

THINGS TO KNOW, IF YOU'RE THINKING ABOUT APPLYING FOR ASYLUM

By Beth Stickney, Esq.¹

Not everyone who is afraid of going back to her/his country will be given asylum.

U.S. asylum law is very complicated. Even if you know people who have been given asylum, and even if what happened to them is similar to what happened to you, that does not mean that you will get asylum. So, applying for asylum is a very important decision. If you are denied asylum, the Government will start a court process to deport you to your country. If your case is denied by the courts, you may not be able to return to the U.S. for 10 years.

DO:

DO talk with a lawyer experienced with asylum law before applying.

ILAP is the best resource if you have no money for a private lawyer. There is no waiting list for an appointment with an ILAP lawyer who can give you an opinion about your chances of being given asylum by the U.S. government, and tell you if you may have any other legal way to stay in the U.S. You can call ILAP at 207-780-1593 or walk in at 309 Cumberland Avenue in Portland to arrange a time to meet with a lawyer. Meeting with the lawyer does not mean that ILAP will be able to represent you – that will be decided after you meet with the lawyer.

DO talk with a lawyer as soon as possible.

If you want asylum, you must apply within one year of coming to the U.S. For example, if you arrived on January 15, 2016, Immigration authorities must receive your application by January 14, 2017, in most cases. It may take time to find a lawyer who will be able to work on your case, and after that, preparing your application properly may take months. So, it's best to start as soon as you can.

DO always tell the truth.

Tell the truth, about your correct name (even if it doesn't match the name on your passport), about how you got out of your country and how you got to the U.S., about how you got your passport or visa if you have one (even if they are not really yours or a bribe was paid to get them), and about why you left your country. If you meet with a lawyer, tell the lawyer the truth so that you can get an accurate opinion about your chances for getting asylum. (Everything you tell the lawyer is private and confidential). If you apply for asylum without a lawyer helping you, tell the truth in your application. If the government discovers something in your asylum application is not true, your case will be denied—and the government is very good at finding out what is not true.

DO write your own statement in your own words, if you apply for asylum without a lawyer.

In your asylum application, you will be telling Immigration authorities in writing (in your "statement") why you believe you need to stay in the U.S. This is YOUR story – tell it in your own words. It is OK to write your statement in your own language if you do not speak or write English well. Your statement can be translated into English before you apply.

DO use your correct address when you apply. Do not say you live in another state where you think applications are decided more quickly. DO use a mailing address where you are sure you will be told about and receive your mail, which can be different than where you live.

¹ Beth is a lawyer who has specialized in immigration law since 1986. She is admitted in Massachusetts and her Maine practice is limited to Immigration and Nationality Matters. She founded the Immigrant Legal Advocacy Project in Portland, and was its Executive Director until 2011. This document is not a substitute for individual legal advice. June, 2016