

## Asylum: Definitions and Processes

### Asylum Seekers, the Asylum Process, and Employment

90% of people in the City of Portland Family Shelter and its overflow space are asylum seekers from the sub-Saharan region of Africa. Official languages spoken are French (Burundi, Congo, Democratic Republic of Congo (DRC), Djibouti, Rwanda) and Portuguese (Angola). Most people speak several other languages.

### Terminology: Asylum Seeker, Refugee, Asylee

**Asylum seeker:** a person who is physically in the U.S. and has fled their home country because of fear of persecution and is seeking protection as a “refugee” as defined by international law pursuant to the 1951 Geneva Convention, U.S. law, and the United Nations. <https://www.unhcr.org/1951-refugee-convention.html>

**Refugee:** people who are not physically in the US, usually residing in a refugee camp outside their home country and have fled their home country because of persecution, war or environmental catastrophe. They are vetted 9 or more times by the UNHCR, usually over a period of many years, and are eventually admitted to a signatory country. Upon arrival in the US they are considered Legal Permanent Residents, are issued LPR (green cards), social security numbers, and receive casework services for their first 6 months. They will eventually pay back the dollars spent bringing them to the US. They are able to work immediately upon arrival in the US. The numbers of refugees currently entering the US are very low.

**Asylee:** someone who has been granted asylum. Asylees are issued ‘green cards’ and can live and work in the U.S. permanently, become citizens, and can apply to bring their family members to the U.S.

**Criteria for claiming asylum:** A person must show that they cannot obtain protection in their home country due to a fear of being persecuted or they have been persecuted in the past because of one or more of these reasons: race, religion, nationality, membership in a particular social group, or political opinion.

### Asylum process and recent January 2018 policy change (for affirmative asylum cases):

Asylum seekers have one year from their date of entry into the U.S. to file an application for asylum. People who filed for asylum after January 23, 2018 are called up for a hearing with an asylum officer about 2 weeks to a month after they file for asylum. Therefore they must have their case fully prepared before they file for asylum. Their written personal history, evidence, testimony, affidavits, medical documents, translations of documents, and other evidence must be in hand before they file for asylum.

## Preparing the asylum application

**Asylum process prior to January 23, 2018:** People who filed for asylum before mid-January 2018 have been bumped all the way to the back of the line. Now the backlog is approaching 1,000,000 cases. They will wait many years before they are called up for their asylum interview.

In the past, a person filed a “skeleton application” for asylum with basic facts of their asylum claim, counted 150 days from the date their application was received by the USCIS, and then filed for an employment authorization document. This “work permit” needs to be renewed every 1-2 years and will cost \$412.

**Asylum Interview:** The whole family must appear for the asylum interview in Boston. The northeast region’s sub-asylum office is located in Boston. Asylum seekers are not eligible to work but they still have to find their own transportation for their family to and from Boston.

**After the asylum interview:** People are either granted asylum or are referred to Immigration Court. It takes about 6 months before they’ll receive their written decision.

**Immigration Court:** The vast majority of cases heard at the asylum hearing level are referred to Immigration Court. The first court date is usually a Master Calendar Hearing, and the family must appear. Then the Court date is set for two or more years into the future. It is essential to hire a lawyer for representation in Immigration Court as the law is complex.

### **Employment:**

People are eligible to file an application for employment authorization 150 days after USCIS receives their application for asylum. The family members are each issued an “A” (Alien) number and are given a date to appear at South Portland USCIS for their biometric (fingerprint) appointment. At their 150 day mark, they can file for Employment Authorization. That usually takes 1 month or longer to receive. However, the recent immigration policy change means people must rely on General Assistance or TANF for a year or longer before they receive their work permit.

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