



AMERICAN **BAR** ASSOCIATION

Commission on Immigration



Welcome the stranger.  
Protect the refugee.

# Asylum Toolkit

For Pro Bono Attorneys  
Representing Pro Se Afghan Applicants

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## About HIAS

There have never been more people seeking safety and so few places willing to protect and welcome them. Over 80 million people are fleeing persecution. Governments should be taking responsibility to support them, but instead, their responses are unacceptable. Founded in the late 1800s, HIAS is there for refugees when and where they need help most. We are a Jewish humanitarian organization that works in the United States and 15 other countries, providing vital services to refugees and asylum seekers of all faiths so they can rebuild their lives in safety, and with dignity. With the Jewish community beside us, we also advocate for the rights of forcibly displaced people globally. Over our expansive history, we've confronted—and overcome—formidable challenges facing refugees. Today, we are a leader with the expertise, partnerships, and values necessary to respond to the global crisis. Refugees deserve a world in which they find welcome, safety, and freedom. With you, we can create it. Join us.

- **Learn** about the global refugee crisis and how to make our world more safe and welcoming.
- **Visit [HIAS.org](https://www.hias.org)** to learn about our work in the U.S. and 15 countries around the world.
- **Donate to [HIAS](#)**, or directly to [HIAS' Legal Team](#). Your gift will make an immediate impact in the lives of refugees and asylum seekers.
- **Take action.** Speak up, show up, or organize your community to advocate for the rights of refugees and asylum seekers everywhere.
- **Volunteer** your time and talents directly to help refugees and asylum seekers near you.
- **Welcome the Stranger.** Learn about the Jewish values we bring to our work and how you can live them out every day.
- **Follow HIAS on social media** ([Facebook](#) – [Instagram](#) – [Twitter](#)) to stay informed on refugee news and ways to help.

## About the ABA: Commission on Immigration

Guided by resolutions adopted by the American Bar Association House of Delegates, the Commission on Immigration (COI) works to coordinate and strengthen the ABA's response to legal developments and to address the needs of immigrants and newcomers. The ABA Board of Governors has designated immigration to be a legislative priority of the ABA in each Congress since 1992. The Commission works to achieve its goals to ensure fair treatment and full due process rights for immigrants, asylum-seekers, and refugees within the United States through various projects including South Texas Pro Bono Asylum Representation Project (ProBAR), Immigration Justice Project of San Diego (IJP), the Children's Immigration Law Academy (CILA), the Detention and LOP Information Hotline, and the COI pro bono, educational, and advocacy efforts.

- **Visit [americanbar.org/immigration](https://americanbar.org/immigration)** to stay up to date on programming and learn about our work at the border and beyond.
- **Donate to [the Commission](#)**, or directly to [CILA](#), [IJP](#), or [ProBAR](#) to advance access to counsel and due process for migrants!
- **Volunteer** as a pro bono attorney, accredited representative, or translator by expressing interest on this Pro Bono interest form.
- **Stay informed** by signing up to receive our [monthly pro bono newsletter](#) highlighting ways to get involved and programming opportunities.  
**Follow the Commission on social media** ([Facebook](#) – [LinkedIn](#) – [Twitter](#)) to stay informed on programming and ways to help.

## About the HIAS/ABA: Commission on Immigration Pro Se+ Project

### Background

Since August 2021 and the fall of the Afghan government to the Taliban, tens of thousands of Afghans have fled Afghanistan. Many have entered the U.S. on “parole,” a temporary permission to enter, that does not provide long-term or permanent immigration status in the U.S. Parolees will need to evaluate and consider potential applications for long-term immigration relief, and for those afraid that they may face persecution if returned to Afghanistan, asylum may be an appropriate avenue for such relief. Since Afghan Parolees are not in removal (deportation) proceedings before an immigration court, they apply for asylum affirmatively, before U.S. Citizenship and Immigration Services (USCIS). After being filed with USCIS, affirmative asylum applications are forwarded and processed at a local Asylum Office. The local asylum office will then schedule asylum applicants for non-adversarial interviews, during which they are questioned about their case by a trained asylum officer.

The asylum process is difficult to navigate alone: Establishing that the harm or threats that one faced or fears meet the legal eligibility requirements requires complex legal analysis and is difficult to prove. Afghan nationals planning to apply for asylum will benefit greatly from legal assistance, but few will be able to afford to pay private attorneys to represent them. Legal service organizations are already overextended, and will likely be unable to provide full representation to all those who need assistance. In recognition of this situation, HIAS Pro Bono & Partnerships Team and the ABA Commission on Immigration seeks to place some *pro se* asylum seekers with legal counsel for limited-scope representation (referred to as the “*pro se* + asylum project”).

In the *pro se*+ asylum project, pro bono attorneys will represent asylum seekers for a discrete, short-term period. They will assist in the completion of a comprehensive application for asylum (disclosing their assistance on the I-589 Application for Asylum and on the client’s cover letter to USCIS), will help the client submit their asylum application to USCIS, and will help the client prepare for their asylum interview. They will also provide the client with a HIAS and ABA: Commission on Immigration prepared packet for *pro se* asylum applicants, describing the next steps and what to expect after submitting the filing. At the conclusion of the representation, the client will have filed their claim *pro se* with USCIS, and they will be prepared on how to proceed in the next steps of their case.

Pro bono attorneys decide that they want to continue on after the initial 2-4 month period and represent their client before the Asylum Office, may choose to do so and enter their appearance before USCIS with Form G-28. However, at that juncture, they will not be covered under HIAS’ malpractice insurance umbrella. They can continue to attend office hours, but they will not be eligible for direct mentoring support from HIAS’ PB&P team or the ABA: Commission on Immigration once they have entered an appearance, unless otherwise agreed upon.

### Attorney Preparation

To ensure adequate preparation for participation in this project, Pro Bono attorneys are required to:

- Watch the 4-part recorded [training series on Asylum for Afghan Nationals](#).
- Carefully review the Asylum for Afghan Nationals Toolkit, [available here](#).

Pro Bono attorneys are also highly encouraged to review the recorded trainings on:

- [Asylum 101](#)
- [Trauma Informed Practices](#)

- [Brief Drafting for Asylum Seekers](#)
- [Country Conditions Research Training](#)
- [Drafting an Effective Affidavit](#)
- [Advanced Asylum – Special Considerations in LGBTQ Cases](#)

## Case Placement and Recommended Timeline

When a case is placed with a pro bono attorney, the attorney/firm will sign an agreement with HIAS. The attorney/firm will also execute a limited scope engagement agreement with the client. HIAS' PB&P team will provide recommended language for this, but it is critical that the client fully understand the limited nature of the attorney-client relationship, and give informed consent to a limited-scope representation. Pro bono attorneys will be required to send HIAS a copy of the limited scope agreement executed at the initial client meeting. HIAS reserves the right to terminate its agreement with the attorney/firm if we do not receive a copy of the limited scope engagement agreement within a reasonable amount of time.

After the case is placed, the attorney will embark upon an estimated 2 to 4-month limited scope representation of the client. The work to be completed may include, but is not limited to:

- Prepare Form I-589, Application for Asylum
- Draft and finalize client affidavit in support of asylum
- Assess what additional corroborating evidence exists, and take steps to collect this evidence, including, but not limited to:
  - Supporting witness affidavits
  - Social media posts
  - Political party ID cards
  - Employment or school records/letters
  - Medical records or reports
- Conduct country conditions research *[Note that pro bono attorneys will have access to library of initial research, but may need to conduct more that is specifically relevant to their client's case]*
- Draft index of evidence in support of asylum application
- Conduct interview prep session
- Provide client with filing instructions and information on next steps

### **Below is a recommended timeline for completion of the case in a timely manner:**

**Weeks 1-2:** Schedule initial meeting with client; converse about client's story/claim (take notes during meeting, to assist in later drafting of client affidavit); complete Part A of the Form I-589; begin identifying potential sources of supporting evidence.

**Weeks 3-6:** Continue understanding/developing the client's story and claim (continue taking notes); draft client affidavit; begin drafting Part B of the Form I-589; begin articulating/summarizing legal theory for asylum cover letter.

**Weeks 7-8:** Conduct and/or supplement country conditions research; complete draft of Form I-589 and send to HIAS and the ABA Commission on Immigration for review; if client is obtaining affidavits from witnesses, review and edit draft affidavits; send documents out for translation.

**Weeks 9-10:** Complete draft of client affidavit and send for HIAS review; begin assembling supporting documents (client documents and country conditions reports) into an exhibit list; finalize translations.

**Weeks 11-12:** Finalize I589 and Client Affidavit; finalize cover letter and exhibit list; assist client with submission of asylum application to USCIS; conduct interview prep session; meet with client to provide case closing information and next steps.

## Closing the Case

Upon completion of the agreed-upon work (including assisting in the filing of the application with USCIS, and conducting an asylum interview preparation session with the client), the pro bono attorney will:

- Ensure the client has a full paper and electronic copy of the asylum filing
- Provide a client with the our “Next Steps” Information Packet;
- Provide the client with a detailed list of any outstanding items (for example, if they are waiting on a document or have an upcoming appointment);
- Execute a disengagement letter with the client (sample to be provided by HIAS), and provide HIAS with a copy.

## FAQS

### How will the project work?

Pro bono attorneys will help Afghan asylum seekers by working closely with them during a 2-4 month period. Pro bono attorneys will help prepare the Form I-589 (Application for Asylum), develop detailed affidavits, conduct country conditions research, and help gather other relevant evidence for their claims. They will assist clients in filing their claims, and will run practice asylum interview sessions to prepare them for their interviews with U.S. immigration authorities. Pro bono attorneys who take cases through our *Pro se* + project will not enter their appearance as attorney on behalf of the clients (via Form G-28) or appear with the clients at the interview, so this legal assistance can be offered remotely.

### What types of cases will be referred to this project?

HIAS’ PB&P team will be accepting referrals for this project from HIAS affiliates. Since the pro bono attorneys are not required to enter their appearance and commit to full representation, we will only refer clients who can adequately represent themselves before their local Asylum Office. We will consider the following factors when making referrals to this project:

- Are there any complicating factors in this case that would make it harder and less effective for the client to appear *pro se* in the asylum office?
- Will the pro bono attorney have the chance to make a meaningful, positive impact in the case through limited scope representation?
- Is the client able to provide informed consent to the limited nature of the representation?
- Does the client have the technological capacity to work with a pro bono attorney remotely?
- Will the client be comfortable working with a pro bono attorney on discrete pieces of their case?

### What types of agreements are being signed?

Agreements will be entered into as follows:

- The pro bono attorney and the client will sign a limited scope retainer agreement, clearly setting out the parameters and the limited nature of the pro bono assistance.
- The pro bono attorney will sign an agreement directly with HIAS, setting out the expectations of this project.
- At the conclusion of this project, the pro bono attorney will send the client a “disengagement letter,” confirming the end of the representation, and providing next steps for the continuation of their case; the pro bono attorney will cc, or otherwise send a copy of this letter to HIAS.

### How are responsibilities being divided?

- The pro bono attorney will:
  - Sign a clear limited scope agreement with the client and explain the scope of the representation.
  - Prepare the asylum application and supporting documents, as agreed upon and as set forth above.
  - Communicate directly with the client during the scope of the project.
  - Conduct at least one asylum interview prep session with the client.
  - Help the client file their I-589 and supplemental evidence with USCIS.
  - Ensure the client has instructions on next steps (which will be provided by HIAS and the ABA Commission on Immigration).
  - Provide interpretation, as necessary, for client meetings during the scope of the project (with support from HIAS and the ABA Commission on Immigration).
  - Cover costs associated with translation of documents.
- HIAS' PB&P Team and the ABA Commission on Immigration will:
  - Assess the case and assign it to the pro bono attorney.
  - Provide trainings, templates, comprehensive pro se packets, pro bono toolkits, and other resources.
  - Provide initial country conditions research.
  - Provide "light touch" mentoring as appropriate, including by being available for weekly office hours sessions.

### How will pro bono attorneys be supported?

Our goal with this project is to serve as many clients as possible. To do so, while simultaneously ensuring that volunteer attorneys are sufficiently supported, HIAS' PB&P team and the ABA Commission on Immigration will provide the following resources:

- A multi-part web-based training series (to be presented live and recorded/available on-demand) on pursuing asylum for Afghan parolees, including an introductory training, an advanced training on common issues that arise in these cases, and a training on how to prepare Afghan asylum seekers for the asylum interview.
- Access to all of our previously recorded asylum trainings, including introductory trainings on asylum law, an overview of the affirmative asylum process, brief writing, affidavit drafting, and trauma informed practices.
- A Toolkit for pro bono attorneys with step-by-step information on applying for asylum affirmatively and representing Afghan clients
- Packet for Pro Afghan Asylum applicants representing themselves (Pro Se)

*HIAS' PB&P Team & the ABA: Commission on Immigration will provide additional support and mentorship as follows:*

- Review a **final** draft of the **I-589, Application for Asylum**. Pro Bono attorneys can save the draft I-589 into the HIAS secure SharePoint folder or send the draft I-589 via an encrypted email to **probono@hias.org** (Subject Line – Afghan Pro Se+ Project, Client Name). We will conduct high-level reviews and will turn around any edits, comments, or suggestions in five (5) business days.
- Hold weekly office hours sessions for pro bono attorneys who are working on Pro Se+ Asylum cases with our team. We ask that pro bono attorneys save their questions for the weekly office hours to preserve staff capacity and ensure that all volunteer attorneys involved in the project can benefit from the information.

**Will interpretation or translation support be provided?**

We are building out a volunteer Dari & Pashto interpreter bank which will be available to pro bono attorneys working on cases through this project. However, our volunteer interpreters will not be able to support all of the interpretation and translation needs of our pro bono attorneys. Pro bono attorneys are therefore encouraged to identify colleagues or others within their networks who can help with interpretation and translation. Pro bono attorneys may also need to hire professional services to assist on their cases/projects. To the extent professional services are necessary for interpretation or translation needs, pro bono attorneys will be expected to cover those costs. Here are some interpretation services:

- Free interpretation resources: [USA Hello](#)
- Free Interpretation resources: [Tarjimly](#)
- Free texting translation: [Talking Points](#)
- Paid per minute telephonic interpretation: [Language Line](#), [Language Services of America](#)
- Paid interpretation: [Cal Interpreting](#)

We also encourage you to watch a training on working with interpreters [here](#).



## About Asylum and Using This Toolkit

### What is Asylum?

Asylum is form of legal protection for people who are physically present in the United States, who suffered and/or fear future persecution in their home country.

Persecution is not specifically defined in federal statute or regulations. Instead, the definition comes from the evolution of case law on this topic.<sup>1</sup> Generally, persecution involves serious harm, or a threat of serious harm or even death. It often involves serious *physical* harm, like beatings, kidnapping, torture, or sexual assault, but it may also include coercive medical or psychological treatment, like forced sterilization, forced abortion, or severely inadequate medical care. Even without physical harm, a client may have suffered persecution if they suffer (or fear) severe discrimination, or an unfair and unequal treatment of people of a particular group. To constitute persecution, however, the mistreatment must rise above “mere harassment.”

To win asylum, it is not enough that someone fear persecution. The asylum applicant must show that they have either been persecuted in the past, or they fear they will be persecuted in the future, on account of one of five “protected grounds” – something about themselves that they either cannot change, or should not be forced to change to avoid persecution.

The five “protected grounds” include: (1) race; (2) religion; (3) nationality; (4) political opinion; or (5) membership in a particular social group. A particular social group is a legal term in U.S. asylum law which describes a group of people who have something in common about themselves that they cannot change, such as being a member of a particular family group, being lesbian/gay/bisexual/trans/queer (LGBTQ), or being HIV+.<sup>2</sup>

An asylum applicant may seek asylum because they fear that their own government will harm them. The government may include the police, the military, or another branch of government, or another government official. The asylum applicant can also seek protection if another person or group that is not the government has harmed them, or will harm them in the future. If it is not the government itself that has persecuted (or will persecute) the asylum applicant, the asylum applicant must show that the government cannot, or will not control the individual or group that wants to harm the asylum applicant.

An asylum applicant must also show that they cannot avoid the persecution they suffered in the past (or fear in the future), and live safely in their home country, simply by moving to a different part of the country.

Finally, an asylum applicant must file their application for asylum within one year of their last entry to the United States. There are some exceptions to this rule, but if possible, it is highly recommended to file for asylum within one year of entering the U.S. If that is not possible, it is recommended that the asylum applicant file as soon as they can.

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<sup>1</sup> The USCIS Refugee, Asylum, and International Operations Directorate (RAIO) Training Program has useful materials to help outline what kinds of harms or threats may constitute persecution. See [https://www.uscis.gov/sites/default/files/document/foia/Persecution\\_LP\\_RAIO.pdf](https://www.uscis.gov/sites/default/files/document/foia/Persecution_LP_RAIO.pdf)

<sup>2</sup> For a more thorough explanation of what constitutes a “particular social group” for asylum purposes, review Matter of M-E-V-G-, 26 I&N Dec. 227 (BIA 2014).

*Example:* Mohamed held a visitor’s visa and traveled to the U.S. twice a year between 2015 and 2020 to visit his family in Virginia. He last entered the U.S. on August 28, 2021. Mohamed should plan to file his asylum application on or before August 27, 2022 to comply with the one-year filing deadline.

## Who Will Adjudicate My Client’s Asylum Case?

Most Afghan parolees will apply for asylum affirmatively. They will submit their application to U.S. Citizenship and Immigration Services, and attend an interview conducted by a trained Asylum Officer. More information about the affirmative asylum process is included below.

## Who can My Client Include on their Asylum Application?

If your client is applying for asylum based on what happened to them or what they fear, they are considered the “principal applicant.” They can include their spouse and unmarried children under the age of 21 who are in the United States with them as derivative beneficiaries on the application. As derivative beneficiaries, they will also get asylum status if the principal applicant’s case is granted, based on the approval in the principal applicant’s case. Additional information is included below.

## How do I use this Toolkit?

HIAS and the ABA: Commission on Immigration have created this toolkit to prepare attorneys to represent Afghan asylum seekers *pro bono*. This toolkit includes sample pieces of an affirmative asylum claim, as well as templates that an attorney may want to use to begin drafting pieces of their client’s case. Links to our four-part recorded training series, and other relevant materials that may be useful to attorneys working with asylum seekers, have been provided above as well.

We include in this toolkit some sample pieces of an asylum claim, based on a fictional applicant named “Farhad Ahmadi.” These samples are meant to illustrate what an asylum application *may* look like, but remember: successful asylum claims often look very different. They may be based on different facts, or different arguments in the law. Your client’s asylum claim does not need to look a certain way and does not need to look like this sample to be successful. In fact, your client’s asylum claim should look very different from this sample!

Asylum claims are very personal, and U.S. immigration authorities consider each case based on its own facts. It is important for your client to tell the truth about their story so that the asylum officer can properly understand and adjudicate the asylum application.

## Elements of an Asylum Claim

An asylum claim usually has four main components:

1. A **Cover Letter**, which lets the Asylum Office know who is seeking asylum, and what they can expect to find in the asylum application package.
2. **Form I-589, Application for Asylum**, the **required** U.S. Immigration Services form through which applicants can seek asylum.
3. A **Sworn Statement**, or declaration, from the asylum-seeker in support of asylum.
4. **Corroborating Evidence** in support of asylum, which will typically include: (1) personal identity and immigration paperwork, like a copy of the passport, and marriage certificate and/or birth certificates for derivative family members, (2) evidence relating to the asylum-seeker’s personal circumstances, and (3) independent/objective evidence relating to the circumstances of people like the asylum-seeker, who are similarly situated.

We address each of these elements in more detail, below.

## Common Terms and Acronyms in U.S. Asylum Law

<b>Asylee (or Principal Asylee)</b>	A person who applies for, and is granted asylum in the United States, based on their fear of persecution on account of a protected ground.
<b>Asylum seeker</b>	A person in the United States who is unable to return to their country of origin because they fear persecution on account of a protected ground.
<b>Derivative Asylee (or Asylum Seeker)</b>	A person who is included in the asylum application of (or granted asylum based on being included on the asylum application of) an immediate family member (their spouse or parent).
<b>Asylum Office (AO)</b>	A USCIS office that interviews asylum seekers and adjudicates asylum claims.
<b>DHS</b>	Department of Homeland Security, the U.S. federal agency that oversees most immigration matters. It oversees USCIS, ICE, and CBP.
<b>DOJ</b>	Department of Justice, the U.S. federal agency that oversees the immigration courts and the Board of Immigration Appeals (BIA).
<b>Particular Social Group (PSG)</b>	A legal term used to describe a group of people who have something in common about themselves that they cannot change, such as being lesbian/gay/bisexual/trans/queer (LGBTQ), or being HIV+.
<b>Persecution</b>	The severe harm or mistreatment of someone based on something about themselves that they cannot, or should have to change.
<b>Protected Ground</b>	To win asylum, an asylum seeker must show that they fear persecution on account of one of five “protected grounds” which include: (1) race; (2) religion; (3) nationality; (4) political opinion; or (5) membership in a particular social group.
<b>Torture</b>	Any act that intentionally causes severe pain or suffering to obtain information or a confession, or as punishment. Torture must either be inflicted by a government actor (such as the police or the military) acting in an official capacity, or with the consent of a government actor.
<b>USCIS</b>	United States Citizenship and Immigration Services, the agency in charge of adjudicating applications for certain immigration benefits such as asylum and work authorization.

## Common Issues in Asylum Applications

U.S. asylum law is complex and often difficult to navigate. Certain circumstances can make applying for asylum even more complicated. We have identified below a list of issues that some asylum applicants may face. Additional resources and information about bars to asylum and complicating issues in an asylum application may be accessed [here](#).

If any of the following issues apply to your client, or their derivative spouse or children, **please bring this to the attention of your attorney mentor for assessment before submitting the client's application for asylum.**

### Having a criminal record, or having committed a crime

Having been involved in criminal activity (even if the client was never arrested or convicted), or having a criminal record, regardless of whether it occurred inside the U.S. or outside the U.S., may complicate an asylum claim. Some conduct or convictions make an individual ineligible for asylum altogether, and some impact whether an officer believes the applicant *deserves* asylum. Some conduct has no impact on a case at all.

- **Particularly Serious Crime.**
  - An applicant convicted of an aggravated felony<sup>3</sup> is deemed to have been convicted of a particularly serious crime for purposes of asylum. An aggravated felony may include a conviction that is not necessarily a felony under state or federal law; conversely, a state or federal misdemeanor may still constitute an aggravated felony.
  - If the client received an aggregate sentence of five years or more for an aggravated felony conviction(s), the crime is deemed to be particularly serious for purposes of many forms of immigration relief.<sup>4</sup>
  - Other crimes that are not aggravated felonies will be considered on a case-by-case basis to determine whether they are particularly serious.
- **Serious Nonpolitical Crime.**
  - An applicant is ineligible for asylum and withholding if he or she committed a serious nonpolitical crime outside of the United States. A conviction is not required to be found ineligible for asylum on this basis.
  - In determining whether there is reason to believe that an applicant committed a serious nonpolitical crime, an adjudicator will balance the seriousness of the criminal acts against the political aspect of the conduct, to determine whether the criminal nature of the acts outweighs their political character.<sup>5</sup>
  - An applicant's mental health, at the time they committed a serious nonpolitical crime, is not relevant to the determination of whether they committed the crime and are thus barred from asylum.<sup>6</sup>

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<sup>3</sup> See INA §101(a)(43), 8 USC §1101(a)(43).

<sup>4</sup> For more insight on what kinds of convictions may be considered “particularly serious crimes,” review this helpful resource from the Immigrant Defense Project (IDP) and Harvard Immigration and Refugee Clinic (HIRC), [https://www.immigrantdefenseproject.org/wp-content/uploads/IDP\\_Chart\\_FINAL.pdf](https://www.immigrantdefenseproject.org/wp-content/uploads/IDP_Chart_FINAL.pdf)

<sup>5</sup> See Matter of E-A-, 26 I&N Dec. 1 (BIA 2012).

<sup>6</sup> Matter of G-G-S-, 26 I&N Dec. 339 (BIA 2014); but see Shazi v. Wilkinson (8th Cir., 2/11/2021) (finding the refusal to consider mental illness impermissible, and the categorical bar on considering mental health “arbitrary and capricious”).

- An INTERPOL Red Notice may constitute “reliable evidence” that an applicant has committed a serious nonpolitical crime and is thus ineligible for asylum.<sup>7</sup>
- Several Circuits (e.g., the Second, Fourth, and Ninth) have found that aggravated felonies are a subset of particularly serious crimes, and a conviction for an aggravated felony will categorically bar an applicant from asylum.<sup>8</sup>
- The Third Circuit has held that an offense need not be considered an “aggravated felony” to nonetheless constitute a “particularly serious crime” for the purposes of a bar asylum.<sup>9</sup>
- **Danger to the Security of the United States.**
  - An applicant is ineligible for asylum if they are found to be a danger to the security of the United States.
  - An applicant who is found to have engaged in terrorist activity is deemed to be a danger to the security of the United States.<sup>10</sup>

## Holding or having access to legal immigration status in another country (other than Afghanistan) before coming to the U.S.

This is referred to as the “firm resettlement” bar. For purposes of the “firm resettlement” bar, legal immigration status could include a temporary (but renewable) permission to stay, residency, or citizenship.

According to DHS rules, an individual is considered to be “firmly resettled” if, prior to arrival in the United States, they entered into another country with, or while in that country received, an offer of permanent resident status, citizenship, or some other type of permanent resettlement. One does not have to have *received* an offer of permanent resettlement to be considered firmly resettled, “the existence of a legal mechanism in the country by which a foreign national could obtain permanent residence may be sufficient to make a showing of an offer of firm resettlement.”<sup>11</sup>

### Determining Firm Resettlement

To determine if someone was firmly resettled, the government uses a four-step framework:<sup>12</sup>

- 1) The government bears the burden of presenting prima facie evidence of an offer of firm resettlement by producing direct evidence or indirect evidence of his or her ability to stay in a country indefinitely, if of a sufficient level of clarity and force;
- 2) The foreign national can rebut the *prima facie* evidence by showing by a preponderance of the evidence that such an offer has not been made or that he or she would not qualify for it;
- 3) The totality of the evidence presented by both parties is considered to determine whether the foreign national has rebutted the evidence of an offer of firm resettlement; and
- 4) If deemed firmly resettled, the burden shifts to the foreign national to establish that an exception to firm resettlement, by a preponderance of the evidence.

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<sup>7</sup> Matter of W-E-R-B-, 27 I&N Dec. 795 (BIA 2020).

<sup>8</sup>See Delgado v. Holder, 648 F.3d 1095, 1102-05 (9th Cir. 2011) (en banc); Gao v. Holder, 595 F.3d 549, 554-55 (4th Cir. 2010), cert. denied sub nom. Zhan Gao v. Holder, 131 S. Ct. 898 (2011); N-A-M- v. Holder, 587 F.3d at 1055-56; Nethagani v. Mukasey, 532 F.3d 150, 156-57 (2d Cir. 2008). Bastardo-Vale v. Att’y Gen., (2nd Cir., 8/12/2019).

<sup>9</sup> Matter of M-H-, 26 I&N Dec. 46 (BIA 2012); see also Alaka v. Attorney General of U.S., 456 F.3d 88 (3d Cir. 2006).

<sup>10</sup> See 8 USC §§1182(a)(3)(B), (F).

<sup>11</sup> Matter of A-G-G-, 25 I&N Dec. 486, 502 (BIA 2011).

<sup>12</sup> Matter of A-G-G-, 25 I&N Dec. 486, 501-02 (BIA 2011).

### Exceptions to Firm Resettlement

If the foreign national is found to have been “firmly resettled,” they are ineligible for asylum unless they establish:

- A. That entry into that country was a necessary consequence of his or her flight from persecution, they remained in that country only as long as was necessary to arrange onward travel, and they did not establish significant ties in that country; or
- B. That the conditions of residence in that country were so substantially and consciously restricted by the authority of the country of refuge that they were not in fact resettled.<sup>13</sup>

## Having filed for Asylum more than One Year After Entering the U.S.

An asylum application must be filed within the first year after entering the US.<sup>14</sup> There are limited exceptions to this rule, including whether there were “changed circumstances” which materially affected the applicant’s eligibility for asylum, or whether “extraordinary circumstances” prevented the applicant from timely filing their application.<sup>15</sup>

### Changed Circumstances

According to DHS regulations,<sup>16</sup> changed circumstances may include, but are not limited to:

- Changes in conditions in the applicant's country of nationality or, if the applicant is stateless, country of last habitual residence;
- Changes in the applicant's circumstances that materially affect the applicant's eligibility for asylum, including changes in applicable U.S. law and activities the applicant becomes involved in outside the country of feared persecution that place the applicant at risk; or
  - In the case of an asylum applicant who had previously been included as a dependent in another asylum applicant's pending asylum application, the loss of the spousal or parent-child relationship to the principal applicant through marriage, divorce, death, or attainment of age 21.
- If changed circumstances apply, the applicant must file an asylum application within a reasonable period given those “changed circumstances.”

**Practice Pointer:** Include relevant documentation from prior to the applicant’s one-year filing deadline, as well as documentation relevant to the applicant now, to show that the circumstances have changed.

- For example, if the applicant claims that the conditions in their country have substantially worsened since the time they entered the U.S., they may want to include documentation from around the time of their entry to the U.S. as well as documentation of the conditions now, so that the adjudicator may compare and find the delay in the applicant’s filing for asylum to be reasonable.

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<sup>13</sup> 8 C.F.R. § 208.15(a)-(b).

<sup>14</sup> 8 USC §1158(a)(2)(B).

<sup>15</sup> 8 USC §1158(a)(2)(D); 8 CFR §§208.4(a)(4), (5).

<sup>16</sup> 8 CFR §208.4(a)(4).

- For example, if the applicant’s asylum claim is based on their changed personal circumstances (i.e., since coming to the U.S., the asylum applicant has “come out” as LGBTQ and is now living openly as LGBTQ), the applicant will want to provide documentation (may take the form of a detailed declaration) and discuss this process, comparing their situation when they first entered the U.S. and their situation now.

### *Extraordinary Circumstances*

According to DHS regulations, extraordinary circumstances refer to events or factors directly related to the failure to meet the 1-year deadline. Such circumstances may excuse the failure to file within the 1-year period as long as the asylum applicant filed the application within a reasonable period given those circumstances. The burden of proof is on the applicant to establish to the satisfaction of the asylum officer, the immigration judge, or the Board of Immigration Appeals that the circumstances were not intentionally created by the asylum applicant through his or her own action or inaction, that those circumstances were directly related to the asylum applicant's failure to file the application within the 1-year period, and that the delay was reasonable under the circumstances. Those circumstances may include but are not limited to:

- Serious illness or mental or physical disability, including any effects of persecution or violent harm suffered in the past, during the 1-year period after arrival;
- Legal disability (e.g., the applicant was an unaccompanied minor or suffered from a mental impairment) during the 1-year period after arrival;
- Ineffective assistance of counsel, provided that:
  - The asylum applicant files a declaration setting forth in detail the agreement that was entered into with counsel with respect to the actions to be taken and what representations counsel did or did not make to the respondent in this regard;
  - The counsel whose integrity or competence is being impugned has been informed of the allegations leveled against him or her and given an opportunity to respond; and
  - The asylum applicant indicates whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel's ethical or legal responsibilities, and if not, why not;
- The applicant maintained Temporary Protected Status, lawful immigrant or nonimmigrant status, or was given parole, until a reasonable period before the filing of the asylum application;
- The applicant filed an asylum application prior to the expiration of the 1-year deadline, but that application was rejected by the Service as not properly filed, was returned to the applicant for corrections, and was refiled within a reasonable period thereafter; and
- The death or serious illness or incapacity of the applicant's legal representative or a member of the applicant's immediate family.

**Practice Pointer:** Include documentation that extraordinary circumstances were present and prevented the client from filing for asylum within one year of their entry, like:

- If the asylum applicant claims that illness (physical or mental) prevented them from timely filing their application, they should include documentation of such illness (medical records, and/or an evaluation by a medical or mental health professional).
- If the asylum applicant claims they held lawful immigration status at the time of their one-year filing deadline, include proof that they held of such lawful status at the time, like an I-94 (entry/admission record).



- If the asylum applicant claims that they were prejudiced by the ineffective assistance of counsel, including documentation showing (1) that their prior attorney’s assistance was defective, (2) that the applicant advised the prior attorney of such a claim, and (3) that the applicant filed a complaint against the prior attorney, and if not, explain why not.<sup>17</sup>

### Considerations for Afghan Asylum Applicants

It *may be* the case that parolees will qualify for an exception to the one-year filing deadline rule (under 8 CFR §208.4(a)(5)(iv)) and could file for asylum when (or just before) their parole status expires. However, to date, USCIS has not confirmed in writing that it will apply this exception to Afghan asylum applicants, so to be safe, we strongly recommend filing for asylum within one year of entering the U.S. Additionally, filing the asylum application early may ensure that the client does not experience any gap in employment authorization after their parole-based EAD expires. See below for more information about applying for work authorization for asylum seekers.

## Having any associations/interactions with Taliban or another Terrorist Organization.

Not every interaction with the Taliban will harm an asylum claim; some interactions may even make an applicant’s case for asylum stronger. However, certain associations or interactions with terrorist organizations, like the Taliban, may cause problems, even if the interactions were by force or under threat.

Material support to terrorism includes “actions such as providing a safe house, transportation, counterfeit documents, or funds to a terrorist organization or its members. It also includes any action that can assist a terrorist organization or one of its members in any way, such as providing food, helping to set up tents, distributing literature, or making a small monetary contribution.”<sup>18</sup> There is no quantitative component to the material support bar; a foreign national will be found to have provided “material support” to a terrorist organization “regardless of whether it was intended to aid the organization, if the act has a logical and reasonably foreseeable tendency to promote, sustain, or maintain the organization, even if only to a de minimis degree.”<sup>19</sup> Asylum seekers are barred from asylum if they are found to have provided material support to a terrorist organization.

There is no “duress” exception to the material support bar.<sup>20</sup> Even if someone was forced, under threat of death, to provide labor or goods or money to a terrorist organization, it will constitute the provision of “material support” to a terrorist organization and will bar the applicant from obtaining asylum.

## Having ever harmed, or helped to harm, another person.

The “persecutor bar” excludes from asylum “any person who 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.”<sup>21</sup>

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<sup>17</sup> See Matter of Lozada, 19 I&N Dec. 637 (BIA 1988).

<sup>18</sup> See USCIS, Terrorism-Related Inadmissibility Grounds (TRIG), available at <https://www.uscis.gov/laws-and-policy/other-resources/terrorism-related-inadmissibility-grounds-trig> (last updated 11/19/2019)

<sup>19</sup> Matter of A-C-M-, 27 I&N Dec. 303, 308 (BIA 2018).

<sup>20</sup> Id.; see also Matter of M-H-Z-, 26 I&N Dec. 757 (BIA 2016).

<sup>21</sup> INA § 101(a)(42), 8 U.S.C. § 1101(a)(42).



In 2018, the Board of Immigration Appeals issued a decision in Matter of Negusie, to provide a limited exception to the persecutor bar in situations of duress or coercion, where: (1) the applicant acted under an imminent threat of death or serious bodily injury to himself or others; (2) he reasonably believed that the threatened harm would be carried out unless he acted or refrained from acting; (3) he had no reasonable opportunity to escape or otherwise frustrate the threat; (4) he did not place himself in a situation in which he knew or reasonably should have known that he would likely be forced to act or refrain from acting; and (5) he knew or reasonably should have known that the harm he inflicted was not greater than the threatened harm to himself or others.<sup>22</sup>

In 2020, then Attorney General Barr certified Matter of Negusie to himself and revised the opinion, clarifying that there is **no exception** whatsoever to the persecutor bar, even if the persecution of others occurred under coercion or duress.<sup>23</sup> However, in October 2021, Attorney General Garland referred the case to himself for review, vacating Attorney General Barr’s decision and staying the BIA’s decision in Matter of Negusie;<sup>24</sup> as of the time of publication of this toolkit, the status of Matter of Negusie (and whether, and to what extent there exists a duress/coercion exception to the persecutor bar) is pending.

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<sup>22</sup> Matter of Negusie, 27 I&N Dec. 347 (BIA 2018).

<sup>23</sup> Matter of Negusie II, 28 I&N Dec. 120 (A.G. 2020).

<sup>24</sup> Matter of Negusie III, 28 I&N Dec. 399 (A.G. 2021).

## Sample Annotated Application for Asylum

Included below are links to the I-589 Application for Asylum and USCIS Instructions to the Application for Asylum. We also include translations of each of those documents in Pashto and Dari because some clients may find it easier to either complete that version first, or follow along with that version while working with you to complete the I-589. **Keep in mind, however, the I-589 must be submitted to USCIS in English.**

### English:

- I-589, Application for Asylum, in English, available at: <https://bit.ly/34zx7G5>
- USCIS Instructions to Application for Asylum, in English, available at: <https://bit.ly/3qUWqJV>

### Pashto:

- I-589, Application for Asylum, translated to Pashto, available at: <https://bit.ly/3HPsZA5>
- USCIS Instructions to Application for Asylum, translated to Pashto, available at: <https://bit.ly/3qZRYts>

### Dari:

- I-589, Application for Asylum, translated to Dari, available at: <https://bit.ly/3F1qfxv>
- USCIS Instructions to Application for Asylum, translated to Dari, available at: <https://bit.ly/3G89XUO>

We also include below a sample, annotated I-589, Application for Asylum. The sample shows how our fictional asylum applicant, Farhad Ahmadi, would have completed his I-589 Application for Asylum. We also include notes, beside the sample form, to explain why the Applicant completed his form this way, and to guide an asylum applicant in how to complete their own application.

***Disclaimer:** The information in the I-589 Application for Asylum below is completely fictional. Please do not copy this information onto your client's I-589 Application for Asylum. Please complete the I-589 Application for Asylum with your client's personal information and based on their own experiences.*

## I-589, Application for Asylum and for Withholding of Removal

**Part A.I.:**

*\*If your client fears that the government (or someone associated with the government) may torture them if they return, check the box to also apply for Withholding of Removal under the Convention Against Torture.*

**START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is no filing fee for this application.**

**NOTE:**  Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You					
1. Alien Registration Number(s) (A-Number) (if any) 000000000		2. U.S. Social Security Number (if any) 000-00-0000		3. USCIS Online Account Number (if any) n/a	
4. Complete Last Name Ahmadi		5. First Name Farhad		6. Middle Name n/a	
7. What other names have you used (include maiden name and aliases)? n/a					
8. Residence in the U.S. (where you physically reside)					
Street Number and Name 123 Maple Ave				Apt. Number n/a	
City Glen Burnie		State MD	Zip Code 21061	Telephone Number ( 551 ) 0000000	
9. Mailing Address in the U.S. (if different than the address in Item Number 8)					
In Care Of (if applicable): n/a				Telephone Number ( n/a ) n/a	
Street Number and Name n/a				Apt. Number n/a	
City n/a		State n/a	Zip Code n/a		
10. Gender: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		11. Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
12. Date of Birth (mm/dd/yyyy) 05/14/1994		13. City and Country of Birth Honeywell, Utopia			
14. Present Nationality (Citizenship) Utopian		15. Nationality at Birth Utopian	16. Race, Ethnic, or Tribal Group Honeywellian	17. Religion Buddhist	
18. Check the box, a through c, that applies: a. <input checked="" type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.					
19. Complete 19 a through c.					
a. When did you last leave your country? (mm/dd/yyyy) 07/02/2019 b. What is your current I-94 Number, if any? 0000000001					
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)					
Date 07/03/2019		Place JFK Airport	Status B1/B2 Visitor	Date Status Expires 11/02/2019	
Date 10/12/2018		Place JFK Airport	Status B1/B2 Visitor		
Date		Place	Status		
20. What country issued your last passport or travel document? Utopia		21. Passport Number 000000000 Travel Document Number n/a		22. Expiration Date (mm/dd/yyyy) 05/14/2025	
23. What is your native language (include dialect, if applicable)? Utopian		24. Are you fluent in English? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	25. What other languages do you speak fluently? None		
For EOIR use only.		For USCIS use only.	Action: Interview Date: _____ Asylum Officer ID No.: _____	Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____	

*\*Questions 1-3: If your client does not have an Alien Registration Number (A-number), a social security number, or a USCIS Online Account Number, you can leave those boxes blank or write "None" or "N/A"*

*\*Question 9: If your client's mailing address is the same as the residence in the U.S., you can leave these boxes blank or write "N/A"*

*\*Question 19: If your client has entered the U.S. more than three times, you can*

Form I-589 (Rev. 08/25/20)

*use the space in Supplement B (Page 12 of the I-589 PDF) to detail the dates of other entries and the status held at that time.*

*\*Question 21: Your client may not have a travel document number. That is okay. You can put "N/A" or leave the box blank.*

**Part A.II. Information About Your Spouse and Children**

Your spouse  I am not married. (Skip to Your Children below.)

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Date of Birth (mm/dd/yyyy)	4. U.S. Social Security Number <i>(if any)</i>
000000001	111111111	07/02/1995	111-11-1111
5. Complete Last Name	6. First Name	7. Middle Name	8. Other names used (include maiden name and aliases)
Ahmadi	Zohal	n/a	Azal
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage	11. City and Country of Birth	
08/23/2017	Honeywell, Utopia	Merryville, Utopia	
12. Nationality (Citizenship)	13. Race, Ethnic, or Tribal Group	14. Gender	
Utopian	Honeywellian	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
15. Is this person in the U.S.? <input checked="" type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location):			
16. Place of last entry into the U.S.	17. Date of last entry into the U.S. (mm/dd/yyyy)	18. I-94 Number (if any)	19. Status when last admitted (Visa type, if any)
JFK Airport	07/03/2019	0000000002	B1/B2 Visa
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	22. Is your spouse in Immigration Court proceedings?	23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)
None	11/02/2019	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10/12/2018
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input checked="" type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Your Children. List all of your children, regardless of age, location, or marital status.

I do not have any children. (Skip to Part A.III., Information about your background.)

I have children. Total number of children: 1

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number <i>(if any)</i>
000000002	222222222	Single	222-22-2222
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
Ahmadi	Mohammad	Farhan	09/03/2018
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender
Honeywell, Utopia	Utopian	Honeywellian	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input checked="" type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
JFK Airport	07/03/2019	0000000003	B1/B2 Visa
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings?	
None	11/02/2019	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input checked="" type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

**Part A.II.:** If your client does not have a spouse or children, check the relevant box and skip all of the questions relating to spouse/children.

**\*Questions 1 and 4:** If your client's spouse or child does not have an Alien Registration Number (A-number), a social security number, or a USCIS Online Account Number, you can leave those boxes blank or write "None" or "N/A"

**\*Question 2:** If your client's spouse/child does not have a passport, put "None." If they have a passport but you do not know the number, put "Unknown"

**\*Questions 13-21:** If your client's spouse/child is not in the U.S., check the "No" box, indicate where they are (city/country) and skip questions 14-21.

**Part A.II. Information About Your Spouse and Children (Continued)**

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status ( <i>Married, Single, Divorced, Widowed</i> )	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth ( <i>mm/dd/yyyy</i> )
9. City and Country of Birth	10. Nationality ( <i>Citizenship</i> )	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes ( <i>Complete Blocks 14 to 21.</i> ) <input type="checkbox"/> No ( <i>Specify location:</i> _____)			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. ( <i>mm/dd/yyyy</i> )	16. I-94 Number ( <i>If any</i> )	17. Status when last admitted ( <i>Visa type, if any</i> )
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? ( <i>mm/dd/yyyy</i> )	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? ( <i>Check the appropriate box.</i> ) <input type="checkbox"/> Yes ( <i>Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.</i> ) <input type="checkbox"/> No			

  

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status ( <i>Married, Single, Divorced, Widowed</i> )	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth ( <i>mm/dd/yyyy</i> )
9. City and Country of Birth	10. Nationality ( <i>Citizenship</i> )	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes ( <i>Complete Blocks 14 to 21.</i> ) <input type="checkbox"/> No ( <i>Specify location:</i> _____)			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. ( <i>mm/dd/yyyy</i> )	16. I-94 Number ( <i>If any</i> )	17. Status when last admitted ( <i>Visa type, if any</i> )
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? ( <i>mm/dd/yyyy</i> )	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? ( <i>Check the appropriate box.</i> ) <input type="checkbox"/> Yes ( <i>Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.</i> ) <input type="checkbox"/> No			

  

1. Alien Registration Number (A-Number) <i>(if any)</i>	2. Passport/ID Card Number <i>(if any)</i>	3. Marital Status ( <i>Married, Single, Divorced, Widowed</i> )	4. U.S. Social Security Number <i>(if any)</i>
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth ( <i>mm/dd/yyyy</i> )
9. City and Country of Birth	10. Nationality ( <i>Citizenship</i> )	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes ( <i>Complete Blocks 14 to 21.</i> ) <input type="checkbox"/> No ( <i>Specify location:</i> _____)			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. ( <i>mm/dd/yyyy</i> )	16. I-94 Number ( <i>If any</i> )	17. Status when last admitted ( <i>Visa type, if any</i> )
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? ( <i>mm/dd/yyyy</i> )	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? ( <i>Check the appropriate box.</i> ) <input type="checkbox"/> Yes ( <i>Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.</i> ) <input type="checkbox"/> No			

*\*If your client has one child or less, you will not need to complete this page, and can just cross the whole section off.*

**Part A.III:**

**Part A.III. Information About Your Background**

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)  
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
Apple Valley Road	Honeywell	Silver Lake Province	Utopia	05/1994	07/2019

2. Provide the following information about your residences during the past 5 years. List your present address first.  
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
123 Maple Ave.	Glen Burnie	Maryland	USA	07/2019	Present
Apple Valley Road	Honeywell	Silver Lake Province	Utopia	05/1994	07/2019

3. Provide the following information about your education, beginning with the most recent school that you attended.  
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
Honeywell High School	High School	555 Blue Ln. Honeywell	08/2011	06/2015
Acacia Middle School	Secondary	434 Acacia Rd. Honeywell	08/2008	06/2011
Whittier Elementary School	Primary	323 Flora St. Honeywell	08/2002	02/2008

4. Provide the following information about your employment during the past 5 years. List your present employment first.  
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
Rancho Healthcare Call Center Merryville Utopia	Customer Support Specialist	12/2015	02/2019

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.  
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother Hazel Ahmadi	Venus, Utopia	<input type="checkbox"/> Deceased Honeywell Utopia
Father Amin Ahmadi	Venus, Utopia	<input type="checkbox"/> Deceased Honeywell Utopia
Sibling Samira Ahmadi	Honeywell, Utopia	<input type="checkbox"/> Deceased Honeywell Utopia
Sibling Rashid Ahmadi	Honeywell, Utopia	<input type="checkbox"/> Deceased Honeywell Utopia
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased

**\*Question 1:** If your client traveled directly to the U.S. from their country of origin, just put their last address in their country on the first line and leave the second line blank. If their address does not typically include a number, just write the street information. If there is no street information, put the name of the village. If your client traveled to and resided in another country after leaving your home country, but before coming to the U.S., put that address on the first line, and on the second line, put the last address in their country second.

**\*Question 2:** List your client's addresses **only for the past five years** (inside or outside of the US), with their present address on the first line, going backwards chronologically.

**\*Question 3:** Last all of the places where your client studied, with the most recent school first. If your client does not remember the address of the school, list the city/province/country. Be sure to list any universities, technical schools, or military schools attended.

**\*Question 4:** List your client's employment history, **only for the past five years** (inside or outside the US). If your client is currently unemployed, put that on the first line, and put the last job they held on the second line, and continue backwards chronologically.

**\*Question 5:** List all of your client's siblings (including half-siblings and step-siblings, living or deceased). If you need more space, use the Supplement B page (page 12 of the PDF).



**Part B. Information About Your Application**

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part I. Filing Instructions, Section II., Basis of Eligibility, Parts A. - D., Section V., Completing the Form, Part B., and Section VII. Additional Evidence That You Should Submit, for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- Race
- Political opinion
- Religion
- Membership in a particular social group
- Nationality
- Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

- No
- Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

I have been threatened and physically harmed by members of the Traditional Republic political party in Afghanistan due to my membership in the opposing political party, Independent People's Alliance ("IPA"). I was first threatened by members of the Traditional Republic party in February of 2019 after being an active member of IPA for several years. They threatened my life. I was stopped again about a week later by one of the same men, who beat me up and threatened to kill me if he saw me again, because I am a member of the IPA party.

Please see my attached statement for more details.

B. Do you fear harm or mistreatment if you return to your home country?

- No
- Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

Prior to leaving Utopia, I moved to another city called Camino with my family. In June of 2019, I attended an IPA rally with my neighbor. When the sun went down, several armed, Traditional Republic party members invaded the rally. I saw one of the armed men punch a teenager wearing an IPA shirt and tear gas began to explode everywhere. People were arguing and fighting and I knew that my life was in danger. Since I arrived in the United States, my mother informed me that Traditional Republic party members have come to our family farm on three occasions and demanded a monthly "rent" to guarantee my family's safety and show their allegiance to the Traditional Republic party, which has taken over my home province. I fear that if I return to Utopia, I will be harmed or killed by members of the Traditional Republic party because of my work with IPA.

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were not harmed or threatened in the past, even if your client thinks they will be in the future, check "No" here; you will have an opportunity to explain your client's fear of returning in the next question.

*\*Question 1.B.:* If your client fears that they will be harmed or threatened if returned to their home country, check "Yes" here. You do not need to prove that your client definitely will be harmed or threatened if they return. What is most important is explaining what kind of harm or threats they fear will occur, who would harm or threaten them, and why they think that this person / these people would want to harm or threaten them. You can keep your explanation here short, and can also write "See attached statement for details" if you are including a declaration from your client in support of the case.

**Part B:**

*\*Question 1:* Consider why your client believes they would be harmed in their home country. Check as many or as few boxes apply. For the "Membership in a Particular Social Group" category, this is usually based on something about a person that they either cannot change (like race or nationality) or that they could change but should not have to change to avoid being harmed (like religion or political opinion). An example of this is being part of a particular family group (being a particular person's family member).

*\*Question 1.A:* If your client, their family, or their close friends or colleagues were ever harmed or threatened in the past, check "yes" and add 1-2 sentences to explain in the box. You can also write "See attached statement for details" if you are including a declaration by the applicant in support of the case. If your client, their family, or their close friends or colleagues

**Part B. Information About Your Application (Continued)**

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States (including for an immigration law violation)?

No  Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No  Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

My family and I have been members of the Independent People's Alliance (IPA) for several years. My parents were supporters of the IPA party before I was born and from a young age, I was exposed to their ideology. I have personally assisted in coordinating campaign events for IPA, attended IPA rallies, helped direct the public to voting booths, handed out gifts with the party logo, and voiced my support for IPA on social media. In 2018, I canvassed neighborhoods in support of the IPA mayoral candidate. Additionally, my uncle, Betal Ahmadi, is very active in the IPA party and organizes meetings and campaigns in the province where my family resides. He also worked in the town hall during an election year.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

No  Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

Although my parents have been unable to participate in IPA events recently, due to the takeover of our hometown by the Traditional Republic, my uncle Betal continues to be active in the IPA party and is vocal about his support. I continued to support the IPA party until my departure from Utopia and now that I am in the United States, I have felt safe enough to continue to support the party through social media channels that remain available worldwide.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No  Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

I fear I will be tortured or killed by members of the Traditional Republic party, who have already identified me as an IPA supporter and have threatened and harmed me because of this. Many of them are in power in the Utopian government, and they could harm me with government support, or at least use their government ties to any avoid punishment. Please see my attached statement for more details.

*\*Question 2: If your client (or any of their family members) have ever been arrested or detained in a jail or prison, or charged with a crime, regardless of whether they were guilty or innocent, or ultimately convicted, check "Yes" here and provide a short explanation. Include approximate dates (month/year) if you can.*

*\*Questions 3.A., 3.B.: If your client (or any of family members) have ever been members of a group or organization in their home country, like a political party, labor union, military or paramilitary group, the press/media, or a church group, provide a short explanation here of who it was, what the group was, how involved they were, and when (approximate dates are fine).*

*\*Question 4: If your client fears they may be tortured if they return to their*

*country, by the government, government officials, or other people acting with the consent of the government, check "Yes" here and explain what they fear will happen, who they fear will torture them, and why they think they will be tortured.*



**Part C. Additional Information About Your Application**

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No  Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response.

If you were previously denied asylum by USCIS, an immigration judge, or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

No  Yes

2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No  Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No  Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

**Part C:**

*\*Question 1: If your client, or their spouse, children parents, or siblings ever applied for asylum or refugee status in the U.S., mark "Yes" and explain who it was, their A# (if known), and what happened with their application.*

*\*Questions 2.A., 2.B.: If, after your client left their country for the last time, they traveled to a different country before entering the U.S., check "Yes" to Question 2.A. and explain in the box below. For example, if the client took a bus to a neighboring country, got a 14-day visitor visa, and stayed for 10 days before flying to the U.S., you should check "Yes" and explain.*

*If your client, or their spouse, children, parents, or siblings ever applied for or received any immigration status*

*in another country (like citizenship, permanent residency, or another type of renewable visa) aside from their home country, check "Yes" and explain in the box below. For example, if your client's brother obtained refugee status in Germany in 2018, or their parent is a Lawful Permanent Resident in the U.S. since 2020, you should check "Yes" and explain.*

*\*Question 3: If your client, or their spouse or children have ever been involved in harming another person because of their race, religion, nationality, membership in a particular social group, or political opinion, even if such involvement was forced or under threat, check "Yes" here and explain briefly in the box below.*

**Part C. Additional Information About Your Application (Continued)**

4. After you left the country where you were harmed or fear harm, did you return to that country?

No  Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than 1 year after your last arrival in the United States?

No  Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see **Instructions, Part I. Filing Instructions, Section V. Completing the Form, Part C.**

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States (including for an immigration law violation)?

No  Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release.

If you have been arrested in the United States, you must submit a certified copy of all arrest reports, court dispositions, sentencing documents, and any other relevant documents.

*\*Question 4: If, after they already started to fear harm in their home country, they left for some time and then returned, check "Yes" here and explain. Be sure to provide the date they left, where they went, the date they returned, the purpose of their return to their country, and what (if anything) happened when they returned.*

*\*Question 5: If your client is filing this application more than one year after the date of their most recent entry to the U.S., check "Yes" here and explain why they did not file sooner.*

*\*Question 6: If your client, or their spouse or children were ever arrested or criminally charged or convicted for any crime in the*

*U.S., check "Yes" here and explain the circumstances, date of the arrest, and the ultimate outcome of the case.*

### Part D. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. Title 18, United States Code, Section 1546(a), provides in part: Whoever knowingly makes under oath, or as permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact - shall be fined in accordance with this title or imprisoned for up to 25 years. I authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.



**WARNING:** Applicants who are in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name. Farhad Ahmadi	Write your name in your native alphabet. Farhad Ahmadi
--	---

Did your spouse, parent, or child(ren) assist you in completing this application?  No  Yes (If "Yes," list the name and relationship.)

(Name)	(Relationship)	(Name)	(Relationship)
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Did someone other than your spouse, parent, or child(ren) prepare this application?  No  Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim?  No  Yes

Signature of Applicant (The person in Part A.I.)  
→ [ Farhad Ahmadi ]      03/10/2020  
Sign your name so it all appears within the brackets      Date of signature (mm/dd/yyyy)

### Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer Jane Lawyer	Print Complete Name of Preparer Jane Lawyer		
Daytime Telephone Number ( 202 ) 2223333	Address of Preparer: Street Number and Name BIG FIRM LLC 110 Main Street Ste 100		
Apt. Number	City Washington	State NY	Zip Code 99632
To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) 12345	Attorney or Accredited Representative USCIS Online Account Number (if any) N O N E

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### Part D:

Staple one passport-size (2" by 2") color photograph of your client in the box in the upper right corner.

You will submit an extra copy of your Form I-589 for the client, PLUS one additional copy each derivative family member (spouse and children under 21 in the U.S. with your client). For example, if your client's wife and three children are in the U.S., with your client, you will submit the original I-589 (with your client's picture attached) and four extra copies (one extra copy for the client, and one copy for each family member). You should staple one family member's picture to each copy of your Form I-589.

If your client's native language uses a different alphabet than English, have your client write their name in their native language in the top right box.

Be sure your client signs the application next to the black arrow on the left, and date the application accordingly.

As an attorney helping your client complete this application, you should check "Yes" to the question above the client's signature, which discloses to USCIS that someone other than the applicant's spouse, parent, or child assisted in the preparation of this application. Be sure to also provide your information in Part E.

You are not required to enter a G-28 (Entry of Appearance as Attorney) through this project, so you do not need to check the box about attaching a G-28. However, if you decide to continue on and represent the client before the Asylum Office, be sure to check the box about the G-28 submission and be sure to include a Form [G-28](#) signed by you and the client. Note that representation of the client at the Asylum Office (and beyond the limited scope of preparing the I-589) will require your own malpractice insurance, as the HIAS malpractice umbrella will only cover attorneys in their participation in the limited-scope, Pro Se+ piece of the representation.

**Part F. To Be Completed at Asylum Interview, if Applicable**

**NOTE:** You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are  all true or  not all true to the best of my knowledge and that correction(s) numbered \_\_\_\_ to \_\_\_\_ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Write Your Name in Your Native Alphabet

\_\_\_\_\_  
Signature of Asylum Officer

**Part G. To Be Completed at Removal Hearing, if Applicable**

**NOTE:** You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are  all true or  not all true to the best of my knowledge and that correction(s) numbered \_\_\_\_ to \_\_\_\_ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Write Your Name in Your Native Alphabet

\_\_\_\_\_  
Signature of Immigration Judge

**Part F:**

Leave this blank. Your client will be asked to sign Part F in person at the asylum interview.

**Part G:**

Leave this blank. Your client will be asked to sign Part G if the case is referred to the Immigration Court, once they are in person at the asylum hearing.

**\*This entire page should be left blank at the time you file the application\***

Supplement A, Form I-589

**Supplement A:**

A-Number (If available) 00000000	Date 03/10/2020
Applicant's Name Farhad n/a Ahmadi	Applicant's Signature

**List All of Your Children, Regardless of Age or Marital Status**  
(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Use this page only if your client has more than four (4) children, and need more space than is provided on Page 3. If your client has four (4) children or fewer, leave this page blank.

If you do not use this page, you do not need to submit it.

If you do use this page, be sure to date the top right box (under "Date") and have your client sign in the second box from the top right (under "Applicant's Signature")

**Additional Information About Your Claim to Asylum**

A-Number (if available) 000000000	Date 03/10/2020
Applicant's Name Farhad n/a Ahmadi	Applicant's Signature

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part   
Question

If you need additional space to provide your client's answers to the questions in Parts B or C, you can use this page. You can either print this page out multiple times and use it each time you need more space for your answer, or you can put multiple answers in this same space.

Write the part number and question number before providing your answer, so USCIS knows which question you are answering.

If you do not use this page, you do not need to submit it.

If you do use this page, be sure to date the top right box (under "Date") and have your client sign in the second box from the top right (under "Applicant's Signature")

For example:

"Part B. Question 1.B.:

*I am also afraid to return to my country because Joe Smith, a member of the Utopian National Guard, threatened me. He used to work with another uncle of mine, Zahir, in the Honeywellian police force. Zahir found out that Joe was stealing money and drugs from the evidence room, and threatened to harm our whole family unless Zahir quit the police force and never got involved in the government again. But recently, my uncle Zahir re-joined the police force and Joe threatened our family again. I am afraid that Joe – or other members of the Utopian National Guard – will harm or kill me because of my family relationship to my uncle."*



## Sample Annotated Declaration in Support of Asylum

Included below is an example of a declaration in support of asylum. We also include some explanations, highlighted in yellow, of why the sample fictional applicant, Farhad Ahmadi, wrote what he did. Below this sample declaration, you can find a template declaration you may want to use to guide you in preparing your client's declaration in support of their asylum application.

If you have not prepared a declaration in support of an asylum claim before, you may also want to review HIAS' recorded training on Drafting an Effective Declaration, [accessible here](#).

### SWORN DECLARATION IN SUPPORT OF ASYLUM

I, Farhad Ahmadi, swear under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge. I file this statement in support of my application for asylum.

*It is important to include the section above, before your statement, so that the Asylum Office knows that you have promised to tell the truth about what happened to you, and/or what you are afraid would happen to you if you return to your country.*

1. My name is Farhad Ahmadi and I am 25 years old and a citizen of Utopia. I arrived in the United States at the JFK International Airport in NYC on July 3, 2019. I fled Utopia because I was threatened due to my political beliefs. I live with my wife, Zohal Ahmadi, and our son, Mohammad Ahmadi, at 123 Maple Avenue, Glen Bernie, Maryland 21061.

#### **My Background**

2. I grew up in the town of Honeywell, Utopia, with my parents Hazel and Amin Ahmadi, and my two siblings. My family owns a farm on the outskirts of Honeywell; my father is a farmer and my mother is a housewife. After I graduated high school, I worked as a customer support specialist at a call center the nearby town of Merryville. While working there, I met my wife, Zohal. We were married in August 2017 and had our son, Mohammad, in September 2018.
3. After we married, Zohal and I lived together with my family on our farm, and I traveled by bus about 45 minutes each way to get to my job at the call center. Even though it was a long commute, I loved my job because I was able to speak to people from all over the world and I helped them resolve the issues they were facing. I worked with Rancho Healthcare until I left Utopia and came to the United States.

*This Applicant is providing some background information about his background and upbringing, but not everything about his life; only a little bit of information that provides some context to his story about why he is applying for asylum. Here, the applicant describes a bit about where he grew up, where he worked, and how he met his wife.*

#### **My Support of the IPA Party**

*In this next section, the Applicant provides more specific information about his family, including the parts of his upbringing that made him who he is today: his family's values*

*and political beliefs. This context is important because, as we will see later in his declaration, these political beliefs and involvement in politics eventually may have put him in danger, which forced him to flee to the U.S. and seek asylum.*

4. My family has always supported the political party Independent People’s Alliance (IPA) and from a young age I was exposed to their ideology. IPA advocates for democracy in Utopia and is built on a peaceful existence for all citizens. It also places great importance on education. My family and I believe strongly in these values, we all want to see a better life for our children.
5. Before I was born, my parents lived in a different part of Utopia called Venus. A guerilla group, known as Traditional Republic provoked a conflict with the residents and local government there. Traditional Republic is now a mainstream political party in Utopia, and is the opposing political party to the IPA. They seek to hold Utopia to “traditional” values, and they use violence to convince people to join their party. Leaders of Traditional Republic had taken up residence in Venus when my parents lived there and began to threaten members of the IPA. After Traditional Republic took over the government of Venus, my parents feared staying there. They left to rebuild their lives in another part of the country, and joined some family members in Honeywell, where the IPA party was the majority party.
6. My father’s brother, Betal Ahmadi, is very active in the IPA party in Honeywell, and organizes meetings and campaigns locally. He worked in the Honeywell town hall during a recent election year, when the IPA ended up winning control over the Silver River province (where Honeywell is located). Because of his work, he became well-known throughout the province.
7. Around 2015, I began to participate more actively in the IPA. I helped coordinate events when IPA candidates ran for office in the Silver River province. I attended IPA rallies with my family, and also helped direct the public to voting booths, handed out gifts with the party logo, and voiced my support for IPA on my social media accounts. In 2018, I went door to door encourage support for the IPA mayoral candidate Fazul Abdul. It was then that I realized just how hostile members the Traditional Republic party could be. Multiple Traditional Republic party members threatened me in person for the canvassing work, so I decided not to do it again. I hoped that if I avoided canvassing work in particular, that I would be safe. But I was wrong.

### **Opposition Political Party Members Threaten Me**

*In this section, the Applicant connects the background and context he previously provided with why he is seeking asylum: he details the threats made against him because of his political beliefs and membership in a specific political party.*

8. In February 2019, at around six in the evening, I was getting off the bus I take home from work when four strange men wearing Traditional Republic bandanas stopped me. That day, I happened to be wearing a shirt that identified me as a supporter of the IPA party’s “youth group.” One of the men must have recognized me, either due to my shirt or from my work coordinating a forum for Fazul Abdul during the mayoral election.

*The Applicant provides enough details about this event to give the reader a good idea of what happened, but does not provide too many precise details. It is good to provide details, but be careful about how much detail you provide. This Applicant does not list the exact day of the attack, and he describes the attack as occurring at “around six in the evening.” It is useful to provide specifics and details because it helps the officer*



*understand what happened, but if you are too specific, you run the risk of mistaking these details later on, when you re-tell your story in the interview at the Asylum Office. If there is a difference between your written statement and what you say during the interview, the Asylum Officer may think that parts of the story are not true.*

9. The men told me that I was forbidden to walk by that area because Traditional Republic was going to take control of that zone (including the area where our family farm was located). They said they did not want to see me, or any other IPA supporters, there again. They showed me the guns they were carrying, to intimidate me and prove that they were serious. I responded that I was just coming back from work and wanted no trouble. They threatened to kill me if they saw me there again, and laughed as I ran away, down the road leading to our family farm.
10. When I got home, I told my family about the threat. I was terrified because I knew that my parents had fled Venus due to the violence they had witnessed by Traditional Republic party members. I was also at a loss for what to do because they were threatening to take over the area where we lived, and they prohibited me from even walking by there. But I had no choice. That was the only road I could take to catch the bus that I needed to take to work.
11. My father called my uncle, Betal, and informed him of what happened. Betal told us that he had concerns too, because of the influx of Traditional Republic party members and sympathizers in the Silver Lake province. After a long discussion, they decided that we should not let the Traditional Republic party prevent us from living our lives and supporting the IPA.
12. I continued to take the same route to work for the next few days. As I got closer to the center of Honeywell, I noticed several people I had not seen before. Several of them were wearing items of clothing known to be worn by members and supporters of the Traditional Republic party. In particular, the men were wearing military-style jackets with a patch that bore the logo of the Traditional Republic party. I tried to keep my head down and get on and off the bus quickly so that I wouldn't run into any more trouble, but that did not last very long.

*Next, the Applicant provides information about another attack. Again, he provides enough details so the Asylum Officer has a good idea of what happened (“less than a week [later]”, “the sun had just set”), but not so many details that he may forget and misstate it at his interview.*

13. Less than a week after the Traditional Republic members threatened me, a man wearing a military jacket stopped me again as I was going home from work. I remembered him as one of the men who threatened me previously. The sun had just set, and it was dark but he somehow recognized me. He told me he had already warned me once that I was not to be seen again because I was a supporter of the IPA party. I told the man that to get home from work, I had to walk on that particular road. He called me a traitor and pushed me onto the ground. He kicked me several times and said that if he saw me on that road one more time, he would kill me. I was bleeding and my body hurt all over. I limped home and told my family what had happened. My mother helped me to care for the cuts, and put ice on my bruises.
14. The next day I did not go to work. I was still in pain, and afraid to walk the route to the bus stop. I feared that Traditional Republic members would carry through on their threat to kill me. Around the time I was threatened, my uncle Betal told us that local government officials (IPA party members) were also threatened by Traditional Republic members, who sought to gain control of Silver Lake province by “whatever means necessary.”

15. I contemplated whether I should report the Traditional Republic member's attack and threats to the local police. However, after speaking to my uncle, I believed it was best to say nothing. He told me that it was becoming increasingly hard to know who to trust within our local government agencies, even though our local government was supposedly run by IPA members. Around that time, several news articles were published reporting that members of the Traditional Republic party were obtaining jobs in local government and posing as IPA supporters to report back information to government officials in the Traditional Republic party.

*For an applicant who was threatened or harmed in the past, it is useful to provide information about if they reported the threats or harm to the police. If they did report the threats or harm, what happened after that? If they did not report the threats or harm, why not?*

### **I relocate to Camino to avoid harm and threats**

16. After some discussion, we thought it would be safest for my wife, son, and I to move away from Honeywell. We went to stay with my mother's sister, Neda, near the capital city of Camino, Utopia. Members of the IPA party made up the majority of our National government at that time and although there were several Traditional Party members holding National government offices, Camino seemed more stable and safe. I also thought it might be safer because people did not know me there, so I would not be recognizable as an IPA party member. I also decided to limit my involvement with the IPA party until it was safe to continue again.
17. We lived with my aunt peacefully for a few months. Camino seemed safer than Honeywell, and the community upheld the progressive ideals of the IPA party. I missed being involved in the IPA, so in June 2019 I decided to attend an IPA. My wife was also an IPA supporter, but I asked her to stay home, just in case something went wrong. I attended the rally with a neighbor of mine, Raman. I will forever be grateful that I asked my wife to remain at home that day.

*If an applicant tried to find safety and live somewhere else in their country, that is important and useful information to provide. If the applicant faced danger even after moving somewhere else, those details are important too.*

### **I am attacked at an IPA rally in Camino**

18. The rally started in the late afternoon and there was live music and speeches made by IPA party members. I used my mobile phone to record some of the event, and I posted some of these videos on my social media. Everyone seemed to be in very good spirits, but that changed when the sun went down. Raman and I were near the stage where the speeches were being delivered when we heard someone scream. We looked to the edge of the crowd and saw several armed men in Traditional Republic military-style jackets walking toward the rally. Some of the men had bullhorns and began to yell things like, "we will never let tradition die!" and called everyone traitors. What happened next is somewhat of a blur. I saw one of the armed men punch a teenager wearing an IPA shirt, and then tear gas began to explode everywhere. I heard people arguing and fighting. After the threats I had received in Honeywell, I knew that Raman and I were in immediate danger. I grabbed his arm and told him to run. Raman and I were some of the luckier IPA supporters, because we were able to escape that attack unharmed. Ultimately, more than 30 IPA supporters were injured, and according to news reports, five more lost their lives.

19. We returned home shocked and in profound fear. After that rally, I knew there was about to be a great shift in Utopia. My wife and I decided it was best for us to leave, at least temporarily. I felt defeated. Utopia had been my home all of my life but I felt that it was no longer safe. I feared that our lives could be taken away at any moment because of my political beliefs.

### **We flee to the United States**

20. My wife, son, and I arrived in the United States on July 3, 2019 on tourist visas. We previously obtained tourist visas and visited the U.S. after my son was born, and our visas were still valid. I had hoped that things in Utopia would settle down soon, so we could return home. Unfortunately, things have only gotten worse.

21. Since I arrived in the U.S., my mother informed me that Traditional Republic party members have visited our family farm on three separate occasions and demanded that my parents pay a monthly “rent” to show their allegiance to Traditional Republic and guarantee their safety. It has been reported in the national news that the Traditional Republic party has taken over the Silver River province and they are pushing to control Camino, where we lived with my aunt.

*In the end of an asylum declaration, it is useful to provide some information about things that happened after the applicant left their country, either to the applicant’s family members or other people in a similar situation to the applicant. Here, the Applicant has provided some information about threats that his remaining family members have endured since he fled, which provides some insight about the kind of danger he would be in, too, if he had to return.*

22. I fear that if we return to Utopia, my family and I will be harmed or killed by members of the Traditional Republic party because of my work with IPA. Traditional Republic members have already identified me, and threatened and harmed me because of this. The situation in Utopia has become even more unstable and dangerous for IPA members than before.

23. Since I arrived in the United States, I have felt a profound sense of safety I did not feel the last few years in Utopia. I feel free and safe to express my opinions and my support for IPA. I currently work as a delivery driver and have come to love our new community in the U.S. I finally feel at ease and do not fear for my life and the lives of my wife and child daily. We cannot return to Utopia as we would be recognized as IPA party members and our lives would be in great danger in our home country. Thank you for considering my application.

*Farhad Ahmadi*

\_\_\_\_\_  
Farhad Ahmadi

*11/25/2019*

\_\_\_\_\_  
Date

## Template Declaration in Support of Asylum

This template can be downloaded [here](#).

### **SWORN DECLARATION IN SUPPORT OF ASYLUM**

I, [INSERT FULL NAME], swear under penalty of perjury under the laws of the United States that the following is true and correct to the best of my knowledge. I file this statement in support of my application for asylum.

1. My name is [name] and I am [age] years old. I am a citizen of Afghanistan. I arrived in the U.S. at [location] on [date of arrival]. I make this declaration in support of my application for asylum.
2. I am married to [name]. We married in [location] on [date]. I have [number] children. We currently live at [address].

### **My Background**

3. [Provide information on your background/schooling, and your work experience, especially if relevant to why you are afraid to return].
4. [If you are/were politically active in Afghanistan, discuss your political beliefs and activities.]

### **What Happened to Me**

5. [Consider what it is about you that makes you fear that you would be harmed if you returned to Afghanistan. Use this space to give some detail of what your life was like before you fled Afghanistan. It's useful to write this section in chronological order, if possible.]
6. [If you were harmed or threatened, detail that in this section. Be sure to include the *first* incident that occurred, the *worst* incident that occurred, and the *last* incident that occurred before you decided to leave.]
7. [Be sure to include some details about any times that your family members, your co-workers, or your friends were either harmed or threatened, if it was a similar reason to why you fear returning to Afghanistan.]

### **Why I Cannot Return to Afghanistan**

8. [Describe why you believe you (or your family members/colleagues/friends) were harmed or threatened. Explain why you think *you* would be in danger if you had to return to Afghanistan now. Include what you believe would happen if you had to return.]

[SIGNATURE]  
[INSERT FULL NAME]

[DATE]  
Date

## Tips on Writing a Declaration in Support of Asylum

### When telling your client's story:

- Explain in detail any events that occurred in Afghanistan that make your client afraid to return there, even if the incidents did not happen to them personally, or only to them. Be sure to include incidents when the government or another person or group harmed or threaten to harm them and WHY they believe they (and not someone else) were threatened/harmed.
- Your client may want to discuss a time when someone in a situation similar to theirs was harmed or threatened.
- Be sure to mention it was the government, or whether it was another person or group who harmed your client or their family members, or threatened to do so.
- Questions to ask your client to consider are:
  - How were you threatened or harmed? By whom? When?
  - Why were you threatened or harmed? What did the person/people say when they were threatening or hurting you?
  - Did you ever report the threats or harm to the police? If so, what happened? If not, why not?
  - Has anyone you know who is in a similar situation as you been threatened or harmed? If so, who? What happened? When did it happen? Why were they targeted?

### Considering Specific Dates:

- If your client cannot remember the exact date that something happened, they should not guess. Guessing a date may cause issues later on in their case, if they provide details at their interview that are different from their asylum application or declaration.
- Rather than provide exact dates, we recommend that clients provide the approximate month or year, or even the time of year an event occurred. For example:
  - “In around January 2021, the local police attacked me and called me derogatory names.”
  - “At some point during Ramadan last year (2020), I received an anonymous phone call from someone threatened to kill my family if I did not stop my political activities.”
  - “I was coming home from church in the late morning one Sunday in September when a masked man attacked me.”
- If clients struggle to remember dates in a linear fashion, perhaps try to work with the client on their most recent experiences, starting with arrival, and working backwards from there.

### Describing Changes and Current Country Conditions:

- If the situation in your client's country has changed or worsened since they came to the United States, it is useful to explain what happened, how they know this, and why it is still not safe for them to go back.

## Describing Whether the Government can Protect your Client, or Whether your Client can Relocate Elsewhere in their Country:

- If a political party, the government of your client's country, or a government official is the reason they are afraid to return, include these details in you're the statement.
- If your client fears harm from a person or group that is not the government, explain who or what your client fears and why they believe the government cannot protect them. If your client tried to report any harm they experienced in the past and did not receive help from the person or office they reported it to, include details about what happened in the statement.
- If your client tried to move to another part of the country, be sure to explain when, why, and what happened. If not, include a short explanation of why they could not live safely in any other part of the country.

## Gathering Evidence in Support of Asylum

### What is Evidence and Why Do We Submit It?

It is possible for an asylum applicant to win asylum based only on their credible and consistent telling of their story (*testimony*), but the claim is ***much stronger*** if the applicant can provide additional documentation (*evidence*) that establishes (1) that they are telling the truth about their experiences and their fear of going back to their country, and (2) that their fear is objectively reasonable, given the current circumstances in that country.

When an asylum applicant tells their story, and promises to tell the truth, that is called their *Testimony*. Testimony can include what the asylum applicant writes on their Form I-589 Application for Asylum, and what they write in their Declaration in Support of Asylum, and what they tell the asylum officer in-person at their interview.

*Evidence* is any documentation that would help prove that the asylum applicant's story is true. individual's case. Keep in mind that the Federal Rules of Evidence are not binding before U.S. Immigration Services; any evidence is admissible so long as it is probative and its admission would be fundamentally fair.<sup>25</sup>

Showing that an asylum applicant's story is true is critical because asylum officers are concerned about an applicant's honesty, and will not approve asylum if there are concerns that there is fraud or an applicant is not being truthful. By submitting supporting evidence, an applicant is more likely to be found to be believable.

**Remember: An applicant should only submit copies of their evidence to USCIS; never submit an original document.** If you submit an original document to USCIS, you risk permanently losing that document. After you submit the copy of the document with your application, bring the original document with to the interview so that the asylum officer can look at it and make sure it is real, but the clients should always keep all original documents.

### What Kind of Evidence is Important?

#### *Proof of Identity*

An asylum applicant must prove that they are who they say they are. To do this, they should include a copy of their national passport, or another form of photo identification like a national identity card (Tazkera). If they do not have a copy of their passport, they can submit another form of identification, like their birth certificate, with a Certified English translation.

If the asylum applicant has any derivative family members applying with them (spouse and/or minor children under age 21), they should also include proof of that relationship, like a marriage certificate (Nekah Khat or Sharaei Waseqa Khat) to show the relationship to their spouse, or a birth certificate (Kart Tawalod or Da Zokry Sanad) to show the relationship to their child). If an asylum applicant was previously divorced, they should also submit a divorce certificate (Talaq Khat) to show that their current marriage is a lawful marriage. Any documents not in English must be accompanied by a Certified English translation.

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<sup>25</sup> See Matter of Y-S-L-C-, 26 I&N Dec. 688, 690 (BIA 2015).

### *Proof of Entry to the U.S.*

If your client entered lawfully (either with a visa, or on parole), they should submit their I-94 record, to document their entry as well as the date of their one-year filing deadline.

If your client does not have a copy of their entry records, ORR recently released guidance on how to access an electronic I-94. That guidance is available [HERE in English](#), [HERE in Dari](#), and [HERE in Pashto](#).

### *Proof of Past Persecution or Fear of Future Persecution*

Very rarely does an asylum applicant have *direct* proof (like a statement from the person who harmed them, or will harm them) of the persecution they suffered or fear. That is normal. In the absence of such proof, an asylum applicant should provide other documentation about the harm they suffered in the past, or fear could occur in the future.

#### **A. Applicant's Declaration in Support of Asylum**

As described above, perhaps the single most important piece of evidence an applicant can provide is their own personal statement, detailing their experiences in their home country and why they fear returning. An asylum officer will refer to this statement during the asylum interview for two reasons (1) to decide whether the applicant is believable, and (2) to decide whether the applicant's situation makes them eligible for asylum.

An applicant can provide their statement can be written on the I-589 application itself; the last page of the I-589 Application for Asylum (Supplement B), gives the applicant more space to write answers to the questions on the form. An asylum applicant can print out additional pages of the Supplement B as they like to complete their responses.

Alternatively, the applicant can write their statement as a separate document. As noted in the sample and template above, if the applicant writes their statement as a separate document, they should include the language "I declare under penalty of perjury (under the laws of the United States of America) that the foregoing is true and correct." This language tells the asylum officer that the asylum applicant has promised to tell the truth about the information in the statement. The statement should also be signed and dated by the applicant.

Although the Form I-589 must be completed in English, the asylum applicant's statement can be written in their native language, if that is easier. If their statement is written in their native language, it must be accompanied by a certified English translation (see below).

#### **B. Declarations of Witnesses**

Another strong piece of evidence may be statements from family members, colleagues, or friends who have first-hand knowledge of the applicant's experiences. The witness' statement should include the same swearing language, and be signed and dated by the witness. If possible, include a photocopy of that person's identification (passport or national identity document).

A witness statement should generally include *that person's* experiences and observations in Afghanistan, *and* explain why they believe the *applicant* fears (or would face danger) returning to their home country. If the individual writing a statement gives an opinion (for example: "Leena is right to fear that she will be killed if she returns to Afghanistan."), it is important to explain *why* the writer has that opinion ("Because



the Taliban came to my home looking for her. This happened after she started teaching mathematics to girls in her home.”).

A witness’ statement should be consistent with the rest of the asylum applicant’s story. For example, if the asylum applicant says, “I was attacked on February 29, 2021,” it would be problematic if a witness’ statement says that the applicant “was attacked on June 29, 2021.” If a witness is unsure about details of an event (for example, the exact date), it is much better for them to give a general description or estimate (“I believe the attack occurred in early 2021”).

If a potential witness is not in the U.S. to provide their statement, they can prepare it abroad and either scan it, or take a clear photograph and send it via email or text. Remember, any statement prepared in a language other than English must be accompanied by a Certified English translation.

### **C. Official Records**

In some situations, official documents, like police records or medical records, may be used to support the applicant’s account of the harm that occurred in the past. For example, if an asylum applicant previously sought medical care after being harmed, records from a doctor or hospital would help corroborate that incident and the harm. As another example, if a family member or another similarly situated individual was killed, an applicant may want to include a copy of that person’s death certificate with their application. Remember, any statement prepared in a language other than English must be accompanied by a Certified English translation.

Some other examples of official documents that may support an applicant’s case may include: military records; political party, organization, or union membership documents; employment records or professional licenses; or police, court, or prison records.

### **D. Communications**

Certain communications may help prove the applicant’s story of the harm or threats they suffered or fear. Such communications may include: letters, notes, e-mails, texts, WhatsApp or other virtual messages, call records, voicemail or voice messages, social media posts, or videos.

If a communication cannot be printed (like voice messages), obtain a written transcript of the speech/sound on the recording, and submit a copy of the recording on a Compact Disc (CD).

### **E. Photographs**

If the applicant has access to photographs that document aspects of their claim, they may want to include those photographs. For example, an asylum applicant who participated in political rallies may want to submit photos of themselves at such rallies. An individual who suffered beatings or torture may include photographs of their injuries.

Any photographs should be accompanied by a short explanation of the photograph, and the date the photograph was taken.

## F. Expert Medical or Psychological Evaluation

If an asylum applicant has suffered physical harms in the past, they may seek an evaluation by a medical professional in the U.S., usually called a “forensic medical evaluation,” which can help document someone’s injuries or scars, and help show that the injuries or scars could likely have been caused by the incident that the applicant described. A forensic medical exam usually includes a physical examination by a doctor as well as the applicant discussing with the doctor how they sustained the injuries that caused the injury or scar. The physician will then provide a statement to document the injuries or scars, and give an opinion about whether they believe those injuries or scars are likely to have been caused by the incidents of harm that the applicant described. Many large hospitals offer forensic medical evaluation services at little or no cost to refugees and asylum-seekers. Alternatively, Physicians for Human Rights may be able to help; submit a request for a forensic medical evaluation [here](#).

If an asylum applicant has been suffering mentally or emotionally due to the harm or threats, they may consider obtaining a psychological evaluation from a licensed mental health professional. A psychological evaluation may help document and prove the impact of the persecution suffered, which may help establish that the applicant’s testimony is truthful, and/or may explain any potential gaps in the client’s memory. Psychological evaluations can also be costly, however some organizations, like Physicians for Human Rights, offer low-cost or free psychological services and evaluations.

### *Proof of Protected Ground*

As explained above, to establish an asylum claim, an applicant must show that the reason they suffered harm/threats in the past, or fear harm/threats in the future, is at least one of the following “protected grounds”: race; religion; nationality; political opinion; or membership in a particular social group.

If possible, an asylum applicant should also submit documentation of their “protected ground.” For example, an asylum applicant who fears that they will be harmed because of their political opinion may want to submit proof of their membership in a particular political party, or photographs showing their participation at political events or rallies. An asylum applicant who suffered harm because of their religion may want to submit documentation of their completion of certain religious rites, or a letter from their local religious leader, confirming their regular attendance at their place of worship. An asylum applicant who fears they will be harmed because of their family relationship to a certain person (membership in a particular social group of family members of NAME) may submit birth or marriage certificates, to show the family relationship.

### *Proof that a Protected Ground is Why you Suffered or Fear Persecution*

#### A. Asylum Applicant’s Declaration

For most asylum applicants, the easiest proof that they suffer/fear persecution because of their protected ground will be their own testimony in their declaration. As detailed above, it is important to explain in the declaration why the asylum applicant thinks the persecutor wanted/wants to harm them.

#### B. Country Conditions Evidence

Another important piece of evidence to demonstrate that an asylum applicant has a reasonable fear of persecution in their home country are reports or news stories to document what is currently happening in their country to people in a similar situation. For example, if an individual worked closely with the U.S.

Military and fears being harmed by the Taliban on that basis, it would be useful to submit news stories or other reports of American allies being harmed or killed by the Taliban in Afghanistan on this basis. This kind of documentation can help to show that the applicant, who is in a similar situation, may face similar harm if he returns to Afghanistan.

## Conducting Country Conditions Research

To secure legal protection, asylum seekers must show that their fear of persecution in their home country is both subjectively genuine and objectively reasonable. Documentation of the situation in their home country, through independent reports, scholarly articles, and media sources, is critical to proving that the harm that the asylum seeker fears is objectively reasonable, and could potentially happen in the future if the asylum seeker is returned there.

### *How Do I Conduct Country Conditions Research?*

Our recorded training on how to conduct country conditions research is [accessible here](#).

### *What Do I Need to Consider When Choosing Sources?*

Conducting research is engaging on a quest for the truth. Especially when compiling a list of evidence for an asylum-seeker to use in supporting their claim, finding trustworthy sources of information is essential. First, you want to be sure that the information that you cite is based on fact, and not on opinion. Second, the attorneys - and by extension the asylum-seeking clients who will ultimately use these resources - are placing their trust in your ability to gauge a source's reliability. Finally, by using only legitimate sources, you ensure that your reputation, our staff attorneys' reputations, and the asylum-seeker clients' reputations are preserved. Carefully consider your sources before including them in your research. Some tips on judging the trustworthiness of a source:

- **Scholarly Articles and Independent Reports:** Articles and reports published by reputable institutions (including colleges and universities, as well as mission-driven NGOs) tend to be reliable and trustworthy. Prior to publication, an article in a scholarly journal, for example, is scrutinized for accuracy by a team of editors and fact-checkers. Authors usually provide a list of the sources they use to prepare the article, either in the text or in a bibliography. Placing those sources into context makes the document more reliable. Books, and articles published within books, are also generally considered trustworthy, because the author and publisher are clearly stated and they are both held responsible for the contents of the publication.
- **Internet Articles:** Keep in mind that most news organizations are for-profit businesses (there are exceptions, such as National Public Radio, which is a non-profit organization). International media organizations may have ties to (or be run by) a foreign government, which may have a strong interest in the kinds of articles published and the precise information shared. Media sources such as these can be important sources of information, but we would urge you to keep in mind the source organization's stakeholders and potential political slants. Additionally, blogs, and other types of non-mainstream media sources, are usually easy to post to, and do not involve the same scrutiny or require the same supervision and revision as mainstream media sources do; accordingly, they may not be as trustworthy.

### *Where Should I Start Researching?*

To begin your research, we recommend reviewing the [Executive Office of Immigration Review \(EOIR\) Country Conditions page](#). Thereafter, you may wish to review the following useful sources for relevant country conditions information:

- [U.S. Department of State, Human Rights Reports](#)
- [U.S. Department of State, Overseas Security Advisory Council \(OSAC\), Crime and Safety Reports](#)
- [U.S. Department of State, International Religious Freedom Reports](#)
- [United Nations High Commissioner for Refugees \(UNHCR\), RefWorld](#)
- [Amnesty International](#)
- [Human Rights Watch](#)
- [University of California Hastings College of Law, Center for Gender and Refugee Studies](#)
- [RefWorld](#)

You may also find some useful country conditions research, previously prepared by HIAS Pro Bono Attorneys for Afghan asylum seekers, [here](#). The research is divided into relevant topics, organized by sub-folders.

## Submitting Documents in a Foreign Language

Any document that is written in a language other than English (except passports) must be submitted along with a Certified English translation. The translation does not need to be conducted by a professional translator, but should be prepared by someone other than the applicant or their spouse/child. A template certificate of translation may be downloaded [here](#), and a sample is included below.

### **CERTIFICATION OF TRANSLATION**

I, \_\_\_\_\_ (name), certify that I am competent to translate the attached document from \_\_\_\_\_ (language) to English, and that the above is a correct and true translation to the best of my knowledge and belief. I certify under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Date: \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

Name:

Address:

## Sample Cover Letter for Asylum Application

*This Sample Cover Letter is intended as a guide only. Asylum applicants should incorporate their specific information into their Cover Letter when filing their application with USCIS. You may nonetheless want to use this as a guide; a template is included below.*

[USCIS Address / Find the correct filing address based on your location [here](#)]

January 22, 2022

### Re: I-589 Application for Asylum

**APPLICANT: Farhad AHMADI, A#000-000-000**

**DERIVATIVES: Zohal AHMADI, A#000-000-001 (Spouse)**

**Mohammad AHMADI, A#000-000-002 (Minor Child)**

Dear USCIS Officer:

Please accept my enclosed asylum application seeking protection in the United States on account of my fear of persecution in Utopia.

Enclosed please find the following Forms:

### **Form(s)**

1. Completed and signed Form I-589 (Original) with my passport style photo attached on page 9, *plus one copy*;
2. Copy of my completed and signed Form I-589 for Zohal Ahmadi, with her passport style photo attached on page 9;
3. Copy of my completed and signed Form I-589 for Mohammad Ahmadi, with his passport style photo attached on page 9;

I am also enclosing the following documentation, *plus one full copy for each of my two derivatives*:

### **Identity Documentation**

4. Copy of my most recent passport photo page and stamped pages;
5. Copy of my birth certificate with certified English translation;
6. Copy of my I-94;
7. Copy of my current Employment Authorization Card;
8. Copy of my marriage certificate with certified English translation;
9. Copy of my wife's most recent passport photo page and stamped pages;
10. Copy of my wife's I-94;
11. Copy of my child's birth certificate with certified English translation;
12. Copy of my child's I-94;

### **Supporting Documentation**

13. Sworn statement in support of my application for asylum;

14. Sworn statement from my wife, detailing her fear of returning to Utopia;
15. Letter from my uncle, Betal Ahmadi, detailing what he knows about my fear of returning to Utopia, with certified English translation;
16. Letter from my mother, Hazel Ahmadi, describing my injuries after members of the opposing political party, Traditional Republic, attacked me;
17. Proof of my involvement in the Independent People's Alliance political party; and
18. Other personal evidence in support of my fear of returning to Utopia;

**Country Conditions**

19. Select country conditions documentation regarding my fear of returning to Utopia.

Please note that Rachel Zoghlin Bautista, an attorney with the law firm Burrows and Wilson, LLC, provided me with pro bono legal assistance to prepare my asylum application, through the HIAS/American Bar Association: Commission on Immigration Asylum Pro Se+ Project.

Thank you for your kind assistance in processing my application. Please do not hesitate to contact me at (111) 111-1111 should you have any questions.

Sincerely,

Farhad Ahmadi

## Template Cover Letter for Asylum Application

A version of this cover letter may be downloaded [here](#) to be modified for your client's application.

USCIS Address [Find the correct filing address based on your location [here](#)]

DATE

Re: **I-589 Application for Asylum**

**APPLICANT: Your Name (A#, or Date of Birth if A# not yet assigned)**

**DERIVATIVES: Names of Family Members to be Included in the Application (their A#s or Dates of Birth, and your relationship to them)**

Dear USCIS Officer:

Please accept my enclosed asylum application for protection in the United States based on my fear of persecution in Afghanistan.

Enclosed please find the following Forms:

**Form(s)** *(Note to applicant: Delete 2 & 3 if filing on your own. If you have more than 2 derivatives, add in additional lines for each derivative. See the Pro Se Packet for additional information)*

1. Completed and signed Original Form I-589, with one recent passport-style color photograph attached to page 9, plus one copy
2. Copy of Completed and signed Form I-589 for **Derivative 1**, with their passport-style color photograph attached on page 9
3. Copy of Completed and signed Form I-589 for **Derivative 2**, with their passport-style color photograph attached on page 9

I am also enclosing the following documentation, plus one full copy for each derivative:

**Identity Documentation** *(Note to applicant – you need to include evidence of your identity, nationality, and proof of relationship to your derivatives. Review the Pro Se Packet and Sample Cover Letter for information about what documentation is required, and suggestions on what to include here)*

- 4.
- 5.

**Supporting Documentation** *(Note to applicant – you need to include evidence in support of your asylum claim. Refer to the packet for suggestions on what to include here)*

- 7.
- 8.

**Country Conditions**

9. Select country conditions documentation regarding my fear of returning to Afghanistan.



Please note that [ATTY NAME], an attorney [with the law firm FIRM NAME], provided me with pro bono legal assistance to prepare my asylum application, through the HIAS/American Bar Association: Commission on Immigration Asylum Pro Se+ Project.

Thank you for your kind assistance in processing my application. Please do not hesitate to contact me at [insert your phone number here] should you have any questions.

Sincerely,

[Insert your name here and sign your name above]

## Assembling and Filing the Asylum Application

Once the applicant has prepared the application for asylum, written a cover letter, and collected the evidence, they can assemble a package for filing and submit the entire submission. Keep in mind that USCIS requires asylum applicants to submit their original, signed form, as well as copies of the form and additional copies of the evidence they submit. This is described in detail in the USCIS I-589 instructions (see above for translations, and [accessible here in English](#)).

## Preparing the Asylum Application Packet

The asylum application should be prepared and assembled in the following order:

1. Cover letter
2. *If the attorney is entering their appearance on behalf of the client:* Submit a G-28 Entry of Appearance Form, with original signatures from the Client and the Attorney.<sup>26</sup>
3. I-589 Application for Asylum with Applicant's original signature.
  - On the original I-589 application for asylum, the applicant should staple a passport-style photograph (color photograph, 2" by 2" in size) in the upper right box on page 9 of the application. The staple should not block the applicant's face. Before affixing the photograph, the applicant should gently write their name and A number (or if they do not have an A number, their Date of Birth) on the back.
  - Include any additional Supplement A or Supplement B pages from the I-589 (pages 11 and 12 of the I-589) with original signatures.
4. Evidence supporting the claim for asylum, **including the Applicant's original signed declaration**, and any statements or letters from witnesses.
5. *If including family members (spouse and/or children under 21, in the U.S.) as derivative beneficiaries:* One Copy of the applicant and family members' identification, proof of the applicant's relationship to the spouse and unmarried children under 21 included in the application (i.e. National Identity Document, Marriage Certificate, Birth Certificates, Passports, etc.)
6. *If ever arrested:* include copies of court dispositions of the criminal charge(s).
  - As discussed above, if the applicant has been arrested, they should discuss the matter with an immigration attorney or accredited representative before submitting the application.
7. One extra copy of items 3-6, for the Applicant's file.
8. *If including family members (spouse and/or children under 21, in the U.S.) as derivative beneficiaries:* In addition to the extra copy submitted for the applicant, include one additional copy of items 3-6 for each family member
  - Example: The applicant's husband and a 10-year-old daughter are in the U.S. with her and included as derivative beneficiaries on her application. The asylum applicant should make two additional copies of items 2-4: one copy for her husband and one copy for her daughter.

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<sup>26</sup> Due to the COVID-19 Pandemic, USCIS is currently accepting scanned signature, in lieu of original wet-ink signatures. However, the scanned signature cannot be an electronically produced signature (i.e. a generated signature from DocuSign); the person signing must print the document, sign it in ink, and then scan the page to a PDF. For more information, and to confirm this policy is still active, see the USCIS website [here](#).

- Attach one passport-style photograph (with the name and A number, or Date of Birth, Month / Day / Year, if no A number on the back) of the family member on Page 9 of their copy of the I-589.

We *strongly recommend* that asylum applicants print (and if possible, scan) and save a full copy of the submission for the applicant’s records, and to review before the asylum interview.

## Mailing the Application for Asylum

Applications for asylum must be submitted by mail. The application can be mailed through the following carriers: The U.S. Postal Service, FedEx, United Parcel Service (UPS), or DHL. Addresses that contain Post Office Box information (P.O. Boxes) can *only* receive mail sent through the U.S. Postal Service; if you send your application by FedEx, UPS, or DHL, be sure to use the proper address, not the P.O. Box address.

It is advisable to send the application with tracking information. This will give the applicant the opportunity to confirm when the application was delivered to USCIS. Where the asylum applicant sends their application depends on where the applicant is living.

Check the [USCIS website](#), under “Where to File,” for the most up-to-date information about filing addresses.

## Derivative Beneficiaries Filing as Principals

*(If Both Spouses are Filing for Asylum and Including Each Other as Derivative Beneficiaries, or a Minor Child is included as a Derivative Beneficiary but is also submitting their own claim)*

In some cases, a person included as a derivative beneficiary to their spouse/parent’s asylum claim may also want to file their own separate application for asylum.

*Example 1: a husband files for asylum and includes his wife as a derivative beneficiary, but the wife has her own claim for asylum.*

*Example 2: a mother files for asylum and includes her 19-year-old daughter as a derivative beneficiary, but the daughter also has her own basis to claim asylum.*

The subsequent application should be mailed to the USCIS Asylum Vetting Center, which is a different USCIS office at a different address than where the first application was mailed.

As of November 29, 2021, the address to file a spouse’s asylum application is:

<b><i>If by US Postal Service:</i></b>	<b><i>If by FedEx, UPS, or DHL:</i></b>
USCIS Asylum Vetting Center P.O. Box 57100 Atlanta, GA 30308-0506	DHS-USCIS Asylum Vetting Center 401 W. Peachtree St. NW, Suite 1000 Atlanta, GA 30308

\*Check the [USCIS Website](#), under “Special Instructions,” to verify that this is still the current filing address for the Asylum Vetting Center.

## Next Steps after Filing the Asylum Application

### Notices from USCIS

Once your client has filed their asylum application and it has been accepted by U.S. Citizenship and Immigration Services (USCIS), they will receive three notices, in the following sequence:

1. **First, they will receive a Receipt Notice**- USCIS will send a receipt notice to the address listed on the asylum application. The notice states that the application has been received and accepted, and is currently in process. The “Application/Petition/Request Number” is the identifying information for the case for any future communications with USCIS.
2. **Then, they will receive a Biometrics Notice (Fingerprint Notice)**- this notice will set an appointment for your client and any derivative family members (under age 14) included in the asylum application to have their fingerprints taken. It will include the time, date, and location of the appointment. USCIS schedules a biometrics appointment for almost anyone who applies for an immigration benefit in the U.S., not just asylum seekers. A biometrics appointment is very routine, and short; they will simply take your client’s photo and fingerprints. They will not ask any questions about the asylum case. The purpose of this appointment is to allow U.S. immigration authorities to conduct a background check and ensure eligibility for immigration benefits in the U.S. The applicant should bring the ASC appointment notice (Form I-797C) and valid photo identification.

**WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:**

- 1. THIS APPOINTMENT NOTICE, and**
- 2. PHOTO IDENTIFICATION** (e.g. passport, valid driver's license, national ID, military ID, State-issued photo ID, or USCIS-issued photo ID). If you do not have photo identification, please expect a delay.

Customers may not use cameras and recording capable devices (including cell phones) at an ASC. Cell phones should be silenced while in the waiting area and any conversations should be kept to a low level so as not to disrupt others. Customers must completely turn off all phones during biometrics processing.

**NOTE:** USCIS may use your fingerprints to check the criminal history records of the FBI. You may obtain a copy of your own FBI identification record using the procedures outlined within Title 28 C.F.R Section 16.32. The procedures to change, correct, or update your FBI identification record are outlined within Title 28 C.F.R. Section 16.34. Your fingerprints and photograph may also be used in an Employment Authorization Document (EAD) if you apply for, and are eligible to receive, an EAD.

**NOTE:** If USCIS ASC is closed due to inclement weather or for other unforeseeable circumstances, USCIS will automatically reschedule your appointment for the next available appointment date and mail you a notice with the new date and time.

**WARNING:** Failure to appear at this biometrics appointment, without good cause, may affect your eligibility for employment authorization. It may also result in dismissal of your asylum application or referral of your asylum application to an immigration judge if you are not currently in removal proceedings. If you are an applicant or eligible dependent in removal proceedings, failure to provide DHS with biometrics as required, except for good cause, may result in a delay in deciding your application or in your application being deemed abandoned and dismissed by the immigration judge.

**CHANGE OF ADDRESS:** You must notify USCIS of any change of address within 10 days. Please see the USCIS website at [www.uscis.gov/](http://www.uscis.gov/) addresschange for instructions to change your address online or to mail a completed Form AR-11, *Alien's Change of Address Card*, to USCIS. This form is also available at any U.S. Post Office or any USCIS office. If you are in removal proceedings, you must also notify the Immigration Court within five working days of any change of address or telephone number by filing a completed Form EOIR-33, *Alien's Change of Address Form/Immigration Court*, in accordance with accompanying instructions, available at [www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing](http://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing).

**WARNING:** You must update your mailing address with USCIS, and, if applicable, EOIR. Failure to do so may result in dismissal of your asylum application, referral of your asylum application to an Immigration Judge, or if you are already in removal proceedings, an entry of a removal order in your absence if you fail to appear at a hearing before an immigration judge.

**REQUEST FOR RESCHEDULING**

**Please reschedule my appointment.** Make a copy of this notice for your records, then mail the original with your request to the Biometrics Processing Unit (BPU), Alexandria ASC, Suite 100, 8850 Richmond Hwy, Alexandria, VA 22309-1586. Once USCIS receives your request, you will be sent a new ASC appointment notice.

3. **Several weeks later,<sup>27</sup> your client will receive an Interview Notice-** this notice will provide the date, time, and place of the interview with an asylum officer at the asylum office located nearest to the address listed on the application.

Department of Homeland Security  
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

Receipt Number ZAR [REDACTED]		Case Type I589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL	
Received Date 01/28/2020	Priority Date	Applicant [REDACTED]	
Notice Date 10/27/2021	Page 1 of 3		
[REDACTED] 1300 SPRING ST STE 500 SILVER SPRING MD 20910		<b>Please come to:</b> 1525 Wilson Blvd. Suite 300 MS 2500 Arlington, VA 20598-2500 <b>On (Date):</b> Thursday, December 02, 2021 <b>At (Time):</b> 01:00PM	
We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. <b>This is a courtesy copy, not the official notice.</b>			
<b>What the Official Notice Said</b> You and your dependent family members on your Form I-589 (if any) are scheduled for an asylum interview on the date and time shown above. Please read this interview notice in its entirety, as it contains important information about your asylum interview. USCIS asylum offices are open with additional precautions to prevent the spread of the coronavirus (COVID-19). USCIS will conduct office cleaning and ensure social distancing, including by using video or other technology for interviews. In Department of Homeland Security-controlled spaces, such as USCIS asylum offices, the COVID-19 guidance below supersedes state, local, tribal, or territorial rules and regulations regarding face coverings. The COVID-19 guidance below was published on the USCIS.gov website on September 7, 2021. For any subsequent updates to this guidance, please refer to the website at: <a href="http://www.uscis.gov/about-us/uscis-visitor-policy">www.uscis.gov/about-us/uscis-visitor-policy</a> and also at: <a href="http://www.uscis.gov/about-us/uscis-response-to-covid-19">www.uscis.gov/about-us/uscis-response-to-covid-19</a> .			

<sup>27</sup> DHS has announced its intention to schedule interviews for Afghan asylum applicants within 45 days, however, we have heard that this is not always the case. If your client's case is not scheduled within 45 days, it is likely unrelated to the merits of the case and is simply a reflection of the increased number of cases that USCIS is processing. If the case faces protracted delays, the applicant may want to submit a USCIS Customer Service Request, or work with a Congressional Representative to communicate with USCIS about the delay.

***I. You must appear for this interview unless*** you, your dependent family members, other members of your household, your attorney or representative, or interpreter:

- Have COVID-19 or any symptoms of COVID-19 per the Centers for Disease Control and Prevention (CDC), including, but not limited to, a recently developed cough, fever, difficulty breathing, new loss of smell or taste, fatigue, muscle aches, headache, congestion, sore throat, or vomiting (list is not all-inclusive);
- Have been in close contact (within six feet for a total of 15 minutes or more) with anyone known to have COVID-19 in the past 14 days (unless you are fully vaccinated or if you are a health care worker and consistently wear an N95 respirator and proper personal protective equipment (PPE) or equivalent when in contact with COVID-19 positive individuals);
- Have returned from domestic air, international air, or cruise ship travel in the past 10 days (unless you are fully vaccinated);
- Have been instructed by a health care provider, public health authority, or government entity to self-isolate or self-quarantine in the past 14 days (unless you have been cleared to end isolation or quarantine); or
- Refuse to wear a face covering or mask in accordance with USCIS policy.

Fully vaccinated means it has been at least two weeks since you received your second dose in a two-dose series, or at least two weeks since you received a single-dose vaccine.

You may request to reschedule your appointment due to illness or heightened risk of severe COVID-19 infection due to age or underlying medical conditions, and the delay will not be attributed to you. **Contact your asylum office in writing by mail or e-mail as soon as possible to reschedule your interview.** For asylum office contact information, visit the Asylum Office Locator page at [egov.uscis.gov/office-locator/#/asy](http://egov.uscis.gov/office-locator/#/asy). Failure to appear for your interview without good cause may result in immediate referral to an immigration judge.

***II. Who should come with you to your interview?***

Only the following people may come with you to your interview:

- ***Dependents:*** All family members included in your application as dependents must come to your interview.



Receipt Number ZAR [REDACTED]		Case Type 1589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL
Received Date 01/28/2020	Priority Date	Applicant [REDACTED]
Notice Date 10/27/2021	Page 3 of 3	
<ul style="list-style-type: none"> <li>• <i>Minor Applicants:</i> If you are a minor, a <u>trusted adult</u> may come with you.</li> </ul> <p><b><u>III. What to Bring to Your Interview:</u></b></p> <ul style="list-style-type: none"> <li>• If available, bring a written form of identification for you and each of your dependent family members on your Form I-589 (if any) which indicates name, date of birth, place of birth, and nationality.</li> <li>• If available, bring the original and one copy of evidence of your relationship to your family members on your Form I-589 (such as marriage certificates, birth certificates, or affidavits).</li> </ul> <p><b><u>IV. COVID-19 Safety Precautions:</u></b></p> <p>In areas of high or substantial transmission (<a href="#">CDC COVID-19 Data Tracker County View</a>), all federal employees, contractors, and visitors <b>must wear a mask inside federal buildings.</b></p> <ul style="list-style-type: none"> <li>• You may not enter the facility more than 15 minutes before your appointment.</li> <li>• USCIS will provide hand sanitizer at entry points.</li> <li>• There will be markings and physical barriers in the facility; you should pay close attention to these signs to ensure that you and other individuals accompanying you to your interview can follow social distancing guidelines.</li> <li>• You may have to answer health screening questions before entering a facility.</li> <li>• Bring your own <b>black ink</b> or <b>blue ink</b> pen to your interview.</li> </ul> <p>All interview participants who are not part of the same household will be asked to participate in the interview from separate rooms, through videoconference or telephone. You will be in a separate room from the interviewing officer. If you bring an attorney or representative, or an interpreter, they will be asked to participate in a room separate from you and separate from the interviewing officer, unless you and the attorney or representative or you and the interpreter (if permitted per section II above) assume the risk and consent to share the same interview room.</p> <p>If you wish to submit additional evidence not previously submitted with your Form I-589, you should submit it to the asylum office by email, fax, or mail <u>at least</u> 7 to 10 days before the interview. You may not drop off the evidence in person before the interview, as the asylum office will only be admitting individuals with confirmed interviews or appointments. If you do not submit your additional evidence before the day of your interview, USCIS may reschedule your interview.</p>		

## Scheduling the Asylum Interview

After USCIS receives the application and ensures it is complete, it will send the application to the local asylum office nearest to your client, to schedule an interview. There are not many asylum offices nationwide, so the client should keep in mind that the location of their interview may be many hours away from where the client resides. The purpose of the interview is to make sure that the applicant qualifies for asylum.

Congress has instructed the U.S. Citizenship and Immigration Services (USCIS) to interview Afghan evacuees within 45 days after they file an asylum petition, and to generally issue a final decision within 150 days.\*

*\*As noted above, this deadline is what USCIS hopes to achieve, but how quickly the asylum application is processed will depend on capacity of each asylum office.*

## Rescheduling the Asylum Interview

It is best to attend the asylum interview on the time and date assigned by the asylum office. However, issues arise and in certain circumstances, your client may need to reschedule the interview. The process for rescheduling varies for each local asylum office, so please refer to the interview notice for specific instructions on how to reschedule an interview date. Keep in mind that there may be consequences of delaying an asylum interview, including with respect to an applicant's eligibility for employment authorization based on the pending asylum case.



## Preparing for the Asylum Interview

Please review our resource folder on how to prepare your client for their asylum interview, [here](#). The folder includes recorded trainings, sample prep questions, and other information your client should know to be ready for their interview.

We include below some key points your client should know:

### Bring Originals of Evidence Documents Submitted

If your client submitted copies of personal documents with their asylum application, they should plan to bring the original version of that document to the interview, so that the asylum officer can compare them and make sure the copy is true. This may include birth certificates, passports, or government ID cards. The interview notice may have additional instructions on this.

### Bring an Extra Copy of Evidence Already Submitted

If possible, it is strongly recommended that you bring an extra copy of the evidence packet you previously submitted by mail, just in case any documents were misplaced by the asylum office.

### How to Submit Any New/Additional Evidence

While the asylum office prefers that applicants submit evidence in support of the asylum application with the initial application, applicants may obtain new evidence after they file. If your client obtains anything new after filing the application, they should bring that documentation to the interview; they should plan to bring two (2) copies of each new document. When the client arrives for the interview, they should inform the asylum office staff member at the front window that they have additional documents to show the asylum officer. They will instruct your client on whether those documents should be turned in to the front desk or handed directly to the officer at the start of the interview.

### Preparing for Interpretation at the Interview

Due to the COVID-19 pandemic, the Asylum Office has been providing interpreters for asylum applicants through a telephone interpretation service. If a government-provided interpreter is not available, the asylum office may reschedule the interview. Your client should review their interview notice carefully to determine whether an interpreter will be provided, or whether they should plan to bring an interpreter.

*NOTE: This guidance is currently in effect through March 16, 2022 and will be subject to change after this date at the discretion of USCIS.*

### Arriving at the Asylum Office and “Check-In” Process

*NOTE: Your client should bring their interview notice with them to the interview, and wear a mask!*

Your client should plan to arrive at the asylum office approximately 15 minutes before the scheduled time for the asylum interview. Due to COVID-19 protocols, if your client arrives more than 15 minutes before the interview, they may be asked to wait outside the office until 15 minutes prior to the scheduled interview time. When your client arrives at the asylum office, they will be required to pass through security, which includes a metal detector.

After your client enters the asylum office, they should check in for the interview at the window indicated. The clerk will ask for the interview notice and photo identification. Then, the clerk will make a copy of the photo identification document, and will keep the interview notice. Your client will be asked to take digital

fingerprints and a digital photograph to confirm their identity. Once the check-in process is complete, your client will be asked to wait in the lobby for the asylum officer to call them back to an office for your interview.

## Bring Derivative Family Members

If your client included any immediate family members in the U.S. as derivative beneficiaries to the application for asylum, they must also bring them with you in person to the asylum interview. These individuals will also need to “check-in” at the front window at the same time as the principal asylum applicant. In most cases, derivative family members will be asked to wait in the lobby of the asylum office during most of the interview.

The asylum officer may request to speak with derivative applicants as well. It is not likely that the asylum officer will ask your derivative family members questions related to the asylum claim. However, derivative applicants may be required to answer questions related to the possible bars to receiving asylum status. Examples of the asylum bars include:

- If you have been convicted of a “particularly serious crime,” one that would make immigration authorities believe you are a danger to the United States
- If you have committed a “serious nonpolitical crime” outside the United States, even if you were never arrested or convicted of any wrongdoing
- If you pose a danger to the security of the United States
- If you have been firmly resettled in another country before arriving in the United States

## Preparing for the Interview

When it is time for the interview, the asylum officer assigned to the case will escort your client from the lobby to the asylum officer’s private office. The officer will then contact an interpreter by phone, if an interpreter is necessary. Once the interpreter has been contacted, the officer will ask your client to swear that they will tell the truth during the interview. They may need to sign a form, swearing to tell the truth.

Then, the asylum interview will proceed in three phases:

1. **First**, the asylum officer will begin by reviewing identity documents and the I-589 application for asylum form. If there are any changes or corrections to make since the time the client filed your application, the officer will write those changes on the form in pen. After reviewing the whole form, the officer will review each of the changes and ask the client to confirm that they understand the changes made, and that the application is true and complete. The applicant will swear it is true by signing the form.
2. **Second**, the asylum officer will ask the client to explain why they are applying for asylum. The asylum officer may ask a general question such as “Why are you afraid to return to your country?” or she may begin by asking specific questions about information included in the application or supporting documents. Your client should always be honest and detailed when answering the officer’s questions.
3. **Finally**, the asylum officer will ask a few additional questions to make sure that none of the bases to deny an applicant asylum apply. A few examples of the questions that your client may be asked are:

- Have you ever engaged in terrorist activity, or are you likely to engage in terrorist activity in the future?
- Have you ever been a member of a terrorist organization, or have you ever persuaded others to support terrorist activity or a terrorist organization?
- Have you ever provided any support to a terrorist organization?
- Have you ever received any military or weapons training from any organization that, at the time the training was received, was considered a terrorist organization?

### *Additional Considerations for the Interview*

If your client does not understand a question that the officer is asking, whether it is because of a language/interpretation problem or another issue, the client should ask the officer to clarify the question. They should not try to guess at the answer. They can say, “I’m sorry, I do not understand. Can you please repeat the question?” or “I’m sorry, I do not understand. Could you please ask the question a different way?”

The asylum applicant, and attorney, should keep in mind that the asylum officer’s job is to protect the U.S. government by making sure that only people who qualify for asylum receive asylum status. To do their job, they must do their best to understand your client’s story, and make sure that the client is telling the truth, and not making up a story just to win asylum. You, and your client, should not be discouraged if the officer asks the same question several times or in different ways. The asylum officer is just doing their job, and trying to make sure the applicant is telling the truth.

## Receiving a Decision from the Asylum Office

The asylum office will not give your client a decision about their application on the day of the interview. Due to the COVID-19 pandemic, all decisions about asylum applications are mailed directly to the asylum applicant. It is very important to make sure that the asylum officer has your client’s best mailing address, so they can receive the decision. For Afghan asylum applicants, Congress has ordered the asylum office to issue decisions within 150 days of filing the asylum application. If your client does not receive a decision and more than six months have passed since filing the asylum application, they may want to talk to an attorney.

The possible decisions that the Asylum Office may issue are explained below:

### *Approval Letter*

If your client receives an approval letter, they were granted asylum. Along with the approval letter, the client will receive a new Form I-94, which will constitute proof of their asylum status. The client should also receive new Form I-94s for any derivative family members attached to the case (granting them asylum status as well). One year from the date of the approval, your client can file for lawful permanent resident status for a “green card.” For more information about asylee benefits, review the relevant section in this toolkit, below.

### *Referral Letter*

If the asylum office decides not to grant your client’s case, and your client is either (1) not currently in lawful immigration status (like parole) or (2) in lawful immigration status but otherwise subject to removal, due to a criminal or other issue, your client will receive a referral letter. The referral letter will include a Notice to Appear before an Immigration Judge in Immigration Court. This document

commences removal proceedings, and once this document is also received by the Immigration Court, the client will be at risk of deportation. Once the client appears for their hearing before the Immigration Court, they will have the opportunity to present their asylum case anew, in front of an Immigration Judge. If your client receives a referral letter, they should **consult with an attorney immediately**.

### *Notice of Intent to Deny*

Your client may receive a notice of intent to deny (NOID) if they currently hold legal status in the United States but are found ineligible for asylum. This notice will inform your client about why the asylum office believes your client is ineligible for asylum. If your client receives a NOID, they will have 16 days to explain in writing either (1) why their asylum case should be granted, or (2) submit new evidence to support the case, or (3) both.

If you do not respond within 16 days, your client's asylum case may be denied. It is important to submit a timely response to give the asylum officer the opportunity to consider the explanation and/or new evidence and make a final decision to approve or deny the asylum case. If the case is approved after the NOID response is submitted, the asylum officer will issue a grant of asylum (see above). If the case is denied, the asylum officer will issue a denial letter (see below).

### *Denial*

If your client is still in a valid status (like parole) and the asylum office decides not to grant the application for asylum, the asylum office may issue a denial. The client remain in their current, valid immigration status until that status expires. If your client receives a denial letter, they should **consult with an attorney immediately to explore other possible forms of relief**.

## Applying for Work Authorization as an Asylum Applicant

### Disclaimer about Employment Authorization for Afghan Applicants

On November 8, 2021, [USCIS announced](#) its intention to streamline the processing of asylum applications for Afghans. According to this announcement, for an Afghan asylum applicant, USCIS plans to schedule an initial asylum interview within 45 days of filing the application, and aspires to issue a final decision in the asylum case within 150 days of filing the application.

If USCIS does expedite consideration of these asylum applications, it may impact whether and when an Afghan asylum applicant needs to apply for work authorization. It may be that the asylum case is adjudicated first, and if the Asylum Office grants asylum, the individual will not need to apply for work authorization based on a *pending* asylum case; they will be eligible to work based on an *approved* asylum case, and will be issued work authorization based on that status.

If the Asylum Office does *not* grant the asylum, the case may be referred to the immigration court. If the asylum claim is referred to the immigration court, the applicant may be eligible later to file their application for employment authorization based on the *pending* asylum claim.

### Rules about Applying for Employment Authorization

As of August 2020, an asylum applicant who is eligible to apply for work authorization in the United States *generally* must wait 365 days *after* filing their asylum application before they may apply for work authorization.

*Who is eligible to apply for work authorization based on a pending asylum claim?*

- People who entered the U.S. with permission (visa or parole).
- Applied for asylum within one year of their entry.
- Did not cause a delay in their case, or caused a delay in their case but it has been resolved.
- Does NOT have certain criminal issues:
  - Conviction for *a felony in the United States, a particularly serious crime, or a serious nonpolitical crime outside the United States, or being convicted, in the United States, of certain public safety offenses involving domestic violence or assault; child abuse or neglect; possession or distribution of controlled substances; or driving under the influence (DUI).*

Some asylum applicants may still be eligible for work authorization, and/or may be eligible for work authorization sooner (at 150 days after their asylum application was filed, instead of at 365 days after their asylum application was filed) if they join one of two organizations currently suing the government about these rules, CASA or ASAP.

- For information on becoming a member of ASAP, please [click here](#). *Your client should receive a PFD of their membership card within about a day of joining ASAP.*
- For information on becoming a member of CASA, please call **1-866-765-2272**. *Your client will have to pay a small fee to receive a CASA membership card.*

*Can my client apply any sooner than 365 days after they file for asylum?*

CASA or ASAP members can apply for employment authorization after their asylum application has been pending for 150 days.

#### *How much does an Employment Authorization Document cost?*

The first EAD for an asylum-seeker who is NOT a member of CASA/ASAP costs \$410.

The first EAD for an asylum-seeker who IS a member of CASA/ASAP is free, and the first EAD for an asylee is free.

Afghan parolees are eligible for work authorization based on their parole status, and on November 8, 2021, [USCIS announced that Afghan parolees applying for EADs are exempt from paying the parole-based EAD filing fee.](#)

### **How can my client apply for Work Authorization?**

The application for Work Authorization is submitted using [Form I-765.](#)

The application should also include a form of identification (passport biographic page or copy of birth certificate, with certified English translation), two passport-size (2" by 2") color photos, and proof that the applicant has a pending asylum case (like the USCIS receipt notice).

## If Asylum is Granted

If your client's asylum application is granted, they may have questions about what comes next. For details about benefits your client is eligible for as an asylee, we recommend reviewing this [recorded training on Asylee benefits](#). If you have additional questions, please visit the [HIAS Asylee Outreach Project](#) website.

We include below a few important considerations:

### Documentation

If your client applied for asylum *affirmatively* (meaning with the USCIS Asylum Office), due to COVID-19 protocols, the Asylum Office will not give them a decision on your case in person. They will mail a decision letter to the preferred mailing address designated on the asylum application.

If the asylum office grants asylum, your client will receive in the mail an **Asylum Approval Letter** from USCIS along with a new **Form I-94**. This Form I-94 replaces the one your client may have received when they entered the U.S. (if they entered the U.S. through the airport or another port of entry). The I-94 document is very important: it is proof of their valid asylum status. Your client can use it to show eligibility to seek and accept employment in the U.S., and later, to apply for a green card (Adjustment of Status).

If your client previously obtained a social security card based on a parole-based work authorization, the social security card may have "restrictions" on it; it may say that the client is you are only allowed to work "with DHS authorization." Once your client has both a **Form I-94** that shows their asylum status and their **Asylum Approval Letter**, they may obtain an "**unrestricted**" **Social Security card**. An unrestricted Social Security card may make it easier to complete required pre-employment paperwork, apply for benefits, and obtain a job. To obtain the card, the client should contact the Social Security office nearest to them using the Social Security Office Locator [tool](#) on the Social Security Administration's ("SSA") website. During the COVID-19 pandemic, the process for obtaining an updated Social Security card has varied from office to office. Your client should call, explain the situation to a representative, and ask them the appropriate course of action.

### Work Authorization

If your client was granted asylum by an Asylum Office, they should receive a new Employment Authorization Document ("EAD") in the mail following the grant of asylum. But an asylee is automatically eligible to work in the United States just based on their status as an asylee, they are not required hold an EAD to demonstrate that they are authorized to work in the U.S. Asylees can show employers that they are authorized to work in the U.S. by showing: (1) their Form I-94 (showing asylum status), (2) an unrestricted Social Security Card, and (3) a valid photo ID.

However, having a valid EAD can help.<sup>28</sup> Many employers do not understand the other documents which establish asylum status, and some asylees struggle to obtain other U.S. government documents (like a driver's license, for example) without an EAD. We strongly encourage asylees to obtain state-issued photo ID if possible.

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<sup>28</sup> Some employers may state that you are *required* to present an EAD as proof of employment eligibility. This may constitute document abuse. Please contact the [Immigrant and Employee Rights](#) Section of the Department of Justice for more information.



## Asylum Status for Derivative Family Members

If your client's immediate family members (spouse or unmarried child under the age of 21) are already in the United States and were listed on the asylum application, in most situations, they should automatically be granted asylum status too, and will be included on your client's asylum approval. They will not get their own asylum approval letters; their names will be listed on your client's asylum approval letter. However, a derivative asylee will get their own Form I-94.

If your client's immediate family members are in the United States but were not included in the asylum application, or are abroad, your client can file an **I-730 Refugee/Asylee Relative Petition** with USCIS to confer derivative asylum status to the family member(s). If your client's family members are abroad, after USCIS adjudicates this petition, USCIS will then forward the case to the appropriate U.S. consulate abroad. Then, consulate will process the application and issue visas to your client's qualifying family members. The spouse and/or children will be admitted into the United States as asylees with benefits and rights like your client's.

If your client needs to file an I-730 petition, we recommend that they contact an immigration attorney to assist in this process.

## Travel

An asylee **SHOULD NOT** use, obtain, or renew their passport from their country of origin. Doing so could potentially jeopardize their asylum status. If an asylee wishes to travel abroad (and has not yet become a U.S. Citizen), they should apply for a passport-like document from USCIS called a **Refugee Travel Document**. Please review this USCIS [webpage](#) for more information. We strongly suggest anyone seeking a travel document consult with an attorney before traveling outside the country.

**Importantly, an asylee SHOULD NOT return to their country of origin;** doing so may cast doubt on the validity of the client's claim of a fear of persecution, and may prompt DHS to initiate the process to terminate asylum status.

## Adjustment of Status (Applying for a Green Card)

An asylee must demonstrate that they have been physically present in the United States for at least one year after their grant of asylum to adjust status to lawful permanent residence. The form for the application (Form I-485) is available on this USCIS webpage. Fee waivers are available for certain applicants. Because asylum status can be terminated, we encourage eligible asylees to apply to adjust status as soon as they are able. If you have questions about the adjustment of status process, contact an immigration attorney for assistance.

## Benefits and Services

Asylees are eligible for several federal public benefits including Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and Supplemental Security Income. Asylees are also eligible for the various benefits and services funded by the Office of Refugee Resettlement ("ORR"). ORR's programs, which are offered by HIAS affiliates and other refugee resettlement agencies across the country, include health screening programs, employment services, English as a Second Language (ESL) classes, and more. Asylees are also eligible for case management, which provides a range of services, from help applying for public benefits to assistance obtaining documents (an updated Social Security card, for example) to referrals to other service providers to address specific concerns you may have. For many asylees, receiving asylum is both liberating and exciting, but it can also feel overwhelming—

–there is a lot to learn and figure out. A good case manager can help you find answers to their questions and serve as a great resource.

Certain ORR-funded programs are only available for a limited period following an asylum grant (for the first eight months following a grant, for example), so it is important for a new asylee to contact an asylee benefits provider as soon as possible. More information is available at [www.asyleeoutreach.org](http://www.asyleeoutreach.org) or you can contact the HIAS Asylee Outreach Project at [asyleeoutreach@hias.org](mailto:asyleeoutreach@hias.org) for assistance getting in touch with a provider near you.

## Cultural Humility and Representing Afghan Asylum Seekers

*Cultural humility is a complex issue that requires continuous work. These materials are meant only to provide an introduction to this topic. HIAS encourages those in our Pro Bono Attorney network to seek additional training opportunities on this and other topics related to Diversity, Equity, Inclusion, and Justice.*

When working with clients with a different cultural identity, we must be aware of our own biases and preconceptions and continually work towards a place of understanding, inclusivity, and advocacy. **Cultural humility** is defined as the ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to that person. In contrast to the framework of cultural competency, which assumes that learning and understanding of other cultures can reach a successful end-point, cultural humility involves a humble awareness that we will never stop learning and growing as we connect with others.

When we talk about "cultural humility," we are inherently talking about "culture," which, in practice, is multifaceted and diverse:

*"Culture," according to one account, is "a system of shared beliefs, values, customs, behaviors, and artifacts that members of a society use to cope with their world and with one another, and that is transmitted from generation to generation through learning." Cultural groups can be based on a range of different identities including race, religion, age, sexual orientation, gender, immigration status, social status, language, and geography. No single characteristic will determine a person's "culture"- we are each a part of several cultures, and each culture generates its own norms. A person's behaviors and values are thus driven, in part, by a complex confluence of cultures and by the way in which society treats members of different groups. Culture is closely bound up with identity; it may be understood as an expression of group identity.<sup>29</sup>*

In approaching our work with immigrant clients with cultural humility, we encourage our pro bono attorneys to:<sup>30</sup>

1. **Adopt a lifelong commitment to self-evaluation and self-critique.** Be humble and flexible about what we know and what we have yet to learn. Recognize that one can never really master another's culture. Strive towards self-awareness about one's own values and beliefs and realize that we all bring those notions (consciously or unconsciously) to our work with others. (This is sometimes referred to as "[implicit bias](#) or [unconscious bias](#)"). We must understand ourselves before we can overcome difference and build successful relationships.

*Questions for Self-Reflection:<sup>31</sup>*

- What do I think about my client's cultural group(s)? How do I know this to be "true"?
- We all have biases; this is normal and not inherently bad. What are my biases? What are my biases based on?

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<sup>29</sup> Debra Chopp, "[Addressing Cultural Bias in the Legal Profession](#)," 41 NYU Rev. of L. and Soc. Change 367, 371 (2017).

<sup>30</sup> See [Hook, Davis, Owen, Worthington and Utsey \(2013\)](#).

<sup>31</sup> Adapted from "Race Matters: The Impact of Race on Social Justice," National Association of Criminal Defense Lawyers (Jan. 2019), available at <https://www.nacdl.org/getattachment/8d685d93-86f4-40b5-849b-39eb495302ee/practicing-cultural-humility.pdf>

- What are the consequences in my relationship with this person, this community, if I act on my biases?
  - What can I learn here? And how?
  - What is my own cultural identity? How do I bring this identity into interactions with my client? How do I bring identity, power, and privilege to my work?
2. **Incorporate a desire to fix power imbalances.** Our job as lawyers is to bring a unique education and expertise to assist our clients with a particular legal challenge. Though our clients do not typically possess this particular base of knowledge, our clients do have valuable knowledge and experience in other areas. We strive to recognize our different experiences without assigning value to one over another. We are each the expert of *our own* experience. We encourage pro bono attorneys to see their clients as the experts of their own experience.

*Questions for Self-Reflection when Working with Clients:*<sup>32</sup>

- Can I practice curious, respectful inquiry when discussing client matters?
  - How can I encourage, rather than presume, pre-empt, or obstruct, my client's telling of their own story?
  - What are my client's goals for this representation? How can I best use my skills and expertise to meet my client's goals and needs? How can I meet my client where they are?
3. **Develop partnerships with people and groups who advocate for others.** As lawyers, we do not just represent and support our individual clients; we can be (and often, as a result of our representation, are) advocates for these communities and issues at large. However, we know that we are not the experts of our clients' lived experience. To that end, we should continue to advocate for others but respect the advocacy priorities as defined by the community – not necessarily what we think their priorities are or should be.

*Questions for Self-Reflection:*<sup>33</sup>

- How can I be an effective student of and partner for this community?
- How does my advocacy build upon the community's existing strengths?  
Does my work serve what the community sees as important?

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<sup>32</sup> Id.

<sup>33</sup> Id.

## Working with Survivors of Trauma

**Understanding Trauma:** Trauma occurs after a particular event causes an intense reaction or stress (be it physical, psychological, etc.). Traumatic Memories are stored in the body's "limbic system" (fight/flight/freeze part of the brain), not in the "frontal lobe" (thinking part of the brain). Thus, traumatized individuals may struggle to recall traumatic memories and contextualize the events in a coherent chronology. Traumatic memories may be triggered by sensory events, including smells, sounds, images, fear, and stress.

**Manifestations of Trauma:** An individual who has suffered a traumatic event may show symptoms of this trauma in diverse or various ways, including:

- **Physical ailments:** Scars, burns, internal injuries, brain injuries/headaches, jaw pain, reproductive/fertility issues, developmental delays
- **Relational ailments:** Distrust of others, lack of interest in relationships, isolation, lack of appropriate boundaries with others
- **Psychological ailments:** Depression, anxiety, suicidal ideation, low self-esteem, drug/alcohol addiction/dependency, difficulty concentrating, difficulty remembering, poor habits (self-care, grooming)
- **Flooding:** details of similar traumatic events get confused or mixed up.
- **Flashbacks:** uncontrollable and vivid memory of a traumatic event. May cause heart racing, sweating, shortness of breath.
- **Dissociation:** mentally transported back to a traumatic incident, as if re-living it. They may appear to be "spaced out" or may be reacting to the situation in their memory.
- **Minimization:** flat affect, makes it seem as if "wasn't as bad as it could have been."

### Working with Survivors of Trauma:

- **Try to create a safe space:** Manage expectations of what the meeting will be about, explain if you are taking notes, what they are for; Be aware of children present, the client may not be able to be as forthcoming about details; (if possible) Have tissues, water, snacks available. If not possible, encourage the client to bring tissues, water, and/or snacks.
- **Understanding Each Other:** Explain the roles of the attorney and the client and attorney/client privilege; Encourage the client to ask questions and advocate for themselves (if they don't understand if they need a break).
- **Who has the control?** Is the client's comfort considered? Is the client's physical/emotional/psychological safety being considered? Is the client able to (or does the client feel empowered to) ask for a break? **Remind the client that this is their case and their process, and they are an important part of the preparation of their claim.** To that end, encourage the client to ask questions if they don't understand. As the attorney, take time to ask the client, "does this sound okay to you?" or "did I explain that in a way that makes sense? can I explain that better?"

### Discussing Sensitive Topics:

- Warn the client before asking a sensitive question and explain why the question is relevant/necessary.
- Consider the client's reaction – are they giving you clues about how they are feeling, or whether there is something they're not comfortable sharing right now?

- Keep your own reactions in check – your intense reaction may make the client feel judged or uncomfortable.
- Use open-ended questions: Try not to interrupt too much (unless the client is flooding); Record your questions and go back later to ask clarifying questions
- Ask only what you need to know
- Be careful with labeling/word choice – try to mirror the language that the client uses.
- Use context to build a timeline
  - What was the weather like? Was it near a holiday?

**If the Client is Triggered:**

- If the client is triggered, need to get back to the present moment: Take a break; Suggest a walk; Try to observe surroundings to re-center the client to the present moment
- Your goal is to contain the traumatic memory and return to a calm state

**Ending the Meeting:**

- Don't end the meeting immediately after the re-telling of a traumatic event
- Remind your client that everything they shared will remain confidential
- Thank your client for sharing their story
- Give the client a clear understanding of what's next and who to contact if they have questions