

## **Frequently Asked Questions about Seeking Asylum in the United States**

### **1. How can I apply?**

Generally, there are three ways you can migrate legally to the United States:

Having a family member in the United States sponsor you

Having an employer in the United States sponsor you

Demonstrating to the United States government that you fear persecution based on your race, religion, nationality, membership in a social group, or political opinion

There is no set definition of the five terms listed above, and proving you fall under one of these protected categories is extremely complicated. Also, some people are not eligible for asylum, even if they fall into one of these categories. It is advisable to get help from an experienced attorney or licensed legal service provider who is an expert in asylum law before you try to make an asylum or refugee claim.

There are two ways you can demonstrate to the United States government that you fear persecution based on race, religion, nationality, membership in a social group, or political opinion. The first is to be recognized as a refugee abroad. To do this, you must contact the United Nations High Commissioner for Refugees (UNHCR) for a referral to the U. S. Embassy, or contact the U.S. Embassy directly.

The second way is to apply for asylum in the United States. To do this, you must already be in the United States or at a U.S. airport or border.

### **2. What if I'm already in the United States?**

If you are in the United States, you may be able to file for asylum with an INS Asylum Office. The procedure for filing an asylum application with the INS Asylum Office includes filing an application within one year of the date you arrived in the United States (there are exceptions to the one-year filing requirement). After your application is filed, you will be scheduled for an interview. You will not be allowed to work while you wait for your interview. If you convince the Asylum Officer who interviews you that you have a valid fear of persecution based on your race, religion, nationality, membership in a social group, or political opinion, you will likely be granted asylum (though some people cannot be granted asylum).

If your application is denied, you will have a chance to go in front of an immigration judge to try to prove your case. If the immigration judge denies your application, you have the right to appeal your case. Ultimately, if your application is denied after your appeals, or if you decide not to appeal, you may be deported from the United States.

### **3. What if I cannot get a visa to the United States and I plan to apply once I get to the airport?**

If you arrive at a U.S. airport or border without a valid passport or visa or for reason inconsistent with those permitted by the visa, you face the risk of not being allowed to enter the United States. If you try to come to the United States with false travel documents or no travel documents, you may be returned to your country and prohibited from returning to the United States for five years. If you demonstrate to the U.S. immigration inspector that you fear persecution in your country for one of the five reasons mentioned above, you will be allowed to apply for asylum. However, you may be held in jail while the U.S. government is considering your application. Also you will not apply with an INS Asylum Office. If you do not have permission to be in the United States, you will have to prove your asylum case to an immigration judge in more formal court proceedings.

### **4. What can I do if I am detained?**

The INS has the authority to release asylum seekers from detention, but sometimes does not do so. You have the right to request that the INS release you from detention. It will help if you have support from relatives, friends, a church, or other established member of the community. Even with support, there is no guarantee you will be released from jail until a final decision is made on your asylum claim.

## **5. Where can I get help?**

The INS website has information at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). The Department of State has information on the refugee process on their website at [www.state.gov](http://www.state.gov).

Proving an asylum claim is a complex legal matter best handled by an experienced attorney or certified immigration legal service provider. Private immigration attorneys are one option. To find an immigration lawyer in your area, visit the America Immigration Lawyers Association website at [www.aila.org](http://www.aila.org), and click on "Lawyer Referral Service." Your local or state bar association may also be able to help you.

Another option is to find an agency that provides legal assistance to immigrants at low or reduced cost. You can find a list of these agencies on the INS website at [www.ins.usdoj.gov/graphics/fieldoffices](http://www.ins.usdoj.gov/graphics/fieldoffices). Once you locate your field office, go to "about us," then to "contact us," then to "help," where you can find the list. There may be other agencies in your area (particularly if you live in a large city) that can also help, so don't limit yourself to the list provided by the INS.

Another resource is the Lawyer's Committee for Human Rights, which helps to match attorneys willing to represent asylum seekers for free with asylum seekers who cannot afford to pay for representation. They can be reached at [wdc@lchr.org](mailto:wdc@lchr.org).

Also, there may be agencies near where you are detained that can help, especially if you are in a facility with a large number of asylum seekers.