

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

## Instructions

### What Is the Purpose of This Form?

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

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

You may include in your application your spouse and unmarried children who are under 21 years of age and physically present in the United States. You **must** submit certain documents for your spouse and each child included as required by these instructions. Children 21 years of age or older and married children must file separate Form I-589 applications. If you are granted asylum and your spouse and/or any unmarried children under the age of 21 are outside the United States, you may file Form I-730, Refugee and Asylee Relative Petition, for them to gain similar benefits.

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

The instructions are divided into two sections.

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

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

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

### Additional Information on Websites

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

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

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

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

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## Part 1. Filing Instructions

### I. Who May Apply and Filing Deadlines

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

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

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

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

### II. Basis of Eligibility

#### A. Asylum

In order to qualify for asylum, you must establish that you are a refugee who is unable or unwilling to return to his or her country of nationality, or last habitual residence in the case of a person having no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. This means that you must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for your persecution or why you fear persecution. (See section 208 of the INA; 8 CFR sections 208 and 1208, et seq.)

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

#### B. Withholding of Removal

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

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

- (1) Assisted in Nazi persecution or engaged in genocide;

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

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

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

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

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

**ii. Withholding of Removal Under the Convention Against Torture**

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

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

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

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

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

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

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

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

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

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

**C. Deferral of Removal Under the Convention Against Torture**

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

**D. Legal Sources Relating to Eligibility**

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

- (1) Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42) (defining "refugee");

- (2) Section 208 of the INA, 8 U.S.C. 1158 (regarding eligibility for asylum);
- (3) Section 241(b)(3) of the INA, 8 U.S.C. 1231(b)(3) (regarding eligibility for withholding of removal);
- (4) Title 8 of the CFR sections 208 and 1208, et seq.;
- (5) Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as ratified by section 2242(b) or the Foreign Affairs Reform and Restructuring Act of 1998 and 8 CFR section 208, as amended by the Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999) (effective March 22, 1999); 64 FR 13881 (March 23, 1999);
- (6) The 1967 United Nations Protocol relating to the Status of Refugees;
- (7) The 1951 Convention relating to the Status of Refugees; and
- (8) The Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for determining Refugee Status (Geneva, 1992).

### III. Confidentiality

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

### IV. Right to Counsel

Immigration law concerning asylum and withholding of removal or deferral or removal is complex. You have a right to provide your own legal representation at an asylum interview and during immigration proceedings before the Immigration Court at no cost to the U.S. Government.

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

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying persons to help you complete the application. RefWorld, available on UNHCR's website, provides useful country conditions information through a variety sources. Contact information for the UNHCR is :

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

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

### V. Completing the Form

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

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

Provide detailed information and answer the questions as completely as possible. Applications filed with missing information may be returned to you as incomplete. If you need more space, attach the Supplement A or B Forms (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:** Please put your Alien Registration Number (A-number) (if any), name (exactly as it appears in Part A. I. of the form), signature, and date on each supplemental sheet and on the cover page of any supporting documents.

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

#### Part A. I. Information About You

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

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

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

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

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## Part A. II. Spouse and Children

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

You may ask to have included in your asylum application your spouse and/or any children who are under the age of 21 years 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 asylum applications.

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

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

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

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

### **Affidavits must:**

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

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

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

## Part A. III. Information About Your Background

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

## Part B. Information About Your Application

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

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

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

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

## Part C. Additional Information About Your Application

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

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

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

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

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

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

#### **Part D. Your Signature**

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

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

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

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

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

#### **Penalty for Perjury**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **V1. Required Documents and Required Number of Copies That You Must Submit With Your Application**

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

- (1) **The completed, signed original and two copies of your completed application, Form I-589**, and the original and two copies of any supplementary sheets and supplementary statements. If you choose to submit additional supporting material, see **Page 7** of the Instructions, Part 1: Filing Instructions, Section VII, "Additional Evidence That You Should Submit." You **must** include three copies of each document. You should make and keep an additional copy of the completed application for your own records.
- (2) **An additional copy of your completed application, Form I-589**, with supplementary statements, for each family member listed in Part A. II. whom you want to have included in your application.
- (3) **Three copies of primary or secondary evidence** of relationship, such as birth or school records of your children, marriage certificate, or proof of termination of marriage, for each family member listed in Part A. II. whom you want to have included in your application.

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

- (4) **One passport-style photograph** of yourself and of each family member listed in Part A. II. who is included in your application. The photos must have been taken no more than 30 days before you file your application. Using a pencil, print the person's complete name and A- Number (if any) on the back of his or her photo.
- (5) **Three copies of all passports or other travel documents** (cover to cover) in your possession and three copies of any U.S. immigration documents, such as a Form I-94, Arrival-Departure Record, for you and each family member included in your application, if you have such documents.
- (6) **If you have other identification documents** (for example, birth certificate, military or national identification card, driver's license, etc.), it is recommended that you submit three copies with your application and bring the original(s) with you to the interview.

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

**Translation of documents not in English is required.** Any document in a language other than English must be accompanied by an adequate English translation that the translator has certified as complete and correct and by the translator's certification that he or she is competent to translate into English the language used in the document.

## VII. Additional Evidence That You Should Submit

You should 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 the Supplement B Form or additional sheets of paper.

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

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

## VIII. Fee

There is no fee for filing this application.

## XI. Biometrics, Including Fingerprints and Photographs

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

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

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

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

## X. Organizing Your Application

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

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

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

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

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

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

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

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

## XI. Incomplete Asylum Applications

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

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

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

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

## XII. Where to File?

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

### *If you are in proceedings in Immigration Court:*

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

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

In addition to filing your Form I-589, Application for Asylum and for Withholding of Removal, with the immigration judge and serving a copy on the appropriate Immigration and Customs Enforcement (ICE) Office of Chief Counsel, you must also complete the following

requirements before the immigration judge can grant relief or protection in your case.

### **Send the following three items to the address below:**

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

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

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

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

- (1) A USCIS receipt notice indicating that USCIS received your Form I-589 application and
- (2) An Application Support Center (ASC) notice for you and any eligible spouse and children included in your Form I-589 application 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 three weeks, call **1-800-375-5283**.

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

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

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

**NOTE:** If the instructions above should change for submitting copies of the first three pages of your asylum application to the USCIS Nebraska Service Center for purposes of receiving the receipt notice and ASC scheduling appointment, you will be provided the changed instructions, either at the Master Calendar hearing or at another point in the Immigration Court proceedings. Please 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 pursuant to 8 CFR part 3, with the Immigration Court having jurisdiction over the prior proceeding. Any such motion must reasonably explain the failure to request asylum prior to the completion of the proceedings, or
- (2) In proceedings pursuant to 8 CFR § 208.2(c) and 1208.2(c) and after the Form I-863, Notice of Referral to Immigration Judge, has been served on you and filed with the Immigration Court having jurisdiction over your case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**National Customer Service Center:**

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

**For California or Nevada:**

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

**For Pennsylvania:**

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

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

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

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

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

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

Individuals subject to these special categories who file asylum applications with USCIS Service Centers will be served with a 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 a Form I-589 as well as information about the privilege of being represented by counsel and of the consequences of knowingly filing a frivolous asylum application, you have 10 days within which to submit your completed Form I-589 to the Immigration and Customs Enforcement (ICE) Field Office Director having jurisdiction over the port-of-entry at which your vessel arrived. The Field Office Director may extend the 10-day filing period for good cause. Once you file your application, the Field Office Director will serve you with Form I-863 and immediately forward your application to the appropriate Immigration Court.

## Part 2. Information Regarding Post-Filing Requirements

### I. Notification Requirements When Your Address Changes

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

**While your asylum application is pending before 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 ten days after you change your address.**

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

**If you are already in proceedings in Immigration Court, you must notify the Immigration Court on EOIR Form 33, Alien's Change of Address Card, of any changes of address within five 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 ten 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 date, time and place (address) of a scheduled interview.

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

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

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

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

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

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

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

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

### III. Status While Your Application Is Pending

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

### IV. Travel Outside the United States

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

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

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

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

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

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

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

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

### VI. Privacy Act Notice and General Information

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

#### Do You Need Forms or Information?

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

### VII. Paperwork Reduction Act Notice

Under the 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.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this application is as follows: (1) 2 hours to learn about the form, (2) 5 hours to complete the form and (3) 5 hours to assemble and file the application, for the total estimated average burden hours of 12 hours per application. The estimated time to complete the form will vary depending on the complexity of your individual circumstances.

If you have comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529, OMB No. 1615-0067. **Do not mail your completed application to this Washington, D.C., 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.