your asylum application
* Are in the United States illegally.

A referral is not a denial of your asylum application. Instead, we refer your case for further review by an immigration court. If we cannot approve an asylum claim, we will send you a letter of explanation and a Form I-862, Notice to Appear, indicating the date and time you are scheduled to appear in court. You do not have to re-file your asylum application.

The immigration judge will evaluate your asylum claim independently and is not required to rely on or follow the decision made by USCIS.

Sending Your Application to an Immigration Court

After you file [Form I-589, Application for Asylum and for Withholding of Removal](https://www.uscis.gov/i-589), with USCIS, we will review your immigration records to determine next steps for processing your asylum application.

In certain cases, we will send your asylum application to the immigration court. This may occur if we determine that:

* DHS previously issued you a Form I-862, Notice to Appear (NTA), and you filed your asylum application with us 21 calendar days or fewer after the date your NTA was filed and docketed with EOIR;
* DHS previously issued you an NTA, and your NTA was filed and docketed with EOIR after you filed your asylum application with us; or
* DHS previously issued you an NTA that has not been filed and docketed with EOIR.

If any of these circumstances apply, we will not adjudicate your asylum application. Instead, we will send your application to the appropriate immigration court with jurisdiction over your case for adjudication and notify you by mail.

Notice of Intent to Deny

You may receive a notice of intent to deny (NOID) if you have valid legal status in the United States but are found ineligible for asylum. The NOID will state the reason(s) that you are ineligible for asylum. You will have 16 days to explain in writing either why the claim should be granted or submit new evidence to support the claim, or both. If you do not to respond within 16 days, your asylum claim may be denied. If we receive a timely response, the asylum officer will carefully consider the response or new evidence, or both and then make a final decision to approve or deny the claim. If the claim is approved, the officer will issue a grant of asylum (see above); if the claim is denied, the officer will issue a final denial (see below).

Final Denial

You will receive a notice of intent to deny (NOID) and a final denial letter if:

* You do not respond to the NOID within 16 days, or
* You submitted a response but the new information failed to overcome the reasons for denial stated in the NOID

You cannot appeal the asylum officer’s decision. The denial includes any dependents included on your asylum application. If your claim is denied, you may reapply for asylum. However, you must show changed circumstances that affect your eligibility for asylum.