

TABLE OF CHANGES – INSTRUCTIONS
Form I-589, Application for Asylum and Withholding of Removal
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11/24/2020

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Project Phase: Final Rule

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Current Page Number and Section	Current Text	Proposed Text
<p>Page 1,</p> <p>What Is the Purpose of This Form?</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>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.</p> <p>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.)</p> <p>You may include in your application your spouse and unmarried children who are</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>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.</p> <p>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.)</p> <p>[deleted]</p>

	<p>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.</p>	
<p>Page 1, WARNING – IMPORTANT NOTICE</p>	<p>[Page 1] WARNING – IMPORTANT NOTICE</p> <ul style="list-style-type: none"> • 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. • 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. See section 208(d)(6) of the INA and Title 8 of the Code of Federal Regulations (CFR) sections 208.20 and 1208.20. • If filing with U.S. Citizenship and Immigration Services (USCIS), 	<p>[Page 1] WARNING – IMPORTANT NOTICE</p> <ul style="list-style-type: none"> • 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),

	<p>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.</p> <p>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) of the INA and 8 CFR sections 208.10, 1208.10, and 1003.47(d).</p>	<p>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.</p> <ul style="list-style-type: none"> 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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Page 2, I. Who May Apply and Filing Deadlines	[Page 2] I. Who May Apply and Filing Deadlines You may apply for asylum irrespective of your immigration status, including if you are in the United States unlawfully, unless	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

	<p>otherwise provided by statute or regulations.</p> <p>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.</p> <p>[new]</p> <p>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.</p> <p>Detailed UAC filing instructions are found</p>	<p>otherwise provided by statute or regulations.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Detailed UAC filing instructions are found</p>
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	<p>in Part 1, Section XII of these instructions.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>in Part 1, Section XII of these instructions.</p> <p>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.</p> <p>[Page 3]</p> <p>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.</p> <p>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.</p>
<p>Page 3-4,</p> <p>II. Basis of Eligibility</p>	<p>[Page 3]</p> <p>II. Basis of Eligibility</p> <p>A. Asylum</p> <p>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 was or will be at least one central reason for your persecution or why you fear persecution. (See section 208 of</p>	<p>[Page 3]</p> <p>II. Basis of Eligibility</p> <p>A. Asylum</p> <p>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</p>

	<p>the INA; 8 CFR sections 208 and 1208, et seq.)</p> <p>[new]</p> <p>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.</p> <p>B. Withholding of Removal</p> <p>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</p>	<p>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.</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>B. Withholding of Removal</p> <p>Your asylum application is also considered to be an application for statutory withholding of removal. It may also be considered an application for withholding</p>
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	<p>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 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.</p> <p>Regardless of the basis for the withholding application, you will not be eligible for withholding if you:</p> <ol style="list-style-type: none"> 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.) <p>Withholding of Removal Under Section 241(b)(3) of the INA</p> <p>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.</p>	<p>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.</p> <p>Regardless of the basis for the withholding application, you will not be eligible for withholding if you:</p> <ol style="list-style-type: none"> 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. <p>Statutory Withholding of Removal Under Section 241(b)(3) of the INA</p> <p>[Page 4]</p> <p>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.</p>
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	<p>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.</p> <p>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.</p> <p>Withholding of Removal Under the Convention Against Torture</p> <p>The Convention Against Torture refers to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.</p> <p>To be granted withholding of removal to a country under Article 3 of the Convention against Torture, as implemented in U.S. law, you must show that it is more likely than not that you would be tortured in that country.</p> <p>"Torture" is defined at 8 CFR sections 208.18(a) and 1208.18(a), which incorporate the definitions in Article 1 of the Convention against Torture as implemented in U.S. law. 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.</p> <p>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.</p> <p>Torture must be inflicted by or at the</p>	<p>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.</p> <p>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.</p> <p>Withholding of Removal Under the CAT Regulations</p> <p>[deleted]</p> <p>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.</p> <p>"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.</p> <p>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.</p> <p>Torture must be inflicted by or at the</p>
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	<p>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.</p> <p>[new]</p> <p>[moved down from above]</p> <p>Form I-589 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.</p> <p>[Page 4]</p> <p>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.</p> <p>You must include a detailed explanation of why you fear torture in response to Part B, Question 4 of the application. In your response, you must write about any mistreatment you experienced or any threats made against you by a government or somebody connected to a government.</p>	<p>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).</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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	<p>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.</p> <p>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. However, 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.</p> <p>C. Deferral of Removal Under the Convention Against Torture</p> <p>If it is more likely than not that you will be tortured in a country but you are ineligible</p>	<p>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.</p> <p>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.</p> <p>[Page 5]</p> <p>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.</p> <p>C. Deferral of Removal Under the CAT Regulations</p> <p>If it is more likely than not that you will be tortured in a country but you are ineligible</p>
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	<p>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.</p> <p>D. Legal Sources and Guidance Relating to Eligibility</p> <p>The documents listed below are some of the legal sources and guidance 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.</p> <ol style="list-style-type: none"> 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 103.2, 208 and 1208, et seq.; 5. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as implemented 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); 	<p>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.</p> <p>D. Legal Sources and Guidance Relating to Eligibility</p> <p>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.</p> <ol style="list-style-type: none"> 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,
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	<ol style="list-style-type: none"> 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). 	<p>64 FR 8478-8492 (February 19, 1999); 64 FR 13881 (March 23, 1999);</p> <ol style="list-style-type: none"> 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).
<p>Page 4,</p> <p>III. Confidentiality</p>	<p>[Page 4]</p> <p>III. Confidentiality</p> <p>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.</p>	<p>[Page 5]</p> <p>III. Confidentiality</p> <p>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.</p>
<p>Page 4-5,</p> <p>IV. Right to Counsel</p>	<p>[Page 4]</p> <p>IV. Right to Counsel</p> <p>Immigration law concerning asylum and withholding of removal or deferral or removal is complex. You have a right to obtain and provide your own legal</p>	<p>[Page 5]</p> <p>IV. Right to Counsel</p> <p>Immigration law concerning asylum, statutory withholding of removal and protection under the CAT regulations is complex. You have a right to obtain and</p>

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.

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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, 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
Website: 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.

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.

[Page 6]

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.

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, 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
Website: 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).	(Eastern Standard Time).
<p>Page 5-8,</p> <p>V. Obtaining and Completing the Form</p>	<p>[Page 5]</p> <p>V. Obtaining and Completing the Form</p> <p>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.</p> <p>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.</p> <p>If any question does not apply to you or you do not know the information requested, answer "none," "not applicable," or "unknown."</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>You may amend or supplement your</p>	<p>[Page 6]</p> <p>V. Obtaining and Completing the Form</p> <p>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.</p> <p>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.</p> <p>If any question does not apply to you or you do not know the information requested, answer "none," "not applicable," or "unknown."</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>You may amend or supplement your</p>

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,

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.

[Page 7]

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,

	<p>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.</p> <p>Part A.II. Spouse and Children</p> <p>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.</p> <p>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.</p> <p>[Page 6]</p> <p>On the other hand, if you are not approved for asylum, your spouse or children are also not approved.</p> <p>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.</p> <p>When including family members in your asylum application, you must submit one additional copy of your completed asylum</p>	<p>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.</p> <p>Part A.II. Spouse and Children</p> <p>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.</p> <p>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.</p> <p>[this was attached to the above paragraph]</p> <p>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.</p> <p>When including family members in your asylum application, you must submit one additional copy of your completed asylum</p>
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	<p>application and primary documentary evidence establishing your family relationship for each family member, as described below:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>Affidavits must:</p> <ol style="list-style-type: none"> 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. <p>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</p>	<p>application and primary documentary evidence establishing your family relationship for each family member, as described below:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>Affidavits must:</p> <ol style="list-style-type: none"> 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. <p>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</p>
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	<p>affidavits.</p> <p>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.</p> <p>Part A.III. Information About Your Background</p> <p>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.</p> <p>Part B. Information About Your Application</p> <p>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. 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.</p> <p>If you answer "Yes" to any question, explain in detail using Form I-589, Supplement B or additional sheets of paper, as needed.</p> <p>You must 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.</p> <p>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</p>	<p>affidavits.</p> <p>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.</p> <p>[Page 8]</p> <p>Part A.III. Information About Your Background</p> <p>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.</p> <p>Part B. Information About Your Application</p> <p>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.</p> <p>If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.</p> <p>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.</p> <p>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</p>
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	<p>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.</p> <p>Part C. Additional Information About Your Application</p> <p>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.</p> <p>[new]</p> <p>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 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.</p> <p>For example, some of the events the Government might consider as valid explanations include but are not limited to the following:</p> <ol style="list-style-type: none"> 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; 	<p>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.</p> <p>Part C. Additional Information About Your Application</p> <p>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.</p> <p>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.)</p> <p>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.</p> <p>For example, some of the events the Government might consider as valid explanations include but are not limited to the following:</p> <ol style="list-style-type: none"> 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;
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[Page 7]

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 considered for withholding of removal under INA section 241(b)(3), or for protection from removal under the Convention Against Torture.

[new]

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).

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For Item Numbers 18.A., 18.B., and 18.C., refer to the following list of significant adverse discretionary factors

		<p>along with the explanation of exceptions to these particular adverse discretionary factors. <i>See</i> 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.</p> <p>For Item Number 18.A., refer to the following significant adverse discretionary factor and corresponding exceptions:</p> <p>Unlawful entry or unlawful attempted entry into the United States, unless:</p> <ol style="list-style-type: none">1. The entry or attempted entry was made in immediate flight from persecution in a contiguous country; or2. At the time of the entry or attempted entry, you were under the age of 18. <p>For Item Number 18.B., refer to the following significant adverse discretionary factor and corresponding exceptions:</p> <p>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:</p> <ol style="list-style-type: none">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; or3. 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.
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		<p>For Item Number 18.C., refer to the following significant adverse discretionary factor and corresponding exceptions:</p> <p>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.</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none">1. There are extraordinary circumstances, such as national security or foreign policy considerations, warranting a favorable exercise of discretion; or2. 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. <i>See</i> 8 CFR 208.13(d)(2), 1208.13(d)(2). <p>For Item Number 19.A., refer to the following adverse discretionary factor and corresponding exceptions:</p> <p>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:</p> <ol style="list-style-type: none">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; or3. Such country was, at the time of the transit, not a party to the 1951 United
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		<p>Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the CAT.</p> <p>For Item Number 19.B., refer to the following adverse discretionary factor and corresponding exceptions:</p> <p>[Page 10]</p> <p>You transited through more than one country between your country of citizenship, nationality, or last habitual residence and the United States, unless:</p> <ol style="list-style-type: none">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; or3. 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. <p>For Item Number 19.C., refer to the following adverse discretionary factor and corresponding exception:</p> <p>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.</p> <p>For Item Number 19.D., refer to the following adverse discretionary factor:</p> <p>You accrued more than one year of unlawful presence in the United States prior to filing an application for asylum.</p>
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		<p>For Item Numbers 19.E., 19.F., and 19.G., refer to the following adverse discretionary factor and exceptions:</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>For Item Number 19.H., refer to the following adverse discretionary factor:</p> <p>You have had two or more prior asylum applications denied for any reason.</p> <p>For Item Number 19.I., refer to the following adverse discretionary factors and corresponding exceptions:</p> <p>You have withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application.</p> <p>You have failed to attend an interview regarding your asylum application with DHS, unless you show, by a preponderance of the evidence, that:</p> <ol style="list-style-type: none"> 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. <p>For Item Number 19.J., refer to the following adverse discretionary factor:</p> <p>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.</p>
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	<p>Part D. Your Signature</p> <p>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.</p> <p>If it is determined 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.)</p> <p>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 Section IV, Right to Counsel, in Part 1 of these instructions if you have any questions.) You may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.</p>	<p>Part D. Applicant’s Statement, Contact Information, Certification, and Signature</p> <p>[deleted]</p> <p>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.</p> <p>[Page 11]</p> <p>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.)</p> <p>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.</p>
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	<p>Part E. Signature of Person Preparing Form, If Other Than You</p> <p>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.</p> <p>Penalty for Perjury</p>	<p>Part E. Interpreter’s Contact Information, Certification, and Signature</p> <p>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.</p> <p>Part F. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant</p> <p>[deleted]</p> <p>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.</p> <p>Penalty for Perjury</p> <p>All statements in response to questions contained in this application are declared to be true and correct under penalty of</p>
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	<p>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.</p> <p>Failure of the preparer to sign will result in the application being returned to you as an incomplete application.</p> <p>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.</p> <p>Title 18, United States Code (U.S.C.), section 1546(a), provides in part:</p> <p>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.</p> <p>If aggravating factors exist, the maximum term of imprisonment could reach 25 years.</p> <p>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).</p>	<p>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.</p> <p>Failure of the preparer to sign will result in the application being returned to you as an incomplete application.</p> <p>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.</p> <p>Title 18, United States Code (U.S.C.), section 1546(a), provides in part:</p> <p>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.</p> <p>If aggravating factors exist, the maximum term of imprisonment could reach 25 years.</p> <p>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).</p> <p>[Page 12]</p> <p>Part G. To Be Completed at Asylum Interview, If Applicable</p>
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	<p>Part F. To Be Completed at Asylum Interview, If Applicable</p> <p>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.</p> <p>[new]</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>Part G. To Be Completed at Removal Hearing, If Applicable</p> <p>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.</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>You are reminded again that, if is determined that you have knowingly made a frivolous application for asylum, you may be permanently ineligible for any benefits under the INA. (See section</p>	<p>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.</p> <p>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.)</p> <p>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.</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>Part H. To Be Completed at Removal Hearing, If Applicable</p> <p>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.</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>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.)</p>
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	<p>208(d)(6) of the INA.)</p> <p>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, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.</p>	<p>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.</p>
<p>Page 9,</p> <p>X. Organizing Your Application</p>	<p>[Page 9]</p> <p>X. Organizing Your Application</p> <p>...</p> <p>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</p> <p>...</p>	<p>[Page 14]</p> <p>X. Organizing Your Application</p> <p>...</p> <p>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</p> <p>...</p>
<p>Page 14,</p> <p>Paperwork Reduction Act</p>	<p>[Page 14]</p> <p>Paperwork Reduction Act</p> <p>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 12 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.</p>	<p>[Page 20]</p> <p>Paperwork Reduction Act</p> <p>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.</p>