

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

## Instructions

### What Is the Purpose of This Form?

This form is used to apply for asylum in the United States under section 208 of the Immigration and Nationality Act (INA), for withholding of removal under section 241(b) (3) of the INA (statutory withholding of removal (formerly called "withholding of deportation")), and for protection under the regulations issued pursuant to the legislation implementing U.S. obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (CAT regulations). You may file this application if you are physically present in the United States, and you are not a U.S. citizen.

**NOTE:** You **must** submit an application for asylum within 1 year of arriving in the United States, unless you can establish that there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances directly related to your failure to file within 1 year. (See **Part C. Additional Information about Your Application, in Section V. on Part 1** of the instructions for further **explanation.**)

### WARNING - IMPORTANT NOTICE

• Applicants in the United States unlawfully 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may be used as a basis for the initiation of, or as evidence in, removal proceedings, even if the application is later withdrawn.

- **If an asylum officer determines that you have knowingly made a frivolous application for asylum, that determination may be used as a basis for the institution of, or as evidence in, removal proceedings. If an immigration judge or the Board of Immigration Appeals determines that you have knowingly made a frivolous application for asylum, you will be permanently ineligible for any benefits under the INA. See section 208(d)(6) of the INA. The definition of a frivolous asylum application is available in the Code of Federal Regulations (CFR) at 8 CFR sections 208.20 and 1208.20. (See Section IV, Right to Counsel, in Part 1. of these instructions.)** You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application.
- **If filing with U.S. Citizenship and Immigration Services (USCIS), unexcused failure to appear for an appointment or to provide biometrics (such as fingerprints) and other biographical information within the time allowed or unexcused failure to appear for an asylum interview may delay eligibility for employment authorization and result in an asylum officer dismissing your asylum application or referring it to an immigration judge.**
- Applicants and eligible dependents in removal proceedings who fail without good cause to provide USCIS with their biometrics or their biographical information as required within the time allowed may have their applications found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 Code of Federal Regulations (CFR) sections 208.10, 1208.10, **208.13(d), 1208.13(d), 208.20, 1003.47(d), and 1208.20.**

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## Part 1. Filing Instructions

### I. Who May Apply and Filing Deadlines

You may apply for asylum irrespective of your immigration status and even if you are in the United States unlawfully unless otherwise provided by statute or regulations.

**You MUST file this application within 1 year after you arrive in the United States. If you fail to file within 1 year after your arrival, your application may be denied unless you can show that there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances that prevented you from filing within 1 year. Failure to file the Form I-589 within 1 year of your last arrival in the United States also may delay your eligibility for employment authorization or result in the denial of your application for employment authorization.**

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

An Unaccompanied Alien Child (UAC) is a legal term referring to a non-U.S. citizen child who has no lawful immigration status in the United States; has not attained 18 years of age; and has no parent or legal guardian in the United States, or for whom no parent or legal guardian in the United States is available to provide care and physical custody. See 6 U.S.C. 279(g)(2). The Asylum Division has initial jurisdiction over an asylum application filed by a UAC, including a UAC in removal proceedings before an immigration judge. For more information about the asylum process for UAC, visit the USCIS asylum website at [www.uscis.gov/humanitarian/refugees-asylum/asylum/minor-children-applying-asylum-themselves](http://www.uscis.gov/humanitarian/refugees-asylum/asylum/minor-children-applying-asylum-themselves).

Detailed UAC filing instructions are found in **Part 1. Section XII** of these instructions.

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

The determination of whether you are permitted to apply for asylum will be made once you have had an asylum interview with an asylum officer or a hearing before an immigration judge. Even if you are not eligible to apply for asylum for the reasons stated above, you may still be eligible to apply for **statutory withholding of removal or withholding of removal** under the **CAT regulations** before the Immigration Court.

Pursuant to 48 U.S.C. 1806(a)(7), if you are physically present in, or arriving in the Commonwealth of the Northern Mariana Islands, you may not apply for asylum until January 1, 2030; however, you may use Form I-589, Application for Asylum and for Withholding of Removal, to apply for withholding of removal and for protection from removal under the Convention Against Torture in Immigration Court proceedings.

## II. Basis of Eligibility

### A. Asylum

To qualify for asylum, you must establish that you are a refugee who is unable or unwilling to return to his or her country of nationality, or last habitual residence if you have no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. This means that you must establish that race, religion, nationality, membership in a particular social group, or political opinion (**known as protected grounds**) was or will be **the basis for why you were harmed or fear future harm**. (See section 208 of the INA; 8 CFR sections 208 and 1208, et seq.) **The definitions of particular social group, political opinion, persecution, and nexus are available at 8 CFR 208.1 and 1208.1.**

**You will not be found to be a refugee or have it decided that your life or freedom would be threatened based on membership in a particular social group in any case unless you articulate on the record, or provide a basis on the record for determining, the definition and boundaries of the alleged particular social group. A failure to define, or provide a basis for defining, a formulation of a particular social group before an immigration judge shall waive any such claim for all purposes under the Act, including on appeal. Any waived claim on this basis shall not serve as the basis for any motion to reopen or reconsider for any reason, including a claim of ineffective assistance of counsel, unless you comply with the procedural requirements for such a motion and demonstrate that counsel's failure to define, or provide a basis for defining, a formulation of a particular social group constituted egregious conduct. See 8 CFR 208.1(c), 1208.1(c).**

**Asylum is a discretionary benefit, which means that even if you meet the definition of a refugee and are otherwise eligible for asylum, you may be denied asylum in the exercise of discretion. See 8 CFR 208.13(d), 1208.13(d).**

If you are granted asylum, you and any eligible spouse or child included in your application can remain and work in the United States and may eventually adjust to lawful permanent resident status. **If you are not granted asylum, the Department of Homeland Security (DHS) may use the information you provide in this application to establish that you are removable from the United States.**

### B. Withholding of Removal

Your asylum application is also considered to be an application for **statutory withholding of removal**. It may also be considered an application for withholding of removal under the **CAT regulations** if you checked the box at the top of **Page 1** of the form, or if the evidence you present indicates that you may be tortured in the country of removal. (See 8 CFR sections 208.13(c)(1) and 1208.13(c)(1)). If asylum is not granted, you may still be eligible for **these two forms of** withholding of removal.

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

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

### **Statutory Withholding of Removal Under Section 241(b)(3) of the INA**

To qualify for **statutory** withholding of **removal**, you must establish that it is more likely than not that your life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion in the proposed country of removal. See 8 CFR 1208.16(b). The definitions of particular social group, political opinion, persecution and nexus applicable to asylum also apply to statutory withholding of removal. See 8 CFR 1208.1.

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

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

#### **Withholding of Removal Under the CAT Regulations**

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

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

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

Torture must be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official acting in an official capacity or other person acting in an official capacity. Torture inflicted by a public official who is not acting under the color of the law is not considered torture inflicted by or at the instigation of, or with the consent or acquiescence of a public official. See 8 CFR sections 208.18(a)(1) and 1208.18(a)(1).

Acquiescence of a public official requires that a public official have awareness of the activity and thereafter breach his or her legal responsibility to intervene to prevent such activity. Awareness requires a finding of actual knowledge or willful blindness. See 8 CFR sections 208.18(a)(7) and 1208.18(a)(7).

The victim must be in the custody or physical control of the torturer. Torture does not include pain or suffering that arises only from, is inherent in, or is incidental to lawful sanctions, although such actions may not defeat the objective and purpose of the Convention Against Torture.

Form I-589 will be considered an application for withholding of removal under the **CAT regulations** if you indicate in the application and to the immigration judge that you would like to be considered for withholding of removal under the **CAT regulations**, or if it is determined that evidence indicates that you may be tortured in the country of removal.

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

If you apply for withholding of removal under the **CAT regulations**, you must include a detailed explanation of any torture you have experienced and why you fear torture in response to **Part B, Questions 1.C. and 1.D.** of the application. In your responses to **Part B, Questions 1.C. and 1.D.**, you must write about any extreme form of cruel or inhuman treatment, severe physical or mental pain and suffering, or mistreatment you experienced or fear, or any threats made against you by a government, someone connected to a government, or someone acting at the instigation of, or with the consent or acquiescence of, a public official acting in an official capacity or other person acting in an official capacity.

Only immigration judges and the Board of Immigration Appeals may grant withholding of removal or deferral of removal under the **CAT regulations**. If you have applied for asylum, the immigration judge will first determine whether you are eligible for asylum and for statutory withholding of removal. If you are not eligible for either asylum or statutory withholding of removal, the immigration judge will determine whether the **CAT regulations** prohibit your removal to a country where you fear torture.

The CAT regulations prohibit the United States from removing you to a country in which it is more likely than not that you would be subject to torture. They do not prohibit the United States from returning you to any other country where you would not be tortured. This means that you may be removed to a third country where you would not be tortured. Withholding of removal under the CAT regulations does not allow you to adjust to lawful permanent resident status or to petition to bring family members to come to, or remain in, the United States.

### C. Deferral of Removal Under the CAT Regulations

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

### D. Legal Sources and Guidance Relating to Eligibility

The documents listed below are some of the legal sources and guidance relating to asylum, statutory withholding of removal, and withholding of removal or deferral of removal under the CAT regulations. These sources are provided for reference only. You do not need to refer to them in order to complete your application.

1. Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42) (defining "refugee");
2. Section 208 of the INA, 8 U.S.C. 1158 (regarding eligibility for asylum);
3. Section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3) (regarding eligibility for statutory withholding of removal);
4. Title 8 of the CFR sections 103.2, 208 and 1208, et seq.;
5. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. Section 2242(a)-(c) or the Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, 112 Stat. 2681, 2681 -822 (codified at 8 U.S.C. 1231 note);
7. 8 CFR section 208, as amended, including by Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999); 64 FR 13881 (March 23, 1999);
8. The 1967 United Nations Protocol relating to the Status of Refugees;
9. The 1951 Convention relating to the Status of Refugees; and
10. The Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for determining Refugee Status (Geneva, 1992).

## III. Confidentiality

The information collected will be used to make a determination on your application. No information indicating that you are seeking or have sought asylum or withholding of removal will be disclosed without your written consent, except as otherwise permitted under the regulations at 8 CFR sections 208.6 and 1208.6. For example, upon filing your application, any information contained in your application, any supporting evidence, or any information about you, may be disclosed as part of an investigation or adjudication of the merits of your application or any other application arising under the immigration laws, as part of any state or federal criminal investigation, proceeding, or prosecution, pursuant to any state or federal mandatory reporting requirement, to deter, prevent, or ameliorate the effects of child abuse, as part of any proceeding arising under the immigration laws, as part of the Government's defense of any legal action relating to your immigration or custody status, or at the discretion of the Secretary of Homeland Security or the Attorney General.

## IV. Right to Counsel

Immigration law concerning asylum, statutory withholding of removal and protection under the CAT regulations is complex. You have a right to obtain and provide your own legal representation at an asylum interview and during immigration proceedings before the Immigration Court at no cost to the U.S. Government.

If you need or would like help to complete this form and to prepare your written statements, assistance from pro bono (free) attorneys and/or voluntary agencies may be available. Voluntary agencies may help you for no fee or a reduced fee, and attorneys on the list referred to below may take your case for no fee. If you have not already received from USCIS or the Immigration Court a list of attorneys and accredited representatives, you may obtain a list by calling **1-800-870-3676** or visiting the U.S. Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) website at [www.justice.gov/eoir/list-pro-bono-legal-service-providers-map](http://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map).

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying persons to help you complete the application. RefWorld, a resource database available on UNHCR's website or at [www.refworld.org](http://www.refworld.org), provides useful country conditions information from a variety of sources. Contact information for the UNHCR is:

**United Nations High Commissioner for Refugees**  
**1800 Massachusetts Avenue NW, Suite 500**  
**Washington, DC 20036**  
**Telephone: 202-296-5191**  
**Email: [usawa@unhcr.org](mailto:usawa@unhcr.org)**  
**Website: [www.unhcr.org](http://www.unhcr.org)**

**Calls from Detention Centers and Jails.** Asylum-seekers in detention centers and jails may call UNHCR toll-free by dialing #566 or **1-888-272-1913** on Monday, Wednesday, and Friday, 2 p.m. - 5 p.m. (Eastern Standard Time).

## V. Obtaining and Completing the Form

USCIS provides forms free of charge through the USCIS website. To view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

You must type or print all of your answers in black ink on Form I-589. Your answers must be completed in English. Forms completed in a language other than English will be returned to you. You must provide the specific information requested about you and your family and **answer all the questions asked**.

If any question does not apply to you or you do not know the information requested, answer "none," "not applicable," or "unknown."

You must provide detailed information and answer the questions as completely as possible. If you file your application with missing information, we may return it to you as incomplete. If you need more space, attach Form I-589, Supplement A or B (included in the application package) and/or additional sheet(s) indicating the question number(s) you are answering.

You are strongly urged to attach additional written statements and documents that support your claim. Your written statements should include events, dates, and details of your experiences that relate to your claim for asylum.

**NOTE:** Put your Alien Registration Number (A-Number) (if any), name (exactly as it appears in **Part A.I.** of the form), signature, and date on each supplemental sheet and on the cover page of any supporting documents.

You may amend or supplement your application before or at the time of your asylum interview with an asylum officer and at your hearing in Immigration Court by providing additional information and explanations about your asylum claim. For asylum applications filed with USCIS, submit any documentary evidence at least 14 calendar days before your interview with an asylum officer. Extensions to submit additional evidence may be granted by USCIS on a discretionary basis. Any such extension will be treated as an applicant-caused delay in the adjudication of your asylum application. Any applicant-caused delay will result in denial of your application for employment authorization if the delay is unresolved at the time you file for employment authorization. *See* 8 CFR sections 208.7.

### Part A.I. Information About You

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

You must provide your residential street address (the address where you physically live) in the United States in **Part A.I., Question 8**, of the asylum application. You must provide a mailing address, if different from the address where you reside, in **Question 9**. If someone else is collecting your mail for you at your mailing address, you may enter that person's name in the "In Care Of" field in your response to **Question 9**. If your mailing address is a post office box, include that address in **Question 9** and include a residential address where you physically live in **Question 8**.

In **Question 13**, use the current name of the country. Do not use historical, ethnic, provincial, or other local names.

If you entered the country with inspection, the Form I-94 number referred to in **Question 19b** is the number on Form I-94, Arrival-Departure Record, given to you when you entered the United States. In **Question 19c**, enter the date and status as it appears on Form I-94. If you did not receive Form I-94, write "None." If you entered without being inspected by an immigration officer, write "No Inspection" in **Question 19c** in the current status or status section.

## Part A.II. Spouse and Children

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

In addition, you may include in your asylum application your spouse and/or any children who are under 21 years of age and unmarried, if they are in the United States. Children who are married and/or children who are 21 years of age or older must file separately for asylum by submitting their own Form I-589. Including your spouse and/or your children in your asylum application means that if USCIS or EOIR approves your application, your spouse or children may also be **approved**. On the other hand, if you are not approved for asylum, your spouse or children are also not approved.

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

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

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

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

### Affidavits must:

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

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

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

### Part A.III. Information About Your Background

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

### Part B. Information About Your Application

This part asks specific questions relevant to eligibility for asylum, **statutory** withholding of **removal, or withholding** of removal under the **CAT regulations**. For **Question 1**, check the box(es) next to the reason(s) that you are completing this application. For all other questions, check "Yes" or "No" in the box provided.

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

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

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

### Part C. Additional Information About Your Application

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

If you answer "Yes" to **Item Number 1. in Part C.** and you have been previously denied asylum by USCIS, an immigration judge, or the Board of Immigration Appeals, you **MUST** explain any changes in circumstances affecting your eligibility for asylum since the date of the denial in your application. Changed circumstances may include, but are not limited to, changes in conditions in your country or in your own circumstances. (See examples of changed circumstances in this section and 8 CFR 208.4, 1208.4.)

If you answer "Yes" to **Question 6**, you must explain why you did not apply for asylum within the first year after you arrived in the United States. The Government may accept as an explanation certain changes in the conditions in your country, certain changes in your own circumstances, and certain other events that may have prevented you from applying earlier.

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

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

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

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

### Adverse Factors related to the Discretionary Grant of Asylum

The asylum regulations set out two categories of adverse discretionary factors that an asylum officer or an immigration judge will consider in deciding your asylum application: an initial set of three discretionary factors that are considered significantly adverse, *see* 8 CFR 208.13(d)(1), 1208.13(d)(1), and a second set of nine adverse discretionary factors, the applicability of any of which ordinarily would result in the referral to an immigration judge (which may result in the denial by an immigration judge) or denial of your asylum application, *see* 8 CFR 208.13(d)(2), 1208.13(d)(2).

For **Item Numbers 18.A., 18.B., and 18.C.**, refer to the following list of significant adverse discretionary factors along with the explanation of exceptions to these particular adverse discretionary factors. *See* 8 CFR 208.13(d)(1), 1208.13(d)(1). The following are significant adverse discretionary factors that an asylum officer or immigration judge will consider, if applicable, in determining whether you merit a grant of asylum in the exercise of discretion.

For **Item Number 18.A.**, refer to the following significant adverse discretionary factor and corresponding exceptions:

Unlawful entry or unlawful attempted entry into the United States, unless:

1. The entry or attempted entry was made in immediate flight from persecution in a contiguous country; or
2. At the time of the entry or attempted entry, you were under the age of 18.

For **Item Number 18.B.**, refer to the following significant adverse discretionary factor and corresponding exceptions:

Failure to apply for protection from persecution or torture, including refugee status or asylum, in any country through which you transited before entering the United States, unless:

1. You demonstrate that you applied for protection from persecution or torture in at least one country outside your country of citizenship, nationality, or - if you are stateless - the country of last lawful habitual residence, through which you transited en route to the United States and you received a final judgment denying you protection in such country;
2. You demonstrate that you meet the definition of a “victim of a severe form of trafficking in persons” provided in 8 CFR 214.11; or
3. The only country or countries through which you transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the CAT.

For **Item Number 18.C.**, refer to the following significant adverse discretionary factor and corresponding exceptions:

Use of fraudulent documents to enter the United States, unless you arrived in the United States by air, sea, or land directly from your home country without transiting through any other country.

For **Item Numbers 19.A. - 19.J.**, refer to the following list of adverse discretionary factors and explanation of the exceptions to this particular list of adverse discretionary factors.

If one or more of the following adverse discretionary factors apply to you, an asylum officer or immigration judge will not, in general, favorably exercise discretion to grant asylum, unless:

1. There are extraordinary circumstances, such as national security or foreign policy considerations, warranting a favorable exercise of discretion; or
2. You can demonstrate, by clear and convincing evidence, that the denial or referral to an immigration judge (which may result in the denial by an immigration judge) of the asylum application would result in exceptional and extremely unusual hardship. *See* 8 CFR 208.13(d)(2), 1208.13(d)(2).

For **Item Number 19.A.**, refer to the following adverse discretionary factor and corresponding exceptions:

Immediately prior to your arrival in the United States or en route to the United States from your country of citizenship, nationality, or last lawful habitual residence, you spent more than 14 days in any one country, unless:

1. You demonstrate that you applied for protection from persecution or torture in such country and you received a final judgment denying protection in such country;
2. You demonstrate that you meet the definition of a “victim of a severe form of trafficking in persons” provided in 8 CFR 214.11; or
3. Such country was, at the time of the transit, not a party to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the CAT.

For **Item Number 19.B.**, refer to the following adverse discretionary factor and corresponding exceptions:

You transited through more than one country between your country of citizenship, nationality, or last habitual residence and the United States, unless:

1. You demonstrate that you applied for protection from persecution or torture in at least one country outside your country of citizenship, nationality, or - if you are stateless - the country of last lawful habitual residence, through which you transited en route to the United States and you received a final judgment denying protection in such country;
2. You demonstrate that you meet the definition of a "victim of a severe form of trafficking in persons" provided in 8 CFR 214.11; or
3. The only country or countries through which you transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the CAT.

For **Item Number 19.C.**, refer to the following adverse discretionary factor and corresponding exception:

You have a conviction or sentence that would render you ineligible for asylum if it had not been reversed, vacated, expunged, or modified, unless you were found innocent.

For **Item Number 19.D.**, refer to the following adverse discretionary factor:

You accrued more than one year of unlawful presence in the United States prior to filing an application for asylum.

For **Item Numbers 19.E., 19.F., and 19.G.**, refer to the following adverse discretionary factor and exceptions:

At the time the asylum application is filed with DHS or the immigration court, or is referred to the immigration court by DHS, you have:

1. Failed to timely file (or timely file a request for an extension of time to file) any required federal, state, or local income tax returns;
2. Failed to satisfy any outstanding federal, state, or local tax obligations; or
3. Have income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service.

For **Item Number 19.H.**, refer to the following adverse discretionary factor:

You have had two or more prior asylum applications denied for any reason.

For **Item Number 19.I.**, refer to the following adverse discretionary factors and corresponding exceptions:

You have withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application.

You have failed to attend an interview regarding your asylum application with DHS, unless you show, by a preponderance of the evidence, that:

1. Exceptional circumstances prevented you from attending the interview; or
2. The interview notice was not mailed to the last address you provided or to your representative and neither you nor your representative received notice of the interview.

For **Item Number 19.J.**, refer to the following adverse discretionary factor:

You were subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of those changes in country conditions.

#### **Part D. Applicant's Statement, Contact Information, Certification, and Signature**

Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

**If an asylum officer determines that you have knowingly made a frivolous application for asylum, that determination may be used as a basis for the institution of, or as evidence in, removal proceedings. If an immigration judge or the Board of Immigration Appeals determines that you have knowingly made a frivolous application for asylum, you will be permanently ineligible for any benefits under the INA.** (See section 208(d)(6) of the INA.)

**The definition of frivolous within the context of applications for asylum is available in the Code of Federal Regulations** at 8 CFR sections 208.20 and 1208.20. (See **Section IV, Right to Counsel, in Part 1** of these instructions.) You may not avoid a frivolous finding simply because someone **advised you** to provide false information **in** your asylum application.

### **Part E. Interpreter's Contact Information, Certification, and Signature**

If you used anyone as an interpreter to read the Instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section; provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.

### **Part F. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant**

This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part E.** and **Part F.** If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may also need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

### **Penalty for Perjury**

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

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

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

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

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

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

If you knowingly provide false information on this application, you or the preparer of this application may be subject to criminal penalties under title 18 of the U.S.C. and to civil penalties under section 274C of the INA, 8 U.S.C. 1324c (see 8 CFR sections 270 and 1270).

## Part G. To Be Completed at Asylum Interview, If Applicable

Do not sign your application in **Part G** before filing this form. You will be asked to sign your application in this space at the conclusion of the interview regarding your claim to affirm all contents of this form and additional documents and supplements are complete, true, and correct.

**You are reminded that if an asylum officer determines that you knowingly made a frivolous application for asylum, such determination may be used as a basis for the institution of, or as evidence in, removal proceedings. You are also reminded that if an immigration judge or the Board of Immigration Appeals determines that you have knowingly made a frivolous application for asylum, you will be permanently ineligible for any benefits under the INA.** (See section 208(d)(6) of the INA.)

**The definition of a frivolous asylum application is available at 8 CFR sections 208.20 and 1208.20. (See Section IV, Right to Counsel, in Part 1 of these instructions.)** Again, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.

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

## Part H. To Be Completed at Removal Hearing, If Applicable

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

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

**You are reminded again that, if an immigration judge or the Board of Immigration Appeals determines that you have knowingly made a frivolous application for asylum, you may be permanently ineligible for any benefits under the INA.** (See section 208(d)(6) of the INA.)

**The definition of a frivolous asylum application is available at 8 CFR sections 208.20 and 1208.20 (See Section IV, Right to Counsel, in Part 1. of these instructions.)** Again, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.

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

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

- 1. The completed, signed original and one copy of your completed application, Form I-589, and the original and one copy of any supplementary sheets and supplementary statements.** If you choose to submit additional supporting material, see **Section VII, Additional Evidence That You Must Submit, in Part 1** of these instructions. You **must** include two copies of each document. You should make and keep an additional copy of the completed application for your own records.
- 2. An additional copy of your completed application, Form I-589, with supplementary statements, for each family member listed in Part A.II. that you are including in your application.**
- 3. Two copies of primary or secondary evidence of relationship, such as birth or school records of your children, marriage certificate, or proof of termination of marriage, for each family member listed in Part A.II. that you are including in your application.**

**NOTE:** If you submit an affidavit, you must submit the original and one copy. (For affidavit requirements, see **Part A.II in Part 1, Section V, of these instructions.**)
- 4. One passport-style photograph of yourself and of each family member listed in Part A.II. that you are including in your application.** The photos must have been taken no more than 30 days before you file your application. Using a pencil, print the person's complete name and A-Number (if any) on the back of each photograph.
- 5. Two copies of all passports or other travel documents (cover to cover) in your possession and two copies of any U.S. immigration documents, such as a Form I-94, Arrival-Departure Record, for you and each family member included in your application, if you have such documents.** Do not submit original passports or travel documents unless specifically requested.

**6. If you have other identification documents** (for example, birth certificate, military or national identification card, driver's license, etc.), we recommend that you submit two copies with your application and bring the original(s) with you to the interview.

**Copies.** *Documents filed with this application should be photocopies.* If you choose to send an original document, USCIS or the Immigration Court may keep that original document for its records.

**Translations.** Any document containing foreign language submitted to USCIS must be accompanied by a full English language translation that the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

## VII. Additional Evidence That You Must Submit

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

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

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

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

## VIII. Fee

There is no fee for filing this application.

## IX. Biometrics, Including Fingerprints and Photographs

**1. Biometric Service Appointment.** Applicants for asylum are subject to a biometrics check of all appropriate records and other information databases maintained by the DHS, the Department of Justice, and the Department of State. You will be required to appear for a biometric services appointment to submit biometrics (fingerprints, photograph, and/or signature), so that USCIS can verify your identity, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application.

You and your spouse and children will be given instructions on how to complete this requirement. You will be notified in writing of the time and location of the Application Support Center (ASC) where you must go to be fingerprinted and photographed.

**2. Arrests and Convictions.** Aliens who have been convicted of a particularly serious crime are not eligible for asylum. For applications filed on or after April 1, 1997, the conviction may have occurred either inside or outside of the United States. If you have been arrested in the United States, you must submit a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents

**3. Failure to Appear for Scheduled Appointment.** An unexcused failure to appear for a scheduled appointment or to provide your required biometrics, including fingerprints and photograph, or to provide other biographical information within the time allowed, may delay and/or result in an asylum officer dismissing your asylum application or referring it to an immigration judge. An unexcused failure to appear for an interview or for your biometric services appointment may also delay or result in denial of any application for employment authorization based on your pending application for asylum. For applicants before an immigration judge, such failure without good cause may constitute an abandonment of your asylum application and result in the denial of employment authorization. (See 8 CFR sections 208.7(a)(1)(v) and 1003.47(d)).

At the time you file your Form I-589, you **must** submit photographs as specified in **Section VI. Required Documents and Required Number of Copies That You Must Submit With Your Application, in Part 1** of these instructions.

## X. Organizing Your Application

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

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

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

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

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

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

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

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

## XI. Incomplete Asylum Applications

USCIS will issue a receipt notice for an asylum application properly filed under 8 CFR section 103. If USCIS rejects your application, we will return the application with a rejection notice explaining the reasons for rejection. You may correct the deficiencies and refile your application. If you filed your asylum application with USCIS, you can check the status of your application on the USCIS website.

The filing and acceptance by USCIS of a complete application starts the 365 calendar-day period you must wait before you may apply for employment authorization. If your application is not complete and is returned to you, the 365 calendar-day period will not begin until you resubmit, and USCIS accepts, a properly-filed application. (See **Section V. Employment Authorization While Your Application Is Pending, Part 2** of these instructions for further information regarding eligibility for employment authorization.)

## XII. Where to File?

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

*If you are in proceedings in Immigration Court, unless you are filing as an unaccompanied alien child (UAC):*

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

At the master calendar hearing, counsel for DHS will provide you with instructions for providing biometric and biographical information to USCIS that you must follow. These instructions may also be obtained at [www.uscis.gov/laws/immigration-benefits-eoir-removal-proceedings](http://www.uscis.gov/laws/immigration-benefits-eoir-removal-proceedings). The following paragraphs describe the instructions that you will have to follow.

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

**Send the following three items to the USCIS Nebraska Service Center:**

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

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

**Note:** There is no filing fee required for Form I-589 applications.

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

1. A USCIS receipt notice indicating that USCIS received your Form I-589; and

2. An ASC notice for you and any eligible spouse and children included in your Form I-589 who are also in removal proceedings. Each ASC notice will indicate the individual's unique receipt number and will provide instructions for each person to appear for an appointment at a nearby ASC for collection of biometrics (such as your photograph, fingerprints, and signature). If you do not receive the ASC notice in 3 weeks, call **1-800-375-5283** (TTY: **1-800-767-1833**).

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

You (and your eligible spouse and children, regardless of age) must then:

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

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

1. After completion of exclusion, deportation, or removal proceedings, and in conjunction with a motion to reopen under 8 CFR section 1003, with the Immigration Court having jurisdiction over the prior proceeding, any such motion must reasonably explain the failure to request asylum prior to the completion of the proceedings; or
2. In proceedings under 8 CFR 208.2(c) and 1208.2(c) and after Form I-863, Notice of Referral to Immigration Judge, has been served on you and filed with the Immigration Court, an immigration judge will have exclusive jurisdiction over your case.

**Special Filing Instructions for an Unaccompanied Alien Child (UAC)**

If you are a child in removal proceedings and filing as a UAC, your completed application package should be sent to:

**USCIS Nebraska Service Center  
UAC I-589  
P.O. Box 87589  
Lincoln, NE 68501-7589**

If you received an instruction sheet from counsel for DHS when you attended a hearing in Immigration Court, or if you have a copy of documentation provided by the Department of Health and Human Services, Office of Refugee Resettlement (ORR) showing that you are, or that you were in ORR custody as a UAC, such as the *UAC Initial Placement Referral Form* or the *ORR Verification of Release Form*, please submit those documents with your application package as well.

**If you are a UAC but you are not in removal proceedings**, please submit your Form I-589 application package as directed below in the discussion entitled, “*If you are not in proceedings in Immigration Court or before the Board of Immigration Appeals.*”

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

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

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

Mail your completed Form I-589 and any other additional information to the USCIS Service Center as indicated below or visit the USCIS website: [www.uscis.gov/i-589](http://www.uscis.gov/i-589).

**\*NOTE:** Applicants living in California, Nevada, and Pennsylvania should call the USCIS National Customer Service Center or their local asylum office if they are unsure where to mail their applications.

<b>If you live in:</b>	<b>Mail your application to:</b>
Alabama, Arkansas, Colorado, District of Columbia, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, Western Pennsylvania* ( <i>in the jurisdiction of the Pittsburgh field office</i> ), Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Utah, Virginia, West Virginia, or Wyoming	<b>USCIS Texas Service Center</b> Attn: I-589 6046 N Belt Line Rd. STE. 589 Irving, TX 75038-0018
Alaska, Northern California*, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Northern Nevada* ( <i>in the jurisdiction of the Reno field office</i> ), North Dakota, Ohio, Oregon, South Dakota, Washington, or Wisconsin	<b>USCIS Nebraska Service Center</b> P.O. Box 87589 Lincoln, NE 68501-7589
Arizona, Southern California*, Guam, Hawaii, or Southern Nevada* ( <i>in the jurisdiction of the Las Vegas field office</i> ),	<b>USCIS California Service Center</b> P.O. Box 10881 Laguna Niguel, CA 92607-0881
Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Eastern Pennsylvania* ( <i>in the jurisdiction of the Philadelphia field office</i> ), Rhode Island, or Vermont	<b>USCIS Vermont Service Center</b> Attn: Asylum 75 Lower Welden Street St. Albans, VT 05479-0589

**National Customer Service Center: 1-800-375-5283**

*TTY: for the Hearing Impaired: 1-800-767-1833*

**California and Nevada Residents**

*Los Angeles Asylum Office: 714-808-8000*

*San Francisco Asylum Office: 415-293-1234*

**Pennsylvania Residents**

*Arlington Asylum Office: 703-235-4100*

*Newark Asylum Office: 201-531-0555*

Information concerning asylum offices and where to file asylum applications is also available on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

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

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

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

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

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

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

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

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

## Part 2. Information Regarding Post-Filing Requirements

### I. Notification Requirements When Your Address Changes

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

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

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

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

## II. Asylum Interview Process

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

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

You have the right to legal representation at your interview, at no cost to the U.S. Government. (See **Section IV, Right to Counsel.**) You also may bring witnesses with you to the interview to testify on your behalf.

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

Your interpreter must be at least 18 years of age. The following persons cannot serve as your interpreter: your attorney or representative of record, a witness testifying on your behalf at the interview, or a representative or employee of your country. Quality interpretation may be crucial to your claim. This assistance must be obtained at your expense prior to the interview.

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

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

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

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

## III. Status While Your Application Is Pending

While your case is pending, you will be permitted to remain in the United States. After your asylum interview, if you have not been granted asylum and appear to be removable under section 237 of the INA, 8 U.S.C. 1227, or inadmissible under section 212 of the INA, 8 U.S.C. 1182, the asylum office will refer your application, together with the appropriate charging document, to the Immigration Court for adjudication in removal proceedings.

## IV. Travel Outside the United States

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

**NOTE:** The application process for advance parole varies depending on your personal circumstances. Use InfoPass on the USCIS website to check with your local USCIS District Office for application instructions. Additional information on obtaining advance parole is available from the USCIS website at [www.uscis.gov](http://www.uscis.gov).

## V. Employment Authorization While Your Asylum Application Is Pending

Simply filing an application for asylum does not entitle you to employment authorization or to work in the United States. You must wait to apply for employment authorization until your asylum application has been pending with USCIS or the Immigration Court for **365 calendar days**. If 365 calendar days have elapsed since you properly filed your asylum application and USCIS or the Immigration Court accepted it, and your asylum application remains pending, you may request employment authorization by filing Form I-765, Application for Employment Authorization. (See 8 CFR section 208.7(a)).

You cannot apply for employment authorization if USCIS or the Immigration Court denies your Form I-589 before the expiration of the 365 calendar-day period. If your asylum application is still pending with USCIS or the Immigration Court after 365 calendar days, you may apply for employment authorization.

If you cause a delay in the processing of your asylum application that is unresolved when your application for employment authorization is adjudicated, USCIS will deny your application for employment authorization.

Examples of applicant-caused delays include, but are not limited to:

1. A request to amend or supplement an asylum application that causes a delay in its adjudication or in proceedings as described in section 208.4(c);
2. Failure to appear to receive and acknowledge receipt of the decision as specified in section 208.9(d);
3. A request for extension to submit additional evidence fewer than 14 days before the interview date as permitted by section 208.9(e);
4. Failure to appear for an asylum interview or biometric services appointment, unless excused by USCIS as described in 208.10(b)(1) for the failure to appear;
5. A request to reschedule an interview for a later date;
6. A request to transfer a case to a new asylum office or interview location, including when the transfer is based on a new address;
7. A request to provide additional evidence after interview;

8. Failure to provide a competent interpreter at interview; and;

9. Failure to comply with any other request needed to determine asylum eligibility.

For more information on employment authorization documents, see Form I-765 Instructions. Each family member whom you have asked to be included in your asylum application and who also wants an employment authorization document must submit his or her own Form I-765.

You may obtain copies of Form I-765 by calling the USCIS Contact Center at **1-800-375-5283** or from the USCIS website at [www.uscis.gov](http://www.uscis.gov).

## VI. Employment Authorization When Your Asylum Application Is Approved

Aliens granted asylum (asylees) are authorized to work in the United States and are not required to apply for an employment authorization document; however, you may request an EAD under 8 CFR section 274a.12(a)(5) if you want to have evidence of your employment authorization.

### DHS Privacy Notice

**AUTHORITIES:** The information requested on this application, and the associated evidence, is collected under the Immigration and Nationality Act sections 103, 208, and 241(b)(3), and 8 CFR sections 103, 208, and 1208.

**PURPOSE:** The primary purpose for providing the requested information on this form is to determine eligibility for asylum in the United States, and for withholding of removal. The information may also be used to apply for deferral of removal under the Convention Against Torture.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in the denial of your benefit request.

**ROUTINE USES:** DHS may share the information you provide on this benefit application with other federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-001 - Alien File, Index, and National File Tracking and DHS/USCIS-010 - Asylum Information and Pre-Screening] which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy) and EOIR-001, Records Management Information System, 69 Fed. Reg 26, 179 (May 11, 2004) or its successors. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

### USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS website at [www.uscis.gov](http://www.uscis.gov). If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. (For TTY (deaf or hard of hearing) call: **1-800-767-1833**).

Additional information concerning asylum and withholding of removal is available on the USCIS website at [www.uscis.gov/asylum](http://www.uscis.gov/asylum) and the EOIR website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

### Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with Form I-589, we will deny your Form I-589 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

For specific information, see **Part E in Part 1., Section V.** of these instructions.

### Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at **18.5** hours per response, including the time for reviewing instructions, and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy & Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1516-0067. **Do not mail your completed Form I-589 to this address.**

### Supplements to Form I-589

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

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