



U.S. Citizenship and Immigration Services

The Affirmative Asylum Process

The following steps explain how you apply for asylum in the United States through the affirmative asylum process. The information in this section will not apply to you if you are seeking asylum through the defensive asylum process, meaning you are in removal proceedings before an immigration judge.

For information about the defensive asylum process, see the [Obtaining Asylum in the United States](#) Web page on USCIS.gov.

STEP ONE: Arrive in the U.S.

To apply for asylum in the U.S., you must be physically present in the U.S. or seeking entry into the U.S. at a port of entry.

STEP TWO: Apply for Asylum

To apply for asylum, you should file [Form I-589, Application for Asylum and for Withholding of Removal](#), with USCIS within one year of your last arrival in the United States (unless you qualify for an exception to the one-year filing deadline).

Do not submit a completed fingerprint card (FD-258) or fingerprint fee with your application. Your application will be accepted without the fingerprint card attached.

More information about how to file your application can be found in the [instructions for Form I-589 \(PDF, 265 KB\)](#).

For information on asylum eligibility, see the [Asylum Eligibility and Applications](#) Web page on USCIS.gov.

Bars to Applying for Asylum

You may not be eligible to apply for asylum if you:

- Did not follow the one-year filing deadline for [Form I-589, Application for Asylum and for Withholding of Removal](#). The one-year deadline is calculated from the date of your last arrival in the U.S. or April 1, 1997, whichever is later;
- Had a previous asylum application denied by an immigration judge or the Board of Immigration Appeals; or
- Can be removed to a safe third country under a two-party or multi-party agreement between the United States and other countries.

There are exceptions to these bars for “changed circumstances” or “extraordinary circumstances.”

Both are defined in 8 CFR 208.4. For more information on the bars and the exceptions, see our [Asylum Bars](#) Web page.

Once USCIS has received the completed application, you will receive two notices:

1. Acknowledgment of receipt of your application, and
2. Notice to visit your nearest application support center (ASC) for fingerprinting.

For more information on locating an ASC, see our [USCIS Service and Office Locator](#) Web page.

STEP THREE: Fingerprinting and Background/Security Checks

You should read the ASC Appointment Notice and take it with you to your fingerprinting appointment at the ASC. You do not need to pay a fingerprinting fee as an asylum applicant.

If you are also requesting asylum status for your spouse and children and they are with you in the U.S., they will need to go with you to your ASC appointment.

More information is available on our [Fingerprints](#) Web page.

STEP FOUR: Receive and Interview Notice

Depending on where you live, we will schedule you for an interview with an asylum officer either at one of the eight asylum offices or at a USCIS field office. For more information about USCIS field and asylum offices visit our [Find A USCIS Office](#) Web page. Your interview notice will tell you the date, location, and time of your asylum interview.

Please Note: Delay in Scheduling Your Asylum Interview

We are committed to processing and adjudicating every application we receive in a timely manner; however, because of the diversion of an increasing number of asylum officers to conduct protection screening interviews for persons arriving at the border, there could be a delay in scheduling your interview.

On December 26th, 2014, the USCIS Asylum Division began prioritizing asylum applications for interview scheduling as follows:

- First, applications that were scheduled for an interview, but the applicant requested a new interview date;
- Second, applications filed by children; and
- Third, all other pending affirmative asylum applications will be scheduled for interviews in the order they were received, with oldest cases scheduled first.

If your asylum application is currently pending interview scheduling, we are unable to predict how long the process will take at this time. Please see [USCIS Processing of Asylum Cases](#) for more information.

Asylum Office Directors have the discretion to consider applicants' requests for urgent interview scheduling outside of the above prioritization categories on a case-by-case basis. Please submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over your case. Go to the [USCIS Service and Office Locator](#) page for contact information.

STEP FIVE: Interview

You may bring an attorney or accredited representative to the interview. You must also bring your spouse and any children seeking derivative asylum benefits to the interview.

If you cannot proceed with the interview in English you must bring an interpreter.

The interview will generally last about an hour, although the time may vary depending on the case. You may also bring witnesses to testify on your behalf.

For more information about your asylum interview, see our Web page on [Preparing for Your Asylum Interview](#).

STEP SIX: Asylum Officer Makes Determination on Eligibility and Supervisory Asylum Officer Reviews the Decision

You must meet the definition of a refugee in order to be eligible for asylum.

The asylum officer will determine whether you:

- Are eligible to apply for asylum,

- Meet the definition of a refugee in section 101(a)(42)(A) of the INA, and
- Are barred from being granted asylum under section 208(b)(2) of the INA.

A supervisory asylum officer reviews the asylum officer's decision to ensure it is consistent with the law. Depending on the case, the supervisory asylum officer may refer the decision to asylum division staff at USCIS headquarters for additional review.

STEP SEVEN: Receive Decision

In most cases, you will return to the asylum office to pick up the decision two weeks after the asylum officer interviewed you.

Longer processing times may be required if you:

- Are currently in valid immigration status,
- Were interviewed at a USCIS field office,
- Have pending security checks, or
- Have a case that is being reviewed by asylum division staff at USCIS headquarters.

We will normally mail your decision to you in these situations.

For more information on the types of asylum decisions issued by USCIS, see our Web page on [Types of Asylum Decisions](#).

Additional information on the affirmative asylum process is available on our [Resources for Asylum Applicants](#) Web page.

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Types of Asylum Decisions

When you apply for asylum you will receive one of the following decisions:

- Grant of Asylum
- Referral to an Immigration Court
- Recommended Approval
- Notice of Intent to Deny
- Final Denial

Grant of Asylum

If we determine that you are eligible for asylum, you will receive a letter and completed Form I-94, Arrival Departure Record, indicating that you have been granted asylum in the United States.

The grant of asylum includes your spouse and minor children, provided that:

- They were present in the United States
- They were included in your asylum application
- You established a qualifying relationship to them

See [Family of Refugees & Asylees](#) for more information on immigration benefits for your spouse and children.

A grant of asylum allows you to apply for:

- An Employment Authorization Document (EAD)
- A Social Security card
- A Green Card (permanent residence)
- Immigration benefits for your spouse and unmarried children under the age of 21

See [Benefits and Responsibilities of Asylees](#) for more information on how to obtain these benefits.

A grant of asylum in the U.S. does not expire. However, USCIS may terminate your asylum status if you:

- No longer have a well-founded fear of persecution because of a fundamental change in circumstances
- Obtained protection from another country
- Obtained the original asylum grant through fraud
- Committed certain crimes or engaged in other activities that make you ineligible to retain asylum in the United States

See [Section 208\(c\)\(2\) of the "Immigration and Nationality Act](#) for more information on the termination of asylum status.

Referral to an Immigration Court

If we are unable to approve your asylum application and you are in the United States illegally, we will forward (or refer) your asylum case to the Immigration Court. A referral to the immigration judge

includes your spouse and unmarried children under 21 if they:

- Were included on your asylum application
- Are in the United States illegally.

A referral is not a denial of your asylum application. Instead, we refer your case for further review by the Immigration Court. If we cannot approve an asylum claim, we will send you a letter of explanation and a Form I-862, Notice to Appear, indicating the date and time you are scheduled to appear in court. You do not have to re-file your asylum application.

The Immigration Judge will evaluate your asylum claim independently and is not required to rely on or follow the decision made by USCIS.

Recommended Approval

We will issue a recommended approval when you are eligible for asylum but we have not received the results of required security checks. A recommended approval includes your spouse and children, provided that:

- They are present in the United States
- They were included on your application
- You established a qualifying relationship to them

When a recommended approval has been issued due to pending security checks, you and your family members may apply for permission to work in the United States by filing [Form I-765, Application for Employment Authorization](#). When we receive the results of the required security checks and you are cleared, the recommended approval will be changed to a grant of asylum (see 'Grant of Asylum' section above).

Notice of Intent to Deny

You may receive a notice of intent to deny (NOID) if you have valid legal status in the United States but are found ineligible for asylum. The NOID will state the reason(s) that you are ineligible for asylum. You will have 16 days to explain in writing either why the claim should be granted or submit new evidence to support the claim, or both. If you do not respond within 16 days, your asylum claim may be denied. If we receive a timely response, the asylum officer will carefully consider the response or new evidence, or both and then make a final decision to approve or deny the claim. If the claim is approved, the officer will issue a grant of asylum (see above); if the claim is denied, the officer will issue a final denial (see below).

Final Denial

You will receive a notice of intent to deny (NOID) and a final denial letter if:

- You do not respond to the NOID within 16 days, or
- You submitted a response but the new information failed to overcome the reasons for denial stated in the NOID

You cannot appeal the asylum officer's decision. The denial includes any dependents included on your asylum application. If your claim is denied, you may reapply for asylum however, you must show changed circumstances that affect your eligibility for asylum.



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Asylum Bars

You can be barred from both applying for and receiving asylum for certain actions.

Bars to Applying for Asylum

You may not be eligible to apply for asylum if you:

- Did not follow the one-year filing deadline and did not file your Form I-589, Application for Asylum and for Withholding of Removal, within one year of your last arrival in the U.S. or April 1, 1997, whichever is later.
- Had a previous asylum application denied by an Immigration Judge or the Board of Immigration Appeals.
- Can be removed to a safe third country under a two-party or multi-party agreement between the United States and other countries.

There are exceptions to these bars for “changed circumstances” or “extraordinary circumstances.” Both are defined in 8 CFR 208.4. For more information on the bars and the exceptions, see our “Title 8, Code of Federal Regulations” page.

Bars from a Grant of Asylum

You could be barred from a grant of asylum if we find that you:

- Ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion
- Were convicted of a “particularly serious crime” such that you are a danger to the United States
- Committed a “serious nonpolitical crime” outside the United States
- Pose a danger to the security of the United States
- Have been firmly resettled in another country before arriving in the United States

You will also be barred from receiving asylum if you are inadmissible because you:

- Have engaged in terrorist activity
- Are engaged in or are likely to engage after entry in any terrorist activity
- Have incited terrorist activity
- Are a representative of a foreign terrorist organization
- Are a member of a terrorist organization
- Have persuaded others to support terrorist activity or a terrorist organization
- Have received military-type training from or on behalf of any organization that, at the time the training was received, was a terrorist organization
- Are the spouse or child of an individual who is inadmissible for any of the above within the last 5 years

For more information terrorist and national security bars, see our “Bars to Asylum and Inadmissibility Grounds Related to Terrorist Activity” page.



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Affirmative Asylum Scheduling Bulletin

This bulletin explains how the Asylum Division prioritizes the adjudication of affirmative applications for asylum. On December 26, 2014, we began prioritizing asylum applications for interview scheduling as follows:

- 1.) Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant’s request or the needs of USCIS;
- 2.) Applications filed by children; and
- 3.) All other pending affirmative asylum applications in the order they were received, with oldest cases scheduled first.

Generally, applicants in the first and second categories are scheduled promptly.

The table below lists how the asylum offices are currently scheduling asylum interviews for applications pending in the third category. It provides the filing dates (month and year) of most asylum applications scheduled for local interviews during that particular month. We have created this system to provide applicants in the third category an estimate for when they might expect their interview to be scheduled. The approximations provided in the table are based on interviews scheduled during the listed month and future movement will be determined by each office’s caseload and resources. For example, in June 2015, the Arlington Asylum Office conducted interviews for applications filed in August 2013. It currently does not include asylum interviews occurring outside of the eight asylum offices or the Boston sub-office (e.g. interviews occurring on circuit rides). Asylum offices schedule circuit ride interviews as resources permit. Please contact the asylum office with jurisdiction over your case for more detailed information.

Asylum office directors may consider applicants’ requests for urgent interview scheduling outside of the prioritization categories on a case-by-case basis. Please submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over your case. Go to the [USCIS Service and Office](#) locator page for contact information.

Please Note: The table does not include interviews for [Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal \(Pursuant to Section 203 of Public Law 105-100 \(NACARA\)\)](#).

Interview Schedule for Affirmative Asylum Applicants in Category 3

This chart will be updated monthly. Please check back each month for updated information.

If you live under the jurisdiction of...	We scheduled interviews in...	For people who filed in...
Arlington, VA	November 2016	January 2014
	October 2016	January 2014

If you live under the jurisdiction of...	We scheduled interviews in...	For people who filed in...
	September 2016	January 2014
Chicago, IL	November 2016	November - December 2013
	October 2016	November - December 2013
	September 2016	November 2013
Houston, TX	November 2016	April – May 2014
	October 2016	April – May 2014
	September 2016	April – May 2014
Los Angeles, CA	November 2016	August 2011
	October 2016	August 2011
	September 2016	August 2011
Miami, FL	November 2016	May 2013
	October 2016	May 2013
	September 2016	May 2013
Newark, NJ	November 2016	November 2013
	October 2016	November 2013
	September 2016	November 2013

If you live under the jurisdiction of...	We scheduled interviews in...	For people who filed in...
New York, NY	November 2016	September 2014
	October 2016	September 2014
	September 2016	September 2014
San Francisco, CA	November 2016	September – November 2014
	October 2016	September 2014
	September 2016	September 2014

Note: The filing dates of scheduled interviews may not change every month for every office. This can occur when an office is conducting more credible and reasonable fear interviews, has a large number of category 1 and 2 affirmative asylum cases, or has a large number of pending category 3 cases with filing dates from that particular month. Some affirmative asylum interviews were scheduled outside of the above date ranges.

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