

## APPLY FOR ASYLUM

Asylum may be granted to people who are arriving in or already physically present in the United States. To apply for asylum in the United States, you must file Form I-589, Application for Asylum and for Withholding of Removal, at the appropriate Service Center, or to the Immigration Court directly when you are arrested by USICE and was put under removal proceeding. You may apply for asylum regardless of your immigration status, whether you are in the United States legally or illegally.

You must apply for asylum within one year of your last arrival in the United States, but you may apply for asylum later than one year if there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances directly related to your failure to file within one year.

To qualify for asylum, you must meet the “well founded fear” definition of a “refugee” under Immigration You must be a person who is unwilling to unable to return to his country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The persecution must come for the government in your mother country.

A past persecution claim may arise in one of two forms. First, if you can establish past persecution, there is a presumption that you have a well-founded fear of persecution in the future. This presumption may be overcome only if US government can establish by a preponderance of the evidence that there are changed country conditions. Second, you may obtain asylum based on past persecution even if it is not established that you would have a well founded fear in the future if there are “compelling reasons” for being unwilling to return including severe forms of past persecution.

If you are granted asylum, you can apply for your family members within two years. You must wait for one year after grant to apply for permanent resident status. As an asylee, you enjoy the full benefits as permanent resident. You can apply for Medicaid and other federal benefits.