

# amazon Fact Sheet | Asylum

**Asylum** is a form of humanitarian protection granted to foreign nationals already in the United States or arriving at the border unable or unwilling to return to their home country due to **past persecution** or a **well-founded fear of future persecution** based on one of the following

## 5 Protected Grounds:

**Persecution** can mean harassment, oppression, physical violence, or psychological harms. To be eligible for asylum, the **government or groups the government cannot or will not control** must be responsible for the persecution.



**Race**



**Religion**



**Membership in a Particular Social Group**



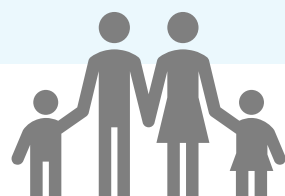
**Political Opinion**



**Nationality**

## Affirmative Asylum

This process requires the person who is the principal (or primary applicant) to file [Form I-589](#) with USCIS and attend an interview with an Asylum Officer at USCIS, who will then adjudicate the application and issue a decision. **Typically, applicants have one year from the date they entered the United States** to file for asylum.



### Can Family Members Be Included?

The primary applicant's **spouse and children who are under 21 and unmarried** can be included in the application. However, children 21 and over or currently married, as well as any other relatives such as parents, siblings, grandparents, and others, must file their own applications for asylum.

## 2 Asylum Processes



An attorney or an accredited representative can represent you in both the affirmative and defensive proceedings.

You must retain your own counsel. The US government will not provide an attorney to you in either process.

The Executive Office of Immigration Review maintains a [list of free and low-cost legal service providers](#) that you can search by state.

## Defensive Asylum

If the Asylum Office finds an applicant ineligible for asylum and the applicant has no current valid visa to remain in the US, the case will be referred to an Immigration Court for adjudication in a defensive setting. This process also applies to individuals who are placed in removal proceedings upon arrival at a US port of entry without appropriate documentation for legal entry.

During these proceedings, an immigration judge hears arguments from the asylum seeker and from an attorney representing the US government. If the judge finds that a grant of asylum is not warranted, s/he will determine whether other forms of relief from removal are available. If none is available, the judge will order the individual removed from the United States.



**Asylum is permanent. If asylum is granted, the primary applicant and derivatives can generally stay in the US indefinitely.**

When USCIS or an immigration judge grants asylum, applicants become asylees, can apply for a Green Card after one year, and can eventually apply for US citizenship.

## What Do I Need To Put in My Application Packet?



Every application will differ in the scope of supporting documentation needed and will depend on availability of personal documents and the specifics of the feared harm being claimed. As a rule, you should include the following if available and applicable to your case. Provide a certified English translation for any original documents that are not in English. If no supporting evidence is available, provide an explanation.

- ✓ Form I-589
- ✓ Form G-28, if represented by an attorney
- ✓ Passport photos for each family member
- ✓ Travel documents for each family member (Passports, I-94s, other immigration documents)
- ✓ Proof of relationship to each family member (Marriage, divorce, and children's birth certificates, household registrations, etc.)
- ✓ Additional identity documents (Birth certificates, military ID, national ID, driver's license, etc.)
- ✓ Evidence that corroborates specific facts of your asylum claim like photos of harm suffered, doctor's statements, etc.
- ✓ Letters of support from credible parties with direct knowledge of harm or threats
- ✓ Published materials that reference your specific individual risk or suffered harm
- ✓ Country conditions evidence that supports the claim of asylum, such as credible newspaper articles, book excerpts, and government reports detailing the targeting of certain groups, human rights abuses, and documented incidents of violence, raids, mass arrests, attacks on places of worship, and similar

## What Happens after Filing an Affirmative Asylum Application?

While timing can vary greatly between different asylum offices and between applications within the same office, the following are the steps that you can expect once you have filed your application. In addition, you can apply for an Employment Authorization Document (EAD) 150 days after applying for asylum so you can work while your case is pending.

**Receipt Notice** acknowledges that USCIS has received the application. It provides an A# for each applicant and a receipt number that can be used to check the status of the case on the [USCIS website](#).



**Biometric Appointment Notice** provides the date, time, and location where you will be required to report for photos and fingerprints. Attend this appointment! Each family member will receive a notice, sometimes for different dates. Generally, it is possible for the whole family to attend the earliest scheduled appointment and request that all biometrics be collected at the same time.



**Asylum Interview or Immigration Hearing:** By mail, you will receive a notice with the date, time, and location of your asylum interview. Primary applicants should follow the notice's directions and attend with all family members included on the application. See [Amazon's Affirmative Asylum Interview Guide](#) for more information.



**Asylum Decision:** At the end of an affirmative asylum interview, the asylum officer will provide instructions for receiving your decision. You will either be required to pick it up in person on a designated date, or it will be mailed to the address USCIS has on file.



# Asylum Frequently Asked Questions



## My spouse and I both faced persecution in our home country. Who should be the principal applicant?

We suggest consulting an immigration attorney to select whoever has the strongest case based on the facts if it is unclear.

## What do I need to know before submitting?

- All materials MUST be submitted in duplicate, with an additional complete set of forms and documents enclosed for each family member included in the application.
- DO NOT submit original documents, as they may not be returned to you.
- All foreign language documents MUST have a certified English translation attached.
- The complete packet must be submitted to the appropriate USCIS location, based on your place of residence. Filing locations can be found at <https://www.uscis.gov/i-589> under the Where to File dropdown.
- **Keep in mind that asylum is an application for a permanent immigration benefit** that can make the applicant ineligible for certain visas forever and have significant impacts on your future.

## Is an immigration attorney necessary to apply for asylum?

We **strongly** recommend you seek immigration counsel for affirmative and defensive asylum cases. Asylum law is complicated, and asylum seekers with a lawyer or representative are much more likely to receive asylum than those who represent themselves.

The Executive Office of Immigration Review maintains a [list of free and low-cost legal service providers](#) that you can search. See also Amazon's tips for finding immigration counsel [here](#).

## I think I may be eligible for asylum. If I meet all the criteria, am I guaranteed asylum protections?

No. Asylum is a discretionary process. In addition to meeting the definition of a refugee, all applicants for asylum must also show that they are not subject to any mandatory bars and that they are credible. Applicants may be barred if:

- They filed their application more than one year after entering the US (principal applicant only; certain exceptions may apply); or
- They participated in the persecution of others because of their race, religion, nationality, political opinion, or membership in a particular social group (pertains to all individuals included in the application); or
- They pose a threat to US safety or security (pertains to all individuals included in the application); or
- They are firmly resettled in another country (principal applicant only; certain exceptions may apply); or
- They traveled to the US through a "safe third country" such as Canada and did not request asylum there (principal applicant only).

## I have been noticed for my affirmative asylum interview. How can I get ready?

Review [Amazon's Affirmative Asylum Interview Guide](#) for details on the interview process, what to expect, and how to prepare.

## Can I work lawfully while my asylum case is pending?

Yes. You can apply for an Employment Authorization Document tied to your status as an asylum seeker. Consult Amazon's [EAD Guide](#) for more information, including details on reimbursement for EAD and biometrics fees.

## I have moved. How do I update my address with USCIS and/or immigration court?

It is essential that you keep the US government up-to-date on where you move to ensure you receive notices, work permits, decisions, and more about your case. Notify your attorney, if applicable, and the government as soon as you change your address. (If you have an attorney, s/he will receive duplicate notices in the mail.) The form to change your address with USCIS is the [Form AR-11, Alien's Change of Address](#). Complete this form online whether you are in defensive or affirmative asylum proceedings.

If you have a defensive asylum case, you will also need to file a Form EOIR-33, Change of Address, using the [proper PDF for the immigration court](#) judging your case. You are required to send a copy of the EOIR-33 to the court **and** a proof of service to the Office of Chief Counsel for DHS/ICE. You can find the correct [mailing addresses for ICE counsel here](#). (Note that the Arlington Office of the Principal Legal Advisor (OPLA) handles both DC and Virginia. Baltimore's OPLA office handles Maryland.)

## My asylum case is still pending, but I am having trouble renewing my driver's license at the DMV. What can I do?

Some asylum seekers have experienced this problem in the way the DMV views their immigration status in the system. If this occurs while your case is pending, contact the asylum office where your case is located and request a signed letter showing your case is pending.

## How long does it take to receive an affirmative asylum decision from USCIS? Is there any way to expedite?

Timelines for decision can vary widely, from two weeks up to two years or more. USCIS may provide the decision in person or by mail to the address on file. Be sure to keep your address updated to ensure you receive the decision. You can also check the status of your pending case using your receipt number on the [USCIS](#).

In most cases, it is inadvisable to request an expedited asylum decision since you can remain in the United States in safety as your case is pending. If you have extraordinary circumstances such as family members in danger in your home country, you may wish to consult an attorney to see about expediting.

## USCIS did not grant me asylum after my affirmative interview. What should I do?

If asylum is not approved at the USCIS stage, you may be entered into removal proceedings through the immigration court nearest to the address you have on file. At this juncture, you can continue to seek relief through the defensive asylum process in the immigration courts.

There are many immigration court cases in the system, so it can take a few years to have your master and individual hearing in immigration court. Sometimes hearing dates can shift. You can check what hearings have been scheduled and other information about your defensive asylum case by calling the EOIR hotline at 1-800-898-7180 and entering the principal applicant's A#.

In defensive proceedings, the immigration judge issues an oral or written decision after the individual hearing. A court decision may be [appealed in 30 days](#) and before removal from the country.