

Immigration Newsletter



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Last month we took a break from discussing asylum to share information about deferred action renewal. This month we continue with our asylum series by discussing the complicated application process for asylum.

ASYLUM LAW: HOW TO APPLY

There are three main procedures through which you may be able to apply for asylum. First, you may apply affirmatively for asylum with U.S. Citizenship and Immigration Services (USCIS) if you are not in deportation proceedings. Second, if you are in deportation proceedings, you may apply before the Immigration Judge. Third, you may ask for asylum at a border entry point.

EXAMPLES OF EVIDENCE TO SUBMIT WITH YOUR ASYLUM APPLICATION:

There are two types of evidence that should be submitted with your application; 1) Evidence about you and the persecution you suffered; and 2) General evidence of the situation in your home country and the persecution people are suffering there.

Examples of the first type of evidence include your identity, religious, and political documents, as well as police reports listing you as the victim, medical records documenting injuries you suffered, photos of injuries, and letters from family, friends or witnesses about the harm you suffered.

Examples of the second type of evidence include human rights reports from the U.S State Department or international organizations like Amnesty International, as well as news articles, documenting the persecution of people in your country.

APPLYING FOR ASYLUM WITH U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

To affirmatively apply for asylum, you must be present in the USA and must not be in deportation proceedings. This process applies whether you entered the US with or without permission.

Step 1: Submit Form I-589 and supporting evidence to USCIS within one year of arriving in the USA.*

Step 2: Attend an appointment to have your fingerprints taken.

Step 3: Attend your asylum interview at the Houston Asylum Office.

Step 4: If you do not have valid immigration status, you must return to the Asylum Office to physically pick up the decision. If you do have valid immigration status, they will mail the decision to you.

Step 5: If your case is denied, you may go to Immigration Court and request asylum again from the Judge.

APPLYING FOR ASYLUM WHILE IN PROCEEDINGS IN IMMIGRATION COURT**

If you are already in deportation proceedings in Immigration Court and have not yet applied for asylum, you will file Form I-589 directly with the Court.

At a court hearing, the Immigration Judge will set a deadline for the filing of supporting evidence. The Judge will also set a trial date so that he can question witnesses about the case.

After the trial, the Judge will make a decision on the asylum application.

FILING FOR ASYLUM AT THE U.S BORDER

You may notify a U.S. border patrol agent at the border that you are afraid to return to your home country and want to apply for asylum.

You will be taken to an immigration detention center, where you will wait to have a "credible fear" interview with an immigration officer.

If the officer does not believe you are eligible for asylum based on your interview, you will be deported. If the officer believes you may be eligible for asylum, then you will have a trial with the Immigration Judge.

You will file Form I-589 directly with the Immigration Judge, follow the dates for submission of evidence set by the judge, have a trial on the asylum case, and await a decision from the Judge.

*** There are some exceptions to the one year deadline. And if you miss the one year deadline for asylum, you may still be eligible for another form of relief, such as withholding of removal or the Convention Against Torture.**

****Asylum is a very complicated area of law. Please consult with an attorney before applying to determine if you are eligible.**