DATE

Via FedEx OVERNIGHT DELIVERY

Los Angeles Asylum Office

ATTN: FILED OAW APPLICATION

14101 Myford Road

Tustin, CA 92780

**Re: XXXXX XXXXX (A# XXX-XXX-XXX) Asylum Application (Receipt# XXXXXXXXXXXX), Supplemental Letter Brief in Support of Application for Asylum and Withholding of Removal**

Dear Asylum Officer,

We respectfully submit this supplemental letter and memorandum in support of Ms. XXXXX XXXXX’s application for Asylum. We write to ensure Ms. XXXXX’s original application date of September 1, 2022, within the one-year filing deadline, is preserved, or, in the alternative, Ms. XXXXX qualifies for an extraordinary circumstances exception to the one-year deadline due to (1) her timely refiling within a reasonable period following rejection and (2) her status as a parolee.

Attached in support of this brief are:

* Ms. XXXXX’s I-94
* Proof of Delivery of Ms. XXXXX’s Original Application
* Proof of Delivery of Ms. XXXXX’s Refiled Application
* Rejection Notice dated Sept. 6, 2022
* Receipt Notice dated Sept. 20, 2022

Ms. XXXXX arrived in the United States and was granted parole on September 3, 2021. *See* XXXXX I-94. Ms. XXXXX’s application for asylum was mailed to USCIS via FedEx overnight delivery and submitted via email on August 31, 2022 and received by USCIS on September 1, 2022. *See* Original Proof of Delivery. On September 13, 2022, we received a Notice of Action dated September 6, 2022, indicating that Ms. XXXXX’s application had been rejected. *See* Rejection Notice. After making the necessary corrections, the application was mailed to USCIS via FedEx on Friday, September 16, 2022 and was received by USCIS on Monday, September 19, 2022. *See* Refile Proof of Delivery. USCIS issued a receipt notice dated September 20, 2022 confirming receipt of the application on September 19, 2022. *See* Receipt Notice.

**A. Ms. XXXXX’s Asylum Application Was Timely Filed Within the One-Year Deadline**

Ms. XXXXX’s one year filing deadline was September 2, 2022. As outlined above, Ms. XXXXX’s asylum application was initially mailed on August 31, 2022 and received by USCIS on September 1, 2022. *See* Original Proof of Delivery. Ms. XXXXX’s application therefore complied with the one-year deadline, and her original date of submission should be preserved.

**B. In the Alternative, Ms. XXXXX Qualifies for an Extraordinary Circumstances Exception**

Should this office disagree that Ms. XXXXX’s application was filed within the one year filing deadline, she nevertheless qualifies for an exception. Under 8 C.F.R. §208.4(a)(5), extraordinary circumstances may excuse a failure to file within the one-year period, so long as the application is filed within a reasonable period given the circumstances. Ms. XXXXX should qualify for such an exception on at least two listed grounds: (1) her timely refiling within a reasonable period following rejection and (2) her status as a parolee.

**i. Ms. XXXXX’s Application Was Refiled Within a Reasonable Period**

Under, 8 C.F.R. §208.4(a)(5)(v), an enumerated “extraordinary circumstance” is if “[t]he applicant filed an asylum application prior to the expiration of the 1-year deadline, but that application was rejected . . . was returned to the applicant for corrections, and was refiled within a reasonable period thereafter”. Ms. XXXXX filed her asylum application on August 31, 2022, and it was received by USCIS on September 1, 2022, within the one-year filing deadline. *See* Original Proof of Delivery. Further, following receipt of the notice of rejection on September 13, 2022, Ms. XXXXX’s application was resubmitted via mail on September 16, 2022, three days later. *See* Refile Proof of Delivery. The refiled application was received by USCIS on September 19, 2022, only a few weeks after the original submission date. *See* Receipt Notice. This is clearly within a “reasonable period” for refiling. Because of the timely filing of her original application within the one-year deadline and the refiling of her application within a reasonable period following rejection, Ms. XXXXX meets the requirements of 8. C.F.R. §208.4(a)(5)(v) and the extraordinary circumstances exception should apply.

**ii. Ms. XXXXX Was Given Parole Status Which Has Not Yet Expired**

Additionally, Ms. XXXXX qualifies for an extraordinary circumstance exception due to her parole status. Under 8 C.F.R. §208.4(a)(5)(iv), an enumerated “extraordinary circumstance” is “[t]he applicant . . . was given parole, until a reasonable period before the filing of the asylum application.” Upon arriving in the United States, Ms. XXXXX was granted parole under Operation Allies Refuge, lasting until September 2, 2023. *See* XXXXX I-94. The Ninth Circuit has noted that this exception exists “because there are sound policy reasons to permit persons who are in a valid immigrant or nonimmigrant status, or are given parole, to apply for asylum within a reasonable time after termination of parole . . .” *Husyev v. Mukasey*, 528 F.3d 1172, 1181 (9th Cir. 2008) (quoting Fed.Reg. 76121–01 at 76123). As Ms. XXXXX’s parole has not yet been terminated, and in fact will continue for almost another calendar year, she is clearly within the group designed to benefit from this exception which grants applicants additional time even *after* the termination of parole to apply for asylum outside of the one-year bar. As such, Ms. XXXXX is entitled to an exception to the one-year bar under 8 C.F.R. §208.4(a)(5)(iv).

**C. Conclusion**

For the aforementioned reasons, Ms. XXXXX’s application was timely filed within the one-year deadline, or, in the alternative, Ms. XXXXX is entitled to extraordinary circumstances under 8 C.F.R. §208.4(a)(5) due to (1) her timely refiling within a reasonable period following rejection and (2) her status as a parolee.

Thank you for your consideration.

Sincerely,

ATTORNEY