

Instructions for Form I-589
Application for Asylum and for Withholding of Deportation

Purpose of This Form

This form is used to apply for asylum in the United States (U.S.), and for withholding of deportation. You may file for asylum if you are physically in the United States and you are not a United States citizen, a permanent resident, or a conditional resident.

You may include in your application your spouse and your unmarried children who are under 21 years of age and physically present in the United States. Married children and children 21 years of age or older must file a separate Form I-589 application. If your spouse and/or unmarried children under the age of 21 are outside the United States, they may be processed for entry if you are granted asylum.

This instruction pamphlet is divided into 2 sections. The first section has actual filing instructions. It discusses eligibility and will guide you through filling out and filing the application. The second section describes how your application will be processed. This section also describes potential interim benefits while your application is pending.

However, you will not be authorized to work based on filing this application. Please read these instructions carefully. The instructions will help you complete your application and understand how it will be processed.

WARNING: Applicants who are in the United States illegally are subject to exclusion or deportation if their asylum claims are not granted by an Asylum Officer. Any information provided in completing this application may be used as the basis for the institution of, or as evidence in, Exclusion Proceedings in accordance with 8 CFR part 236 or Deportation Proceedings in accordance with 8 CFR part 242.

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1. FILING INSTRUCTIONS

Basis of Eligibility.

The burden of proof is on you to establish that you qualify as a refugee, and you are unable or unwilling to return to your country for that reason. This may be shown by establishing persecution or a well-founded fear of persecution on account of your race, religion, nationality, membership in a particular social group, or political opinion. In addition, the information provided in this application may be used to satisfy the burden of proof on the INS in establishing your deportability under 8 CFR part 242.

In your application, you should clearly detail any of your experiences, or those of family members which you believe illustrate why you have a well-founded fear of persecution. Be as specific as possible.

You may also include background material such as newspaper articles, affidavits of witnesses or experts, periodicals, journals, books, photographs, official documents, other personal statements, or evidence regarding incidents that have occurred to others. However, you must establish why those incidents, or other general evidence are relevant to your specific circumstances and why you have a well-founded fear of persecution.

Completing the Form.

Type or print all of your answers in ink on the Form 1-589. Your answers must be completed in English. Forms completed in a language other than English will be returned to you.

Provide the specific information requested about you and your family. Respond to ALL of the questions asked. If any question does not apply to you, answer "none" or "not applicable". You are to provide detailed information and answer the questions as completely as possible. You are to answer all questions on the form. If you need more space, attach an additional sheet(s) indicating the question number(s) you are answering. Sign and date each additional sheet(s).

You are strongly urged to attach additional written statements and documents that support your claim. Your written statements should include details of your experiences, events, and dates that relate to your claim for asylum.

If you need, or would like help in completing this form and preparing your written statements, assistance from pro bono attorneys and/or voluntary agencies may be available. They may help you for a reduced fee. A list of attorneys and accredited representatives may be available from your local INS District Office.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying persons to help you complete the application. You may, if you wish, forward a copy of your application and other supporting documents to UNHCR. The current address of the UNHCR is:

United Nations High Commissioner for Refugees
1775 K Street, NW., Third Floor
Washington, DC 20006
Telephone: (202) 296-5191

Part A. Information about you.

This part asks for basic information about you. Alien Registration Number (A#) refers to your INS file number. In question 10, use the current name of the country. Do not use historical, ethnic, province, or other local names. In question fourteen, you must check the appropriate block indicating whether you are in exclusion, or deportation proceedings.

You must complete the blocks at the right. I-94 # is the number on Form I-94, Departure Record, given to you when you entered the U.S. If you did not receive one, write "None". If you entered without being inspected by an immigration officer, write "EWI".

Part B. Your Spouse and Unmarried Children Under 21 .

You can include your spouse and unmarried children under 21 years of age in your application if they are in the U.S. when you file your application. You may prepare a single form to apply for your entire family (husband, wife and unmarried children under age 21) if they **are in the US**. Children who are married and/or children who are 21 years of age or older must file separately for asylum by submitting their own asylum application (Form I-589).

Your spouse and unmarried children under the age of 21 may be added to your application if they arrive in the United States after you file your asylum application, but before a final decision is made on your case. Submit a copy of your completed asylum application, documentary evidence establishing your family relationship, and all other items mentioned when including a family member in your asylum application.

If including your spouse in your application, submit copies of your marriage certificate.

If you are including your unmarried child(ren) in your application, submit copies of each child's birth certificate.

If you do not have, or are unable to obtain these documents, you may submit an affidavit from at least one (1) person for each event you are trying to prove. Affidavits may be provided by relatives. Persons providing affidavits need not be U.S. Citizens. Affidavits must:

fully describe the circumstances or event in question and must fully explain how the person acquired knowledge of the event; be sworn to, or affirmed by, persons who were alive at the time and have personal knowledge of the event (date and place of birth, marriage, etc.) that you are trying to prove; and show the full name, address, date, and place of birth of each person giving an affidavit, and indicate any relationship between you and the person giving the affidavit.

Part C. Information about Your Claim for Asylum.

This part asks specific questions relevant to eligibility for asylum and for withholding of deportation. Follow the instructions on the application form. Your answers should be detailed. Use additional sheets for your answers. Put your name (from Part A of the form) and A# (if any) at the top of each additional page. You are to clearly indicate the question number you are answering.

Part D. Additional Information About Your Application for Asylum.

Check yes or no in the box provided for all six (6) questions. If your answer is YES to any question, explain in detail on additional sheets as needed.

Part E. Background Information About You and Your Family.

Answer all questions as completely as possible. Attach additional sheets if necessary.

Part F. Your Signature.

You must sign your application in Part F and provide the information requested. Any person, other than an immediate family member, who helped prepare your application must sign the application and provide the information requested in Part G.

Part G. Signature of Person Preparing Form if Other Than Above.

Any person, other than an immediate family member, who helped prepare your

application must sign the application and provide the information requested.

PENALTY FOR PERJURY. You and anyone, other than an immediate relative, who assists you in preparing the application must sign the application under penalty of perjury. Your signature is evidence that you are aware of the contents of this application.

Any person, other than an immediate family member, assisting you in preparing this form must include his or her name and address and sign the application where indicated in Part G. Failure of the preparer to sign will result in the application being returned to you as an incomplete application. If the INS later learns that you received assistance from a person other than an immediate family member, and this person has failed to sign, this may result in an adverse ruling against you.

All statements contained in response to questions contained in this application are declared to be true and correct under penalty of perjury. Title 18, United States Code, Section 1546, 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 - shall be fined in accordance with this title or imprisoned not more than five years, or both.

The knowing placement of false information on the application may subject you, or the preparer of this application, to criminal penalties under Title 18 of the United States Code and you and the preparer, to civil penalties under Section 274C of the Immigration and Nationality Act, 8 U.S.C. 1324c.

Part H. To be Completed at Interview.

Do not sign your application in this space before filing this form. You will be asked to sign your application in Part H at the conclusion of the interview regarding your claim.

Required Documents And Required Number of Copies.

- The **original** and two (2) copies of your completed asylum application, Form I-589, and the original and two (2) copies of any additional sheets and supplementary statements. You must submit a total of three (3) copies of any other documentation such as supporting documentation;
- Three (3) copies of any documentary **evidence of relationship(s)**, such as birth records of your children, marriage certificate, or proof of termination of

marriage; NOTE: If you do not have, and are unable to obtain, these forms of documentary evidence, you must submit an original and two (2) copies of an **affidavit** of a third person who knows of the relationship.

- An **additional copy of your Form I-589** complete with additional sheets and supplementary statements for each family member(s) listed in part B who is included in your application;
- A **Fingerprint Card, FD-258**, for you and each family member listed in Part B, who is included in your application, who is 14 years of age or older;
- Two (2) ADIT **photographs** of you and each family member listed in Part B, who is included in your application, must be submitted regardless of age;

Additional Documents That You May Submit.

- A copy of your passport (cover to cover), and a copy of any other U.S. Immigration documents that you may possess, such as an I-94 Departure Record.
- A copy of the passport (cover to cover) and a copy of any other U.S. Immigration documents, such as an I-94 Departure Record, for each family member who is included in your application.
- A copy of your **birth certificate**, accompanied by an adequate translation.
- **Any supporting documents.** You may submit background material, such as newspaper articles, affidavits of witnesses or experts, periodicals, journals, books, photographs, official documents, or personal statements. The original, plus two complete sets of your supporting documents, should be sent to the INS along with an additional copy for each family member who is included in your application.

Information About Photographs.

You must obtain two (2) ADIT-style photos of yourself and each family member you are including in your application. **The photos must have been taken no more than 30 days before you file your application.** They must:

- have a white background, be unmounted, be printed on thin paper, be glossy and be unaltered ;
- show a three-quarter frontal profile of the right side of your face, with your right ear visible and with the head bare (*unless you are wearing a headdress as required by a religious order you belong to*);

- and not be larger than 2 X 2 inches, with the distance from the top of your head to just below the chin about 1-1/4 inches.

Many photography studios and other organizations have detailed specifications regarding ADIT style photos. If they do not, they may contact the nearest INS office.

Print the person's complete name and A# on the back of his or her photos with a pencil.

Information About Fingerprinting.

You may be fingerprinted by police, sheriff, INS officials, charitable or voluntary agencies, or other reputable persons or organizations. You should call the police, sheriff or INS office before going there since they may not provide this service or may only provide it at certain times.

You should complete the information on the top of the card and write your A# (if any) in the space marked "Your No. OCA" or "Miscellaneous No. MNU". Do not sign the card until you have been fingerprinted, or are told to sign by the person who takes your fingerprints. The person who takes your fingerprints must also sign the card, and write his or her title and the date you are fingerprinted in the space provided. **Do not bend, fold, or crease the fingerprint card.**

Translation Requirements.

Any foreign language document must be accompanied by an adequate translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Submitting Copies Instead of Originals

If these instructions state that a copy of a document may be filed with this application and you choose to send us the original, we may keep that original for our records.

Fee.

There is no fee for filing this application.

Organizing your application. Put your application together in the following order (*if possible, secure with binder clips and rubber bands so that material may be easily separated*):

- Your original Form I-589, with all questions completed, and with the application signed by you and by any preparer.
- Staple your two (2) photos in Part F. Write the number of family members you have included in your application in Part B.

Behind your original Form I-589 attach, in the following order:

- One (1) Form G-28 if represented by an attorney or other representative, signed by you and the attorney/representative;
- The original of all additional sheets and supplementary statements submitted with your application;
- One (1) copy of evidence of your relationship to your spouse and unmarried children under 21 that you have included in your application;
- One (1) completed Fingerprint Card (FD-258) if you are between ages 14 and 75 [do not bend, fold or crease this card];
- Behind the original package, attach two (2) copies of the items in your original package, except photographs.

Behind these duplicate packages, attach one (1) additional package for each family member that you have included in your application. Compile each package as follows:

- One (1) copy of your completed, signed application form. In Part B, staple their second photo by the information about them;
- One (1) copy of the Form G-28, if any;
- One (1) copy of evidence of your relationship to this person, and translation;
- One (1) copy of all continuation sheets and supporting evidence submitted with the original application;
- One (1) completed Fingerprint Card (FD-258) if he or she is between ages 14 and 75 [do not bend, fold or crease this card].

For example, if you include your spouse and 2 children, you should submit your original package + 2 duplicates for you + 1 package for your spouse + 1 for each child, or a total of 6. Be sure each has the appropriate documentation. *We recommend you also retain one copy of your complete application for your records*

Incomplete Applications.

An application that is incomplete shall be returned to you by mail within thirty (30) days of receipt of the application by the INS.

The filing of an incomplete application shall not commence the 150-day period after which you may file an application for employment authorization in accordance with 8 CFR 208.7(a)(1). An application that has not been returned to you within thirty (30) days of having been received by the INS shall be deemed complete. An application for asylum and withholding of deportation will be considered incomplete if: it does not include a response to each of the questions contained in the Form I-589 is unsigned, is unaccompanied by one (1) completed Form FD-258 (Fingerprint Card) for you and for every family member who is included in your application for asylum and is fourteen years of age or older is sent without the appropriate number of copies for any supporting materials submitted, or if you indicated in Part G that the application was prepared by someone other than yourself, where the preparer failed to complete Part G of the asylum application.

Where to File.

If you are in exclusion or deportation proceedings.

If you are currently in deportation or exclusion proceedings (that is, if you have been served with Form I-221, Order to Show Cause, or with Form 1122, Notice to Applicant for Admission Detained for Hearing), you are required to file your application, Form I-589, with the Office of the Immigration Judge having jurisdiction over your case.

If you are not in exclusion or deportation proceedings.

You are to mail your complete application for asylum, Form I-589, and any other additional information, to the INS Service Center as indicated below.

If you live in the District of Columbia, western Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, Georgia, Alabama, South Carolina, Louisiana, Arkansas, Mississippi, Tennessee, Texas, Oklahoma, Utah, New Mexico, Colorado, Wyoming, Florida, the Commonwealth of Puerto Rico, or the United States Virgin Islands, mail your application to:

USINS Southern Service Center P.O. Box 152122 Department A
Irving, TX 75015-2122

If you live in Illinois, Indiana, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Kansas, Missouri, Ohio, Iowa, Nebraska, Montana, Idaho, Kentucky, northern California, northern Nevada, Oregon, Washington, Alaska, Hawaii, or the territory of Guam, mail your application to:

USINS Northern Service Center P.O. Box 87589

Lincoln, NE 68501-7589

If you live in Arizona, southern California, or southern Nevada, mail your application to:

USINS Western Service Center
P.O. Box 10589
Laguna Niguel, CA 92607-0589

If you live in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, eastern Pennsylvania, Rhode Island, or Vermont, mail your application to:

USINS Eastern Service Center
P.O. Box 9589
St. Albans, VT 05479-9589

2. OTHER INFORMATION

Your Address in the United States.

You must provide your street address in Part A of the asylum application. The address that you provide on the application, or the last Change of Address Form (INS Form AR-11) submitted, will be used by the INS for mailing and shall constitute adequate service of all notices. These notices include an interview notice, or other documents, except a Notice to Alien Detained for Hearing by an Immigration Judge (Form I-122), service of which is governed by 8 CFR 235.6, and an Order to Show Cause (Form I-221) service of which is governed by section 242B(a)(1) of the Immigration and Nationality Act. You must notify the asylum office in writing of any changes of address that have occurred after the filing of your asylum application with the Service Center.

Withholding of Deportation.

Your asylum application is also considered to be an application for withholding of deportation under Section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)), as amended. If asylum is not granted, you may be eligible for withholding of deportation.

In order to qualify for withholding of deportation, you must establish a clear probability of persecution if you return to your home country on account of race, religion, nationality, membership in a **particular** social group, or political opinion.

Retain a Copy of Application.

You should retain one (1) copy of the completed application for your own records. Although the INS will confirm in writing its receipt of your application,

you may wish to send the completed forms by registered mail (return receipt requested). The INS suggests that you bring a copy of your Application for Asylum and for Withholding of Deportation (Form I-589) with you when you have your interview.

Interview.

You will be notified by the INS Asylum Office of the date, time, and place (address) of a scheduled interview. The interview procedure is as follows: an Asylum Officer will interview you under oath, make an assessment of your claim and make a determination concerning your claim.

If you are unable to proceed with the interview in English you must provide, at no expense to the INS, a competent interpreter fluent in both English and your native language. Your interpreter must be at least 18 years of age. The following persons cannot serve as your interpreter: your attorney or representative of record or, a witness testifying on your behalf at the interview. Quality interpretation may be crucial to your claim. Such assistance must be obtained, at your expense, prior to the interview. A list of agencies willing to assist you in finding qualified interpreters may be obtained from local INS District Offices.

If you have a **passport**, other travel or identification document, Form I-94, Departure Record, you must bring these documents with you to the interview. You must bring some form of identification to your interview. You may bring any additional available items documenting your claim to the interview.

If other **members of your family** are included on your application for asylum, they must also appear for the interview and bring any identity or travel documents which they have in their possession.

Status While Your Claim is Pending.

While your case is pending, you will be permitted to remain in the United States. After your asylum interview, if you have not been granted asylum, and appear to be deportable under Section 241 of the INA, 8 U.S.C. 1251, or excludable under Section 212 of the INA, 8 U.S.C. 1182, your application will be filed with the Office of the Immigration Judge upon referral by the Asylum Office.

Travel Outside the United States.

If you leave the United States pursuant to advance parole granted under 8 CFR 212.5(e) it shall be presumed that you have abandoned your application if you returned to the country from which you are claiming persecution unless you are able to establish compelling reasons for such return.

Employment Authorization While Your Application is Pending.

You may **not** apply for employment authorization until your application for asylum or withholding of deportation has been pending for at least 150 days since acceptance by the INS or the Office of the Immigration Judge. If you file an application for employment authorization before the 150 days has expired, that application will be denied. If the 150 day period expires before a decision is made on your application, you may request permission to work by filing an Application for Employment Authorization, Form I-765. Follow the instructions on that application and submit it with a copy of evidence that you have a pending asylum application.

Each family member included in your application for asylum who seeks employment authorization must submit a separate Form I-765 application.

You will be granted permission to work if your asylum application is granted. You may request permission to work if your asylum application is pending, and 150 days have lapsed since your application was accepted by the INS, but has not been denied within 180 days from the date of filing a complete application. Any delay that you request or cause shall not be counted as part of this time period. Each family member who is included in your application, who seeks permission to work while the asylum application is pending, must submit a separate Form I-765.

Failure without good cause to have a competent interpreter at your interview may be considered a failure without good cause to appear for the interview. You will be prevented from receiving work authorization and your asylum application may be referred directly to the Immigration Judge.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information is in 8 U.S.C. 1154, 1157 and 1158. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay interim benefits and a final decision, and may result in denial of your request.

Paperwork Reduction Act Notice.

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application is as follows: (1) 30 minutes to learn about the form; (2) 60 minutes to complete the form; and (3) 2 hours to assemble and file the application, including the average interview and travel time; for a total estimated average of 3 hours and 30 minutes per application. If you have comments regarding the accuracy of this estimate or

suggestions for making this form simpler, you can write to both the Immigration and Naturalization Service, Policy Directives and Instructions Branch 425 I Street, NW., Room 5307, Washington, DC 20536, and the Office of Management and Budget Paperwork Reduction Project, OMB No. 1115-0086, Washington, DC 20503.