



Guide



Navigating the Affirmative Asylum Interview



Purpose

This guide is designed to help prepare asylum seekers for affirmative asylum interviews with USCIS. Knowing what to expect can help you do your best.

While this guidance is up-to-date as of writing, be sure to follow the instructions on your interview notice, any guidance from your legal representative, and visit the [USCIS website](#).

We hope you find this helpful.

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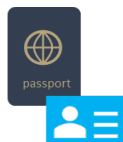
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- ✓ All of your dependents (spouse and children included in the application)
- ✓ A form of photo ID for each family member (passport, driver's license, etc.)
- ✓ Originals of identity and relationship documents that you submitted (passports, national IDs, I-94s, marriage certificates, birth certificates, etc.)
- ✓ Originals of other documents like passports or photos that you submitted along with their official English translation (if applicable)
- ✓ COVID vaccination record for all family members
- ✓ One complete copy of your filing (in case any pages are lost in the mail room)
- ✓ A black or blue pen
- ✗ **DO NOT bring new documents** that were not previously submitted.
 - If you have new documents that you would like to submit, they must be mailed in 7-10 days prior to the interview.
 - Your interview may be cancelled and rescheduled if you try to provide new documentary evidence at the time of interview.



What to Wear

The offices may run cold or warm—wear easily adjustable layers so that you can be comfortable throughout the interview.





Plan ahead.

Make sure you know where to go for your interview. Look up directions, where you can park, and how long it takes to get there with traffic conditions. Giving yourself plenty of time to arrive will help you feel less stressed and rushed.

Eating before your interview will help you stay sharp and focused.

- **Allow for adequate time to go through screening and still arrive on time** for the scheduled interview.
 - But do not arrive more than 15 minutes before your scheduled time.
 - Be prepared to go through a security screening (metal detector, bag search, etc.) and to store, surrender, or turn off your cell phones.
- Follow **all social distancing** guidelines.
- **Wear a mask** over your nose and mouth.
- **Answer health-related questions** in accordance with COVID-19 protocols and show your vaccination record, if asked.
- **Be prepared to wait** longer than the scheduled start time of your appointment.
 - Officers will do their best to begin on time, but delays are frequent and often unavoidable.

Steps outlined here can take place in any order depending on the officer’s personal preference and style. This is perfectly normal!

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Getting Started: The officer will collect you from the waiting room and escort you to a private office. Due to COVID restrictions, you will be separated from the officer by plexiglass.

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Document Review: the officer will ask to see your documents—**have them ready**. Some officers may request your documents before they call you in so they can review them ahead of time.

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Representative Greeting, if applicable: If you have an attorney or accredited representative, the asylum officer may ask to see an ID card to verify identity and connection to the case.

Interpreter Greeting: the officer will call and put the interpreter under oath, make introductions and ensure that everyone understands one another.

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Legal Oath Administration: the officer will place everyone over age 14 under oath, whereby you will swear or affirm that you will tell the whole truth and nothing but the truth during the interview. You will likely be asked to stand and raise your right hand for the oath.

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Form I-589 Review: the officer will review your I-589 with you, your spouse, and your children, verbally verifying the information you provided and making necessary additions or corrections.

- The officer will use a red pen—this is required by policy and does not have any significance specific to your case.
- Any changes that the officer makes will be numbered and annotated on the signature page of the form.
- You will be asked to sign and date the form in black or blue ink, attesting to the fact that all the information in the form is true and correct. You will also be asked to write out your full name in your native alphabet.

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Mandatory Bars to Asylum Screening: the officer will ask a series of questions to you and all dependents over 14 years old to determine whether a bar applies. You may be asked these questions together in one room or separately—this is a matter of officer preference and not a cause for concern.

Many of these questions are Yes/No and will be asked quickly, unless there is information in your case that prompts the officer to ask for more details. Just because these issues are being explored does not mean that a bar applies or that there is a problem. Most times, concerns are resolved through simple follow-up.

The issues addressed in the screening will include:

- Arrests, detentions, charges, and criminal activities in the US and abroad
- Terrorist ties and support provided to armed groups
- Employment by foreign governments of concern
- Military or police service and work at prisons and detention facilities
- Permanent status or citizenship in other countries (primary applicant only)
- Participation in violent protests
- Affiliation with political parties of concern
- Human smuggling and trafficking
- Persecution of others
- Drug use and trafficking
- Prostitution

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Refugee Claim Discussion: the officer will ask you, the primary applicant, a series of questions geared toward determining your eligibility for asylum. During this part of the interview, the officer will be looking to establish the following elements:

Most commonly, you will be alone for this part of the interview, while your family stays in the waiting area. **If the officer does not send your family members out of the room, you can request to speak privately.** The asylum officer should accommodate your request.

- **Past harm:** did you or your close family members experience serious physical or psychological harm in your country? Who caused that harm? Were you harmed because of your political opinion, race, religion, nationality, or membership in a particular group? Did you report said harm to the authorities? What precautions did you take to avoid being harmed?
 - If you did not suffer serious harm before you fled, this is perfectly fine and will not impact your asylum case. However, you will still be asked about reasons you feared remaining in your country, and why you believed you were in danger.
- **Fear of future harm:** what harm do you fear happening to you if you return to your country? Who do you fear will harm you? Do you fear being harmed because of your political opinion, race, religion, nationality, or membership in a particular social group? Can you live safely in a different part of the country? Can you request and receive police or government protection?

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Interview Conclusion:

- **Anything to add:** the officer will likely ask you if you have anything to add that you feel is important but was not covered in the interview. Most frequently, the officer has enough information by this point to make a decision, and you should not feel like you need to add anything.
- **Attorney:** the officer will give your attorney an opportunity to ask any clarifying questions or to make a short statement. Your attorney will do so if necessary.
- **Questions:** the officer will give you an opportunity to ask questions. You should feel free to ask anything you would like, but keep in mind that the decision process will be explained to you separately. You are not expected to have questions, so don't feel like you must come up with something to ask.
- **Interpreter:** the officer will likely confirm that you have understood the interpreter throughout the interview and that you do not have concerns about the interpretation.
- **Decision:** the officer will explain how you will receive the decision—by mail or in-person pick-up—and when. The time frame for decisions can vary greatly in reality, from two weeks to years. See [Amazon's Asylum Fact Sheet](#) to learn how to check case status and keep your address updated to ensure you receive any mailed decision.
- **Documents:** if the officer held onto your documents, be sure that you get them back at the end of the interview.

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Departure: the officer will escort you back to the waiting area at the end of the interview. If you are asked to remain in the waiting area until you are released, please be sure to follow those instructions. The officer may need to ask follow-up questions or return documents. **It is better to wait a little longer than be asked to come back on another day.** You can leave as soon as the officer or a member of the administrative support staff clears you to depart.



Honesty is the best policy!

Be truthful and consistent throughout the interview.

Bring up any information that has changed or come to light since you submitted your application and declaration at the very beginning of the interview. Most officers will prompt you, but if they do not, be sure to do so yourself.

Credibility concerns are taken very seriously in asylum adjudications.

- **An asylum officer may interrupt you and ask clarifying questions.** This may seem abrupt, but there is generally a good reason. They are not trying to be rude. Do your best to respond to their questions and follow their instructions. If you need to return to something that you were saying earlier, you can politely ask the officer if you can continue. An officer may not want to pursue a particular response because they do not find it relevant to the decision, which is not cause for concern. Your attorney will be able to bring up any material issues at the end of the interview.
- **Listen closely to the questions being asked and make sure you are answering the exact question being posed.**
 - If you do not understand a question, it is better to ask the officer to repeat or explain it than to try answering it.
 - If you do not know the answer to a question, it is ok to tell the officer that you don't know. The officer may want to know why you don't know something. This is common! Feel free to explain honestly.
 - If an officer asks a Yes/No question, make sure that you answer with a Yes or a No. Provide an explanation **only** if one is necessary.
- **Some of the questions that you will be asked may sound strange, inapplicable, and possibly even offensive** (e.g., questions about engaging in prostitution or supporting terrorism). These types of questions are required by the US government and are asked of all applicants. You can answer those questions with a Yes or No. You will not need to provide further explanations unless you have answered Yes. As a rule, **if an officer asks a particular question, it means that this information is required for legal reasons.**



- When being interviewed together with a spouse or another dependent, please make sure that you **do not talk over one another or answer questions directed to the other person.**
 - Every individual is expected to be able to respond for themselves to confirm their identity and demonstrate credibility.



- **Officers are required to create a detailed record of the interview, which means typing their own questions and your full responses.**
 - Frequently this means that the officer is not looking at you while talking to you. This may feel inattentive or impersonal, but this is not intentional or intended to be rude.
 - The officer may ask you to pause so that they can catch up on notetaking. This is normal and not a reflection of how your case is going.



- The interview can be a stressful experience, but remember, **the asylum officer is there to help you get asylum if you are eligible.**
 - Try to be as relaxed and natural as possible and do not make any assumptions based on the officer's demeanor or personality.



- **Supervisory asylum officers review all asylum interview notes and officer decisions.**
 - This process ensures that if the interviewing officer missed something or made an error, a more senior officer can catch and remedy this.
 - So even if you feel that your interview didn't go well or that the officer who interviewed you didn't do a good job, you can be assured that a neutral reviewer will look at your entire case and have the final say over the decision.

- [Under a temporary rule](#), USCIS currently requires use of a telephonic interpreter for the following languages:
 - Akan, Albanian, Amharic, Arabic, Armenian, Azerbaijani, Bengali, Burmese, Cantonese, Creole/Haitian Creole, Farsi, Foo Chow, French, Georgian, Gujarati, Hindi, Hmong, Hungarian, Indonesian/Bahasa, Kanjobal/Q'anjob'al, Korean, Kurdish, Lingala, Mam, Mandarin, Nepali, Pashto, Portuguese, Punjabi, Quiche/K'iche, Romanian, Russian, Serbian, Sinhalese, Somali, Spanish, Swahili, Tagalog, Tamil, Tigrinya, Turkish, Twi, Ukrainian, Urdu, Uzbek, and Vietnamese.
 - If you want to do your interview in another language that is native to you, you will have to bring your own interpreter who is over 18 years old and not related to you. See the ["Interpreters"](#) section of the USCIS website for more information.
- At the beginning of the interview, the asylum officer will dial in an interpreter and make introductions. For your privacy, the officer will not use your name. If privacy and security are of particular concern for you, it is recommended you bring this up right away to ensure that there is no accidental oversight. You can also request that your representative, if you have one, make this request/reminder for you.
- The asylum officer will place the interpreter under oath, whereby the interpreter will swear that s/he will interpret everything fully and truthfully and will keep all information confidential.
- The asylum officer will ask whether you and the interpreter understand one another. **Answer honestly.** If the interpreter speaks in a different dialect, is too quiet, or speaks too quickly, please say so right away. It is important that the interpretation is effective.
- The interpreter will be required to translate everything that you say and everything that the asylum officer says verbatim and in first person. The asylum officer is required to type every question and every answer. To make this process go smoothly, **speak in short phrases**, pausing frequently to allow the interpreter to translate.
- Please direct all your answers to the asylum officer even though they don't speak your language. Do not try to have a separate conversation with the interpreter or ask the interpreter any questions. If something isn't clear or you have a question, please address it to the officer.
 - If at any point, you believe that the interpreter made an error or a misunderstanding has occurred, please bring it up right away, explain your concern, and ask to clarify.
- At the end of the interview, you may be asked once again whether you fully understood the interpreter. Be sure to answer honestly.



Do I Need an Interpreter?

If you and your dependents are fluent in English, you can choose to conduct your interview in English.

However, it is very important that you can express yourself fully and that you and the asylum officer understand each other throughout the interview. If you speak English well, but not fluently, we recommend that you use an interpreter.



Finding Representation.

The US government will not provide any legal counsel to you, but you can have an attorney (or an accredited representative) represent you at your interview.

For guidance on how to find a qualified legal representatives, please see Amazon's [Tips for Finding Immigration Counsel](#).

- Your attorney or accredited representative is there to ensure that your interview is conducted appropriately and that any legal issues that might arise get clarified.
 - Certain USCIS asylum office locations are currently allowing the counsel of record to participate remotely by video or phone.
 - If your attorney wishes to participate virtually, s/he must submit the proper form to the correct asylum office at least 10 days prior to the interview. See the [“Having your attorney or representative participate in your asylum and/or NACARA interview from a remote location via video or telephone”](#) at this link.
- In most cases, the attorney will not be part of the conversation during the interview unless something requires immediate attention.
 - However, the attorney may ask you a few follow-up questions at the end if s/he believes the interviewing asylum officer missed something critical to the legal analysis of your case.
- Most often, the attorney will just make a short concluding statement at the end of the interview.



Application documents: You should bring at least one copy of your asylum application and declaration, as well as any other materials on paper, but **it is not recommended that you reference or consult them during the interview.**

DO NOT expect to be able to use “cheat sheets” for facts about your claims.



- You will be asked about dates throughout the interview (dates of birth, dates that events took place, etc.).
- If you provided those dates on your application and in your declaration, there will be an expectation that you know and remember them.
- If you have trouble with dates, let the interviewing officer know that and ask if it is permitted to reference your notes.
- If you claim to have a medical issue that affects your memory, it must be documented by a doctor.



Cell phones: You will not be able to use your cell phone during the interview. If you are not required to store it, you will be required to power it off while in USCIS space.

- If you have photos, phone numbers, addresses, or other relevant information that you believe you will need during the interview, write or print them out and have them with you on paper.



Because you will be answering questions about yourself and your experience, the expectation is that you will not need outside materials to help you answer those questions.

We strongly recommend having an attorney or accredited representative for asylum if possible. Asylum law is complex. The US government does not provide legal representatives, so you will need to find your own.

A [good legal representative](#) can give you the best chance at a good and fair result.

Who can represent me?



Licensed Attorney = Licensed Lawyer

The words lawyer and attorney refer to the same job. Only lawyers who have a **valid bar license from a US state** or territory should practice law. There are many kinds of law. For asylum or other complex immigration filings, you will most likely want an **immigration attorney**, a person who specializes in US immigration law. Immigration lawyers may be in private practice on their own or they may work at a law firm or another organization like a non-profit.

Accredited Representative

The US Department of Justice authorizes certain non-profit legal service providers to employ accredited representatives. Accredited representatives are not attorneys but are qualified to represent immigrants. [Click here](#) for the list of all active recognized organizations and their accredited representatives.



Where can I find immigration help?

The following links are good starting points:

- The Executive Office of Immigration Review has a [list of free and low-cost legal service providers](#) that you can search by state.
- Immigration Advocates Network has a [directory of free or low-cost immigration legal services](#) as well.
- The American Immigration Lawyers Association (AILA) allows you to search for individual lawyers based on the type of help you need and language that the lawyer speaks. Lawyers on [AILA's Lawyer Search](#) are AILA members and have a currently valid state bar license.



Costs Vary.

- It is always a good idea to ask about the fees and any payment options in advance and agree to the price in writing.
- Some lawyers and organizations offer immigration legal services **pro bono**, meaning for free or at a low cost (often based on your income).

This page offers some tips on how to avoid becoming a victim of immigration fraud and ensure that a legal representative is worthy of your trust.

Check that the legal representative you are considering has the right credentials.

- **Attorneys must be properly licensed to practice law.** This means they will have a bar license or number from a state or territory.
 - Because immigration laws are federal (and do not vary by state), immigration attorneys may be licensed to practice law in another state from the state where you live. You can ask the attorney to specify the states in which s/he is admitted.
 - If you are represented by law students through a university law clinic, those students should be supervised by a fully licensed attorney who can practice law.
- **All accredited representatives are listed [here on the Department of Justice website](#).**
- Check here to make sure your legal representative **does not** appear on [the list of people disciplined for or banned from practicing immigration law](#).

Other tips to protect yourself.

- ✓ • **Be sure you have copies of or access to all filings made for you.** You have a right to this information and may need it in the future.
- ✗ • **Do not sign blank forms or documents.** Counsel must allow you to review the completed forms and accompanying materials before signing. You will be personally responsible for the information they contain.
- **Do not pay for forms.** All forms are available for free on the USCIS website.
- **If your representative asks you to include or say something you know is not true, do not do it!** Find new counsel immediately because this person is not honest. Lies on immigration forms can have serious consequences for your immigration case, and explaining that your counsel told you to lie that will not keep those consequences from happening. Please do not risk it.