



How to Apply for Asylum in the United States

An asylum is a place that offers protection and safety. Granted by a government, it provides a political refugee with immunity and protection from extradition. An "asylum seeker," as defined by government, law, diplomacy, and politics, is a person who has crossed an international boundary into a country to seek refugee status, due to fear of persecution for their political opinion, nationality, social group, religion, or race.

Many people arrive in the United States each year to seek protection because they have suffered persecution, or fear they will be persecuted, in their home country. If you qualify as a legitimate asylum seeker, you may be allowed to remain in the U.S., but the process is not simple.

Day Translations, Inc. provides assistance to asylum seekers for the preparation and translation of your foreign-language documents. Our professional translators are experts in U.S. immigration, so they can help with your application for asylum and answer any of your queries.

For a free quote, you can call us anytime on 1-800-969-6853 and talk to a customer service representative who speaks your language. You may also send us an email to contact@daytranslations.com, and we will reply within 10 minutes. Our rates are very competitive, and we provide fast and efficient service.

Asylum application process overview

A fee is not required for asylum applications. The first step of the application is to complete "Form I-589 – Application for Asylum and for Withholding of Removal" within one year of your arrival. If your spouse and children are already in the U.S., you can include them in your application, either at the time of filing your application, or when you receive the final decision regarding your application. Only children who are under 21 years of age and not yet married are eligible for inclusion.

Permission to work

You cannot apply for permission to work at the same time that you apply for asylum. You can only apply for employment authorization when 150 days (roughly 5 months) have passed after you filed your complete application - this period excludes any delays in the application process that you are considered responsible for, or if an outcome is still pending.

Asylees who are granted asylum can obtain Employment Authorization Documents (EADs) for identification and convenience, but it is not compulsory. Use "Form I-765" to apply for an EAD. You will not be charged an application fee for the first EAD if you have been granted asylum or your asylum application is still pending.

Petitioning spouse and children

Once you have been granted asylum you can petition your spouse and children by filing "Form I-730 – Refugee/Asylee Relative Petition." (Remember that only unmarried children under 21 years of age can be included in the petition.) You should do this within two years of being granted asylum.

Filing for a Green Card (Permanent Residence)

One year after being granted asylum, you are eligible to apply for a green card, using "Form I-485 – Application to Register Permanent Residence or to Adjust Status." You must submit a separate application packet for yourself and, if applicable, each member of your family.

Affirmative Asylum Process

There are two types of asylum processes in the United States: the Affirmative Asylum Process and the Defensive Asylum Process. The latter is for asylum seekers whose removal proceedings must be approved by an Immigration Judge.

1. To qualify for the affirmative asylum process, you must be physically present in the U.S.

2. Within one year of your arrival in the U.S., you must apply for asylum with the United States Citizenship and Immigration Services (USCIS) by completing "Form I-589." You do not need to submit a completed "FD-258" (fingerprint card) or a fingerprint fee together with your application.

Once the USCIS has received your completed application, it will send you two notices. The first notice acknowledges the receipt of your application. The second notice informs you of an appointment at the Application Support Center (ASC) nearest you for fingerprinting.

3. Fingerprinting and security/background checks

You must present the second USCIS notice at your ASC appointment. You will not be charged a fee for the fingerprinting.

4. Notice of Interview

The USCIS will also send you a notice containing the details of an interview with an asylum officer at a USCIS field office, or any of the eight Asylum Offices, depending on your location in the U.S. The notice is typically sent 21 days after mailing your completed "Form I-589." The notice includes the date, time, and location of the interview.

5. The asylum interview

With the exception of interviews at the field offices of the USCIS, asylum interviews are typically scheduled for the 43rd day (subject to change) after the USCIS receives the completed application form.

You are allowed to bring an accredited representative or attorney to the interview, which is typically one hour in duration. If you are seeking derivative asylum benefits for your spouse and children, they should also attend. If you cannot speak English, an interpreter of your choice can also attend the interview. You may bring witnesses to testify on your behalf as well.

6. Determination of Eligibility/Review of Decision

During this step, the asylum officer will determine if:

- you meet the definition of a refugee, as stated in Section 101(a)(42)(A) of the Immigration and Nationality Act (INA)
- you are eligible to apply for asylum
- whether you are barred under Section 208(b)(2) of the INA from being granted asylum

The asylum officer's decision will be reviewed by a supervisory asylum officer to ensure that the decision is in accordance with the immigration laws. In some cases, the supervisor might refer your case to the division headquarters for additional review and a decision.

7. Receipt of Decision

Overall, it takes at least 60 days after the filing of your asylum application to receive a decision. However, the processing time can be longer if:

- Your immigration status at the time is valid
- You were interviewed at a field office of the USCIS
- Your security checks are pending
- Your case is being reviewed by the staff of the asylum division headquarters

In case of non-approval

If your asylum case is not approved and you are also not a legal immigrant, USCIS will issue "Form I-862 – Notice to Appear," and will refer or forward your case to an Immigration Judge at the Executive Office for Immigration Review (EOIR). The judge will conduct a fresh ("de novo") hearing of your case and will issue a decision that is separate from the decision of the USCIS. If your case is not under the jurisdiction of the USCIS, the Asylum Office will issue "Form I-863 – Notice of Referral to Immigration Judge" to initiate an asylum-only hearing.

The U.S. Immigration and Customs Enforcement (ICE) rarely detains an asylum applicant, and the applicant is allowed to stay in the U.S. while the application is still pending. If the USCIS finds the applicant ineligible, the applicant can still remain in the country until an Immigration Judge passes down a decision. During the waiting period, the asylum applicant is prohibited from seeking employment.

Defensive Asylum Processing

You can also seek placement in defensive asylum processing to prevent removal from the U.S., if you are already in removal proceedings with the EOIR's immigration court.

There are two ways in which an individual can be placed into defensive asylum processing:

1. The USCIS refers the individual to an Immigration Judge because the agency has determined that the applicant is ineligible for an affirmative asylum process after reviewing the case.

2. The applicant was caught or apprehended within the U.S., or at a port of entry, with no proper legal documents, or had been found in violation of their immigration status. The applicant could also be caught by the U.S. Customs and Border Protection (CBP) entering the country without proper papers, and was placed in the expedited removal process, but the Asylum Officer confirmed the person's genuine fear of torture or persecution.

An Immigration Judge conducts a hearing of defensive asylum cases in a courtroom-like fashion and will hear the arguments from the individual - or an attorney, if they are represented - and from an ICE attorney who represents the U.S. Government.

The Immigration Judge decides whether or not asylum eligibility is granted. The judge will also determine if the applicant is qualified for any other means to prevent removal from the U.S. if asylum cannot be granted. If no other means are available, an order to remove the individual from the U.S. will be enacted. Either party can still appeal the judge's decision.

Prior to your preparation for your asylum interview, you should consider if you need an interpreter during the interview. If you feel that you cannot proceed with the interview in English, **Day Translations, Inc. can help you. We work with hundreds of language pairs, as well as [professional asylum interpreters](#) with many years of experience working with U.S. immigration. A Day Translations interpreter will ensure that you attend your asylum interview with ease, as you will understand everything during the proceeding. Send us an email at contact@daytranslations.com for a free interpretation quote. You can also call us on 1-800-969-6853 to talk to a customer representative who speaks your language.**

Asylum interview preparation

Before you attend your scheduled interview, you must prepare the following:

1. A form of identification, such as a passport, travel documents, or "Form I-94 – Arrival/Departure Record," if you were given this form when you first arrived in the United States
2. The original copy of your birth certificate, marriage certificate, or other documents that you submitted with Form I-589.
3. The copy of your Form I-589, and other documents that you previously submitted.

Any other items or documents that record your claim, which were not submitted with your asylum application.

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5. An [interpreter](#) if you have limited English language skills.
6. Your spouse and your unmarried children who are under 21, if you included them in your asylum application as derivatives (obtaining status from primary applicant) when you filed your application. They must bring their own identification, supporting, or travel documents. Only those who are qualified to be derivatives should attend your interview, even if you are required to list down all of your family members in your submitted application.
7. [Certified translations](#) of all documents that are not written in English. All documents that are in a foreign language must be translated into English, and the translator must certify that the documents are correct and complete. The translator must also certify that they are competent in the English translation of the foreign language used in the document.
8. If you are bringing a representative or an attorney with you, you and your representative/attorney must first submit "Form G-28 – Notice of Entry of Appearance as Attorney or Accredited Representative" to the USCIS before your interview. You are responsible for the attorney's fees.

Ruling on interpreters

The USCIS does not provide an interpreter when conducting asylum interviews, so applicants must bring their own interpreter. The interpreter must be fluent in both English and the language the applicant speaks, and should be at least 18 years old.

The USCIS will provide an interpreter if the applicant is hearing-impaired. This should be arranged with the asylum office well in advance of the scheduled interview.

Conditions also apply to the interpreter. They cannot be:

- Your representative or attorney
- A witness to testify on your behalf
- An employee or representative from your country's government

If you cannot communicate in English and you fail to attend the interview with a competent interpreter, your interview will be cancelled and scheduled for another time. If this is the case, the delay is considered your responsibility and the 180-day Asylum Employment Authorization Document (EAD) Clock will stop. The EAD Clock will only resume once you appear for your next scheduled interview with a competent interpreter.

You need to be aware that, even though the USCIS does not provide interpreters during an asylum interview, the agency uses contract interpreters to monitor interviews conducted by telephone or at local asylum offices. Their function is to monitor the interpreting of your interpreter, and they are allowed to interject if your interpreter is unable to provide a neutral, accurate, and adequate interpretation.

Get in touch with Day Translations, Inc. to find the best interpreter for your needs. You can reach us at contact@daytranslations.com, or through 1-800-969-6853. Call us now.

What happens during the interview?

The asylum interview usually lasts for an hour, but the duration can vary based on the details of your case. First, you will take an oath promising to tell the truth. Your interpreter will also take an oath to promise the accuracy and truthfulness of their conduct. The asylum officer will then verify your identify, followed by questions about your biography and your reasons for seeking asylum. Some of the questions are asked to determine if there are circumstances that could prevent you from receiving asylum.

While the circumstances that led you to seek asylum in the United States might be too harrowing to recall, it is to your advantage to recount them in as detailed a manner as possible. All of the information you share with the interviewer will be treated confidentially, and will never be shared with a third party without your written consent, or authorization from the Homeland Security Secretary.

Both you and your attorney can make a statement to add more information at the end of the interview.

It is best that you make every effort to attend your interview. Otherwise, you will need to wait to schedule another interview, and your ability to find employment will be postponed. In extreme cases, it can lead to extradition.



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