

## Asylum: What You Need to Know

Are you afraid of returning to your home country? If so, you may be eligible for Asylum. Note that filing for Asylum is different if you are in Removal Proceedings. In this article, we will address filing for Asylum for those who are not in Removal Proceedings, otherwise known as *affirmatively*. Eligibility for Asylum is based on your past persecution, or fear of future persecution, on account of your race, religion, nationality, political opinion, or membership in a particular social group. This fear must be particular to you. It is not enough that your home country is generally unsafe. You must be able to explain why *you* are particularly unsafe.

To file for Asylum, you will need to mail your documents to the USCIS Service Center. In this submission, you must include an application, Form I-589, as well as supporting documents. There is no filing fee. These supporting documents will need to corroborate your claim. This can be in the form of affidavits by others who have experienced similar treatment or those who are familiar with your situation. Other supporting documents include country condition reports, news articles, and photos, to name only a few. The more documents you can provide, the stronger your case can be.

You must file for Asylum within your first year of entering the United States. If you file, even a day late, you may be deemed ineligible. There are some exceptions, however it is important to discuss them with an immigration attorney to determine whether your situation qualifies for an exception. Some exceptions include changed country conditions, or exceptional circumstances beyond your control. Regardless of your situation, it is important to file as soon as possible.

After you file for Asylum, you will be scheduled for an interview with an Asylum Officer. In the past, it could take years for your case to be scheduled for an interview. However, as of January 2018, Asylum Offices have changed their policy to allow for all new cases to be scheduled prior to older cases, or a “last in, first out” policy. When you attend your interview, the Officer will ask you questions about your application and make a determination.

While your case is pending, you may be eligible for an Employment Authorization Document, or EAD Card. This will allow you to work lawfully in the United States and will enable you to obtain a Social Security Number. You are eligible to file for an EAD card after your case has been pending with the Asylum Office for 150 days.

If your case is approved, you are eligible to file for your green card, Form I-485, one year from the date of approval of your Asylum case. If your case is denied, and you do not have any underlying status, you will be referred to the Immigration Court where you will have another opportunity to present your case before an Immigration Judge, or explore other forms of relief. Because there may be the potential for your case to be referred to the Immigration Court, it is a good idea to meet with a qualified immigration attorney prior to filing an application for Asylum.

There have been many proposed changes to the Asylum process, including eliminating authorization for employment, adding a filing fee to the application, and deeming those who entered without inspection ineligible to apply. However, these are only *proposed* changes and have not been adopted into the immigration law. Nevertheless, it is important to remain alert to the

changes in Asylum law as well as work with an immigration attorney who can determine the best strategy for your Asylum case.

To schedule a consultation with Samantha Chasworth, Esq. or with any of the other Immigration and Nationality Lawyers at the Nachman Phulwani Zimovecak (NPZ) Law Group, please feel free to call the Firm at 201-670-0006 x (107). Our main office is in Ridgewood, New Jersey. We also have offices located in Branchburg, New Jersey and New York City, as well as affiliated offices in India and Canada. For more information about our Firm's immigration and nationality law practice, please feel free to visit our website at <http://www.visaserve.com> or to send us an e-mail at [info@visaserve.com](mailto:info@visaserve.com).