



Pro Se Asylum Manual

This manual has been adapted from the Pro Se Asylum Manual prepared by the Political Asylum/Immigration Representation Project, with help from the Massachusetts Law Reform Institute and Greater Boston Legal Services to better conform to the needs and requirements for Minnesota, North Dakota, and South Dakota Asylum seekers. The original manual may be found at: <http://www.masslegalservices.org/system/files/library/Asylum-Pro-Se-Manual.pdf>

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Introduction

This booklet explains how to prepare an application for asylum and withholding of removal. This is a complicated process, but this booklet is for people who do not have a lawyer to help them. In general, you may be eligible for asylum if you fear harm or have suffered harm in the past because:

- You belong to a particular race; or
- You practice a particular religion or refuse to practice a particular religion;
- You are of a particular nationality;
- You have a particular political opinion or belong to a group (e.g., opposition party) and are being harmed for your activities, or the person or group who wants to harm you believes that you have a particular political opinion;
- You have a characteristic which you cannot change, or should not be required to change. For example, your ethnicity, your gender, sexual orientation, your tribal or clan group, or your family.

The harm you have suffered or fear you will suffer in the future can be threats, physical harm or other problems that put you at risk in your country. The person or group seeking to harm you may be the government or someone the government is unable or unwilling to control.

Tip: If you want to apply for asylum, there is a one-year filing deadline. You must file for asylum **within one year** of arrival in the United States. There are very limited exceptions to this rule.

If you fear harm in your country, but the harm is not for one of the five reasons listed above, you should not file an application for asylum. If you do file for asylum, you must answer the questions on the asylum application form completely and honestly. Anyone who makes false statements on his or her asylum application may be permanently barred from all benefits under the immigration law of the United States.

To apply for asylum, you must fill out Form I-589, which is called *Application for Asylum and for Withholding of Removal*. See the attached sample form I-589. You can obtain an I-589 from your local Citizenship and Immigration Services (CIS) office or from the website:

<http://www.uscis.gov>.

Immigration must receive your asylum application WITHIN ONE YEAR of your arrival in the United States. For example, if you arrived in the United States on May 27, 2002, Immigration must receive your asylum application by May 26, 2003. If you fail to file within one year, you will not be allowed to do so later, unless you meet one of the very limited exceptions.

Step-By-Step Guide for Filing An Asylum Application

Preparing The Declaration

Step 1. How to tell your story. A declaration is your written statement which explains in detail why you left your country and why you are afraid to return. In filing for asylum, you are not required to write a declaration. It is a good idea to do so, however, since it will help you explain your case to the Asylum Officer or Immigration Judge deciding your case. To write a declaration consider the suggestions below.

Declaration of [Your Name] in Support of Application for Asylum and Withholding of Removal

I, [your name], declare as follows:

1. My name is [your name]. I was born in [your country of birth], and am a citizen there. I make this declaration in support of my application for asylum and withholding of removal in the United States.
2. I was born on [date of birth] in [city of birth]. My parents' names are [parents' names]. They live in [parents' address]. I have [number] brothers and sisters. They live in [brothers' and sisters' location].
3. I am married to [name of spouse]. We married in [date of marriage]. I have [number] children. They live in [children's addresses].
4. [Provide information on your background and schooling. Also, if you are politically active, discuss your beliefs and activities.]
5. [After that, explain everything about your life in your country that now makes you afraid to return there. Include any times you, your family members, co-workers or friends were harmed or threatened, as well as why, and what you think will happen if you go back.]
 - Be sure to explain what happened to you. You should thoroughly explain any events which make you afraid. Include any times when the government or other person or group harmed or threatened you and why. Also explain any time when someone in a situation similar to you was harmed. For example, if you are afraid that the government will harm you because you belong to a particular family, you should explain every time that the government harmed anyone in your family. Provide as much detail about the harm against you. How were you harmed? By whom? What did the person(s) say? When did the harm occur? Why did it happen?

- If you cannot remember the exact date that something happened, do not guess. Instead, give the month or the year, or the time of year, and state that you do not know the exact date. If you guess about a date and it later turns out to be wrong, the government may not believe that you are telling the truth.
- If the situation in your country has changed or there's a new ruler in power, explain why it is still not safe for you to go back.
- If you are afraid of a group or a person who is not part of the government, you should explain why your country cannot protect you. If you tried to get your government to protect you but could not, you should explain what efforts you made and what happened.
- You should also explain why you cannot move to another area of your country to live.

[At the end of the declaration write, "I declare under penalty of perjury under the laws of The United States that the foregoing is true and correct." Then sign the declaration and write the date.]

How To Fill Out The Asylum Application, Form I-589

Step 2. Filling out the Asylum Application Form. Before you fill out the Application for Asylum and Withholding of Removal (Form I-589), you should carefully read the instructions attached to the form. The following will help you understand many of the questions on the form and how to answer them.

The asylum application is supposed to remain confidential.

It is important to fill out the I-589 completely; fill in all of the boxes on the form and answer all of the questions. If you live in Minnesota, and are **not** in Immigration Court Proceedings, file your application with the Nebraska Service Center in Lincoln, Nebraska, as explained below (Those in removal proceedings must file directly with the Immigration Court, as explained below).

Tip: Fill in **all** the blanks. If you fail to answer even one question on the asylum application, Immigration will send the entire application back to you. To avoid this situation, make certain that you answer each question; if there is no answer or the question does not apply to you, then type "N/A" in the answer space. **DO NOT** leave any space blank.

Part A: Provided Background Information:

I-589, Part A.I. Information About You:

Questions 1-14: Provide the requested background information.

Questions 12-14: If you were born in one country and currently have citizenship in another country, you will need to explain why you are afraid or unable to return to both countries.

Questions 15-16: Provide information relating to your ethnicity and religion, especially if your claim is based on race, nationality, ethnicity, or tribal membership.

Question 17: Your answer to this question determines where you will file your application for asylum. If the government has started a case against you in Immigration Court, you file your application for asylum with the Immigration Court. If the government has not started an immigration court case against you, you file your application with the USCIS and send it to the **Nebraska Service Center** at the address listed later on in this manual.

Questions 18-21: These questions relate to your immigration history. You have only one year from the date you arrived in the United States to apply for asylum. If you are filing more than one year after the date you arrived in the United States, you can still file for asylum if you can show that: (a) circumstances have changed in a way which affects your asylum case; or (b) extraordinary circumstances prevented you from filing within one year of arrival.

Questions 22-24: Provide details about the languages you speak, including whether you speak English.

Part A. II. Information About Your Spouse and Children. This sections requests information about previous addresses, education, employment, and information about your parents and siblings. You should be as complete and accurate as possible. You need not include the exact date, but can include a month or year if that is all you remember. If you are estimating a date, state that you are estimating it.

If your spouse and unmarried children under the age of 21 are in the United States, they will also receive asylum if your asylum application is approved. To include them on your application, simply check the box that says “Yes” on the question that reads “If in the U.S., is your spouse to be included in this application?” If they are not in the United States, and you are granted asylum, you can immediately file a Refugee/Asylee Relative Petition (Form I-730) on their behalf and they will be allowed to enter the United States as asylees.

Tip: Be careful to list all of your children, even if they are married or twenty-one years of age or older. While married children or children twenty-one or older do not receive asylum automatically when their parent's application is approved, a parent who later becomes a permanent resident or citizen may file for legal status. At that point, your children may face problems if you failed to mention them in your asylum application.

Part A. III. Information about Your Background. this section requests information about previous addresses, education, employment, and information about your parents and siblings. You should be as complete and accurate as possible. You need not include the exact date, but can include a month or year if that is all you remember. If you are estimating a date, state that you are estimating it.

Part B. Substantive Questions. This section asks you to explain why you are seeking asylum. You should include information about what happened to you or your family in the past which has made you afraid to return, why you or your family were harmed, and what you believe will happen to you if you return.

It is important that you read each question carefully and answer it completely. You should try to explain the facts of what happened to you, and not just write general statements about the situation in your country. Whenever you cannot remember the exact date, put the month or the year. If you do not remember the year, estimate the year and state that you are using an estimate.

If you have written a declaration, as described above, you can answer the questions on the asylum application form with a brief answer that refers to the declaration for additional information.

Question 1: Why are you applying for asylum or withholding of removal?

In answering this question, check the box(es) for all reasons that apply to you, your family, friends or coworkers.

Question 1A: If your family, close friends, or colleagues have experienced harm, give a detailed explanation, and include the reasons for that harm. Include information about the person or group responsible for causing the harm. Include your beliefs about what will happen to you if you return to your country. You should give specific facts and not general statements. Be careful to explain any uncertainty about any facts that you include because it is difficult to change facts once you have written them down on the asylum application form. You need not limit your answers to the space on the form. You can attach additional pages answering each question in detail, or you can attach a detailed declaration, described above, which sets out the complete story of how and why you left your country and why you are afraid to return.

Question 1B: Do you fear harm or mistreatment if you return to your home country? If you fear that you will be arrested, tortured, or killed, you should state that fact as clearly as possible. You should also explain the person or group of whom you are afraid and why you think they will harm you. You don't have to state the exact name of the person or persons you fear if you don't know the names. However, you do need to name the group to which the person belongs, if you know the name.

In explaining what will happen to you, you should try as much as possible to explain how the harm is tied to your race, nationality, ethnicity, religion, political opinion, gender, or membership in a social group.

Question 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? Check "yes" or "no" and then explain. In answering this question, you should answer exactly what is asked, giving as much detail as possible. If you cannot remember exactly when something happened, estimate the date, and state that you are providing an approximate date. You do not need to limit your answer to the space on the form. You can attach an additional sheet or declaration. There are two purposes to this question:

- (1) To determine any encounters you may have had with the government of your home country (through the police, military, security forces, or other government representatives) which might constitute past persecution or which would provide evidence that the government might harm you if you return to your country; and
- (2) To determine whether you might have committed a crime in your country or any other country that might make you ineligible for asylum. In answering this question, the following definitions are relevant:
 - a. What does "**arrested**" mean? Generally, you are considered to be arrested if you are taken into custody and detained for a period of time. While you would usually be taken to a police station, military barracks, or detention center, this is not necessary.

In some cases you may be arrested and detained at your home or some other place.

- b. What does "**detained**" mean? Generally, you are considered to be detained if your movement is restricted. For example, if you are stopped for a brief period and questioned, such as at a road block, this could mean you were detained.

- c. What does “**interrogated**” mean? Generally, “interrogated” means “questioned.” The interrogation need not include force or mistreatment.
- d. What does “**convicted and sentenced**” mean? This generally means that you were found guilty and sentenced to prison for a crime. In some cases, being convicted and sentenced is persecution. For example, if a criminal conviction is used to punish someone for her political opinion or because she has violated an unfair rule, such as one requiring her to act contrary to her religious beliefs, this could be considered persecution. In other cases, a criminal conviction may bar you from receiving asylum.
- e. What does “**imprisoned**” mean? This is generally understood to mean long-term detention. A person may be imprisoned whether or not she is charged or convicted of a crime, or sentenced.

Question 3A: 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, guerilla organization, ethnic group, human rights group, or the press or media? Check “yes” or “no.” If you claim that you will be harmed because of your activities within a particular organization or movement, it is important to explain those activities.

For example, if you are afraid that you will be harmed because of your political opinions and activities in opposition to your government, you must fully list any political organizations to which you belonged and what your role was in those organizations. If you belong to a particular organization, you should include documents that show that many other people who belong to that organization were arrested or killed by the government. Also, if you are not certain of the exact dates of your membership in a particular organization, state in your answer that you are providing approximate dates.

Tip: If you belonged to a para-military or guerilla organization, or any armed group, you should consult an attorney before completing this application. Cases that involve giving material support to a terrorist organization can get quite complicated. Also, anyone who has persecuted others is barred from receiving a grant of asylum.

Question 3B: Do you or your family members continue to participate in any way in these organizations or groups? Check “yes” or “no.” If you checked “yes,” be sure to give a detailed description of you or your family members’ participation. Be sure to list leadership positions held, types of activities and other participation with each group.

Question 4: Are you afraid of being subjected to torture in your own country or any country to which you may be returned? This question relates to protection under the

United Nations Convention Against Torture. This is a special law which prohibits the United States government from returning any person to a country where there are substantial grounds for believing that he or she would be in danger of being tortured.

If you fear that you will be tortured in your country, you should explain in as much detail as possible what you believe would happen to you, by whom, and why. If you were tortured in the past, explain what happened to you. The torture must be by the government or with the government's acquiescence. The torture does not have to be on account of race, nationality, political opinion, membership in a particular social group, or religion. Also, there is no one-year filing deadline for Convention Against Torture claims.

Part C. Additional Information About Your Application. The questions in this section relate to situations in which you may not be eligible for asylum. For example, even though you may have a well-founded fear of harm if you return to your country, you may not be eligible if you:

- (a) previously applied for asylum;
- (b) were firmly resettled in another country;
- (c) applied for or received lawful status in another country;
- (d) 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;
- (e) returned to your home country;
- (f) have waited longer than one year after you arrived in the United States to apply for asylum; or
- (g) committed certain types of crimes either in the United States or elsewhere.

Tip: If you answered "yes" to any of the questions in this section, consult an immigration attorney before filing your asylum application.

Part D. Your Signature. Before signing your application, you should review it carefully to make sure that all the information is as accurate as possible and that the entire form is complete, with no section left blank. In signing the form, you are swearing that what you have said is true. You can be punished for perjury if you knowingly include false information.

Part E. Declaration of Person Preparing Form If Other Than Applicant, Spouse, Parent or Child. Anyone who helps you complete the form should sign this section in the form.

Part F. To Be Completed At Interview or Hearing. Do not sign this section until you appear before an Asylum Officer or before an Immigration Judge.

Step 3. Provide Country Condition Research. Background information about the human rights situation in your country as well as information about events in your case is extremely important to assist the Asylum Officer or Immigration Judge in deciding your case. You may submit any articles from magazines, newspapers, books, human rights reports, or any other documents which help explain to the Asylum Officer or Immigration Judge the situation in your country and why a person in your situation would fear returning. There are a number of organizations which collect information on political conditions and human rights practices on countries around the world.

The internet is extremely helpful for gathering supporting documentation. Here is a short list of helpful website where you can find information on your country:

- Department of State: <http://www.state.gov>
- U.S. Citizenship and Immigration Service: <http://uscis.gov>
- EOIR (Immigration Court and BIA): <http://www.usdoj.gov/eoir>
- United Nations High Commission for Refugees: <http://www.unhcr.org/cgi-bin/texis/vtx/rsd>
- Human Rights Watch: <http://www.hrw.org>
- Amnesty International: <http://www.amnesty.org>
- Asylum Law: <http://www.asylumlaw.org>

Step 4. Provide passport style photograph. You need to send one passport-size photograph with your asylum application. It should be a passport-style photograph. The photos must be free of shadows and contain no marks, splotches, or discolorations. Photos must have a white or off-white background. Photos should not be retouched. With a pencil, lightly write your complete name and A # (Alien number), if known, on the back of the photograph. The photograph needs to be taken within the past 30 days.

If your spouse or any of your children are being included on your application, you will need to include an additional copy of the I-589 for each spouse or child with an additional passport photo of your spouse or child attached.

Step 5. Make copies of your documents. You should copy and submit any documents which help explain your case. What you file should include:

- The **original copy** of the I-589 *Application for Asylum and for Withholding of Removal* Form and **two copies**.
- The **original and two copies** of any documents which support the facts that you have described in your application or which help to explain conditions within your country. These documents can include:

- a. Your declaration, as explained above;

b. Declarations from other people who know your situation. For example, statements from family members or co-workers who were present when you were threatened or harmed will help to prove your case.

c. Expert Declarations from a medical practitioner or person who knows a great deal about the situation in your country and why you would be harmed if you return. It is not necessary for the expert to have personal knowledge about what happened to you.

d. Background information about human rights conditions in your country and other country condition information, as explained above.

e. Translations of any documents you included which are not in English.

- Three **copies** of your passport and three copies of any United States Immigration documents, such as an I-94 Departure Record.
- If filing for family members, include an extra **copy** of the application for each family member present in the U.S. for whom you are filing. Also, include a passport style photograph for each family member.
- Three **copies** of the passport and a **copy** of any United States Immigration documents, such as I-94 Departure Records **for each family member** included in your application.
- Three **copies** of your birth certificate.

Tip: Do not mail original identity cards, passports, birth certificates, I-94, etc., to CIS or to the Immigration Court. When you file your application, please include photocopies. Originals sent to immigration will likely not be returned to you.

Foreign Documents: If documents are in a foreign language, you must submit an English translation of them with a certificate of translation. The certificate of translation should look like this:

Certificate of Translation

I, _____, hereby state that I am fluent in the English and _____ languages, and am competent to translate from English to _____ and from _____ to English, and that I have translated the foregoing document fully and accurately to the best of my abilities.

Signed _____

Dated: _____

Mailing Your Asylum Application

Step 6. Mail your application and documents. Once you have put your application together, you should mail it to the Immigration Service Center that handles cases from your jurisdiction. For an affirmative case in Minnesota, South Dakota, and North Dakota, send the package to the following address (if you are not in immigration court):

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

If the government has started a case against you in Immigration Court, **file all of these papers in Immigration Court** at a hearing date set by the Court. The address for the Immigration Court is:

Immigration Court
Bishop Henry Whipple Federal Building
1 Federal Drive, Suite 1850
Fort Snelling, MN 55111
Phone: 612-725-3765.

The Asylum Hearing

If you are detained and in removal proceedings, an immigration judge will decide your case. The immigration judges are part of the Executive Office for Immigration Review ("EOIR"), an agency of the Department of Justice. The immigration court is located at:

Immigration Court
Bishop Henry Whipple Federal Building
1 Federal Drive, Suite 1850
Fort Snelling, MN 55111
Phone: 612-725-3765.

The first hearing in Immigration Court is the **Master Calendar** hearing. At this hearing, you will respond to the government's charges on whether you are removable or have a right to remain in the United States. You must also tell the judge the forms of relief from removal that you plan to seek, such as cancellation of removal, adjustment of status, asylum, withholding of removal, relief under the Torture Convention and voluntary departure. This hearing is similar to an arraignment in criminal court (although Immigration Court proceedings are civil and not criminal proceedings). The government's trial attorney alleges grounds of removability, contained in the Notice to Appear (Form I-862).

The judge will have several cases set at the same time for Master Calendar hearings since each hearing is short. The hearing itself will likely last several minutes. Once the clerk calls your case,

you will either appear via tele-video, or if in person, you will take a seat at the table in front of the judge. The court will provide an interpreter if you do not speak English.

- At the Master Calendar hearing, the judge will make sure that you were served with the Notice to Appear (I-862) and the list of free legal services.
- The immigration judge will ask you respond to the allegations of removability in the Notice to Appear.
- The judge will ask if you would like to time to hire an attorney.

If the immigration judge finds that you do not have the right to remain in the U.S., the immigration judge will allow you to apply for relief from removal, such as asylum, withholding of removal, Torture Convention relief, and voluntary departure. If you are requesting asylum for the first time in Immigration Court, the judge will schedule another Master Calendar hearing so that you have time to complete an asylum application to file in court. Again, you should ask for time to complete the asylum application, usually at least 2 or 3 weeks.

After you submit your asylum application, the judge will set a date for an **Individual Calendar** hearing, which is your full hearing on the merits of your claim. The judge will also schedule a date for filing the supplemental materials. At that hearing you will testify, present witnesses and be subject to cross-examination on your application for relief.

Individual Hearing

Direct Examination by Judge: You are the most important witness in your asylum case and your credible testimony is the key to winning. Hence, preparation of your case is extremely important. Each immigration judge runs his or her courtroom differently, but you should be 13 prepared to tell your story clearly and truthfully on direct examination. The judge will typically interrupt and ask questions, either before, during, or after your direct examination. At times, the immigration judge may interrupt you repeatedly, ask hostile questions or even limit testimony. It is useful to take notes at the Immigration Court hearing or to bring someone to the hearing who can take notes and document unprofessional judicial behavior so that you can challenge it later.

Cross Examination by the Trial Attorney: The trial attorney will cross examine you and any other witness you call. Trial attorneys often look for problems with the case, such as inconsistencies in the your story, documents that you submitted that contradict aspects of your case, any unexplained trips noted in the your passport, motivation for the persecutor's behavior, proof of identity or at times even proof of nationality, firm resettlement in a country where you lived after first fleeing your home country, your criminal history, and other matters.

Court Interpreters: The Immigration Court will provide an interpreter for the Individual Calendar hearing. If you think that the court interpreter is not competent or is failing to

interpret parts of your testimony, you can object to the interpreter. But you must state your objection to the judge, not to the interpreter.

Witnesses: You may call lay or expert witnesses to support your case. You should be sure that you know what your witnesses will say. Do not call witnesses who are not familiar with your case or the country from which you fear return, or who may say hostile or confusing things about you.

The Asylum Interview

If you are not detained and mail your application affirmatively, an asylum officer will decide your case. After you submit the application, the Nebraska Service Center will review your application to make sure that the I-589 is complete and that you have submitted all the required documents. If the form is not complete, or if any required documents are missing, the Nebraska Service Center will return the form to you. You **must make the necessary corrections, and mail it back** to Nebraska as soon as possible (at most, within one month). If it is complete, USCIS will send a filing receipt to you.

Once you have filed an affirmative asylum application and the Service Center has accepted it, you will receive three notices:

1. Receipt notice - this notice states that the asylum application has been received and accepted.
2. Appointment notice - this notice sets the date, time and place for the asylum interview.
3. Fingerprint notice - this notice sets an appointment to have your fingerprints taken.

Interview Date. When the Asylum Office receives your application, the office will schedule an asylum interview. Usually, the Asylum Office will schedule the interview within 60 days after you file the asylum application. However, it can be scheduled sooner than 2 months or may take longer. When the Asylum Office schedules an interview, you will receive a notice telling you of the date, time and place of your interview.

Reschedule Hearing Date: If you need additional time to prepare your case, call the Chicago Asylum Office at (312) 849-5200 and ask to speak to the officer in charge of rescheduling Minneapolis asylum interviews. Ask that person to reschedule the appointment for a later date.

Tip: If you made any mistakes when filling out the asylum application, it is important to let the Asylum Officer know at the beginning of the interview and then to correct the information.

Asylum Office Interview. Asylum officers travel to Minneapolis from the Chicago Asylum Office to conduct the interviews. The Minneapolis asylum office consists of a receptionist, a waiting room and several interview rooms. Your interview notice will tell you the date, time and place of your interview.

Originals of Documents. When you appear for your asylum interview, make sure that you bring the originals of any documents you have with you so that the Asylum Officer can review the originals and compare them to the photocopies you submitted with your application.

Interpreter. If you do not speak English fluently, you must bring an interpreter with you to the Asylum Officer interview. Make sure that the interpreter speaks your language and English fluently. He or she must understand that his or her role is to interpret exactly what is said, 15 without adding anything to what you say or trying to speak for you. If the interpreter makes mistakes or does not interpret what you say correctly, the Asylum Officer may not think that you are telling the truth.

Asylum Office Decision. After the interview, the Asylum Officer will notify you of the decision. This will usually happen through a letter. In some cases, the Asylum Officer may tell you to come to the office at a particular date and time to receive her decision. If the Asylum Officer decides that you are eligible for asylum, you may receive a “recommended approval” or an “approval”.

- If you receive an **approval letter**, you have been granted asylum. One year from the date of your approval notice, you can file for lawful permanent resident status.
- If you receive a **recommended approval**, it means that the Asylum Officer is waiting for a clearance on your fingerprints showing that you do not have a criminal record. Once that clearance comes through, you will receive a notice of approval.
- If the Asylum Officer decides not to grant your case, you will receive a **referral** letter, accompanied by a notice of a hearing before an Immigration Judge. The Asylum Officer will refer your case to the Immigration Court where an Immigration Judge will hear your case. The Immigration Judge will conduct a formal hearing where you can present your asylum case to the Immigration Judge as well as present other witnesses and evidence on your case. If your case is referred to an immigration judge, you should immediately consult with an attorney.

Change of Address

If you move, it is extremely important to notify the government of your change of address. You must notify USCIS within 10 days of changing address. To do so, send one copy of the Change of Address Form AR-11 to each of the following offices:

Immigration Court

Bishop Henry Whipple Federal Building

1 Federal Drive, Suite 1850

Fort Snelling, MN 55111

Phone: 612-725-3765.

USCIS

Chicago Asylum Office

181 W. Madison Street, Suite 3000

Chicago, IL 60602.

If you have a pending petition or application, you may report the change of address to the National Service Center toll-free at 1 (800) 375-5283. You may also do this online at: <https://egov.uscis.gov/crisgwi/go?action=coa.cr.Residence>.

Employment Authorization

You can apply for employment authorization if you receive a recommended approval or an approval of your asylum case. If you have not received a decision on your asylum case, you can file an application for employment authorization after waiting **150 days** from the time you first filed for asylum with the USCIS or the Immigration Judge, provided that the Immigration Judge has not denied your asylum case. The “work clock” counts the number of days your case has been pending with immigration. Unfortunately, the clock will stop if you ask for a continuance. Sometimes it will be necessary to ask for a continuance if you need more time to adequately prepare your case.

To file for employment authorization, fill out Form I-765, available on the USCIS web page at www.uscis.gov. Requests for work authorization must include the following:

- Form I-765
- G-28, Notice of Entry of Appearance of Attorney
- Copy of I-94 Departure Record (front and back), if available
- A copy of the last work authorization card if renewing your request for work authorization(front and back)
- Copy of Hearing Notice or Receipt Notice of asylum application
- Two photographs taken within 30 days of submission to DHS with name and A# written lightly (in pencil) on the back of each

If an Immigration Judge denies your asylum application within 180 days from the date you filed your asylum application, you cannot obtain employment authorization based on your asylum application.

Post Asylum Grant Matters

Once you receive a final grant of asylum either from an Immigration Judge or an Asylum Officer, you may receive a variety of services which can help you adjust to life in the United States. You are eligible for a new I-94 and work card, travel document, and other ways to help you become financially stable. Upon your grant of asylum, contact the Refugee Resettlement Agency in your area to obtain these services. For further information, see:

<http://www.health.state.mn.us/divs/idepc/refugee/topics/resettlement.html>

In addition, once you have a grant of asylum, you may be able to bring certain family members to the U.S. Asylees may file a **derivative asylum** application for a spouse and any unmarried children under 21. You may want to contact an agency below to help you file for your family. Finally, once you are granted asylum and have been in the U.S. for more than one year, you can file for **adjustment of status (to a legal permanent resident)** to get your green card. Before applying for your green card, you should consult with an attorney or with one of the agencies on the referral list provided to you to make sure that you are eligible.

Asylum Application Filing Instructions:

REQUIRED Documents you must include with your application:

- 1) Original, signed I-589 application form
- 2) Two copies of the I-589 application form
- 3) One passport size/style photo, attached to the original I-589 application form
- 4) Three copies of your passport – all pages must be copied even if they are blank

Optional documents you **MAY** include with your application, but are **NOT** required:

- 5) Three copies of anything else you want to submit such as:
 - a. A national ID card
 - b. Your birth certificate
 - c. Police summons or convocations
 - d. Medical reports that relate to your asylum case
 - e. Political party membership documents
 - f. Affidavits from people who know about what happened to you in your home country
 - g. Newspaper articles about events affecting you in your home country
 - h. Newspaper articles that name you
 - i. Human rights reports documenting the situation in your home country.

The required documents must be sent to immigration by the date one year after you entered the United States. For example, if you entered the United States on June 1, 2008 the required documents must be at immigration by May 31, 2009 for immigration to consider your application filed on time. The optional documents can be included with that mailing, sent later, or taken to your asylum interview.

You should send your application using FedEx or another overnight delivery service to ensure it arrives within the deadline. If using an overnight service, the mailing address for the application is:

USCIS
Nebraska Service Center
850 S Street
P.O. Box 87589
Lincoln, NE 68508

For non-overnight or U.S. Postal Service delivery the address is:

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

Keep one copy of your completed application and everything you send to immigration for yourself.

Make sure you get a tracking number from FedEx or the U.S. Postal Service so you can confirm that your application was received by immigration.

You should get a receipt from the Asylum Office in approximately 2 – 3 weeks, saying they have received your application and that it is pending. **KEEP THIS RECEIPT.** It is your proof that you have a pending asylum application and are allowed to legally stay in the United States while your asylum case is decided. You will also receive a notice to be fingerprinted, and a notice for an interview. There is not a set amount of time between when you file for asylum and when you are interviewed. It could be as short as a few weeks, or up to a year. It is very important that you let immigration know if your address changes.

Changing your Address:

You can change your address with immigration by using the internet:

www.uscis.gov

On the left side of the webpage, select “change your address with USCIS” and follow the directions.

You should print a copy of your change of address form once you have submitted it online.

You should also mail a copy of your change of address form to the Asylum Office address listed on your asylum filing receipt.

Failing to change your address with immigration is a violation of the law. It can also mean that you do not receive your notice to be interviewed, and that your case is denied without an interview. It is very important that you let immigration know whenever your address changes.

The nearest FedEx location is the FedEx Office in the IDS Center. It is located at 80 S. 8th Street in downtown Minneapolis on the ground floor. You can make photocopies and mail your application from this location.

WRITING YOUR DECLARATION

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. 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 Convention Against Torture
- Contain facts that you are certain of, so that you will not contradict facts in the Declaration at your court hearing

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.

*When did it occur?

*At what time?

*What were you doing when these men came?

*How were the men dressed?

*How many were they?

*Had you seen them before?

*When and where?

*Were they armed?

*What type of arms did they have?

*Who were they?

*Soldiers?

*Guerrillas?

*How do you know?

*What did they look like?

*What did the men do when they arrived?

*Exactly what did they say?

*How did they mistreat people? *Did they threaten you?

*What threats did they make?

*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?

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

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.

Where can I get more information about how to write a Declaration?

Read the packet called "HOW TO APPLY FOR ASYLUM AND WITHHOLDING OF REMOVAL" which you can find in the library, especially pages 25, 26 and 27.

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, if anything, 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 and 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!

Created by the Florence Immigrant & Refugee Rights Project, Inc.

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Date: _____

U.S. Citizenship and Immigration Services
Nebraska Service Center
850 S Street
P.O. Box 87589
Lincoln, NE 68508

Re: Asylum Application of _____

Dear Officer:

Enclosed please find my application for asylum. The following documents are included in triplicate:

1. Application for Asylum with one photo attached;
2. Copy of my passport;

Thank you for considering my application.

Sincerely,

Name: _____

Address: _____

Filling Out Your Application

The Judge has given you an application for asylum, withholding of removal, and Convention against Torture. This is a form you will submit in court to the Judge and the lawyer for Immigration. This form will give them information about why you are asking for protection in the United States. This is not the only information that the Judge is going to look at when deciding your case, but it is the first thing that you have to hand in. Through documentation and your testimony, you will provide the Judge with more details about your claim that are not included in the application.

What should be in the Application?

The Application and an attached Declaration should contain all the written facts about your case that you want the Judge to know. You will have the chance to talk to the Judge about your case, but he will consider what you write in the Application first. In addition, the lawyer for Immigration will read your Application and use it to decide what kinds of questions to ask you.

General tips on filling out the Application

- In filling out the application, read the questions very carefully. Then, answer all of the questions truthfully and completely.
- You need to fill out the form in English, so get someone to help you if you cannot write in English.
- You must use a pen or typewriter to fill out the form. Do not use a pencil.
- If you do not know the answer to a question or are not sure of the information, write that on the form. For example, if you do not know an exact date, write “approximately”, and if you simply do not know an answer write, “I don’t know”. If a question does not apply to you simply put “N/A” in the box, for example if you are not married and the question asks for information about your wife.
- If there is not enough room on the form for you to answer a question completely, continue your answer on another piece of paper. This is especially important for questions in Part C. We recommend that you write a separate Declaration. See the sheet called **Writing your Declaration** for more information on how to do this.
- You need to make three copies of your Application and Declaration to turn in to court. The original and a photocopy are for the Judge, one copy is for the lawyer for Immigration, and one copy is for you to keep. The Judge will also send the copy you

gave him to the U.S. State Department to ask for information about conditions in your home country.

Take your time, and fill out the application carefully

The Application for Asylum and Withholding of Removal asks many detailed questions about your life and experiences, both in your home country and in the U.S. It can be confusing and time consuming to fill out. This sheet can help you with particular questions that people often answer incorrectly.

These are questions to watch out for!

Part A

#8: For your mailing address, use the address for the detention center in which you are currently located.

#13: This question asks you about your present nationality. Your nationality and citizenship are usually the same, but if you don't think this is true for you, you should make this clear in the application.

#14: This question asks you about your nationality/citizenship at birth. If you have moved to another country permanently and received citizenship, it may be different than #13.

#15: Some people belong to specific ethnic or tribal groups within their country. For example, people from Iran may be Assyrian. If you do not have a distinct tribal group, the answer to this may be "Latino," "White/Caucasian," or another racial background.

#16: This question asks you about both your main religion (such as Jewish, Christian, Buddhist, Muslim, etc.) and also any particular part of that religion you belong to (such as Orthodox, or Catholic).

#17: You **are now in removal proceedings**, and need to check that box. Also indicate if you have ever been in immigration proceedings before.

#18 a-g: These questions request information about your *most recent* departure from your country and entry into the U.S., as well as previous entries. If you entered without permission or illegally, write "no inspection" and put "N/A" where it asks for "I-94 number".

#19-21: You may speak several languages. #19 asks for the language you speak best, and you should also note any specific dialect within that language. In #20, only check yes if you are 100% comfortable speaking to the Judge in English. In #21, only list other languages that you speak *fluently*.

#27-29: For all of these sections, **always start with the most recent information**, and work your way backward.

#30: If one or both of your parents are deceased, you still need to list them. In the "location" part write, "deceased."

Part B

Only fill this part out if you are *currently* married and/or have children. If there is not enough room on the form for all of your children, you can use "Supplemental Form A" at back of application or a blank piece of paper with your name, A number, signature and date and "Continuation of I-589, Part B."

#22: If your spouse or children are not to be included in the application because they already have legal status, (that is, they are U.S. citizens or legal permanent residents), then mark "other reasons" and explain in the box.

Part C

This is the most important part of the application. Before doing this part, you should try to write out your claim on a separate paper as a Declaration (see the sheet "**Writing your Declaration**" for more information.) You may also want to fill out a "**Thinking about your claim**" worksheet. Also read the Florence Project packet called "*HOW TO APPLY FOR ASYLUM AND WITHHOLDING OF REMOVAL*" in the library.

If you write a separate Declaration, then answer questions in Part C with a short summary and write “Please see Declaration.”

#1: Summarize why you are afraid to return to your country. Remember to identify which of the ground or grounds on which your fear is based; race, religion, nationality, political opinion or social group.

#2-3: These questions ask you to identify what your fear is based on, and whether it fits within the definition of asylum, withholding, or Convention Against Torture. Your claim may be based on several different or related grounds.

#4: This question asks you to discuss any time you were arrested, interrogated, convicted, imprisoned, etc both in your home country and in the United States. You should include both specific problems you had in your home country (the mistreatment or abuse you suffered), as well as any criminal history you have in the U.S. You should also include the fact that you are currently detained by the BICE.

#5: This question is most important for those seeking relief under the Convention against Torture, however, all people should answer it.

#6: To answer this question, you must identify in specific terms what you are afraid of, and what will happen to you if you return to your home country.

#7: This question asks for information to determine whether you ever received permanent protection in a third country. If you received *permanent* refugee status in another country, you need to list it here. If you received some sort of temporary status, list it and explain.

Part D

These questions seek information about your eligibility for asylum, withholding, and Convention against Torture. Answer all of them fully.

Part E

This is where you sign and swear that everything you wrote is true and correct. *If you intentionally submit an application with false information, you will not be eligible for any kind of relief from deportation.*

Part F

Only fill out this part if someone else helped you complete the Application.

Part G

This part will be completed in front of the Judge.

Congratulations on a job well done!

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

U.S. Department of Justice
Executive Office for Immigration Review

START HERE - Please 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: Please 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#s) (If any) A000-000-000		2. U.S. Social Security Number (If any) None	
3. Complete Last Name		5. Middle Name	
6. What other names have you used? (Include maiden name and aliases.) Sally (nickname)			
7. Residence in the U.S. (When you arrived in the U.S.)			
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):		8. Mailing Address in the U.S. (If different than the address in No. 7) Street Number and Name	
City		State	
9. Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	10. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> 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. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings.			
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. Please list each entry into the U.S. beginning with your name. List date (mm/dd/yyyy), place, and your status for each entry. Date _____ Status _____ Date Status Expires: _____ Date _____ Status _____ Date _____ 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? <input type="checkbox"/> Yes <input type="checkbox"/> No		24. What other languages do you speak fluently? _____	
Action: _____		Decision: _____	
Interview Date: _____		Approval Date: _____	
Asylum Officer ID#: _____		Denial Date: _____	
		Referral Date: _____	

Make sure and check this box if your client is a torture survivor or fears torture.

Client's name on the application should match his/her identity document - passport or birth certificate.

Includes names on fake passports, common nicknames, or a Christian name not listed on official ID docs.

Many clients live with someone else; to ensure they receive mail, it may need to be sent c/o the person who owns/leases the residence.

Clarify with your client whether his/her marriage is legal or traditional - either way they may be considered "married." Failure to include a spouse here can preclude the spouse from coming to the U.S. later.

Needs to match official identity document.

Q. 15 & 16 are both potential grounds for asylum - make sure they match your client's claim.

Found on square, white card provided @ entry if client entered legally.

If your client has made multiple trips to the U.S. they all must be listed.

For a student (F-1) this may say D/S for duration of status.

Client's first and best language.

Only mark fluent if actually fluent.

Part A. II. Information about your spouse and children

Your spouse.

I am not married. (Skip to Y)

If your client is married (even if it's traditional and you're not sure it's legal) LIST the spouse. Failure to list a spouse may preclude them from ever coming to the U.S. If he or she is not married, make sure and check the box to say "no." And note, it only asks married - if they are divorced, they are not married. If they are separated but not divorced, they are still legally married. Engaged is also not married.

1. Alien Registration Number (A#) <i>(If any)</i>		2. Passport/ID Card No. <i>(If any)</i>	
5. Complete Last Name		6. First Name	
9. Date of Marriage <i>(mm/dd/yyyy)</i>		10. Place of Marriage	11. City and Country of Birth
12. Nationality <i>(Citizenship)</i>		13. Race, Eth	<input type="checkbox"/> Male <input type="checkbox"/> Female
15. Is this person in the U.S. ? <input type="checkbox"/> Yes <i>(Complete Blocks 16 to 24.)</i> <input type="checkbox"/> No <i>(Specify lo</i>			
16. Place of last entry in the U.S.		17. Date of last entry in U.S. <i>(mm/dd/yyyy)</i>	19. Status when last admitted <i>(Visa type, if any)</i>
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
23. If previously in the U.S., date of previous arrival <i>(mm/dd/yyyy)</i>			

If you have a marriage certificate or can get one before filing, make sure the information matches what you fill in here.

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

If spouse has his/her own permanent legal status (green card, refugee, asylee, citizen) then he/she likely would not be included - although you may have another option for your client to get legal status. If spouse lacks legal status and is in U.S. you will likely want to include him/her. And should follow the instructions for included family members.

Your children. Please

I do not have
 I have children. Total number of children: _____

Include ALL children, living or dead, whether the client knows where they are or not, and whether they are biological, step or adopted. Failure to list them here can preclude them from coming in the future.

(NOTE: Use Supplement A Form I-589 or attach additional sheets of paper

Make sure and check one of these boxes.

None		N/A		Single		None	
5. Complete Last Name JONES		6. First Name Trevor		7. Middle Name John		8. Date of Birth <i>(mm/dd/yyyy)</i> 02/01/1998	
9. City and Country of Birth Monrovia. Liberia		10. Nationality <i>(Citizenship)</i> Liberian		11. Race, Ethnic or Tribal Group Mandingo		12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S. ? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input checked="" type="checkbox"/> No <i>(Specify location.)</i> Liberia							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i>		16. I-94 No. <i>(If any)</i>			
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>		20. Is your child in <input type="checkbox"/> Yes			

If available, confirm dates of birth and name order with a birth certificate. Conflicting dates of birth may cause problems at the Embassy when the child is trying to come later.

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

As with spouse, if child is in U.S. and needs asylum, too, check "yes" and follow the directions.

Part A. II. Information about your spouse and children. (Continued.)

1. Alien Registration Number (A#) <i>(If any)</i> None		2. Passport/ID Card No. <i>(If any)</i> None		3. Marital Status <i>(Married, Single, Divorced, Widowed)</i> Married		4. U.S. Social Security No. <i>(If any)</i> None	
5. Complete Last Name JONES		6. First Name Mary		7. Middle Name Ann		8. Date of Birth <i>(mm/dd/yyyy)</i> 09/01/1982	
9. City and Country of Birth Freetown, Sierra Leone		10. Nationality <i>(Citizenship)</i> Liberian		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
13. Is this child in the U.S.? <input type="checkbox"/> Yes <i>(Complete Blocks 14 to 21.)</i> <input checked="" type="checkbox"/> No <i>(Specify location.)</i>							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. <i>(mm/dd/yyyy)</i>		16. I-94		17. Status when last admitted <i>(Visa type, if any)</i>	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? <i>(mm/dd/yyyy)</i>		20. Is your child in Immigration Court proceedings?		21. If in the U.S., is this child to be included in this application? <i>(Check the appropriate box.)</i> <input type="checkbox"/> Yes <i>(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.)</i> <input type="checkbox"/> No	

Married children will not be eligible to come as derivatives of your client, but they should be listed anyway.

If child is over 21 at the time the asylum application is filed, he or she will not be eligible to come as a derivative but should be listed anyway.

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

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

There is a supplemental page, page 11, which has additional spaces to list more children. Make as many copies of that form as you need.

Part A. III. Information about your background.

1. Please list your last address where you lived before coming to the U.S. **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 Supplement B, Form I-589 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)
111 Blue Road	Johannesburg		South Africa	12/2009	03/2010
12 Gokum Kebele	Addis Ababa		Ethiopia	04/2002	04/2009

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

Number and Street	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
Various addresses	Addis Ababa		Ethiopia	05/2009	11/2009
Once you've completed your client's statement or affidavit, review it with this biographic data and ensure that it matches - if your client's story places him/her in hiding in Addis Ababa for six months the residence history should be consistent with that.					
12 Gokum Kebele	Addis Ababa		Ethiopia	04/2002	04/2009

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

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
Addis Technical College	College	Addis Ababa, Ethiopia	09/2004	06/2008
Likewise, if part of your client's claim is based on his/her activities as a student, or member of a student group, corroborate that with the education information and match up the dates.				

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

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
Bob's Construction, 123 4th Ave, Dickinson ND	Roofer	05/2010	08/2010
Include employment without permission.			

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

Full Name	City/Town and Country of Birth	Current Location
Mother Catherine JONES	Grand Bassa, Liberia	<input checked="" type="checkbox"/> Deceased
Father Fred FRANKLIN	Monrovia, Liberia	<input type="checkbox"/> Deceased Monrovia, Liberia
Sibling Jackson JONES	Monrovia, Liberia	<input type="checkbox"/> Deceased Dakar, Senegal
Sibling Sarah JONES	Monrovia, Liberia	<input type="checkbox"/> Deceased Accra, Ghana
Sibling Kelly FRANKLIN	Monrovia, Liberia	<input type="checkbox"/> Deceased Atlanta, Georgia
Sibling		<input type="checkbox"/> Deceased

Include half brothers and sisters who may only share one parent.

Part B. Information about your application.

(NOTE: Use Supplement B, Form I-589 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 should 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 should 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, please explain why in your responses to the following questions.

Refer to Instructions, Part I: 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:

- | | | |
|--|--|---|
| <input type="checkbox"/> Race | Check as many boxes as apply; your client may have a claim on multiple grounds. | <input checked="" type="checkbox"/> Political opinion |
| <input checked="" type="checkbox"/> Religion | | <input checked="" type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | | <input checked="" type="checkbox"/> 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.

Make sure the answer in the blank is responsive to all four points.

I was arrested three times by the Ethiopian authorities and detained and tortured because of my involvement with a student group supporting the Coalition for Unity and Democracy (CUD). The first arrest was in May, 2005 when Ethiopian police took me from class, detained me at the local police station and interrogated and tortured me for three days. The second time was in October, 2005 after a rally, four Ethiopian military members came to my house and arrested me in the middle of the night. They took me to a prison where I was held for two months and repeatedly beaten. My final arrest was in October, 2009 and lasted one month. My family was also questioned and my brother was arrested and tortured when he went to the police to inquire about me in October, 2009. I believe that I was arrested and tortured because of my involvement with the CUD, because on each occasion of my arrest the officers would make statements and question me about the CUD.

Always provide an answer to the question in the blank, but also refer to the client's statement or affidavit for more detail.

- 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.

I believe I would be arrested by the Ethiopian police or military and detained and tortured if I return. I know they are aware of my involvement with the CUD, and I know from talking with my family that they have continued to come to my house and ask about me and my whereabouts. My brother was arrested and questioned in March, 2010 after I left because the authorities were seeking me. I have continued to associate with a group in the U.S. that supports the CUD, and the Ethiopian government is very suspicious of opposition political party members who go overseas. I believe they will put me in jail again and subject me to much of the same treatment as before, but likely worse since I fled. Please see my attached statement for more details.

This question is really getting at future harm, so including relevant information about what has happened since the client left the country is helpful.

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.

If part of your client's claim is based on his/her arrest or detention by the government in his/her country, that information should be listed in this section.

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 involvement and the length of time each family member was involved in each organization or group.

Carefully question your client about the nature and activities of any group he/she was involved with. Due to a broad construction of "terrorist group" under immigration law many groups which engage in armed resistance or "rebel" activities may be considered terrorist groups whether your client participated in that part of the group or not. Careful questioning and research is important to avoid a finding of material support to terrorism.

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.

If you are seeking torture convention protection, or if your client has experienced torture, you should answer yes here.

Part C. Additional information about your application.

(NOTE: Use Supplement B, Form I-589 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. Please indicate whether or not you were included in a parent or spouse's application. If so, please 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, please describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your

If a family member applied for status, it is very likely the government will pull that individual's file and review the claim for consistency with your client's where relevant. You may want to get a copy of the family member's application to compare the stories.

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.

2A. I traveled from Ethiopia to Kenya, then I flew to Amsterdam where I changed planes to the U.S.

Even if your client only had a stopover to change planes in a different country, list it.

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.

This question pertains to the persecutor bar; if your client served in the military in his/her country, with a rebel group, or was in any way involved with a group that "fought" you want to carefully question him/her about those actions.

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 one 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 should **be prepared to explain in your answer how or 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.

Maintaining valid legal status is one exception.

I came to the U.S. as an F-1 student in January, 2008. I have **maintained my student status** continuously since that time. It was only after the violence following the elections in **May of this year** that I realized my hope of returning to Ethiopia after I graduated was not realistic.

Changed circumstances may be another valid exception.

If your client is past the one year deadline, you will need to provide an explanation and fit him/her into one of the exemptions. You should also provide a detailed legal argument on this point in a short brief or cover letter. This information may also be included in your client's affidavit.

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

No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, the duration of the detention or imprisonment, the reason(s) for the detention or conviction, the name(s) of 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.**

Many criminal convictions can make someone ineligible for asylum (but still eligible for Withholding of Removal or Torture Convention relief).

You will definitely want to review all conviction or arrest documents before filing the asylum application; it may change whether you advise a client to file for asylum if he/she has a criminal conviction.

Part D. Your Signature.

I certify under the laws of the United States of America, that this application and the true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whosoever swears or affirms under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, to be true and correct, and thereafter subscribes as true, any false statement with respect to a material fact in any document required by the immigration laws or regulations prescribed thereunder, or in any application, affidavit, or other document containing any such false statement or information, shall be fined in accordance with this title or imprisoned not more than five years, or both, unless the offense is committed while the person is authorized 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.

You must review this warning with your client in a language they understand - the Officer or Judge will ask if you have given them these advisals.

Must be a passport photo.

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? <input type="checkbox"/> No <input checked="" type="checkbox"/> 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? <input checked="" type="checkbox"/> No <input type="checkbox"/> 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.

This page is only to be signed by the applicant in front of either the Asylum Officer or Immigration Judge. Do not submit the application with this page signed.

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

Date (mm/dd/yyyy)

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

Supplement A, Form I-589

A # (If available)	Date
Applicant's Name	Applicant's Signature

Have the applicant sign this page even if left blank.

List all of your children, regardless of age or marital status.
 (NOTE: Use this form and attach additional pages and documentaton as needed, if you have more than four children.)

1. Alien Registration Number (A#) (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 <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete blocks 14 to 21.) <input type="checkbox"/> 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 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> 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.) <input type="checkbox"/> No			

1. Alien Registration Number (A#) (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 <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete blocks 14 to 21.) <input type="checkbox"/> 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 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> 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.) <input type="checkbox"/> No			

Additional information about your claim to asylum.

A# (If available)

Date

Applicant's Name

Applicant's Signature

Have the applicant sign even if left blank.

NOTE: Use this as a continuation page for any additional information requested. Please copy and complete as follows.

Part A.III

Question 5

Additional Siblings:
Terry FRANKLIN; Monrovia, Liberia; Deceased.

Use this form for questions which did not fit in the allotted spaces, like residences, siblings, et cetera.