

MY CLIENT'S AFFIRMATIVE ASYLUM APPLICATION HAS BEEN APPROVED... NOW WHAT?

Congratulations on obtaining asylum for your client! Now that the application has been approved, you and your client likely have many questions about the benefits that asylum confers and the rights and responsibilities of an asylee. The following is a brief overview of issues that may arise:

DOCUMENTATION

Your client will receive a number of different documents once her application is approved:

- Upon return to the asylum office, your client will receive a letter indicating that her asylum application was approved. The approval notice has an Arrival/Departure Record (I-94) at the bottom – it should be detached and stapled into your client's passport.
- Asylees who pick up their decisions in person will receive an Arrival/Departure Record (I-94) and an Employment Authorization Document (EAD) card in the mail within seven to ten days after the date they are issued their asylum approval letters.¹
- For asylees who are to receive their decision in the mail, prior to mailing the decision, Asylum Office staff will check the databases for the most recent address on file to ensure that the decision and the work permit or EAD is mailed to the correct address. If you are receiving your approval in the mail, the EAD may arrive in a separate package or may require further action (scheduling an INFOPASS appointment) if your client has previously applied for an EAD.

DERIVATIVES IN THE UNITED STATES

If an asylee's spouse or unmarried child under the age of 21² were already in the United

¹ After this initial EAD, and before receipt of lawful permanent resident status (commonly referred to as a "green card") asylees must apply for a renewal, replacement, or extension by submitting a Form I-765, *Application for Employment Authorization Document*, to the Nebraska Service Center and paying the applicable fee.

² She may apply for derivative asylum for a stepchild if, prior to being granted asylum, the marriage between the client and the child's parent took place before the child's 18th birthday. She may also apply for derivative asylum for an adopted child if, prior to her being granted asylum, the adoption took place before the child's 16th birthday and the child has been in her legal custody for at least two years.

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States and were listed on the asylee's I-589 application, they should be automatically granted asylee status and included with the asylum approval.

DERIVATIVES OVERSEAS

If your client's derivatives are overseas, she can petition on behalf of her spouse and her unmarried children under 21³ to join her in the United States. In order to do so, the relationship between her and the derivative(s) must have existed before she was granted asylum. **She must also file her I-730 Refugee/Asylee relative petition within 2 years after she was granted asylum** (unless it is determined that the filing period should be extended for humanitarian reasons), and that status must not have been terminated. If your client marries after she is granted asylum or doesn't file her petition in time and the period is not extended, she will have to wait until she is a permanent resident to sponsor her husband or children. The instructions to the I-730 petition explain how to file, and the process, in greater detail. You can print the form and instructions from the USCIS website at www.uscis.gov. Please be aware that there is a several hundred dollar fee associated with the application. As with all applications, your client may request the fee be waived based on her financial resources and USCIS may approve such waiver at its discretion. The United States Consulate in your clients' country of origin is responsible for issuing the travel document that will allow your client's derivatives to enter the United States.

PUBLIC BENEFITS

Eligibility for Benefits:

Once asylum is granted, your client is eligible for a range of public benefits for a period of 8 months (and in some instances shorter) that starts running from the day that asylum is granted. Your client may be eligible for other benefits after that 8 months, but forgoes the benefits given during that 8 months if she does not enroll during that time. Please contact your Tahirih mentor attorney for more information about the state and private agencies that administer these benefits.

Obtaining a Social Security Card:

Asylees are also eligible (and advised to) obtain social security cards. Your client can obtain a social security card by showing her EAD and another form of identification at her social security office (the office locations can be found via: www.socialsecurity.gov/locator).

WORK AUTHORIZATION

While asylees are not required to have an EAD to establish eligibility to be employed in the United States, we strongly recommend getting one because practically speaking it may be difficult to obtain documents without one and can be a useful for of identification. An asylee can show alternate documents to an

³See footnote 2 above for the requirements for applying for derivative status of stepchildren and adopted children.

employer to verify eligibility to work in the United States on the Form I-9, including an unrestricted Social Security card, which can be obtained by an asylee or refugee, along with a photo identity document, such as a driver's license, passport, etc.

TRAVEL

Since your client has been granted asylum, **she should NOT use or obtain a passport from her country of origin.** Doing so could potentially jeopardize her asylum status because it may indicate that she now seeks protection from her country of origin. Until she becomes a United States citizen, she must apply to USCIS for a special travel document called a Refugee Travel Document. This document can substitute for a passport for travel purposes. She should apply for this document before she leaves the United States. The application is Form I-131, Application for Travel Document and is available at the USCIS website (www.uscis.gov). The fee associated with this application is \$360 as of the time of writing this document; however, you should check current filing fees on the USCIS website prior to submitting any applications.

Tahirih STRONGLY recommends that your client NOT travel back to her home country. If she does travel back to her home country, USCIS could determine that she is no longer eligible for asylum due to a fundamental change in circumstances and begin the asylum termination process.

ADJUSTMENT TO PERMANENT RESIDENT STATUS

In order to adjust status, an asylee must demonstrate that she has been physically present in the United States for at least one year after her grant of asylum. Form I-485 is used for the adjustment application and the form and instructions can be found at the USCIS website (www.uscis.gov). While she is not required to adjust to permanent resident status, Tahirih encourages our clients to do so as early as possible.

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