

Asylum Process

Seeking asylum in the United States is a complex, often overwhelming process that involves navigating strict legal requirements and procedural steps. Whether you're fleeing persecution or facing threats in your home country, understanding the asylum process is critical to protecting your rights and securing your future. This guide provides an in-depth look at the asylum application process, from understanding deadlines and exceptions to preparing for interviews and potential court proceedings.

[View or Print Asylum Resource List](#)

Rules and Exceptions

Apply within One Year

You must apply for asylum within one year of coming to the United States. If you came here on a valid visa and have some other lawful status, for example as a student or tourist, then you must apply for asylum within a reasonable amount of time after that status expires. Generally, six months is considered to be a reasonable timeframe.

However, there are some exceptions to the one year filing deadline. If something changes in your home country or your personal circumstances which would affect your asylum claim, then you may still be able to apply beyond the one year deadline.

Changes in your home country that would affect your asylum claim

Example: A new government is elected or a new regime in place

Changes in your circumstances that would materially affect your asylum claim

Examples:

- If new laws or policies make you newly eligible for asylum, this could be considered a material change.
- If you participate in activities while in the U.S. that put you at risk of persecution if you return home, this could strengthen your asylum claim.
- You were included in your parent's or spouse's asylum application but now can't be included because the relationship no longer exists.
 - You were included on your parent's application but have since gotten married.
 - You were included on your spouse's application but have now divorced.

You still must file your asylum application within a reasonable amount of time after the changed circumstances. The amount of time that may be considered reasonable will be based on whether you can prove that you did not know about the changed circumstances until after they occurred.

Extraordinary Circumstance

Another exception to the one-year deadline is called extraordinary circumstance. Not all of these events affect the details of your application, but most affect your ability to complete it.

Examples of extraordinary circumstances include:

- During the one-year period after arrival, you have a serious illness or mental or physical disability, including any effects of persecution or violent harm suffered in the past.
- During the one-year period after arrival, you have a legal disability. For example, if you were an unaccompanied minor or suffered from a mental impairment.
- Your attorney did not provide effective representation. If this is true, you must do several other things, but most importantly, you need to find a new lawyer who is good.
- You have lawful status which is about to end, such as a student visa (F-1 or M-1) or Temporary Protected Status (TPS) from your home country.
- You did file your application within one year, but Immigration rejected it. For example, you may have missed a photograph or forgot a signature. If you

correct the mistakes in a reasonable amount of time, you can still meet the one-year filing deadline.

- Your attorney dies.
- An immediate member of your family dies, becomes seriously ill, or incapacitated.

Application Denials

There are a number of reasons why Immigration would deny your application. For example, your asylum claim could be denied if:

- **You were involved in persecuting someone else** because of their race, religion, nationality, membership in a particular social group, or political opinion.
- **You have been convicted of a particularly serious crime without a right to appeal.** Particularly serious crime has a complicated definition, however, if you have any criminal history you should find a lawyer before mailing in an asylum application. The last thing you want is to put yourself in deportation proceedings.
- **You are a danger to the community of the United States.** If you have a history of drug abuse, violent behavior, or drunk driving you may be considered a danger to the community.
- **Immigration thinks that you committed a serious nonpolitical crime outside the United States before coming to the United States.**
- **Immigration thinks that you are a danger to the security of the United States.** For example, you would be considered a security threat if you are associated with a group that the United States considers a terrorist organization.
- **Before coming to the United States, you lived in another country which allowed you to stay and work.**

Asylum Application Process for Adults

Affirmative Versus Defensive

An affirmative asylum claim simply means you start the process by submitting an application to Immigration. You can do this after you are already in the United States, but before you are in removal proceedings. On the other hand, a defensive asylum claim means that you are in removal proceedings and are applying for asylum to stop your deportation from the United States.

The requirements and application process is very similar for both types of asylum. The key difference is who reviews your case. If you apply for **affirmative** asylum, you will go to the asylum office for an interview after you submit your application. If you apply for **defensive** asylum, you appear before a judge after you submit your application from jail.

Find a Good Immigration Attorney

There are separate asylum application processes for adults and unaccompanied minors, or children. However, the first step in any asylum case is to go lawyer shopping. You will be much more likely to win your case if you hire an immigration attorney. According to a study by Syracuse University, you are five times more likely to win your asylum case with the help of an immigration attorney. This is especially important if you are filing an affirmative application. If you apply for asylum and do not qualify, or if the law has changed and you did not know it, you may be at a higher risk for deportation.

Find an experienced immigration attorney who can assess your case and help you make the best decision. Read our page about [How to Hire a Lawyer](#) for more information.

Your Asylum Clock

Counting time

Your asylum clock will start the day that Immigration accepts your asylum application for processing. You will receive a notice in the mail when your clock starts. “The clock” is an electronic system that monitors how much time has accrued on your case, or how long your case has been open. It is important because the clock determines when you can apply for a work permit. You must have **at least 150 days** on your asylum clock before you can submit the forms required to get a work permit. Immigration, however, cannot grant your work permit until you have **at**

least 180 days on your clock.

Stopping the Clock

The clock also monitors if your case has stalled and, if so, it will note why. If your case stalls and it is your fault, your clock may stop. Your clock may stop if you:

- Request to transfer your case to a new asylum office or interview location, including if you move and change your address;
- Request to reschedule an interview for a later date;
- Fail to appear at an interview or biometrics appointment;
- Fail to provide a competent interpreter at an interview;
- Receive a request to provide additional evidence after an interview; and
- Fail to receive and acknowledge an asylum decision in person (if required).

The clock is a common issue for asylum applicants because it often confuses people. If your clock stops when it should not have, getting it started again can be incredibly frustrating. This is another reason why you should hire an experienced immigration attorney.

Biometrics

After you complete all of the forms and submit your asylum application, you will get a receipt notice from Immigration. Your attorney will also get one. Next, you will receive notice for an appointment to have your fingerprints taken and a digital scan of your face. This is called your biometrics appointment.

Warning: If you ignore your biometrics notice your asylum application may be considered abandoned and you may be put into deportation proceedings. If you cannot make this appointment, you must inform Immigration in writing and ask for a new one. Learn more in our Biometrics Appointment article.

Affirmative Asylum Interview

Getting to Your Appointment

Next, you will receive a notice for an interview with an asylum officer. If you miss this interview or if you cannot make it, you must notify the asylum office as soon as possible to request a new interview. However, you should avoid missing or postponing an interview if you can.

You can find a listing of the asylum offices at [USCIS.gov](https://uscis.gov).

When you check in, someone will take a picture of your face as well as a print of your right and left index finger. They will also give you a slip of paper with three numbers on it. These three numbers are the last three digits of your alien registration number. Then you will wait for your asylum officer to call you. The officer will call you by those three numbers; not by your name. If you are not listening for those three numbers, you might not hear the officer call you.

During Your Interview

Before you sit down for the interview, the asylum officer will have you take an oath, or make a promise to be honest. Everything you say during your interview will be under the penalty of perjury. In other words, if they find out you lied, you can be sentenced to jail or deportation.

The officer will also ask for your identification. They will use it to check that all the information on your application is correct and up to date. The officer will make any needed changes, such as listing a new address or a new job. Then the officer will go through your story and ask you questions about your asylum claim. This is simply to review the facts of your case. It is not the officer's job to be mean to you. They might go through your written statement if you have one.

It is important that the officer really understands what happened to you. Therefore, you need to communicate with them clearly. If you do not understand a question they ask or a word they use, just say so. You do not want to say something that you do not really mean. For example, one of our clients answered yes when the officer asked if she intended to commit polygamy. The client had no intent to commit polygamy; she just did not understand the meaning of polygamy.

Finally, the officer will ask a list of questions that review the reasons the United States will not grant someone asylum. Some of them may seem insulting, but the asylum officer must ask everyone these questions. The asylum officer does not necessarily think these questions personally apply to you, but it is their job to check.

At the end of your interview you will be asked to sign off on any changes that the officer made to your application. You will not receive a decision on your case that day. Later, you might get a decision in the mail or they might ask you to come back to the asylum office to pick it up.

Interpreter

You **must** bring your own interpreter. Bring someone who you are comfortable with hearing what has happened to you. Make sure they will not be embarrassed to hear and translate all of the details. Your interpreter should be an adult and must speak both English and your native language well enough to tell your story. It is important that the officer clearly understands your story. The interpreter must have enough vocabulary to translate your fear of prosecution into English.

At some point in your interview, your asylum officer will call in a monitor. The monitor's job is to ensure that the translation is correct. Some of the legal vocabulary is a little unusual and might be hard for your translator.

Defensive Asylum Claim

There are two types of **defensive** asylum applications. First, if you submit an affirmative asylum application and Immigration denies it, they can send you to deportation. Your claim would then become a defensive asylum claim. The asylum office claims that they do not deny cases, but rather, they refer them to the immigration court. It is important to know, however, that this is almost always in the context of a deportation hearing. In this case, an immigration judge would review your asylum case in an immigration court.

Second, as previously mentioned, if you are already in removal proceedings, you can apply for asylum to stop your deportation. This is a common defense for people who were caught at the border and were immediately put into deportation.

Again, the requirements for asylum are the same in both **affirmative** and **defensive** applications. Both require that you apply within one year and that you can show a reasonable fear of persecution. The difference is that a **defensive** application will be decided in immigration court, where an **affirmative** application will be decided in an asylum office. With the exception of some children who are here without their parents, you will not be interviewed at the asylum office for a defensive claim. Neither affirmative nor defensive asylum applications are easy to do yourself. The court has very strict rules about where to send copies of documents, formatting your evidence, and filing deadlines.

Receiving a Decision

Approved Asylum Application

If your asylum application is approved, you are now an asylee. Sometimes your approval might be pending the final security checks, but at least you will know that the hardest part of the process is over.

Once you have an approved asylum claim, you no longer need a work permit. You can work “incidental to status”. Also, you can get an unrestricted social security card. When you apply for a new job, you must complete an I-9 form. You get to choose which document you use to complete your I-9. You can use your unrestricted social security card and driver’s license or state identification to complete it. That is not up to your employer. For more information, read this [article from the U.S. Department of Justice](#).

After one year of being an asylee, you will be eligible to apply for lawful permanent residency, or a green card. **You must wait the full year.**

Referral to Immigration Court

If your affirmative asylum claim is not approved, you will receive a referral to the immigration court. This usually means that the asylum office will put you into deportation and you must appear before an immigration judge. In this case, now you need to prepare for a defensive asylum hearing (see “Defensive Asylum Claim” section above). This does not necessarily mean you have to panic. It is not uncommon for the asylum office to refer you to the court. The judge may still approve the asylum claim. A good immigration attorney can guide you through this process.

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How long will my asylum process take?

How long your process will take depends on when you applied. The attorney general started a “first in, first out” policy, so that people who applied more recently will be seen before people who have applied a long time ago. Which is opposite of what you might expect. USCIS has organized processing times by application priority:

- **First priority:** Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant's request or the needs of USCIS.
- **Second priority:** Applications that have been pending 21 days or less.
- **Third priority:** All other pending affirmative asylum applications will be scheduled for interviews starting with newer filings and working back towards older filings.

To learn more about processing times, [read this article from USCIS.gov](#).

When do I need a work permit as an asylum applicant?

You only need a work permit while your case is pending. Once your asylum claim is approved, you no longer need a permit to work.

How long must I be an asylee before I can get my green card?

Once you are an asylee, you have to wait one year before you can apply for your green card. **Do not apply early.** Carefully count out 365 days before you mail in your application.

Do I have to pay for my green card?

Yes. Unlike refugees, asylees must pay the green card fees with USCIS. For the most up to date fee information, look at the [listings on their website](#). You will also have to pay for another biometrics appointment during your green card application. However, you can apply for fee waivers for both the green card application fee and the biometrics fee. Ask your immigration attorney to help you through the fee waiver process.

How long do I have to wait to apply for citizenship if I get my green card through asylum?

Technically, you will have to be a lawful permanent resident for five years before you can apply for U.S. citizenship. However, as an asylee, when you get your green card it will be backdated one year. This means you only have to wait four years before you can apply for citizenship. Also, you can submit your application 90 days early. Learn more on our Citizenship Application page.

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