

## Legal Process for People Seeking Asylum

1. **Arrival in Maine:** The way people come into the US determines their legal process. It is very important that initial paperwork is done correctly and sent to the correct address. This information can be found on the Immigrant Legal Advocacy Project 's (ILAP) website <https://ilapmaine.org> The two types of Asylum are:
  - a. **Affirmative** Asylum Seekers – people fly into the US with a passport and visa (tourist, business, student).
  - b. **Defensive** Asylum Seekers – enter the US across the southern border
2. **Applying for Asylum:** All people wanting asylum need to fill out an **I-589** application **within one year** of entry. ILAP offers information on filling out the I-589 including classes, some appointments and webinars on their website. If people are doing their own application, encourage them to check ILAP's website before sending it in.

**Affirmative Asylum seekers** submit their asylum application with USCIS. Follow ILAP's instructions for Applying for Asylum Affirmatively from their self-help asylum manual, found here: <https://ilapmaine.org/asylum-self-help#Manual>

**Defensive Asylum seekers** cannot apply for asylum until they are assigned to a court. They are assigned an A# number at the border, and should call EOIR (1-800-898-7180) weekly and when prompted, enter their A# to see if they appear in the database and have a court assignment. ILAP has a self-help guide for calling the number. <https://ilapmaine.org/asylum-self-help#Self-help> They can also check this website: [portal.eoir.justice.gov/InfoSystem](http://portal.eoir.justice.gov/InfoSystem).

If they are assigned to the Boston Court they can submit their asylum application there following ILAP's instructions for "How to Submit Your Asylum Application to the Boston Immigration Court" on their self-help page. If they are assigned to a court other than Boston, they should contact ILAP for assistance. If they have been in the U.S. for 10 months and have not yet been assigned a court, they should contact ILAP for assistance.

3. **Receipt Notification Letter: Affirmative** asylum seekers should receive a notification form letter (often referred to as their receipt) that their application has been received. Included in this receipt is their **A# (Alien #)**. This number will be used on all future documentation so it's very important they keep this letter in a safe place. They will get another letter with a date for **fingerprints (biometrics)** to be taken. This document is very important, and a copy is included in all future applications they file with USCIS.

**Defensive** asylum seekers to not get a receipt from the court. They can call EOIR (1-800-898-7180) to check their "clock" which will start counting down days once their asylum application is properly submitted.

4. **Biometrics:** People need to take their receipt notification letter with them to their appointment: Immigration Office, 176 Gannett Drive, South Portland for

fingerprinting. Very important appointment – do not miss!

5. **Social Services:** All asylum seekers can receive General Assistance (GA), MaineCare (for children) and emergency MaineCare and Free Care for parents and singles. Once an A# is received families may apply for DHHS benefits including Supplemental Nutrition Assistance Program (SNAP), FedCap (families), Maine Care, WIC (pregnant or children 0-5). GA has a 24 months cap, however people can go back if there is an emergency or change in circumstances. All income must be reported to GA or people will be in danger of being penalized
6. **Work Permit (EAD):**
  - a. After the asylum application is properly submitted, people can sign up for the ASAP program here: <https://asylumadvocacy.org/members/>. This will allow them to apply for a work permit 150 days after submitting their asylum application. The ASAP application is online and simple. Their membership card will be texted to them, and they should keep a photo of it or print it for their work permit application.
  - b. 150 days after the asylum application is filed (**affirmative** seekers count from the date on their receipt letter, **defensive** seekers call the EOIR hotline to check their clock), people can send in their application for a Employment Authorization Document (EAD) also known as a Work Permit. The process is currently complicated so people should make an appointment at Hope House to ensure it is done correctly. They can fill it out with assistance and have it ready to mail on day 151. They can NOT send it early. If it is postmarked before the 151<sup>st</sup> day, it will be sent back.
  - c. It can take many weeks before work permits (EAD) are granted. The first EAD is valid for two years and then needs to be renewed. The first work permit is free, the second one costs \$495 unless people qualify for a fee waiver. A form requesting a fee waiver needs to be filed with the application, and is granted based on income.
7. Wait time for Immigration Appointments varies from quick to years.
  - a. **Affirmative** Asylum seekers are given an **interview** with a Hearing Officer at the USCIS office in Boston. This may take months, even years, to be scheduled. If asylum is denied at the 1st interview, a **Master Calendar Hearing** is scheduled to set a date for a **Full Hearing** before an Immigration Judge, who will hear the applicant's evidence and determine if asylum will be granted.
  - b. **Defensive** Asylum seekers file in a different office but also have **Master Calendar Hearing** to determine their readiness to go before an Immigration judge and set a date for their **Full Hearing**.