

Information about Asylum, Withholding of Removal, and the Convention Against Torture

What is asylum, withholding of removal, and protection under the Convention Against Torture?

Asylum, Withholding of Removal, and protection under the Convention Against Torture are three forms of relief from removal or deportation for people who are afraid to return to their home countries. The forms of relief have different requirements and different benefits.

ASYLUM

Asylum is one form of relief available to people who are afraid to return to their home countries.

If the judge grants you asylum, you will be eligible for permanent residency one year from the date asylum is granted, and you will receive travel documents and permission to work immediately. You can eventually become a U.S. citizen.

You must be able to check all of the following boxes in order to apply for asylum:

- ☐ **You are applying within the one-year deadline.**
 - You must apply within one year of your most recent arrival in the United States, or
 - You must apply within a reasonable time after establishing that there are:
 - Changed circumstances that make you eligible for asylum when you weren't eligible before (e.g., a new government is now in control in your home country and is hostile toward your religion), **or**
 - Extraordinary circumstances that prevented you from applying within your first year of residence in the United States (e.g., you arrived in the US as an unaccompanied minor child).
- ☐ **You have been harmed in the past, and/OR you fear harm in the future.** You must show that you have been persecuted in the past, or that there is at least a 10% chance you will be persecuted if returned to your home country. The following are examples of persecution:
 - Serious physical harm,
 - Serious threats or attempts to harm
 - Coercive medical or psychological treatment
 - Overly harsh punishment by police or government
 - Severe discrimination and economic persecution
 - Severe criminal extortion or robbery.
- ☐ **The persecution you fear is on account of one of the five protected grounds.**

You must show that the abuse has been, or would be, because of your:

 - Race or ethnicity
 - Religion
 - Nationality
 - Political opinion
 - Membership in a particular social group
- ☐ **The government of your home country is responsible for the abuse, or cannot or will not help you.** You must show that the abuse has been, or would be, inflicted by the government or by a group the government is unable or unwilling to control.
- ☐ **You do not have an aggravated felony or “particularly serious crime”.** If you have been convicted of an **aggravated felony**, you are not eligible to apply for asylum. (See instead the section on Withholding of Removal and the “Guide for Detained Immigrants” for information on aggravated felonies.)
- ☐ **You can show you deserve to receive asylum because of your good moral character.**

WITHHOLDING OF REMOVAL

Withholding of Removal (WOR) is harder to win than asylum, and it also does not give you as many rights in the United States.

WOR will not make you eligible for permanent residency or citizenship. Instead, you will be technically ordered deported, but the United States will not deport you to the country where you fear being persecuted. However, it is possible that you may be deported to a third country you may have ties with. After this relief is granted, you cannot return to the U.S. if you leave.

With WOR you can receive permission to work in the United States, and will not be deported unless the government re-opens your case and shows that you are no longer likely to be persecuted in your home country.

You might be able to apply for WOR even if you have an aggravated felony. You can also apply at any time, not just within your first year of living in the United States. Finally, you don't have to show the judge you deserve WOR – if the judge finds that you meet the requirements below, she must grant WOR.

You must be able to check all of the following boxes in order to apply for WOR:

- ☐ **You are more likely than not to be harmed in the future.** You must show that there is at least a 50% chance you will be persecuted if returned to your home country. The following are examples of persecution:

- | | |
|---|--|
| ☐ Serious physical harm, | ☐ Overly harsh punishment by police or |
| ☐ Serious threats or attempts to harm | government |
| ☐ Coercive medical or psychological treatment | ☐ Severe discrimination and economic persecution |
| | ☐ Severe criminal extortion or robbery |

- ☐ **The persecution you fear is on account of one of the five protected grounds.**

You must show that the abuse has been, or would be, because of your:

- | | | | | |
|---|--------------------------------|-----------------------------------|---|---|
| ☐ Race or ethnicity | ☐ Religion | ☐ Nationality | ☐ Political opinion | ☐ Membership in a particular social group |
|---|--------------------------------|-----------------------------------|---|---|

- ☐ **The government of your home country is responsible for the abuse, or cannot or will not help you.** You must show that the abuse has been, or would be, inflicted by the government or by a group the government is unable or unwilling to control.

- ☐ **You do not have a “particularly serious crime” and have not persecuted others.** If you have been convicted of an **aggravated felony and sentenced to 5 years or more, or a drug trafficking offense**, you are probably not eligible for WOR.

CONVENTION AGAINST TORTURE

Protection under the Convention Against Torture (CAT) requires proof that it is **more likely than not** you will be tortured upon return to your home country. Torture is defined as “an extreme form of cruel and inhuman punishment” that “must cause severe pain or suffering.” The torture that you fear must come from the government or people that the government allows to torture others. Unlike asylum or WOR, there are no criminal bars to applying for protection under CAT.

How do I apply for asylum, WOR and/or CAT?

You need to submit the following:

- ☐ Form I-589 (the application for asylum, WOR, and CAT)
- ☐ A declaration, telling the judge about any past persecution you have suffered and/or why you fear future persecution. If you are applying more than one year after entering the United States, you should also include an explanation of the changed circumstances that now make you eligible for asylum or the extraordinary circumstances that prevented you from filing within the first year.
- ☐ In addition to the application and your declaration, you should submit any **supporting documentation** such as:
 - Letters or news articles from reputable sources documenting and describing the persecution that you, or people similar to you, have suffered in your home country
 - Police reports or hospital records or photos documenting physical abuse
 - Letters of support from friends and family
 - Documentation of when you entered the United States
 - Identifying documents (birth certificates, passports, etc.)
 - Employment records
 - School records
 - Copies of past tax returns
 - Documentation of membership in a community or religious organization
 - Proof of rehabilitation efforts, if you have been convicted of any crimes

The more documentation you have, the stronger your case will be.

Once you have filled out the application, written your declaration, and received any supporting documents, make two copies of the entire package. Give the **original** to the court, give one **copy** to the government and keep a copy for yourself.

ADDITIONAL GUIDES:

- My Declaration
- Documentation
- Testimony

Writing your Declaration

Asylum, Withholding of Removal, and Convention Against Torture

What is a Declaration?

A Declaration is a written statement that you can and should include with your application for Asylum, Withholding of Removal and Convention Against Torture [CAT]. While the application asks you to answer specific questions about why you fear returning to your home country, a written declaration will allow you to tell your entire story of what happened in your home country and why you fear returning, without being interrupted. You want to give the Judge detailed information about your claim, so that he can make a good decision about whether or not to give you protection in the United States.

A Good Declaration Will:

- Be specific and detailed to help “paint a picture” of your story for the Judge
- Be well organized and easy to understand
- Explain how you meet the legal definition of asylum, withholding of removal, or CAT
- Contain facts that you are certain of so that you will not contradict facts in the Declaration in court

It should end with a statement that if you returned to your home country, you will be harmed, mistreated, tortured and killed (or whatever your circumstances would be.) After the conclusion, you must make a statement under penalty of perjury saying that everything is true. The Declaration does not need to be notarized

What should be in the declaration?

A Declaration is really just a detailed story, explaining certain events which occurred during your life. Your job is to make the Judge understand why you are afraid to return to your home country. Your words must paint a picture for the Judge. He must be able to imagine through your words the torture, violence and fear that you suffered. When writing a Declaration you should be as detailed and specific as possible. Try to use descriptive words.

Your declaration should be like a book or movie that tells the story of our life. Like a book or movie, it starts at the beginning with when and where you were born. After that, the story continues in a logical order, passing from one important event in your life to the next, showing experiences that you had. It should continue to the present.

You need to talk about your whole life, but you also have to choose the most important events and describe them in great detail. The judge, who is going to read your story, doesn’t know anything about you, and probably has never been to your country and knows little or nothing about it. When you describe an important event in your life – for example, a time when you were threatened, detained, tortured or hurt or that someone made you feel afraid – you want to make the judge feel, see, smell, and hear what you saw, smelled and heard.

For example, suppose you lived in a small village in the mountains, in an area where there is a lot of fighting. One night, a group of men came. They went into the houses and ordered all the people to come out. They mistreated people and told all the men they would have to join their group or that they would come back and kill them.

Before describing this event in your declaration, you should talk about your village and what started this whole problem to begin with. Who is involved in the fighting? What is it about? How did it affect your village before this event? How did it affect you? Did it affect your relatives? Your neighbors? Which family members, and how?

When you speak about the event, you should describe it in great detail.

Describe everything you saw, everything that happened, and everything you felt.

- ☐ When did it occur? ☐ At what time? ☐ What were you doing when these men came? ☐ When and where?
- ☐ Who were they: ☐ How do you know? ☐ What did they look like? -How were the men dressed? ☐ How many were they?
- ☐ Did you see them before? ☐ Were they armed? -What type of?
- ☐ What did the men do when they arrived? -Exactly what did they say? ☐ What threats did they make?
- ☐ How did they mistreat people? -Did they threaten you? ☐ Did they touch or speak to you, your relatives, or your neighbors? -How?
- ☐ How much time did this incident last? -What happened afterwards? ☐ How did it affect you and others in the village?

What should the declaration look like?

You can type or print your declaration on separate pieces of paper, and it may be anywhere from two to ten pages long. It can be any length as long as it contains all the important information. Remember that if you use blank sheets of paper, you have to put your name, A number, the date, and your signature on each page. Also, write “Declaration” at the top. You should include it at the end of your Application.

How do I answer the questions in the Application using the Declaration?

On the application form, when you answer each of the questions in Part C, you can answer in a few sentences and then write "Please see Declaration." This way, you will have answered all these questions in one declaration. Be sure that there is information in the Declaration that answers each of the questions in Part C.

If you are applying for Asylum and Withholding of Removal

The purpose of Asylum and Withholding of Removal is to protect those who have been or are in danger of being threatened or harmed **because of their political opinion, race, nationality, religion, or social group**. You have to show that the harm was inflicted by the government, or groups that the government **cannot or will not control**. When you are writing your Declaration, remember that you need to explain who will harm you and why.

For example, if armed men dressed as soldiers beat you it is more likely that it has to do with something political. If you don't mention that the men wore uniforms or don't explain how you knew they were soldiers, the judge may think that it was a beating committed by ordinary criminals, and had nothing to do with politics or persecution. You should also mention everything that you said or did that drew or may draw the attention of the people you are afraid of. For example, if you participated in some group that is considered to be against the government, it is important to explain in detail the activities in which you participated. It is also important to explain that the government considers this group to be against the government and how you know this. In addition, you should include facts that show that someone in the government is aware that you participated in this group, or that it is likely that they will find out. Without these facts, the judge may decide that the persecution you are afraid of is not for one of the reasons discussed above and you may lose your case.

Try to answer the following questions in writing your declaration:

- ☐ **What is the past harm that you or other people like you suffered. *Be specific and detailed.***
- ☐ **Why were you harmed in the past or why do you fear harm in the future?** *-What was this persecution based on?*
-Was it because of your race, religion, nationality, membership in a particular social group, or political opinion?
- ☐ **When and how were you threatened, harmed or tortured (what specifically happened to you)?**
- ☐ **Who specifically was doing this to you?** *-Were they part of the government or other group?*
-How did you know it was them (were they in uniform, did they identify themselves, what did they say to you)?
- ☐ **Why do you fear return to your country now?** *-Is there a threat of future harm to you? How do you know this?*
Remember be specific!

If you are applying for the Convention Against Torture:

The purpose of protection under the Convention Against Torture is to protect those who fear that they will be tortured by a government official, or with the permission of the government. Torture is when someone, on purpose, acts to cause you severe pain or suffering. It can include physical or mental pain or suffering. Torture can include such things as rape, electric shocks, physical beatings, and threats of harm such as an imminent threat of death. When you are writing your Declaration, remember that you need to explain who you fear will torture you, how they will do it and why.

How do I describe the harm or torture I suffered?

If you were a victim of threats, harm or torture, it is important to describe it with as much detail as possible. This can be very hard to do, but it will help the judge to understand exactly what you fear will happen if you have to go back to your home country. For example, if you were tortured, instead of writing "I was held and beaten for three days," think about including the following details: How long were you beaten or tortured? How many times? Where? When? For how long? What did the person who tortured you say? What were your feelings?

Describe all events with this type of detail – even those that are not as dramatic as torture. Even details about events that you may think of as "normal" life, for example, living in constant fear, sleeping in other places to avoid arrest, conversations about whether or not to leave the country, and feelings upon learning of the death or disappearance of friends or family, will help the Judge understand why you cannot go back to your home country.

Try to answer the following questions in writing your declaration:

- ☐ When and How were you tortured? *-Was it physical or mental? -Did it cause or did it intend to cause you pain & suffering?*
- ☐ **Who** tortured you? *-Was it a government official or someone acting with the government's permission?*
- ☐ **How** did you know who was torturing you?
- ☐ **Why** do you fear returning to your country now?
*-Is there a threat in the future that you will be tortured and how do you know this? **Remember be specific!***

DOCUMENTATION

Asylum, Withholding of Removal, and Convention Against Torture

Documentation is very important because it helps you support your request for protection in the United States. In addition to writing out your story and preparing to talk to the Judge about what has happened to you and what you fear would happen to you if you were returned to your country, you will also want to show the Judge documentation which supports your claim. If you do not submit any documentation, you will have to explain why you did not.

General tips on documentation:

There are many different types of documents that you can use to support your claim. These include:

*human rights reports published by well known groups like Amnesty International and UNHCR,
*newspaper and magazine articles about events and conditions in your country, *official documents from your home country, and *information collected from family members and friends.

What kinds of documents should I try to get?

Official documents

- ☐ Human rights reports (from groups such as Amnesty International, Human Rights Watch, and the US State Department)
- ☐ Articles and reports about things that have happened to you, your family, or people who are like you
- ☐ Official documents (such as death certificates of family members, friends, and others like you who were killed, medical records, and police reports).
- ☐ Newspaper and magazine articles about conditions in your country and specific human rights issues

Personal documents

- ☐ Affidavits (sworn statements) written by people who witnessed or have information about what you experienced, what conditions are like in your country, or what would happen to you if you returned. These are especially valuable if they are written by people in your country.
- ☐ Photographs that help prove your story. This might include pictures of you with people who have been killed, or pictures of you with groups you claim to be a part of. (You'll need to be able to prove who the people are in the pictures.)
- ☐ Any other information that will help prove why you fear returning to your country.

Get started early:

You should start collecting your documents early. This includes statements and affidavits from your family and friends who are in other countries, as the mail may take a long time to get to you. There are also several human rights groups that assist in gathering documentation, but you need to give them enough time to do a good job. Do not submit false documents. Immigration has a very good laboratory in which to test whether documents are valid and a false document will hurt your case.

A little can go a long way:

Many times people think that having a huge pile of country documentation will help them. In fact, just the opposite is often true: a small to medium amount of carefully selected documents that support your claim well, and a few general country reports, are usually the most helpful. Judges are very busy, and if you give them a mountain of documentation to read, they may not be able to pay close enough attention to the important parts that strongly support your claim. It will help the Judge and lawyer for Immigration if you underline or highlight the key parts of any reports you submit. But do not highlight original documents because you will ruin their authenticity.

How to get documentation:

There are several different human rights groups that collect documentation on human rights problems in different countries, and help people with documenting their stories. Some of them specialize in specific types of claims (such as sexual orientation claims) while others work with all types of asylum claims. Some of these groups charge a fee for their services. Others may accept a fee waiver if you don't have the money to pay them.

How to ask for documentation

There is a **documentation request form** that you can use to contact a number of human rights groups for documentation. You can find a copy in the large packet called *"How to Apply for Asylum and Withholding of Removal"* which you can find in the library, or you can get a copy from the PIRC. You should fill in general information like your name and A number, and attach a copy of your Application and Declaration. You may also want to attach a copy of the **Thinking about your claim** worksheet. For the "due date" you should list a date about two weeks before your Individual Hearing, so you will have time to review and photocopy the documents. You will then send it to **one** of the organizations listed. Depending on the type of claim you have, we may advise you to send it to more than one organization.

It is important to explain your story in as much detail as you can.

We know it can be painful and difficult to think about your experiences, and even more difficult to tell others about them. However, the more details you provide, the better other people can help you prepare your story. This includes:

- PIRC help you prepare to speak with the Judge
- Human rights groups that can help you document your claim
- The Judge, who wants to make a fair and appropriate decision in court

To get help in preparing your case, you should give as much information as possible. You can use the worksheet called **Thinking about your claim** to help you tell your story.

This information will be kept strictly confidential.

The information you provide to PIRC and documentation groups will be kept **strictly confidential**, and never shared with anyone else without your permission. In court, you can ask for a private hearing if you are uncomfortable discussing your claim in front of others.

How to Organize Your Documents to Submit to the Judge

Here are some steps to help you present your documentation in a way that is easy for the court to read.

- ☐ If you received documents from a human rights group to support your request for protection in the U.S., then you need to sort through them to organize them for the court. Sometimes they send back a large packet with a lot of materials that may not be specific to your case. Go through the packet and try to decide which documents help your story the most. If some articles seem too repetitive then you may want to pull them out. Also, if you have several articles that are about your country in general, then you may want to pull some of them out as well. If possible, highlight or underline sections that you want to bring to the judge's attention, especially if they are very specific to your situation. You want the judge to have time to read all of the materials that you submit.
 - **Try to look for:**
 - ☐ Documents that mention the groups or organizations that you wrote about in your application
 - ☐ Dates or years that reflect when you were in your home country and what was going on at the time
 - ☐ Names of family, friends or groups that you may have written about in your application
 - ☐ Articles that explain what is going on today in your country, why you currently fear returning, especially in regards to people of your group, organization, race, religion, nationality, or political opinion
- ☐ Try to organize your documents for the judge in a way that is easy to read. You should separate your letters and personal documents from other documents. Organizing your documents by subject can also be helpful.
- ☐ Next try to make an index of the documents you are submitting. This is a list of the different groups of documents that you have. This should be the first page so that the judge can see briefly what you have included in you packet. For an example of what one looks like, please see the attached sample index.
- ☐ Try to make your documentation look as professional as possible. If you have access to office supplies, then you can punch two holes in the top of each packet. There may be a special hole puncher available to you for this. Also, if you can, use exhibit sheets that separate your documents according to your index. Or you can separate the groups of documents with a blank piece of colored paper. This will make it easier for the judge to find the different documents in your packet.
- ☐ Once you have organized what you want to submit to the judge then make two copies. The original is for the judge, one copy is for the Immigration Service and one copy is for you.
- ☐ Now you are finally ready to submit your documents! If you are submitting the documents before your court hearing then you need to send the Judge and the attorney for Immigration a copy of each packet. You should send each packet separately. Put one packet in an envelope marked "To the Immigration Court" and the other in an enveloped marked "To DHS Litigation".

Now the documents are ready to go, and you can congratulate yourself on all of your hard work!

Sample Witness List

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
YORK, PENNSYLVANIA

_____))
In the Matter of:))
YOUR NAME) File No. A 000-000-000
_____))
In Removal Proceedings))
_____))

Immigration Judge (*insert name of judge*)

Next Hearing: (*insert date and time*)

WITNESS LIST

1. (**INSERT YOUR NAME**), Respondent
 - a. I will testify in _____ language
 - b. My testimony will take about _____ minutes.
2. (**INSERT NAME OF WITNESS NUMBER 2**)
 - a. (*Insert brief summary of what witness will say or why you are calling this witness.*)
 - b. This witness will testify in _____ language.
 - c. This witness's A number is _____.
 - d. Testimony will take _____ minutes.
3. (**INSERT NAME OF WITNESS NUMBER 3**)
 - a. (*Insert brief summary of what witness will say or why you are calling this witness.*)
 - b. This witness will testify in _____ language.
 - c. This witness's A number is _____.
 - d. Testimony will take _____ minutes.

TESTIMONY:

preparing to talk to the Judge

Being prepared to talk to the Judge and present your story well can make the difference in whether you win or lose your case. By the time of your final hearing, you will have submitted your application, prepared supporting documentation, and thought about your claim in great detail. Now you have the opportunity to present your story directly to the Judge. You must convince the Judge that you are truly in danger and have good reasons to fear going back, and that anyone else in your situation would also be afraid. The Judge will decide if he **believes your story** and if it meets the **legal standard** for protection.

How to Convince the Judge That You Are Telling the Truth:

- **Specifics and details: who, what, when, where, why, how**

It is more likely that the Judge will believe your story if it is detailed and coherent. This means you must give specific details about your fears, and your overall story must make sense. It is very important that you are clear with the Judge about **who** it is you fear, **why** you fear them, **what** they have done or will do to you, etc. Look at the sheet ***"Writing Your Declaration"*** for more information on being specific.

- **Credibility & consistency**

To help convince the Judge that you are telling the truth, you need to answer all of the Judge's questions completely and openly. Don't hide anything, and don't refuse to answer questions. If you do not remember an answer, say you don't remember. If you don't understand a question, ask for a clarification. Especially, don't answer a question incorrectly because you think the answer will help you. Being honest will always help you more. Remember also that you can be criminally charged for lying under oath.

You want to be consistent between what you wrote in your application and declaration and what you say to the Judge in the courtroom. This means that you say the same things out loud as you wrote down. Know exactly what you put in your written documents so that you can be sure you explain it the same way to the Judge. If you aren't sure of an exact date or number, always say "approximately" or "I think it was about..." You can also explain events in relation to each other: *"The soldiers came to our village just after harvest."*

If after reviewing your application and declaration you realize some of the information was incorrect, you should be sure to tell the Judge and explain why you are now making changes. Usually, the Judge will ask at the beginning of your final hearing if you want to make any changes or additions to your application. In case the Judge does not ask, be prepared to bring up the corrections right away.

How to Show the Judge that Your Case Meets the Legal Standard:

Telling your story in your own words is very important. However, to win protection you must show how your story meets the legal definitions of asylum, withholding, or the Convention Against Torture. To better understand how your story fits in to these legal definitions, you can read the packet called “HOW TO APPLY FOR ASYLUM AND WITHHOLDING OF REMOVAL” which you can find in the library. You can also use the Worksheet called **Thinking About Your Claim**, or talk to the Florence Project staff.

- **Techniques for preparing testimony**

There are many different ways you can prepare yourself to talk to the Judge. You can talk about your case with others, and practice going over what you want to say. Friends can act as though they are the Judge or the attorney for Immigration, and ask you questions. You can also practice on your own by thinking about questions the Judge may ask you and making notes of your answers. Use the Worksheet on **Thinking about your claim** to help you.

- **Witnesses**

If it is possible to have witnesses come talk to the Judge on your behalf, this can be very helpful. You should think about family members and friends who know of the conditions in your country and who have witnessed or have information about what happened to you. If they cannot come in person, they can also write letters to the Judge about what they know.

- **Negative facts**

It is very important that you be complete and honest about your story, even with facts that might reflect badly on your case. You can ask for the opportunity to explain these potentially negative factors, and it will show the Judge you are trying to be open and complete about your story. If the BICE discovers the facts and brings them up before you say anything about them, it could appear to the Judge that you are trying to hide information.

- **Be courteous and respectful**

The hearing can sometimes become tense, and it can be easy to get upset. However, always remember to be respectful towards the Judge, the lawyer for Immigration, and the other people in the court. This respect will go a long way towards helping your case. Also consider the differences that may exist between your country’s culture and the United States. For example, in many cultures it is considered a sign of disrespect to look an authority figure directly in the eye. However, in the United States looking someone in the eye when you are talking to them is a sign that you are being honest and open, and can also be a sign of respect.

- **Stay calm**

The hearing often makes people nervous. Being nervous and apprehensive is normal, and many people feel this way in any kind of a court setting. It will help your case if you can remain calm, and pay careful attention to what is happening. If you appear confident in presenting your case, it will help the Judge to also be confident about your case.

This will be difficult, but you can do it!

It can be painful and disturbing to remember events that happened to you in the past and to think about why you are afraid of returning to your home country. Forcing yourself to relive memories may also bring back the same emotions and fears. It is important to remember that you are explaining your memories and fears in order to help protect yourself and your family for the future. This takes a lot of courage. Give yourself plenty of time to prepare, take time out to relax and think of other things, and look for support from your family and friends. With advance preparation, it will be easier for you to discuss your story on the day of your hearing.

THINKING ABOUT YOUR FEAR BASE CLAIM

Ask yourself these general questions about why you are afraid to return to your home country. Try to answer them with as much detail as possible so that you will be prepared to explain your story to the Judge.

- Why did you leave your home country?

- Who are you afraid of?

- Why are you afraid of them?

- Why do they want to harm you or others like you?

- What do you think they will do to you if you return?

- How do you think they will know that you are back?

- Who else are they threatening & mistreating now?

- Are the people they are abusing similar to you? *How are they similar to you? Are they similar to you because of race, religion, nationality, political opinion or membership in a social group?*

- How do you know that these people are still being harmed?

QUESTIONS THAT THE ICE ATTORNEY MIGHT ASK

At your individual hearing, the lawyer for ICE (the government) may ask questions to try to convince the Judge that you should not get protection in the United States. The lawyer may want to show that it is safe for you to return to your country, or that you are not eligible to win protection for some other reason. Ask yourself the following questions to help you answer the lawyer's questions in court.

- Can you identify those who harmed you?

- What were their names? Rank? Profession?

- Would you recognize them again? ☐ Yes ☐ No

- Would they recognize you? ☐ Yes ☐ No

- Do you have proof that it is still unsafe for you to return home? (articles, death certificates, etc.)

- Could you go somewhere in the country where you would be safe? Why or why not?

(This could be asked for any country, but especially for large countries with many different regions.)

- Have the conditions in your country changed since you left it? ☐ Yes ☐ No

Would this make it safe for you to return or more dangerous?

Is there is a new political regime in power? Has a war ended? Has a rebel movement been defeated?

Have there been democratic elections? Has there been a coup?

- If you were mistreated previously, was it for a reason NOT related to one of the 5 grounds? ☐ Yes ☐ No

Was it because of a civil war generally, was it due to poverty? Was it a personal vendetta? [5 grounds: race, religion, political opinion, nationality, membership in a particular social group. **These may not be grounds for asylum.**

- Have you ever returned to your home country since you left it? ☐ Yes ☐ No

If so, how were you able to stay safe when you went back? Could you stay safe again? ☐ Yes ☐ No

- Have you ever received permanent residency or protective status in another country? ☐ Yes ☐ No

If so, where? _____ Could you return there now? ☐ Yes ☐ No

- Have you ever threatened/ mistreated others for reasons related to one of the 5 grounds? ☐ Yes ☐ No

If so, who and why? _____

**I-589, Application for Asylum
and for Withholding of Removal**

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture. ☐

Part A. I. Information About You

1. Alien Registration Number(s) (A-Number) (if any)		2. U.S. Social Security Number (if any)	
3. Complete Last Name		4. First Name	5. Middle Name
6. What other names have you used (include maiden name and aliases)?			
7. Residence in the U.S. (where you physically reside)		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
8. Mailing Address in the U.S. (if different than the address in No. 7) In Care Of (if applicable):		Telephone Number ()	
Street Number and Name		Apt. Number	
City	State	Zip Code	
9. Gender: ☐ Male ☐ Female		10. Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Widowed	
11. Date of Birth (mm/dd/yyyy)		12. City and Country of Birth	
13. Present Nationality (Citizenship)		14. Nationality at Birth	15. Race, Ethnic, or Tribal Group
		16. Religion	
17. Check the box, a through c, that applies: a. ☐ I have never been in Immigration Court proceedings. b. ☐ I am now in Immigration Court proceedings. c. ☐ I am not now in Immigration Court proceedings, but I have been in the past.			
18. Complete 18 a through c. a. When did you last leave your country? (mmm/dd/yyyy) _____ b. What is your current I-94 Number, if any? _____ c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.) Date _____ Place _____ Status _____ Date Status Expires: _____ Date _____ Place _____ Status _____ Date _____ Place _____ Status _____			
19. What country issued your last passport or travel document?		20. Passport # Travel Document #	
21. Expiration Date (mm/dd/yyyy)			
22. What is your native language (include dialect, if applicable)?		23. Are you fluent in English? ☐ Yes ☐ No	
24. What other languages do you speak fluently?			
For EOIR use only.		For USCIS use only. Decision: Interview Date: _____ Approval Date: _____ Asylum Officer ID#: _____ Denial Date: _____ Referral Date: _____	



Part A. II. Information About Your Spouse and Children**Your spouse** ☐ I am not married. (Skip to **Your Children** below.)

1. Alien Registration Number (A-Number) (if any)		2. Passport/ID Card No. (if any)		3. Date of Birth (mm/dd/yyyy)		4. U.S. Social Security No. (if any)	
5. Complete Last Name		6. First Name		7. Middle Name		8. Maiden Name	
9. Date of Marriage (mm/dd/yyyy)		10. Place of Marriage			11. City and Country of Birth		
12. Nationality (Citizenship)		13. Race, Ethnic, or Tribal Group			14. Gender ☐ Male ☐ Female		
15. Is this person in the U.S.? ☐ Yes (Complete Blocks 16 to 24.) ☐ No (Specify location): _____							
16. Place of last entry into the U.S.		17. Date of last entry into the U.S. (mm/dd/yyyy)		18. I-94 No. (if any)		19. Status when last admitted (Visa type, if any)	
20. What is your spouse's current status?		21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		22. Is your spouse in Immigration Court proceedings? ☐ Yes ☐ No		23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)	
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No							

Your Children. List all of your children, regardless of age, location, or marital status.☐ I do not have any children. (Skip to Part A. III., **Information about your background.**)☐ I have children. Total number of children: _____

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) (if any)		2. Passport/ID Card No. (if any)		3. Marital Status (Married, Single, Divorced, Widowed)		4. U.S. Social Security No. (if any)	
5. Complete Last Name		6. First Name		7. Middle Name		8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth		10. Nationality (Citizenship)		11. Race, Ethnic, or Tribal Group		12. Gender ☐ Male ☐ Female	
13. Is this child in the U.S. ? ☐ Yes (Complete Blocks 14 to 21.) ☐ No (Specify location): _____							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. (mm/dd/yyyy)		16. I-94 No. (if any)		17. Status when last admitted (Visa type, if any)	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		20. Is your child in Immigration Court proceedings? ☐ Yes ☐ No			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No							



Part A. II. Information About Your Spouse and Children (Continued)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card No. (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender ☐ Male ☐ Female
13. Is this child in the U.S. ? ☐ Yes (Complete Blocks 14 to 21.) ☐ No (Specify location.) _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 No. (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card No. (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes (Complete Blocks 14 to 21.) ☐ No (Specify location.) _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 No. (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card No. (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security No. (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender ☐ Male ☐ Female
13. Is this child in the U.S. ? ☐ Yes (Complete Blocks 14 to 21.) ☐ No (Specify location.) _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 No. (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No			

Part A. III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (*List Address, City/Town, Department, Province, or State and Country.*)
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)

2. Provide the following information about your residences during the past 5 years. List your present address first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)

3. Provide the following information about your education, beginning with the most recent.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)

4. Provide the following information about your employment during the past 5 years. List your present employment first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother		☐ Deceased
Father		☐ Deceased
Sibling		☐ Deceased
Sibling		☐ Deceased
Sibling		☐ Deceased
Sibling		☐ Deceased



Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below:

I am seeking asylum or withholding of removal based on:

- | | |
|--------------------------------------|--|
| ☐ Race | ☐ Political opinion |
| ☐ Religion | ☐ Membership in a particular social group |
| ☐ Nationality | ☐ Torture Convention |

- A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

☐ No ☐ Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

- B. Do you fear harm or mistreatment if you return to your home country?

☐ No ☐ Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.



Part B. Information About Your Application (Continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

☐ No

☐ Yes

If "Yes," explain the circumstances and reasons for the action.

- 3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

☐ No

☐ Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

- B. Do you or your family members continue to participate in any way in these organizations or groups?

☐ No

☐ Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

☐ No

☐ Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.



Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

☐ No

☐ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2. A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States? ☐ No ☐ Yes

- B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

☐ No

☐ Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☐ No

☐ Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

Part C. Additional Information About Your Application (Continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

☐ No

☐ Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than 1 year after your last arrival in the United States?

☐ No

☐ Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States?

☐ No

☐ Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.



Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name.

Write your name in your native alphabet.

Did your spouse, parent, or child(ren) assist you in completing this application? ☐ No ☐ Yes (If "Yes," list the name and relationship.)

(Name)

(Relationship)

(Name)

(Relationship)

Did someone other than your spouse, parent, or child(ren) prepare this application?

☐ No

☐ Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim?

☐ No

☐ Yes

Signature of Applicant (The person in Part A.I.)

[_____]

Sign your name so it all appears within the brackets

_____ Date (mm/dd/yyyy)

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer

Print Complete Name of Preparer

Daytime Telephone Number

()

Address of Preparer: Street Number and Name

Apt. No.

City

State

Zip Code



Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Immigration Judge

8



Supplement A, Form I-589

A-Number (If available)	Date
Applicant's Name	Applicant's Signature

List All of Your Children, Regardless of Age or Marital Status

(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes (Complete blocks 14 to 21.) ☐ No (Specify location.) _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender ☐ Male ☐ Female
13. Is this child in the U.S.? ☐ Yes (Complete blocks 14 to 21.) ☐ No (Specify location.) _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? ☐ Yes ☐ No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) ☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) ☐ No			



Additional Information About Your Claim to Asylum

A-Number (if available)

Date

Applicant's Name

Applicant's Signature

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part

Question



I-589, Application for Asylum and for Withholding of Removal

Instructions

What Is the Purpose of This Form?

This form is used to apply for asylum in the United States and for withholding of removal (formerly called "withholding of deportation"). This application may also be used to apply for protection under the Convention Against Torture. You may file this application if you are physically present in the United States, and you are not a U.S. citizen.

NOTE: You **must** submit an application for asylum within 1 year of arriving in the United States, unless there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances directly related to your failure to file within 1 year. (See **Page 5** of the Instructions, Part 1: Filing Instructions, Section V, "Completing the Form," Part C, for further explanation.)

You may include in your application your spouse and unmarried children who are under 21 years of age and physically present in the United States. You **must** submit certain documents for your spouse and each child included as required by these instructions. Children 21 years of age or older and married children must file separate applications. If you are granted asylum and your spouse and/or any unmarried children under 21 years of age are outside the United States, you may file Form I-730, Refugee and Asylee Relative Petition, for them to gain similar benefits.

Instruction Sections: Filing Information and How Your Application Will Be Processed

The instructions are divided into two sections:

The first section has filing information. This section discusses basic eligibility criteria and guides you through filling out and filing the application.

The second section explains how your application will be processed. This section also describes potential interim benefits available while your application is pending.

Read these instructions carefully. The instructions will help you complete your application and understand how it will be processed. If you have questions about your eligibility, how to complete the form, or the asylum process, you may wish to consult an attorney or other qualified person to assist you. (See **Page 4** of the Instructions, Part I, Filing Instructions, Section IV, "Right to Counsel.")

Additional Information on Web Sites

Additional information concerning asylum and withholding of removal is available on the following Web sites: Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS): <http://www.uscis.gov>, and U.S. Department of Justice (DOJ), Executive Office for Immigration Review (EOIR): <http://www.usdoj.gov/eoir>.

WARNING: Applicants in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings, even if the application is later withdrawn.

Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act (INA). You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application.

If filing with USCIS, unexcused failure to appear for an appointment or to provide biometrics (such as fingerprints) and other biographical information within the time allowed may delay eligibility for employment authorization and result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Applicants and eligible dependents in removal proceedings who fail without good cause to provide USCIS with their biometrics or their biographical information as required within the time allowed may have their applications found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 Code of Federal Regulations (CFR) sections 208.10, 1208.10, 208.20, 1003.47(d), and 1208.20.

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Part 1. Filing Instructions

I. Who May Apply and Filing Deadlines

You may apply for asylum irrespective of your immigration status and even if you are in the United States unlawfully.

You MUST file this application within 1 year after you arrived in the United States, unless you can show that there are changed circumstances that affect your eligibility for asylum or extraordinary circumstances that prevented you from filing within 1 year. (See Page 5 of the Instructions, Part I: Filing Instructions, Section V, "Completing the Form," Part C, for further explanation of this requirement.)

If you have previously been denied asylum by an immigration judge or the Board of Immigration Appeals, you must show that there are changed circumstances that affect your eligibility for asylum.

The determination of whether you are permitted to apply for asylum will be made once you have had an asylum interview with an asylum officer or a hearing before an immigration judge. Even if you are not eligible to apply for asylum for the reasons stated above, you may still be eligible to apply for withholding of removal under section 241(b)(3) of the INA or under the Convention Against Torture before the Immigration Court.

II. Basis of Eligibility

A. Asylum

In order 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 in the case of a person having 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 will be permitted to 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.**

B. Withholding of Removal

Your asylum application is also considered to be an application for withholding of removal under section 241(b)(3) of the INA, as amended. It may also be considered an application for withholding of removal under the Convention Against Torture if you checked the box at the top of **Page 1** of the application form, or if the evidence you present indicates that you may be tortured in the country of removal. (See 8 CFR sections 208.13(c)(1) and 1208.13(c)(1)). If asylum is not granted, you may still be eligible for withholding of removal.

Regardless of the basis for the withholding application, you will not be eligible for withholding if you:

1. Assisted in Nazi persecution or engaged in genocide;
2. Have persecuted another person;
3. Have been convicted by a final judgment of a particularly serious crime and therefore represent a danger to the community of the United States;
4. Are considered for serious reasons to have committed a serious non-political crime outside the United States; or
5. Represent a danger to the security of the United States. (see section 241(b)(3) of the INA; 8 CFR sections 208.16 and 1208.16.)

i. Withholding of Removal Under Section 241(b)(3) of the INA

In order to qualify for withholding of removal under section 241(b)(3) of the INA, you must establish that it is more likely than not that your life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion in the proposed country of removal.

If you obtain an order withholding your removal, you cannot be removed to the country where your life or freedom would be threatened. This means that you may be removed to a third country where your life or freedom would not be threatened. Withholding of removal does not adhere derivatively to any spouse or child included in the application. They would have to apply for such protection on their own.

If you are granted withholding of removal, this would not give you the right to bring your relatives to the United States. It also would not give you the right to become a lawful permanent resident of the United States.

ii. Withholding of Removal Under the Convention Against Torture

The Convention Against Torture refers to the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

To be granted withholding of removal to a country under the Convention Against Torture, you must show that it is more likely than not that you would be tortured in that country.

"Torture" is defined in Article 1 of the Convention Against Torture and at 8 CFR sections 208.18(a) and 1208.18(a). For an act to be considered torture, it must be an extreme form of cruel and inhuman treatment, it must cause severe physical or mental pain and suffering, and it must be specifically intended to cause severe pain and suffering.

Torture is an act inflicted for such purposes as obtaining from the victim or a third person information or a confession, punishing the victim for an act he or she or a third person has committed or is suspected of having committed, intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind.

Torture must be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity. The victim must be in the custody or physical control of the torturer. Torture does not include pain or suffering that arises only from, is inherent in, or is incidental to lawful sanctions, although such actions may not defeat the objective and purpose of the Convention Against Torture.

Form I-589, will be considered an application for withholding of removal under the Convention Against Torture if you tell the immigration judge that you would like to be considered for withholding of removal under the Convention Against Torture, or if it is determined that evidence indicates that you may be tortured in the country of removal.

To apply for withholding of removal under the Convention Against Torture, you must check the box at the top of **Page 1** of the application and fully complete Form I-589.

You must include a detailed explanation of why you fear torture in response to Part B, Question 4 of the application. In your response, you must write about any mistreatment you experienced or any threats made against you by a government or somebody connected to a government.

Only immigration judges and the Board of Immigration Appeals may grant withholding of removal or deferral of removal under the Convention Against Torture. If you have applied for asylum, the immigration judge will first determine whether you are eligible for asylum under section 208 of the INA and for withholding of removal under section 241(b)(3) of the INA. If you are not eligible for either asylum under section 208 of the INA or withholding of removal under section 241(b)(3) of the INA, the immigration judge will determine whether the Convention Against Torture prohibits your removal to a country where you fear torture.

As implemented in U.S. law, Article 3 of the Convention Against Torture prohibits the United States from removing you to a country in which it is more likely than not that you would be subject to torture. The Convention Against Torture does not prohibit the United States from returning you to any other country where you would not be tortured. This means that you may be removed to a third country where you would not be tortured. Withholding of removal under the Convention Against Torture does not allow you to adjust to lawful permanent resident status or to petition to bring family members to come to, or remain in, the United States.

C. Deferral of Removal Under the Convention Against Torture

If it is more likely than not that you will be tortured in a country but you are ineligible for withholding of removal, your removal will be deferred under 8 CFR sections 208.17(a) and 1208.17(a). Deferral of removal does not confer any lawful or permanent immigration status in the United States and does not necessarily result in release from detention. Deferral of removal is effective only until it is terminated. Deferral of removal is subject to review and termination if it is determined that it is no longer more likely than not that you would be tortured in the country to which your removal is deferred or if you request that your deferral be terminated.

D. Legal Sources Relating to Eligibility

The documents listed below are some of the legal sources relating to asylum, withholding of removal under section 241(b)(3) of the INA, and withholding of removal or deferral of removal under the Convention Against Torture. These sources are provided for reference only. You do not need to refer to them in order to complete your application.

1. Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42) (defining "refugee");
2. Section 208 of the INA, 8 U.S.C. 1158 (regarding eligibility for asylum);

3. Section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3) (regarding eligibility for withholding of removal);
4. Title 8 of the CFR sections 208 and 1208, et seq.;
5. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as ratified by section 2242(b) or the Foreign Affairs Reform and Restructuring Act of 1998 and 8 CFR section 208, as amended by the Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999) (effective March 22, 1999); 64 FR 13881 (March 23, 1999);
6. The 1967 United Nations Protocol relating to the Status of Refugees;
7. The 1951 Convention relating to the Status of Refugees; and
8. The Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for determining Refugee Status (Geneva, 1992).

III. Confidentiality

The information collected will be used to make a determination on your application. It may also be provided to other government agencies (Federal, State, local, and/or foreign) for purposes of investigation or legal action on criminal and/or civil matters and for issues arising from the adjudication of benefits. However, no information indicating that you have applied for asylum will be provided to any government or country from which you claim a fear of persecution. Regulations at 8 CFR sections 208.6 and 1208.6 protect the confidentiality of asylum claims.

IV. 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) Web site at: <http://www.usdoj.gov/eoir/probono/states.htm>.

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, available on UNHCR's Web site, provides useful country conditions information through a variety sources. Contact information for the UNHCR is :

United Nations High Commissioner for Refugees
1775 K Street, NW, Suite 300
Washington, DC 20006
Telephone: (202) 296-5191
Web site: <http://www.unhcr.org>

Calls from Detention Centers and Jails: Between the hours of 2 and 5 p.m. (Eastern Standard Time), Monday, Wednesday, and Friday, asylum-seekers in detention centers and jails may call UNHCR collect at **(202) 296-5191** or may call UNHCR's toll-free number at: **(888) 272-1913**.

V. Completing the Form

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. Provide the specific information requested about you and your family. **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."

Provide detailed information and answer the questions as completely as possible. Applications filed with missing information may be returned 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.

You will be permitted to amend or supplement your application at the time of your asylum interview before an asylum officer and at your hearing in Immigration Court by providing additional information and explanations about your asylum claim.

Part A. I. Information About You

This part asks for basic information about you. "Alien Registration Number" (A-Number) refers to your USCIS file number. If you do not already have an A-Number, USCIS will assign one to you.

You must provide your residential street address (the address where you physically live) in the United States in Part A. I., Question 7, of the asylum application. You may also provide a mailing address, if different from the address where you reside, in Question 8. If someone else is collecting your mail for you at your mailing address, you may enter that person's name in the "In Care Of" field in your response to Question 8. If your mailing address is a post office box, include that address in Question 8 **and** include a residential address where you physically live in Question 7.

In Question 12, use the current name of the country. Do not use historical, ethnic, provincial, or other local names.

If you entered the country with inspection, Form I-94 number referred to in Question 18b is the number on Form I-94, Arrival-Departure Record, given to you when you entered the United States. In Question 18c, enter the date and status as it appears on Form I-94. If you did not receive Form I-94, write "None." If you entered without being inspected by an immigration officer, write "No Inspection" in Question 18c in the current status or status section.

Part A. II. Spouse and Children

You must list your spouse and all of your children in this application, regardless of their age, marital status, whether they are in the United States, or whether or not they are included in this application or filing a separate asylum application.

You may ask to have included in your asylum application your spouse and/or any children who are under 21 years of age and unmarried, if they are in the United States. Children who are married and/or children who are 21 years of age or older must file separately for asylum by submitting their own Form I-589.

If you apply for asylum while in proceedings before the Immigration Court, the immigration judge may not have authority to grant asylum to any spouse or child included in your application who is not also in proceedings.

When including family members in your asylum application, you **must** submit one additional copy of your completed asylum application and primary documentary evidence establishing your family relationship for each family member, as described below:

1. If you are including your spouse in your application, submit three copies of your marriage certificate and three copies of proof of termination of any prior marriages.
2. If you are including any unmarried children under 21 years of age in your application, submit three copies of each child's birth certificate.

If you do not have and are unable to obtain these documents, you must submit secondary evidence. Secondary evidence includes but is not limited to medical records, religious records, and school records. You may also submit an affidavit from at least one person for each event you are trying to prove. Affidavits may be provided by relatives or others. Persons providing affidavits need not be U.S. citizens or lawful permanent residents.

Affidavits must:

1. Fully describe the circumstances or event(s) in question and fully explain how the person acquired knowledge of the event(s);
2. Be sworn to or affirmed by persons who were alive at the time of the event(s) and have personal knowledge of the event(s) (date and place of birth, marriage, etc.) that you are trying to prove; and
3. Show the full name, address, and date and place of birth of each person giving the affidavit and indicate any relationship between you and the person giving the affidavit.

If you submit secondary evidence or affidavits, you must explain why primary evidence (e.g., birth or marriage certificate) is unavailable. You may explain the reasons primary evidence is unavailable using Form I-589 Supplement B or additional sheets of paper. Attach this explanation to your secondary evidence or affidavits.

If you have more than four children, complete the Supplement A Form for each additional child or attach additional pages and documentation providing the same information asked in Part A. II. of Form I-589.

Part A. III. Information About Your Background

Answer Questions 1 through 5, providing details as requested for each question. Your responses to the questions concerning the places you have lived, your education, and your employment history must be in reverse chronological order starting with your current residence, education, and employment and working back in time.

Part B. Information About Your Application

This part asks specific questions relevant to eligibility for asylum, for withholding of removal under section 241(b)(3) of the Act, or for withholding of removal under the Convention Against Torture. At Question 1, check the box(es) next to the reason(s) that you are completing this application. For all other questions, check "Yes" or "No" in the box provided.

If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.

You must clearly describe any of your experiences, or those of family members or others who have had similar experiences that may show that you are a refugee.

If you have experienced harm that is difficult for you to write down and express, you must be aware that these experiences may be very important to the decision-making process regarding your request to remain in the United States. At your interview with an asylum officer or hearing with an immigration judge, you will need to be prepared to discuss the harm you have suffered. If you are having trouble remembering or talking about past events, we suggest that you talk to a lawyer, an accredited representative, or a health professional who may be able to help you explain your experiences and current situation.

Part C. Additional Information About Your Application

Check "Yes" or "No" in the box provided for each question. If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.

If you answer "Yes" to Question 5, you must explain why you did not apply for asylum within the first year after you arrived in the United States. The Government will accept as an explanation certain changes in the conditions in your country, certain changes in your own circumstances, and certain other events that may have prevented you from applying earlier.

For example, some of the events the Government might consider as valid explanations include but are not limited to the following:

1. You have learned that human rights conditions in your country have worsened since you left;
2. Because of your health, you were not able to submit this application within 1 year after you arrived;
3. You previously submitted an application, but it was returned to you because it was not complete, and you submitted a complete application within a reasonable amount of time.

Federal regulations specify some of the other types of events that may also qualify as valid explanations for why you filed late. These regulations are found at 8 CFR, sections 208.4 and 1208.4. The list in the regulations is not all-inclusive, and the Government recognizes that there are many other circumstances that might be acceptable reasons for filing more than 1 year after arrival.

If you are unable to explain why you did not apply for asylum within the first year after you arrived in the United States or your explanation is not accepted by the Government, you may not be eligible to apply for asylum, but you could still be eligible for withholding of removal.

Part D. Your Signature

You must sign your application in Part D and respond to the questions concerning any assistance you received to complete your application, providing the information requested. Sign after you have completed and reviewed the application.

If it is determined that you have knowingly made a frivolous application for asylum, you can be permanently ineligible for any benefits under the INA. (See section 208(d)(6) of the INA.)

According to regulations at 8 CFR sections 208.20 and 1208.20, an application is frivolous if any of its material elements is deliberately fabricated. (See Instructions, Part 1: Filing Instructions, Section IV, "Right to Counsel," in the event that you have any questions.) Note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.

Part E. Signature of Person Preparing Form, If Other Than You

Any person, other than an immediate family member (your spouse, parent(s) or children), who helped prepare your application must sign the application in Part E and provide the information requested.

Penalty for Perjury

All statements in response to questions contained in this application are declared to be true and correct under penalty of perjury. You and anyone, other than an immediate family member, who assists you in preparing the application must sign the application under penalty of perjury. Your signature is evidence that you are aware of the contents of this application. Any person assisting you in preparing this form, other than an immediate family member, must include his or her name, address, and telephone number and sign the application where indicated in Part E.

Failure of the preparer to sign will result in the application being returned to you as an incomplete application.

If USCIS or EOIR later learns that you received assistance from someone other than an immediate family member and the person who assisted you **willfully** failed to sign the application, this may result in an adverse ruling against you.

Title 18, United States Code (U.S.C.), Section 1546(a), provides in part:

Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement shall be fined in accordance with this title or imprisoned not more than 10 years, or both.

If aggravating factors exist, the maximum term of imprisonment could reach 25 years.

If you knowingly provide false information on this application, you or the preparer of this application may be subject to criminal penalties under Title 18 of the U.S.C. and to civil penalties under section 274C of the INA, 8 U.S.C. 324c.

Part F. To Be Completed at Asylum Interview, If Applicable

Do not sign your application in Part F before filing this form. You will be asked to sign your application in this space at the conclusion of the interview regarding your claim.

NOTE: You must, however, sign Part D of the application.

Part G. To Be Completed at Removal Hearing, If Applicable

Do not sign your application in Part G before filing this form. You will be asked to sign your application in this space at the hearing before the immigration judge.

NOTE: You must, however, sign Part D of the application.

You are again reminded that, if is determined that you have knowingly made a frivolous application for asylum, you can be permanently ineligible for any benefits under the INA. (See section 208(d)(6) of the INA.)

According to regulations at 8 CFR sections 208.20 and 1208.20, an application is frivolous if any of its material elements is deliberately fabricated. Again, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.

VI. Required Documents and Required Number of Copies That You Must Submit With Your Application

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

1. **The completed, signed original and two copies of your completed application, Form I-589**, and the original and two copies of any supplementary sheets and supplementary statements. If you choose to submit additional supporting material, see **Page 7** of the Instructions, Part 1: Filing Instructions, Section VII, "Additional Evidence That You Should Submit." You **must** include three 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. whom you want to have included in your application.
3. **Three 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. whom you want to have included in your application.

NOTE: If you submit an affidavit, you must submit the original and two copies. (For affidavit requirements, see **Pages 4 and 5** of the Instructions, Part 1: Filing Instructions, Section V, "Completing the Form," Part A. II.)

4. **One passport-style photograph** of yourself and of each family member listed in Part A. II. who is included 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 his or her photo.

5. **Three copies of all passports or other travel documents** (cover to cover) in your possession and three 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.

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 three copies with your application and bring the original(s) with you to the interview.

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.

VII. Additional Evidence That You Must Submit

You must submit reasonably available corroborative evidence showing (1) the general conditions in the country from which you are seeking asylum, and (2) the specific facts on which you are relying to support your claim.

If evidence supporting your claim is not reasonably available or you are not providing such corroboration at this time, you must explain why, using Form I-589 Supplement B or additional sheets of paper.

Supporting evidence may include but is not limited to newspaper articles, affidavits of witnesses or experts, medical and/or psychological records, doctors' statements, periodicals, journals, books, photographs, official documents, or personal statements or live testimony from witnesses or experts.

If you have difficulty discussing harm you have suffered in the past, you may wish to submit a health professional's report explaining this difficulty.

VIII. Fee

There is no fee for filing this application.

XI. Biometrics, Including Fingerprints and Photographs

Applicants for asylum are subject to a biometrics check of all appropriate records and other information databases maintained by the U.S. Attorney General and U.S. Secretary of State.

You and your eligible spouse or children over 14 years of age listed on your asylum application must provide biometrics. You and your spouse and children will be given instructions on how to complete this requirement. You will be notified in writing of the time and location of the Application Support Center where you must go to be fingerprinted and photographed.

If filing with USCIS, unexcused failure to appear for a scheduled appointment or to provide your required biometrics, including fingerprints and photograph, or to provide other biographical information within the time allowed, may delay eligibility for employment authorization and/or result in an asylum officer dismissing your asylum application or referring it to an immigration judge. For applicants before an immigration judge, such failure without good cause may constitute an abandonment of your asylum application and result in the denial of employment authorization. (See 8 CFR section 1003.47(d)).

At the time you file your Form I-589, you **must** submit photographs as specified on **Page 6** of the Instructions, Part 1: Filing Instructions, Section VI, "Required Documents and Required Number of Copies That You Must Submit With Your Application."

X. Organizing Your Application

Put your application together in the following order, forming one complete package (if possible, secure with binder clips and rubber bands so that material may be easily separated):

1. Your original Form I-589, with all questions completed, and the application signed by you in Part D and signed by any preparer in Part E; and
2. One passport-style photograph of you stapled to the form at Part D.

Behind your original Form I-589, attach in the following order:

1. One Form G-28, Notice of Entry of Appearance as Attorney or Representative, signed by you and the attorney or representative, if you are represented by an attorney or representative;
2. The originals of all supplementary sheets and supplementary statements submitted with your application;
3. One copy of any additional supporting documentation;
4. One copy of the evidence of your relationship to your spouse and unmarried children under 21 years of age to be included in your application, if any; and
5. Two copies of the items listed above in your original package, except your photograph.

If you are including family members in your application, attach one additional package for each family member. Arrange each family member's package as follows:

1. One copy of your completed, signed Form I-589 and supplementary sheets submitted with the original application. In Part A. II., staple in the upper right corner one passport-style photo of the family member to be included; and
2. One copy of Form G-28, if any.

For example, if you include your spouse and two children, you should submit your original package, plus two duplicates for you, plus one package for your spouse and one package for each child, for a total of six packages. Be sure each has the appropriate documentation.

NOTE: Any additional pages submitted should include your printed name (exactly as it appears in Part A. I. of the form), A-Number (if any), signature and date.

XI. Incomplete Asylum Applications

An asylum application that is incomplete will be returned to you by mail within 30 days of receipt of the application by USCIS. An application that has not been returned to you within 30 days of having been received by USCIS will be considered complete, and you will receive written acknowledgement of receipt from USCIS.

The filing of a complete application starts the 150-day period you must wait before you may apply for employment authorization. If your application is not complete and is returned to you, the 150-day period will not begin until you resubmit a complete application. (See **Page 10** of the Instructions, Part 2: Information Regarding Post-Filing Requirements, Section V, "Employment Authorization," for further information regarding eligibility for employment authorization.)

An application will be considered incomplete in each of the following cases:

1. The application does not include a response to each of the questions contained in Form I-589;
2. The application is unsigned;
3. The application is submitted without the required photograph;
4. The application is sent without the appropriate number of copies for any supporting materials submitted; or
5. You indicated in Part D that someone prepared the application other than yourself or an immediate family member and the preparer failed to complete Part E of the asylum application.

XII. Where to File?

Although USCIS will confirm in writing its receipt of your application, you may wish to send the completed forms by registered mail (return receipt requested) for your own records.

If you are in proceedings in Immigration Court:

If you are currently in proceedings in Immigration Court (that is, if you have been served with Form I-221, Order to Show Cause and Notice of Hearing; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-862, Notice to Appear; or Form I-863, Notice of Referral to Immigration Judge), you are required to file your Form I-589 with the Immigration Court having jurisdiction over your case.

At the master calendar hearing, counsel for DHS will provide you with a form entitled *Instructions For Submitting Certain Applications In Immigration Court and For Providing Biometric and Biographical Information to U.S. Citizenship and Immigration Services* (Pre-Filing Instructions) that you must follow. The Pre-Filing Instructions may also be obtained at <http://www.uscis.gov>. The following paragraphs describe the Pre-Filing Instructions that you will have to follow.

In addition to filing your Form I-589 with the immigration judge and serving a copy on the appropriate Immigration and Customs Enforcement (ICE) Office of Chief Counsel, you must also complete the following requirements before the immigration judge can grant relief or protection in your case.

Send the following three items to the address below:

1. A clear copy of the first three pages of your completed Form I-589 that you will be filing or have filed with the Immigration Court, which must include **your full name, current residential address, current mailing address, and A-Number**. Do not submit any documents other than the first three pages of the completed Form I-589;
2. A copy of Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, if you are represented; and
3. A copy of the Pre-Filing Instructions provided by counsel for DHS that you received at your first master calendar hearing in immigration removal proceedings.

**USCIS Nebraska Service Center
Defensive Asylum Application With
Immigration Court
P.O. Box 87589
Lincoln, NE 68501-7589**

Note that there is no filing fee required for Form I-589 applications.

After the three items are received at the USCIS Nebraska Service Center, **you will receive:**

1. A USCIS receipt notice indicating that USCIS received your Form I-589; and
2. An Application Support Center (ASC) notice for you and any eligible spouse and children included in your Form I-589 who are also in removal proceedings. Each ASC notice will indicate the individual's unique receipt number and will provide instructions for each person to appear for an appointment at a nearby ASC for collection of biometrics (such as your photograph, fingerprints, and signature). If you do not receive the ASC notice in 3 weeks, call **1-800-375-5283**.

NOTE: If you also mail applications for other forms of relief that you are applying for while in removal proceedings, as specified by the Pre-Filing Instructions (see side B) provided by counsel for DHS at your master calendar hearing, you will receive two notices with different receipt numbers. You must wait for and take both scheduling notices to your ASC appointment.

You (and your eligible spouse and children) must then:

1. **Attend** the biometrics appointment at the ASC and obtain a **biometrics confirmation** document before leaving the ASC; and
2. **Retain** your **ASC biometrics confirmation** as proof that your biometrics were taken and bring it to your future Immigration Court hearings.

NOTE: If the instructions above should change for submitting copies of the first three pages of your asylum application to the USCIS Nebraska Service Center for purposes of receiving the receipt notice and ASC scheduling appointment, you will be provided the changed instructions, either at the master calendar hearing or at another point in the Immigration Court proceedings. Follow the instructions you are provided, or else you may not receive the ASC biometrics scheduling notice in a timely manner.

1. After completion of exclusion, deportation, or removal proceedings, and in conjunction with a motion to reopen under 8 CFR part 3, with the Immigration Court having jurisdiction over the prior proceeding, any such motion must reasonably explain the failure to request asylum prior to the completion of the proceedings; or
2. In proceedings under 8 CFR 208.2(c) and 1208.2(c) and after Form I-863, Notice of Referral to Immigration Judge, has been served on you and filed with the Immigration Court, an immigration judge will have exclusive jurisdiction over your case.

If you are in proceedings before the Board of Immigration Appeals:

You may file your Form I-589 with the Board of Immigration Appeals in conjunction with a motion to remand or reopen under 8 CFR 1003.2 and 1003.8. You may file an initial Form I-589 with the Board of Immigration Appeals only if the Board of Immigration Appeals has jurisdiction over your case. Any such motion must reasonably explain the failure to request asylum and/or withholding of removal prior to the completion of the proceedings.

If you are not in proceedings in Immigration Court or before the Board of Immigration Appeals:

Mail your completed Form I-589 and any other additional information to the USCIS Service Center as indicated below.

If you previously applied for and were denied asylum by USCIS or if you were previously included in a spouse's or parent's pending application but you are no longer eligible to be included as a dependent, mail your completed I-589 to the Asylum Office having jurisdiction over your place of residence. (See www.uscis.gov/asylum for information on Asylum Office jurisdiction.) Include a letter with your application stating that you previously applied for asylum and were denied or that you are now filing independently for asylum. Reference in the letter the application on which you were a dependent.

If you live in Alabama, Arkansas, Colorado, Commonwealth of Puerto Rico, District of Columbia, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, western Pennsylvania in the jurisdiction of the Pittsburgh Suboffice*, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Utah, Virginia, West Virginia, or Wyoming, mail your application to:

USCIS Texas Service Center
Attn: Asylum
P.O. Box 851892
Mesquite, TX 75185-1892

If you live in Alaska, northern California*, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, northern Nevada in the jurisdiction of the Reno Suboffice*, North Dakota, Ohio, Oregon, South Dakota, Washington, or Wisconsin, mail your application to:

USCIS Nebraska Service Center
P.O. Box 87589
Lincoln, NE 68501-7589

You may also file your Form I-589 directly with the Immigration Court in the following circumstances:

If you live in Arizona, southern California*, Hawaii, southern Nevada in the jurisdiction of the Las Vegas Suboffice*, or the Territory of Guam, mail your application to:

USCIS California Service Center
P.O. Box 10589
Laguna Niguel, CA 92607-0589

If you live in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, eastern Pennsylvania excluding the jurisdiction of the Pittsburgh Suboffice*, Rhode Island, or Vermont, mail your application to:

USCIS Vermont Service Center
Attn: Asylum
75 Lower Welden Street
St. Albans, VT 05479-0589

***NOTE:** For applicants in the states of California, Nevada, and Pennsylvania who may be unsure of which Service Center to use for mailing applications, call USCIS National Customer Service Center or your local Asylum Office for more specific information. The National Customer Service Center and the asylum offices serving those states are listed below with their public information numbers:

National Customer Service Center:

Toll Free Number **800-375-5283**
TDD Hearing Impaired **800-767-1833**

For California or Nevada:

Los Angeles Asylum Office **714-808-8199**
San Francisco Asylum Office **415-293-1234**

For Pennsylvania:

Newark Asylum Office **201-531-0555**
Arlington Asylum Office **703-235-4100**

Information concerning asylum offices and where to file asylum applications is also available on the USCIS Web site at <http://www.uscis.gov>.

You may file your completed Form I-589 directly with the Asylum Office having jurisdiction over your case only if:

1. You have received the express consent of the Asylum Office Director or the Director of the Asylum Division to do so; or
2. You were previously included in a spouse's or parent's pending application but you are no longer eligible to be included as a derivative applicant. In such cases, you must include a cover letter referencing the previous application and explaining that you are now independently filing for asylum.

The following categories of individuals are not entitled to an asylum interview at a USCIS Asylum Office:

1. Certain alien crewmembers;
2. Certain stowaways;
3. Visa Waiver Program applicants for admission;
4. Visa Waiver Program overstays and status violators;
5. Certain aliens ordered removed under section 235(c) of the INA on security-related grounds; and
6. Certain nonimmigrants admitted under section 101(a)(15)(S) of the INA (e.g., witnesses and informants).

Individuals subject to these special categories who file asylum applications with USCIS Service Centers will be served with Form I-863, Notice of Referral to Immigration Judge, when they appear at the USCIS Asylum Office and will be referred to Immigration Court for an asylum-only hearing.

If you fall into one of the above categories and you have not yet been served with Form I-863, you may file your completed Form I-589 with USCIS Service Center having jurisdiction over your application. The Asylum Office Director may elect to serve you with Form I-863, in which case the Asylum Office Director will forward your asylum application to the appropriate Immigration Court.

If you are an alien crewmember in custody and you have been given Form I-589 as well as information about the privilege of being represented by counsel and the consequences of knowingly filing a frivolous asylum application, you have 10 days within which to submit your completed Form I-589 to the Immigration and Customs Enforcement (ICE) Field Office Director having jurisdiction over the port of entry at which your vessel arrived. The Field Office Director may extend the 10-day filing period for good cause. Once you file your application, the Field Office Director will serve you with Form I-863 and immediately forward your application to the appropriate Immigration Court.

Part 2. Information Regarding Post-Filing Requirements

I. Notification Requirements When Your Address Changes

If you change your address, you must inform USCIS in writing within 10 days of moving.

While your asylum application is pending with the Asylum Office, you must notify the Asylum Office on Form AR-11, Alien's Change of Address Card, or by a signed and dated letter notifying USCIS within 10 days after you change your address.

The address that you provide on the application, or the last change of address notification that you submitted, will be used by USCIS for mailing. Any notices mailed to that address will constitute adequate service, except that personal service may be required for the following: Form I-122, Notice to Alien Detained for Hearing by an Immigration Judge; Form I-221, Order to Show Cause; Form I-862, Notice to Appear; Form I-863, Notice of Referral to Immigration Judge; and Form I-860, Notice and Order of Expedited Removal.

If you are already in proceedings in Immigration Court, you must notify the Immigration Court on EOIR Form 33, Alien's Change of Address Card, of any changes of address within 5 days of the change in address. You must send the notification to the Immigration Court having jurisdiction over your case. You must also notify USCIS on Form AR-11, Alien's Change of Address Card, or by a signed and dated letter within 10 days after you change your address.

II. Asylum Interview Process

If you are not in proceedings in Immigration Court, you will be notified by the USCIS Asylum Office of the time, date, and place (address) of a scheduled interview.

USCIS suggests that you bring a copy of your Form I-589 with you when you have your asylum interview. An asylum officer will interview you under oath and make a determination concerning your claim. In most cases, you will not be notified of the decision in your case until a date after your interview.

You have the right to legal representation at your interview, at no cost to the U.S. Government. (See **Page 4** of the Instructions, Part I: Filing Instructions, Section IV, "Right to Counsel.") You also may bring witnesses with you to the interview to testify on your behalf.

If you are unable to proceed with the asylum interview in fluent English, you must provide, at no expense to USCIS, a competent interpreter fluent in both English and a language that you speak fluently.

Your interpreter must be at least 18 years of age. 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 your country. Quality interpretation may be crucial to your claim. Such assistance must be obtained at your expense prior to the interview.

Failure without good cause to bring a competent interpreter to your interview may be considered an unexcused failure to appear for the interview. Any unexcused failure to appear for an interview may prevent you from receiving employment authorization, and your asylum application may be dismissed or referred directly to the Immigration Court.

If you are hearing-impaired and require the services of a sign language interpreter in your language, one will be provided for you. Contact the Asylum Office with jurisdiction over your case as soon as you receive a notice for your asylum interview to notify the office that you will need a sign language interpreter in your language so that accommodations can be made in advance.

If available, you must bring some form of identification to your interview, including any passport(s), other travel or identification documents, or Form I-94, Arrival-Departure Record. You may bring to the interview any additional available items documenting your claim that you have not already submitted with your application. All documents must be submitted in triplicate.

If members of your family are included in your application for asylum, they must also appear for the interview and bring any identity or travel documents they have in their possession.

III. Status While Your Application Is Pending

While your case is pending, you will be permitted to remain in the United States. After your asylum interview, if you have not been granted asylum and appear to be removable under section 237 of the INA, 8 U.S.C. 1227, or inadmissible under section 212 of the INA, 8 U.S.C. 1182, your application will be referred to the Immigration Court by the Asylum Office.

IV. Travel Outside the United States

If you leave the United States without first obtaining advance parole from USCIS using Form I-131, Application for a Travel Document, we will presume that you have abandoned your application. If you obtain advance parole and return to the country of claimed persecution, we will presume that you abandoned your application, unless you can show that there were compelling reasons for your return.

NOTE: The application process for advance parole varies depending on your personal circumstances. Use InfoPass on the USCIS Web site to check with your local USCIS District Office for application instructions. Additional information on obtaining advance parole is available from USCIS Web site at <http://www.uscis.gov>.

V. Employment Authorization While Your Application Is Pending

You will be granted permission to work if your asylum application is granted.

Simply filing an application for asylum does not entitle you to employment authorization. You may request permission to work if your asylum application is pending and 150 days have lapsed since your application was accepted by USCIS or the Immigration Court. (See 8 CFR sections 208.7(a)(1) and 1208.7(a)(1).) Any delay in the processing of your asylum application that you request or cause will not be counted as part of the 150-day period.

If your asylum application has not been denied within 180 days from the date of filing a complete asylum application, you may be granted permission to work by filing Form I-765, Application for Employment Authorization, with USCIS. Follow the instructions on that application and submit it with a copy of evidence as specified in the instructions that you have a pending asylum application.

Each family member whom you have asked to be included in your application and who also wants permission to work must submit a separate Form I-765.

You may obtain copies of Form I-765 by calling the USCIS forms line at 1-800-870-3676 or from the USCIS Web site at: <http://www.uscis.gov>.

VI. Privacy Act Notice and General Information

The authority to collect this information is contained in Title 8 of the United States Code. Furnishing the information on this form is voluntary; however, failure to provide all of the requested information may result in the delay of a final decision or denial of your request.

Do You Need Forms or Information?

To order USCIS forms, call our toll-free forms line at **1-800-870-3676**. You can also order USCIS forms and obtain information on immigration laws, regulations and procedures by telephoning our National Customer Service Center toll-free at **1-800-375-5283** or visiting the USCIS Web site at www.uscis.gov.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 hours per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Products Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210, OMB No. 1615-0067. **Do not mail your application to this address.**

Supplements to Form I-589

Form I-589, Supplement A - For use to complete Part A. II.

Form I-589, Supplement B - For use to complete Parts B and C and to provide additional information for any other part of the application.



PIRC

PENNSYLVANIA IMMIGRATION
RESOURCE CENTER

Requesting Country Conditions Reports

You or your family may contact the following organizations to request information and/or reports which document the human rights conditions in your home country.

If you prefer to send a letter requesting information, please remember to include a return address as well as a detailed description of the information you would like them to send you (i.e. your name, A#, date of birth, location of detention, country of origin, and who and/or what you specifically fear).

Amnesty International

600 Pennsylvania Avenue, SE
5th Floor
Washington, DC 20003
(202) 544-0200
<http://www.amnesty.org/>

United Nations High Commissioner for Refugees

ATTN: Protection Unit
1775 K Street, NW, Suite 300
Washington, DC 20006
Call (toll-free) 1-888-272-1913 on Monday,
Wednesday or Friday between 2 PM and 5 PM.

Human Rights Watch

1630 Connecticut Avenue, NW
Suite 500
Washington, DC 20009
(202) 612-4321 x 4339
hrwdc@hrw.org
www.hrw.org

United States Department of State: Country Conditions Reports

<http://www.state.gov/j/drl/rls/hrrpt/>
Reports are only available on their website.

Solicitando Reportes Sobre las Condiciones de su País de Origen

Usted o su familia puede comunicarse con las siguientes organizaciones para solicitar información y/o reportes que documentan la situación de los derechos humanos en su país de origen.

Si usted prefiere a enviar una carta solicitando información, por favor, no olvide incluir una dirección de retorno, y una descripción detallada de la información que usted desea que le envíen (por ejemplo, su nombre, A#, fecha de nacimiento, donde usted esta detenido, su país de origen y las personas y/o las cosas de que usted específicamente tiene miedo).

Amnistía Internacional

600 Pennsylvania Avenue, SE
5th Floor
Washington, DC 20003
(202) 544-0200
<http://www.amnesty.org/es>

La Agencia de la Organización de las Naciones Unidas para los Refugiados

ATTN: Protection Unit
1775 K Street, NW, Suite 300
Washington, DC 20006
Llame al (número gratuito) 1-888-272-1913 de
lunes, miércoles o viernes entre las 2 de la tarde y
las 5 de la tarde.

Human Rights Watch

(Defensores de los Derechos Humanos)

1630 Connecticut Avenue, NW
Suite 500
Washington, DC 20009
(202) 612-4321 x 4339
hrwdc@hrw.org
<http://www.hrw.org/es>

Departamento de Estado de los Estados

Unidos: Reportes de las Condiciones de su País de Origen <http://www.state.gov/j/drl/rls/hrrpt/>

Los reportes solo están disponibles por el internet.