



ASYLUM PROCESS GUIDE & FACTS

The following steps below explain how you apply for asylum in the United States through the affirmative asylum process. The information in this section **will not** apply to you if you are seeking asylum through:

- An Asylum Merits Interview with USCIS after a positive credible fear determination, meaning you were placed in expedited removal proceedings, you received a positive credible fear determination, and USCIS retained your asylum application for further consideration in an Asylum Merits Interview; or
- The defensive asylum process, meaning you are in removal proceedings before an immigration judge.

Step 1: To apply for asylum in the U.S., you must be physically present in the U.S.

Step 2: To apply for asylum, you should file [Form I-589, Application for Asylum and for Withholding of Removal](#), with USCIS within 1 year of your last arrival in the United States (unless you qualify for an exception to the 1-year filing deadline).

If you fail to file Form I-589 within 1 year of your arrival in the United States, you may not be eligible to apply for asylum under section 208(a)(2)(B) of the Immigration and Nationality Act (INA).

Do not submit a completed fingerprint card (FD-258) or fingerprint fee with your Form I-589. They will accept your Form I-589 without an attached fingerprint card.

To determine where to file your Form I-589, follow the instructions under the “Where to File” section on the [Form I-589](#) page.

For information on asylum eligibility, see the [Asylum Eligibility and Applications](#) page.

Bars to Applying for Asylum

You may not be eligible to apply for asylum if you:

- Did not follow the one-year filing deadline for [Form I-589, Application for Asylum and for Withholding of Removal](#). The 1-year deadline is calculated from the date of your last arrival in the U.S. or April 1, 1997, whichever is later;
- Had a previous asylum application denied by an immigration judge or the Board of Immigration Appeals; or
- Can be removed to a safe third country under a 2-party or multi-party agreement between the United States and other countries.

There are exceptions to these bars for “changed circumstances” or “extraordinary circumstances.”

Both are defined in 8 CFR 208.4. For more information on the bars and the exceptions, see our [Asylum Bars](#) page.

Once USCIS has received the completed application, you will receive 2 notices:

- Acknowledgment of receipt of your application, and
 - Notice to visit your nearest application support center (ASC) for fingerprinting.
- For more information on locating an ASC, see the [USCIS Service and Office Locator](#) Web page.

Step 3: You should read the ASC Appointment Notice and take it with you to your fingerprinting appointment at the ASC. You do not need to pay a fingerprinting fee as an asylum applicant.

If you are also requesting asylum status for your spouse and children and they are with you in the United States, they will need to go with you to your ASC appointment.

More information is available on the [Preparing for Your Biometric Services Appointment](#) page.

Step 4: Depending on where you live, we will schedule you for an interview with an asylum officer at either a USCIS asylum office or a circuit ride location, which is often a USCIS field office. For more information about USCIS field and asylum offices, visit the [Find A USCIS Office](#) page. Your interview notice will tell you the date, location, and time of your asylum interview.

See [Affirmative Asylum Interview Scheduling](#) for more information.

STEP 5: You may bring an attorney or accredited representative to the interview. You must also bring your spouse and any children seeking derivative asylum benefits to the interview.

If you cannot proceed with the interview in English you must bring an interpreter.

The interview will generally last about 1 hour, although the time may vary depending on the case. You may also bring witnesses to testify on your behalf.

For more information about your asylum interview, see the Web page on [Preparing for Your Asylum Interview](#).

STEP 6: You must meet the definition of a refugee in order to be eligible for asylum.

The asylum officer will determine whether you:

- Are eligible to apply for asylum;
- Meet the definition of a refugee in section 101(a)(42)(A) of the INA; and

- Are barred from being granted asylum under section 208(b)(2) of the INA. A supervisory asylum officer reviews the asylum officer's decision to ensure it is consistent with the law. Depending on the case, the supervisory asylum officer may refer the decision to asylum division staff at USCIS headquarters for additional review.

Step 7: In most cases, you will return to the asylum office to pick up the decision 2 weeks after the asylum officer interviewed you.

Longer processing times may be required if you:

- Are currently in valid immigration status;
- Were interviewed at a USCIS field office;
- Have pending security checks; or
- Have a case that is being reviewed by asylum division staff at USCIS headquarters.

We will normally mail your decision to you in these situations.

For more information on the types of asylum decisions issued by USCIS, see the webpage on [Types of Asylum Decisions](#).

Additional information on the affirmative asylum process is available on our [Resources for Asylum Applicants](#) page.

You can check your [Case Status Online](#). All you need is the receipt number that we mailed you after you filed your application.

Asylum FAQ's

Will I be required to undergo any criminal or security background checks?

Yes. Every individual who applies for asylum will be subject to a series of background/security checks. You will not have to complete any additional steps to complete your background/security check once you have submitted your Form I-589 and have had your fingerprints taken. Depending on the results of these mandatory checks, you may not be eligible for a final grant of asylum. Your application may be referred to immigration court for removal proceedings.

The background/security check consists of the following:

- USCIS may send a copy of your Form I-589, *Application for Asylum and for Withholding of Removal*, to the U.S. Department of State.
- USCIS sends your biographical information to the Federal Bureau of Investigation (FBI).
- USCIS checks your biographical information against law enforcement databases.
- USCIS schedules you, if you are between 12 years and 9 months of age and 79 years of age, for fingerprinting at an Application Support Center or Designated Law Enforcement Agency. The fingerprints are sent to the FBI to conduct

background/security checks and enrolled in the DHS Office of Biometric Identity Management's (OBIM) Automated Biometric Identification System (IDENT). The asylum offices uses OBIM to verify the identity of the applicant at the time of the interview.

Do I need to get fingerprints?

Applicants 12 years and 9 months of age and older receive a notice to go to an Application Support Center or authorized Designated Law Enforcement Agency to have their fingerprints taken. After the USCIS Service Center receives your completed Form I-589, you will be sent a notice to go to an Application Support Center or authorized Designated Law Enforcement Agency to have your fingerprints taken. You are exempt from the fingerprint or biometric fee. The fingerprints will be sent to the Federal Bureau of Investigation (FBI) for a background/security check. The FBI will send those results to USCIS. Additional information about the fingerprinting process can be found on the Fingerprints webpage below, or by calling the USCIS Contact Center at 1-800-375-5283.

Do not submit a completed fingerprint card (FD-258) or fingerprint fee with your application. Your application will be accepted without the fingerprint card attached. If you submit a completed fingerprint card with your application on or after March 29, 1998, the card will be rejected and you will be re-fingerprinted by USCIS.

If you are asking for derivative asylum status for your spouse and children, they will also need to be fingerprinted if they are between 12 years and 9 months of age and 79 years of age. Additional information about the fingerprinting process can be found on the Fingerprints webpage below, or by calling the USCIS Contact Center at 1-800-375-5283.

Will I have any benefits after I am granted asylum?

Asylees are eligible to apply for certain benefits, including an Employment Authorization Document (EAD), an unrestricted Social Security card, cash and medical assistance, employment assistance, and a Refugee Travel Document. For more information on the benefits and responsibilities associated with asylee status, see see the [Asylum](#) webpage

What is a final denial?

You will receive a Final Denial of your asylum claim if you received a Notice of Intent to Deny (NOID) and either did not provide a response to the letter within 16 days, or the asylum officer determined that the evidence or argument you provided failed to overcome the grounds for denial as stated in the NOID.

What is a recommended approval of asylum?

As of Aug. 25, 2020, USCIS is no longer issuing recommended approvals. Before Aug. 25, 2020, you may have received a recommended approval of asylum if an asylum officer made a preliminary determination to grant you asylum, but USCIS had not received the results from the mandatory, confidential investigation of your identity and background. If you have received a recommended approval, and if the results reveal derogatory

information that affects your eligibility for asylum, USCIS may deny your request for asylum or refer it to an immigration judge for further consideration.

Can asylum be terminated?

Yes. Your asylee status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2). An asylee is not a lawful permanent resident. You may apply for lawful permanent resident status after you have been physically present in the United States for a period of 1 year after the date you were granted asylum status. See Asylee Adjustment for more information about becoming a lawful permanent resident. The law can be found at INA § 209(b).