

TABLE OF CHANGES – INSTRUCTIONS
Form I-589, Application for Asylum and for Withholding of Removal
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- Black font = Current text
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Current Page Number and Section	Current Text	Proposed Text
<p>Page 1, What Is the Purpose of This Form?</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>This form is used to apply for asylum in the United States and for withholding of removal (formerly called "withholding of deportation"). This application may also be used to apply for protection under the Convention Against Torture. You may file this application if you are physically present in the United States, and you are not a U.S. citizen.</p> <p>NOTE: You must submit an application for asylum within 1 year of arriving in the United States, unless there are changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances directly related to your failure to file within 1 year. (See Part C, Additional Information about Your Application, in Section V on Part 1 of the instructions for further explanation.)</p> <p>You may include in your application your spouse and unmarried children who are under 21 years of age and physically present in the United States. You must submit certain documents for your spouse and each child included as required by these instructions. Children 21 years of age or older and married children must file separate applications. If you are granted asylum and your spouse and/or any</p>	<p>[Page 1]</p> <p>What Is the Purpose of This Form?</p> <p>This form is used to apply for asylum in the United States under section 208 of the Immigration and Nationality Act (INA), for withholding of removal under section 241(b)(3) of the INA (statutory withholding of removal (formerly called "withholding of deportation")), and for protection under the regulations issued pursuant to the legislation implementing U.S. obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (CAT regulations). You may file this application if you are physically present in the United States, and you are not a U.S. citizen.</p> <p>[Moved down]</p>

	<p>unmarried children under 21 years of age are outside the United States, you may file Form I-730, Refugee and Asylee Relative Petition, for them to gain similar benefits.</p>	
<p>Page 1, Instruction Sections: Filing Information and How Your Application Will Be Processed</p>	<p>[Page 1]</p> <p>Instruction Sections: Filing Information and How Your Application Will Be Processed</p> <p>The instructions are divided into two sections:</p> <p>The first section has filing information. This section discusses basic eligibility criteria and guides you through filling out and filing the application.</p> <p>The second section explains how your application will be processed. This section also describes potential interim benefits available while your application is pending.</p> <p>Read these instructions carefully. The instructions will help you complete your application and understand how it will be processed. If you have questions about your eligibility, how to complete the form, or the asylum process, you may wish to consult an attorney or other qualified person to assist you. (See Section IV, Right to Counsel, in Part I of these instructions.)</p> <p>WARNING: Applicants in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings, even if the application is later withdrawn.</p> <p>Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act (INA). You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application.</p>	<p>[Page 1]</p> <p>Instruction Sections: Filing Information and How Your Application Will Be Processed</p> <p>The instructions are divided into two sections:</p> <p>The first section has filing information. This section discusses basic eligibility criteria and guides you through filling out and filing the application.</p> <p>The second section explains how your application will be processed. This section also describes potential interim benefits available while your application is pending.</p> <p>Read these instructions carefully. The instructions will help you complete your application and understand how it will be processed. If you have questions about your eligibility, how to complete the form, or the asylum process, you may wish to consult an attorney or other qualified person to assist you. (See Section IV, Right to Counsel, in Part I of these instructions.)</p> <p>WARNING: Applicants in the United States unlawfully are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings, even if the application is later withdrawn.</p> <p>If an asylum officer determines that you have knowingly made a frivolous application for asylum, that determination may be used as a basis for the institution of, or as evidence in, removal proceedings. If an immigration judge or the Board of Immigration Appeals, pursuant to a final administrative order, determines that</p>

	<p>If filing with U.S. Citizenship and Immigration Services (USCIS), unexcused failure to appear for an appointment or to provide biometrics (such as fingerprints) and other biographical information within the time allowed may delay eligibility for employment authorization and result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Applicants and eligible dependents in removal proceedings who fail without good cause to provide USCIS with their biometrics or their biographical information as required within the time allowed may have their applications found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 Code of Federal Regulations (CFR) sections 208.10, 1208.10, 208.20, 1003.47(d), and 1208.20.</p>	<p>you have knowingly made a frivolous application for asylum, you will be permanently ineligible for any benefits under the INA. See section 208(d)(6) of the INA</p> <p>The definition of a frivolous asylum application is available in the Code of Federal Regulations at 8 CFR sections 208.20 and 1208.20. (See Section IV, Right to Counsel, in Part 1. of these instructions.) You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application.</p> <p>If filing with U.S. Citizenship and Immigration Services (USCIS), unexcused failure to appear for an appointment or to provide biometrics (such as fingerprints) and other biographical information within the time allowed or unexcused failure to appear for an asylum interview may delay eligibility for employment authorization and result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Applicants and eligible dependents in removal proceedings who fail without good cause to provide USCIS with their biometrics or their biographical information as required within the time allowed may have their applications found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 Code of Federal Regulations (CFR) sections 208.10, 1208.10, 208.13(d), 1208.13(d), 208.20, 1003.47(d), and 1208.20.</p>
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	<p>An Unaccompanied Alien Child (UAC) is a legal term referring to a non-U.S. citizen child who has no lawful immigration status in the United States; has not attained 18 years of age; and has no parent or legal guardian in the United States, or for whom no parent or legal guardian in the United States is available to provide care and physical custody. See 6 U.S.C. 279(g)(2). The Asylum Division has initial jurisdiction over an asylum application filed by a UAC, including a UAC in removal proceedings before an immigration judge. For more information about the asylum process for UAC, visit the USCIS asylum website at www.uscis.gov/humanitarian/refugees-asylum/asylum/minor-children-applying-asylum-themselves.</p> <p>Detailed UAC filing instructions are found in Part 1, Section XII of these instructions.</p> <p>If you have previously been denied asylum by an immigration judge or the Board of Immigration Appeals, you must show that there are changed circumstances that affect your eligibility for asylum.</p> <p>The determination of whether you are permitted to apply for asylum will be made once you have had an asylum interview with an asylum officer or a hearing before an immigration judge. Even if you are not eligible to apply for asylum for the reasons stated above, you may still be eligible to apply for withholding of removal under section 241(b)(3) of the INA or under the Convention Against Torture before the Immigration Court.</p> <p>Pursuant to 48 U.S.C. 1806(A)(7) and the Northern Mariana Islands Workforce Act of 2018, if you are physically present in, or arriving in the Commonwealth of the Northern Mariana Islands, you may not apply for asylum until January 1, 2030; however, you may use Form I-589, Application for Asylum and for</p>	<p>asylum and your spouse and/or any unmarried children under 21 years of age are outside the United States, you may file Form I-730, Refugee and Asylee Relative Petition, for them to gain similar benefits.</p> <p>Detailed UAC filing instructions are found in Part 1, Section XII of these instructions.</p> <p>If you have previously been denied asylum by an immigration judge or the Board of Immigration Appeals, you must show that there are changed circumstances that affect your eligibility for asylum.</p> <p>The determination of whether you are permitted to apply for asylum will be made once you have had an asylum interview with an asylum officer or a hearing before an immigration judge. Even if you are not eligible to apply for asylum for the reasons stated above, you may still be eligible to apply for statutory withholding of removal or withholding of removal under the CAT regulations before the Immigration Court.</p> <p>[No change]</p>
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	<p>Withholding of Removal, to apply for withholding of removal and for protection from removal under the Convention Against Torture in Immigration Court proceedings.</p>	
<p>Page 2-4, II. Basis of Eligibility</p>	<p>[Page 2]</p> <p>II. Basis of Eligibility</p> <p>A. Asylum</p> <p>To qualify for asylum, you must establish that you are a refugee who is unable or unwilling to return to his or her country of nationality, or last habitual residence if you have no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. This means that you must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for your persecution or why you fear persecution. (See section 208 of the INA; 8 CFR sections 208 and 1208, et seq.)</p>	<p>[Page 2]</p> <p>II. Basis of Eligibility</p> <p>A. Asylum</p> <p>To qualify for asylum, you must establish that you are a refugee who is unable or unwilling to return to his or her country of nationality, or last habitual residence if you have no nationality, because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. This means that you must establish that race, religion, nationality, membership in a particular social group, or political opinion (known as protected grounds) was or will be the basis for why you were harmed or fear future harm. (See section 208 of the INA; 8 CFR sections 208 and 1208, et seq.) The definitions of particular social group, political opinion, persecution, and nexus are available at 8 CFR 208.1 and 1208.1.</p> <p>You will not be found to be a refugee or have it decided that your life or freedom would be threatened based on membership in a particular social group in any case unless you first articulate on the record, or provide a basis on the record for determining, the definition and boundaries of the alleged particular social group. A failure to define, or provide a basis for defining, a formulation of a particular social group before an immigration judge shall waive any such claim for all purposes under the Act, including on appeal, and any waived claim on this basis shall not serve as the basis for any motion to reopen or reconsider for any reason, including a claim of ineffective assistance of counsel. See 8 CFR 208.1(c), 1208.1(c).</p> <p>Asylum is a discretionary benefit, which means that even if you meet the definition of a refugee and are otherwise eligible for asylum, you may be denied asylum in the</p>

	<p>[Page 3]</p> <p>If you are granted asylum, you and any eligible spouse or child included in your application can remain and work in the United States and may eventually adjust to lawful permanent resident status. If you are not granted asylum, the Department of Homeland Security (DHS) may use the information you provide in this application to establish that you are removable from the United States.</p> <p>B. Withholding of Removal</p> <p>Your asylum application is also considered to be an application for withholding of removal under section 241(b) (3) of the INA, as amended. It may also be considered an application for withholding of removal under the Convention Against Torture if you checked the box at the top of Page 1 of the form, or if the evidence you present indicates that you may be tortured in the country of removal. (See 8 CFR sections 208.13(c)(1) and 1208.13(c)(1)). If asylum is not granted, you may still be eligible for withholding of removal.</p> <p>Regardless of the basis for the withholding application, you will not be eligible for withholding if you:</p> <ol style="list-style-type: none"> 1. Assisted in Nazi persecution or engaged in genocide; 2. Have persecuted another person; 3. Have been convicted by a final judgment of a particularly serious crime and therefore represent a danger to the community of the United States; 4. Are considered for serious reasons to have committed a serious non-political crime outside the United States; or 5. Represent a danger to the security of the United States. (See section 241(b)(3) of the INA; 8 CFR sections 208.16 and 1208.16.) 	<p>exercise of discretion. See 8 CFR 208.13(d), 1208.13(d).</p> <p>[Page 3]</p> <p>If you are granted asylum, you and any eligible spouse or child included in your application can remain and work in the United States and may eventually adjust to lawful permanent resident status. If you are not granted asylum, the Department of Homeland Security (DHS) may use the information you provide in this application to establish that you are removable from the United States.</p> <p>B. Withholding of Removal</p> <p>Your asylum application is also considered to be an application for statutory withholding of removal. It may also be considered an application for withholding of removal under the CAT regulations if you checked the box at the top of Page 1 of the form, or if the evidence you present indicates that you may be tortured in the country of removal. (See 8 CFR sections 208.13(c)(1) and 1208.13(c)(1)). If asylum is not granted, you may still be eligible for these two forms of withholding of removal.</p> <p>Regardless of the basis for the withholding application, you will not be eligible for withholding if you:</p> <ol style="list-style-type: none"> 1. Assisted in Nazi persecution or engaged in genocide; 2. Have persecuted another person; 3. Have been convicted by a final judgment of a particularly serious crime and therefore represent a danger to the community of the United States; 4. Are considered for serious reasons to have committed a serious non-political crime outside the United States; or 5. Represent a danger to the security of the United States. See section 241(b)(3) of the INA; 8 CFR sections 208.16 and 1208.16.
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	<p>Withholding of Removal Under Section 241(b)(3) of the INA</p> <p>To qualify for withholding of removal under section 241(b)(3) of the INA, you must establish that it is more likely than not that your life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion in the proposed country of removal.</p> <p>If you obtain an order withholding your removal, you cannot be removed to the country where your life or freedom would be threatened. This means that you may be removed to a third country where your life or freedom would not be threatened. Withholding of removal does not adhere derivatively to any spouse or child included in the application; they would have to apply for such protection on their own.</p> <p>If you are granted withholding of removal, this would not give you the right to bring your relatives to the United States. It also would not give you the right to apply for lawful permanent resident status in the United States.</p> <p>Withholding of Removal Under the Convention Against Torture</p> <p>The Convention Against Torture refers to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.</p> <p>To be granted withholding of removal to a country under Article 3 of the Convention against Torture, as implemented in U.S. law, you must show that it is more likely than not that you would be tortured in that country.</p> <p>"Torture" is defined at 8 CFR sections 208.18(a) and 1208.18(a), which incorporate the definitions in Article 1 of the Convention against Torture as implemented in U.S. law. For an act to be considered torture, it must be an extreme</p>	<p>Statutory Withholding of Removal Under Section 241(b)(3) of the INA</p> <p>To qualify for statutory withholding of removal, you must establish that it is more likely than not that your life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion in the proposed country of removal. See 8 CFR 1208.16(b). The definitions of particular social group, political opinion, persecution and nexus applicable to asylum also apply to statutory withholding of removal. See 8 CFR 1208.1.</p> <p>If you obtain an order withholding your removal, you cannot be removed to the country where your life or freedom would be threatened. This means that you may be removed to a third country where your life or freedom would not be threatened. Withholding of removal does not adhere derivatively to any spouse or child included in the application; they would have to apply for such protection on their own.</p> <p>If you are granted withholding of removal, this would not give you the right to bring your relatives to the United States. It also would not give you the right to apply for lawful permanent resident status in the United States.</p> <p>Withholding of Removal Under the CAT Regulations</p> <p>[Delete]</p> <p>To be granted withholding of removal to a country under the CAT regulations, you must show that it is more likely than not that you would be tortured in that country.</p> <p>"Torture" is defined at 8 CFR sections 208.18(a) and 1208.18(a). For an act to be considered torture, it must be an extreme form of cruel and inhuman treatment, it must cause severe physical or mental pain and suffering, and it must be specifically</p>
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	<p>form of cruel and inhuman treatment, it must cause severe physical or mental pain and suffering, and it must be specifically intended to cause severe pain and suffering.</p> <p>Torture is an act inflicted for such purposes as obtaining from the victim or a third person information or a confession, punishing the victim for an act he or she or a third person has committed or is suspected of having committed, intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind.</p> <p>Torture must be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.</p> <p>The victim must be in the custody or physical control of the torturer. Torture does not include pain or suffering that arises only from, is inherent in, or is incidental to lawful sanctions, although such actions may not defeat the objective and purpose of the Convention Against Torture.</p> <p>Form I-589, will be considered an application for withholding of removal under the Convention Against Torture if you tell the immigration judge that you would like to be considered for withholding of removal under the Convention Against Torture, or if it is determined that evidence indicates that you may be tortured in the country of removal.</p> <p>To apply for withholding of removal under the Convention Against Torture, you must check the box at the top of Page 1 of the</p>	<p>intended to cause severe pain and suffering.</p> <p>Torture is an act inflicted for such purposes as obtaining from the victim or a third person information or a confession, punishing the victim for an act he or she or a third person has committed or is suspected of having committed, intimidating or coercing the victim or a third person, or for any reason based on discrimination of any kind.</p> <p>Torture must be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official acting in an official capacity or other person acting in an official capacity. Torture inflicted by a public official who is not acting under the color of the law (“rogue official”) is not considered torture inflicted by or at the instigation of, or with the consent or acquiescence of a public official.</p> <p>Acquiescence of a public official requires that a public official have awareness of the activity and thereafter breach his or her legal responsibility to intervene to prevent such activity. Awareness requires a finding of actual knowledge or willful blindness.</p> <p>The victim must be in the custody or physical control of the torturer. Torture does not include pain or suffering that arises only from, is inherent in, or is incidental to lawful sanctions, although such actions may not defeat the objective and purpose of the Convention Against Torture.</p> <p>Form I-589 will be considered an application for withholding of removal under the CAT regulations if you indicate in the application and to the immigration judge that you would like to be considered for withholding of removal under the CAT regulations, or if it is determined that evidence indicates that you may be tortured in the country of removal.</p> <p>To apply for withholding of removal under the CAT regulations, you must check the box at the top of Page 1 of the application</p>
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	<p>application and fully complete Form I-589.</p> <p>You must include a detailed explanation of why you fear torture in response to Part B, Question 4 of the application. In your response, you must write about any mistreatment you experienced or any threats made against you by a government or somebody connected to a government.</p> <p>Only immigration judges and the Board of Immigration Appeals may grant withholding of removal or deferral of removal under the Convention Against Torture. If you have applied for asylum, the immigration judge will first determine whether you are eligible for asylum under section 208 of the INA and for withholding of removal under section 241(b)(3) of the INA. If you are not eligible for either asylum under section 208 of the INA or withholding of removal under section 241(b)(3) of the INA, the immigration judge will determine whether the Convention Against Torture prohibits your removal to a country where you fear torture.</p> <p>[Page 4]</p> <p>As implemented in U.S. law, Article 3 of the Convention against Torture prohibits</p>	<p>and fully complete Form I-589.</p> <p>If you apply for withholding of removal under the CAT regulations, you must include a detailed explanation of any torture you have experienced and why you fear torture in response to Part B, Question 4.A. and 4.B. of the application. In your response, you must write about any extreme form of cruel or inhuman treatment, severe physical or mental pain and suffering, mistreatment you experienced, or any threats made against you by a government, somebody connected to a government, or someone acting at the instigation of, or with the consent or acquiescence of, a public official acting in an official capacity or other person acting in an official capacity.</p> <p>If you indicate that you experienced or fear torture by someone acting at the instigation of, or with the consent or acquiescence of, a public official acting in an official capacity or other person acting in an official capacity, you must explain whether and how a public official acting in an official capacity or other person acting in an official capacity had awareness of the activity and breached his or her legal responsibility to intervene to prevent such activity.</p> <p>Only immigration judges and the Board of Immigration Appeals may grant withholding of removal or deferral of removal under the CAT regulations. If you have applied for asylum, the immigration judge will first determine whether you are eligible for asylum and for statutory withholding of removal. If you are not eligible for either asylum or statutory withholding of removal, the immigration judge will determine whether the CAT regulations prohibit your removal to a country where you fear torture.</p> <p>[Page 4]</p> <p>The CAT regulations prohibit the United States from removing you to a country in</p>
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	<p>the United States from removing you to a country in which it is more likely than not that you would be subject to torture. The Convention Against Torture does not prohibit the United States from returning you to any other country where you would not be tortured. This means that you may be removed to a third country where you would not be tortured. Withholding of removal under the Convention Against Torture does not allow you to adjust to lawful permanent resident status or to petition to bring family members to come to, or remain in, the United States.</p> <p>C. Deferral of Removal Under the Convention Against Torture</p> <p>If it is more likely than not that you will be tortured in a country but you are ineligible for withholding of removal, your removal will be deferred under 8 CFR sections 208.17(a) and 1208.17(a). Deferral of removal does not confer any lawful or permanent immigration status in the United States and does not necessarily result in release from detention. Deferral of removal is effective only until it is terminated. Deferral of removal is subject to review and termination if it is determined that it is no longer more likely than not that you would be tortured in the country to which your removal is deferred or if you request that your deferral be terminated.</p> <p>D. Legal Sources and Guidance Relating to Eligibility</p> <p>The documents listed below are some of the legal sources and guidance relating to asylum, withholding of removal under section 241(b)(3) of the INA, and withholding of removal or deferral of removal under the Convention Against Torture. These sources are provided for reference only. You do not need to refer to them in order to complete your application.</p> <ol style="list-style-type: none"> 1. Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42) (defining "refugee"); 2. Section 208 of the INA, 8 U.S.C. 1158 (regarding eligibility for asylum); 3. Section 241(b)(3) of the INA, 8 U.S.C. 	<p>which it is more likely than not that you would be subject to torture. They do not prohibit the United States from returning you to any other country where you would not be tortured. This means that you may be removed to a third country where you would not be tortured. Withholding of removal under the CAT regulations does not allow you to adjust to lawful permanent resident status or to petition to bring family members to come to, or remain in, the United States.</p> <p>C. Deferral of Removal Under the CAT Regulations</p> <p>If it is more likely than not that you will be tortured in a country but you are ineligible for withholding of removal, your removal will be deferred under 8 CFR sections 208.17(a) and 1208.17(a). Deferral of removal does not confer any lawful or permanent immigration status in the United States and does not necessarily result in release from detention. Deferral of removal is effective only until it is terminated. Deferral of removal is subject to review and termination if it is determined that it is no longer more likely than not that you would be tortured in the country to which your removal is deferred or if you request that your deferral be terminated.</p> <p>D. Legal Sources and Guidance Relating to Eligibility</p> <p>The documents listed below are some of the legal sources and guidance relating to asylum, statutory withholding of removal, and withholding of removal or deferral of removal under the CAT regulations. These sources are provided for reference only. You do not need to refer to them in order to complete your application.</p> <ol style="list-style-type: none"> 1. Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42) (defining "refugee"); 2. Section 208 of the INA, 8 U.S.C. 1158 (regarding eligibility for asylum); 3. Section 241(b)(3) of the INA, 8 U.S.C.
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	<p>1231(b)(3) (regarding eligibility for withholding of removal);</p> <p>4. Title 8 of the CFR parts 208 and 1208, et seq.;</p> <p>5. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as implemented by section 2242(b) or the Foreign Affairs Reform and Restructuring Act of 1998 and 8 CFR section 208, as amended by the Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999) (effective March 22, 1999); 64 FR 13881 (March 23, 1999);</p> <p>6. The 1967 United Nations Protocol relating to the Status of Refugees;</p> <p>7. The 1951 Convention relating to the Status of Refugees; and</p> <p>8. The Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for determining Refugee Status (Geneva, 1992).</p>	<p>1231(b)(3) (regarding eligibility for statutory withholding of removal);</p> <p>4. Title 8 of the CFR parts 208 and 1208, et seq.;</p> <p>5. Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;</p> <p>6. Section 2242(a)-(c) or the Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. No. 105-277, 112 Stat. 2681, 2681-822 (codified at 8 U.S.C. 1231 note);</p> <p>7. 8 CFR section 208, as amended, including by Regulations Concerning the Convention Against Torture: Interim Rule, 64 FR 8478-8492 (February 19, 1999); 64 FR 13881 (March 23, 1999);</p> <p>8. The 1967 United Nations Protocol relating to the Status of Refugees;</p> <p>9. The 1951 Convention relating to the Status of Refugees; and</p> <p>10. The Office of the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for determining Refugee Status (Geneva, 1992).</p>
<p>Page 4, III. Confidentiality</p>	<p>[Page 4]</p> <p>III. Confidentiality</p> <p>The information collected will be used to make a determination on your application. It may also be provided to other government agencies (federal, state, local, and/or foreign) for purposes of investigation or legal action on criminal and/or civil matters and for issues arising from the adjudication of benefits. However, no information indicating that you have applied for asylum will be provided to any government or country from which you claim a fear of persecution. Regulations at 8 CFR sections 208.6 and 1208.6 protect the confidentiality of asylum claims.</p>	<p>[Page 4]</p> <p>III. Confidentiality</p> <p>The information collected will be used to make a determination on your application. No information indicating that you are seeking or have sought asylum or withholding of removal will be disclosed without your written consent, except as otherwise permitted under the regulations at 8 CFR sections 208.6 and 1208.6. For example, upon filing your application, any information contained in your application, any supporting evidence, or any information about you, may be disclosed as part of an investigation or adjudication of the merits of your application or any other application arising under the immigration laws, as part of any state or federal criminal investigation, proceeding, or prosecution, pursuant to any federal mandatory reporting requirement, to deter, prevent, or</p>

		<p>ameliorate the effects of child abuse, as part of any proceeding arising under the immigration laws, as part of the Government's defense of any legal action relating to your immigration or custody status, or at the discretion of the Secretary of Homeland Security or the Attorney General.</p>
<p>Page 4, IV. Right to Counsel</p>	<p>[Page 4]</p> <p>IV. Right to Counsel</p> <p>Immigration law concerning asylum and withholding of removal or deferral or removal is complex. You have a right to provide your own legal representation at an asylum interview and during immigration proceedings before the Immigration Court at no cost to the U.S. Government.</p> <p>If you need or would like help to complete this form and to prepare your written statements, assistance from pro bono (free) attorneys and/or voluntary agencies may be available. Voluntary agencies may help you for no fee or a reduced fee, and attorneys on the list referred to below may take your case for no fee. If you have not already received from USCIS or the Immigration Court a list of attorneys and accredited representatives, you may obtain a list by calling 1-800-870-3676 or visiting the U.S. Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) website at www.justice.gov/eoir/list-pro-bono-legal-service-providers-map.</p> <p>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. RefWorld, a resource database available on UNHCR's website or at www.refworld.org, provides useful country conditions information from a variety of sources. Contact information for the UNHCR is:</p> <p>United Nations High Commissioner for Refugees 1800 Massachusetts Avenue NW, Suite 500 Washington, DC 20036</p>	<p>[Page 4]</p> <p>IV. Right to Counsel</p> <p>Immigration law concerning asylum, statutory withholding of removal and protection under the CAT regulations is complex. You have a right to provide your own legal representation at an asylum interview and during immigration proceedings before the Immigration Court at no cost to the U.S. Government.</p> <p>[No change]</p>

	<p>Telephone: 202-296-5191 Email: usawa@unhcr.org Website: www.unhcr.org</p> <p>Calls from Detention Centers and Jails. Asylum-seekers in detention centers and jails may call UNHCR toll-free by dialing #566 or 1-888-272-1913 on Monday, Wednesday, and Friday, 2 p.m. - 5 p.m. (Eastern Standard Time).</p>	
<p>Page 5-7, V. Obtaining and Completing the Form</p>	<p>[Page 5]</p> <p>V. Obtaining and Completing the Form</p> <p>...</p> <p>Part A.III. Information About Your Background</p> <p>Answer Questions 1 - 5, providing details as requested for each question. Your responses to the questions concerning the places you have lived, your education, and your employment history must be in reverse chronological order starting with your current residence, education, and employment and working back in time.</p> <p>Part B. Information About Your Application</p> <p>This part asks specific questions relevant to eligibility for asylum, for withholding of removal under section 241(b)(3) of the Act, or for withholding of removal under the Convention Against Torture. For Question 1, check the box(es) next to the reason(s) that you are completing this application. For all other questions, check "Yes" or "No" in the box provided.</p> <p>If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.</p> <p>You must clearly describe any of your experiences, or those of family members or others who have had similar experiences that may show that you are a refugee.</p>	<p>[Page 5]</p> <p>V. Obtaining and Completing the Form</p> <p>...</p> <p>Part A.III. Information About Your Background</p> <p>Answer Questions 1 - 5, providing details as requested for each question. Your responses to the questions concerning the places you have lived, your education, and your employment history must be in reverse chronological order starting with your current residence, education, and employment and working back in time.</p> <p>Part B. Information About Your Application</p> <p>This part asks specific questions relevant to eligibility for asylum, statutory withholding of removal, or withholding of removal under the CAT regulations. For Question 1, check the box(es) next to the reason(s) that you are completing this application. For all other questions, check "Yes" or "No" in the box provided.</p> <p>If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.</p> <p>You must clearly describe, in detail, any of your experiences, or those of family members or others who have had similar experiences that may show that you are a refugee.</p>

	<p>If you have experienced harm that is difficult for you to write down and express, you must be aware that these experiences may be very important to the decision-making process regarding your request to remain in the United States. At your interview with an asylum officer or hearing with an immigration judge, you will need to be prepared to discuss the harm you have suffered. If you are having trouble remembering or talking about past events, we suggest that you talk to a lawyer, an accredited representative, or a health professional who may be able to help you explain your experiences and current situation.</p> <p>Part C. Additional Information About Your Application</p> <p>Check "Yes" or "No" in the box provided for each question. If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.</p> <p>[New]</p> <p>If you answer "Yes" to Question 5, you must explain why you did not apply for asylum within the first year after you arrived in the United States. The Government will accept as an explanation certain changes in the conditions in your country, certain changes in your own circumstances, and certain other events that may have prevented you from applying earlier.</p> <p>For example, some of the events the Government might consider as valid explanations include but are not limited to</p>	<p>If you have experienced harm that is difficult for you to write down and express, you must be aware that these experiences may be very important to the decision-making process regarding your request to remain in the United States. At your interview with an asylum officer or hearing with an immigration judge, you will need to be prepared to discuss the harm you have suffered. If you are having trouble remembering or talking about past events, we suggest that you talk to a lawyer, an accredited representative, or a health professional who may be able to help you explain your experiences and current situation.</p> <p>Part C. Additional Information About Your Application</p> <p>Check "Yes" or "No" in the box provided for each question. If you answer "Yes" to any question, explain in detail using Form I-589 Supplement B or additional sheets of paper, as needed.</p> <p>If you answer “Yes” to Item Number 1. in Part C. and you have been previously denied asylum by an immigration judge or the Board of Immigration Appeals, you MUST explain any changes in circumstances affecting your eligibility for asylum since the date of the denial in your application. Changed circumstances may include, but are not limited to, changes in conditions in your country or in your own circumstances. (See examples of changed circumstances in this section and 8 CFR 208.4, 1208.4.)</p> <p>If you answer "Yes" to Question 5, you must explain why you did not apply for asylum within the first year after you arrived in the United States. The Government will accept as an explanation certain changes in the conditions in your country, certain changes in your own circumstances, and certain other events that may have prevented you from applying earlier.</p> <p>For example, some of the events the Government might consider as valid explanations include but are not limited to the following:</p>
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	<p>the following:</p> <ol style="list-style-type: none"> 1. You have learned that human rights conditions in your country have worsened since you left; 2. Because of your health, you were not able to submit this application within 1 year after you arrived; 3. You previously submitted an application, but it was returned to you because it was not complete, and you submitted a complete application within a reasonable amount of time. <p>Federal regulations specify some of the other types of events that may also qualify as valid explanations for why you filed late. These regulations are found at 8 CFR, sections 208.4 and 1208.4. The list in the regulations is not all-inclusive, and the Government recognizes that there are many other circumstances that might be acceptable reasons for filing more than 1 year after arrival.</p> <p>If you are unable to explain why you did not apply for asylum within the first year after you arrived in the United States or your explanation is not accepted by the Government, you may not be eligible to apply for asylum, but you could still be eligible for withholding of removal under INA section 241(b)(3), or for protection from removal under the Convention Against Torture.</p> <p>[New]</p>	<ol style="list-style-type: none"> 1. You have learned that human rights conditions in your country have worsened since you left; 2. Because of your health, you were not able to submit this application within 1 year after you arrived; 3. You previously submitted an application, but it was returned to you because it was not complete, and you submitted a complete application within a reasonable amount of time. <p>Federal regulations specify some of the other types of events that may also qualify as valid explanations for why you filed late. These regulations are found at 8 CFR, sections 208.4 and 1208.4. The list in the regulations is not all-inclusive, and the Government recognizes that there are many other circumstances that might be acceptable reasons for filing more than 1 year after arrival.</p> <p>If you are unable to explain why you did not apply for asylum within the first year after you arrived in the United States or your explanation is not accepted by the Government, you may not be eligible to apply for asylum, but you could still be eligible for statutory withholding of removal or protection under the CAT regulations.</p> <p>Adverse Factors related to the Discretionary Grant of Asylum</p> <p>The asylum regulations set out two categories of adverse discretionary factors that an asylum officer or an immigration judge will consider in deciding your asylum application: an initial set of three discretionary factors that are considered significantly adverse, <i>see</i> 8 CFR 208.13(d)(1), 1208.13(d)(1), and a second set of nine discretionary factors, the applicability of any of which ordinarily would result in the denial of your asylum, <i>see</i> 8 CFR 208.13(d)(2), 1208.13(d)(2).</p> <p>For Item Numbers 9.A., 9.B., and 9.C., refer to the following list of significant</p>
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		<p>adverse discretionary factors along with the explanation of exceptions to these particular adverse discretionary factors. <i>See</i> 8 CFR 208.13(d)(1), 1208.13(d)(1). The following are significant adverse discretionary factors that an asylum officer or immigration judge will consider, if applicable, in determining whether you merit a grant of asylum in the exercise of discretion:</p> <ol style="list-style-type: none">1. Unlawful entry or unlawful attempted entry into the United States unless the entry or attempted entry was made in immediate flight from persecution in a contiguous country.2. Failure to seek asylum or refugee protection in any country through which you transited before entering the United States, unless:<ol style="list-style-type: none">A. You demonstrate that you applied for protection from persecution or torture in at least one country outside your country of citizenship, nationality, or – if you are stateless – the country of last lawful habitual residence, through which you transited en route to the United States and you received a final judgment denying you protection in such country;B. You demonstrate that you meet the definition of a “victim of a severe form of trafficking in persons” provided in 8 CFR 214.11; orC. The only country or countries through which you transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol, or CAT.3. Use of fraudulent documents to enter the United States, unless you arrived in the United States by air, sea, or land directly from your home country without transiting through any other country. <p>For Item Numbers 10.A. - 10.I., refer to the following list of adverse discretionary factors and explanation of the exceptions to this particular list of adverse discretionary factors.</p> <p>If one or more of the following adverse discretionary factors apply to you, an asylum officer or immigration judge will not, in general, favorably exercise</p>
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		<p>discretion to grant asylum, unless: there are extraordinary circumstances, such as national security or foreign policy considerations, warranting a favorable exercise of discretion; or you can demonstrate, by clear and convincing evidence, that the denial of the asylum application would result in exceptional and extremely unusual hardship. <i>See</i> 8 CFR 208.13(d)(2), 1208.13(d)(2).</p> <p>1. Immediately prior to your arrival in the United States or en route to the United States from your country of citizenship, nationality, or last lawful habitual residence, you spent more than 14 days in any one country, or you transited through more than one country between your country of citizenship, nationality, or last habitual residence and the United States, unless:</p> <p>A. You demonstrate that you applied for protection from persecution or torture in at least one country outside your country of citizenship, nationality, or - if you are stateless – the country of last lawful habitual residence, through which you transited en route to the United States and you received a final judgment denying protection in such country;</p> <p>B. You demonstrate that you meet the definition of a “victim of a severe form of trafficking in persons” provided in 8 CFR 214.11; or</p> <p>C. The only country or countries through which you transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol, or CAT.</p> <p>2. You have a conviction or sentence that would render you ineligible for asylum if it had not been reversed, vacated, expunged, or modified, unless you were found innocent.</p> <p>3. You accrued more than one year of unlawful presence in the United States prior to filing an application for asylum.</p> <p>4. At the time the asylum application is filed with DHS or the immigration court, or is referred to the immigration court by DHS, you have:</p>
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	<p>[Page 7]</p> <p>Part D. Your Signature</p> <p>You must sign your application in Part D and respond to the questions concerning any assistance you received to complete your application, providing the information requested. Sign after you have completed and reviewed the application.</p> <p>If it is determined that you have knowingly made a frivolous application for asylum, you can be permanently ineligible for any benefits under the INA.</p>	<p>A. Failed to timely file (or timely file a request for an extension of time to file) any required federal, state, or local income tax returns;</p> <p>B. Failed to satisfy any outstanding federal, state, or local tax obligations; or</p> <p>C. Have income that would result in tax liability under <u>section 1</u> of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service.</p> <p>5. You have had two or more prior asylum applications denied for any reason.</p> <p>6. You have withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application.</p> <p>7. You have failed to attend an interview regarding your asylum application with DHS, unless you show, by a preponderance of the evidence, that:</p> <p>A. Exceptional circumstances prevented you from attending the interview; or</p> <p>B. The interview notice was not mailed to the last address you provided or to your representative and neither you nor your representative received notice of the interview.</p> <p>8. You were subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of those changes in country conditions.</p> <p>[Page 7]</p> <p>Part D. Your Signature</p> <p>You must sign your application in Part D and respond to the questions concerning any assistance you received to complete your application, providing the information requested. Sign after you have completed and reviewed the application.</p> <p>If an asylum officer determines that you have knowingly made a frivolous application for asylum, that determination may be used as a basis for the institution of, or as evidence in, removal proceedings. If an immigration</p>
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	<p>(See section 208(d)(6) of the INA.)</p> <p>According to regulations at 8 CFR sections 208.20 and 1208.20, an application is frivolous if any of its material elements is deliberately fabricated. (See Section IV, Right to Counsel, in Part 1 of these instructions if you have any questions.) You may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.</p> <p>Part E. Signature of Person Preparing Form, If Other Than You</p> <p>Any person, other than an immediate family member (your spouse, parent(s) or children), who helped prepare your application must sign the application in Part E and provide the information requested.</p> <p>Penalty for Perjury</p> <p>All statements in response to questions contained in this application are declared to be true and correct under penalty of perjury. You and anyone, other than an immediate family member, 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 assisting you in preparing this form, other than an immediate family member, must include his or her name, address, and telephone number and sign the application where indicated in Part E.</p> <p>Failure of the preparer to sign will result in the application being returned to you as an incomplete application.</p> <p>If USCIS or EOIR later learns that you</p>	<p>judge or the Board of Immigration Appeals, pursuant to a final administrative order, determines that you have knowingly made a frivolous application for asylum, you will be permanently ineligible for any benefits under the INA. (See section 208(d)(6) of the INA.)</p> <p>The definition of frivolous within the context of applications for asylum is available in the Code of Federal Regulations at 8 CFR sections 208.20 and 1208.20. (See Section IV, Right to Counsel, in Part 1 of these instructions.) You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application.</p> <p>Part E. Signature of Person Preparing Form, If Other Than You</p> <p>[No change]</p>
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	<p>received assistance from someone other than an immediate family member and the person who assisted you willfully failed to sign the application, this may result in an adverse ruling against you.</p> <p>Title 18, United States Code (U.S.C.), section 1546(a), provides in part:</p> <p>Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, 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 10 years, or both.</p> <p>If aggravating factors exist, the maximum term of imprisonment could reach 25 years.</p> <p>If you knowingly provide false information on this application, you or the preparer of this application may be subject to criminal penalties under title 18 of the U.S.C. and to civil penalties under section 274C of the INA, 8 U.S.C. 1324c (see 8 CFR parts 270 and 1270).</p> <p>Part F. To Be Completed at Asylum Interview, If Applicable</p> <p>Do not sign your application in Part F before filing this form. You will be asked to sign your application in this space at the conclusion of the interview regarding your claim.</p> <p>[New]</p>	<p>Part F. To Be Completed at Asylum Interview, If Applicable</p> <p>Do not sign your application in Part F before filing this form. You will be asked to sign your application in this space at the conclusion of the interview regarding your claim to affirm all contents of this form and additional documents and supplements are true to the best of your knowledge.</p> <p>You are reminded that if, pursuant to a final administrative order, an immigration judge or the Board of Immigration Appeals determines that you have knowingly made a frivolous application for asylum, you will be permanently ineligible for any benefits under the INA. (See section 208(d)(6) of the INA.)</p> <p>The definition of a frivolous asylum application is available in the Code of Federal Regulations at 8 CFR sections</p>
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	<p>NOTE: You must, however, sign Part D of the application.</p> <p>Part G. To Be Completed at Removal Hearing, If Applicable</p> <p>Do not sign your application in Part G before filing this form. You will be asked to sign your application in this space at the hearing before the immigration judge.</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>You are reminded again that, if is determined that you have knowingly made a frivolous application for asylum, you may be permanently ineligible for any benefits under the INA. (See section 208(d)(6) of the INA.)</p> <p>According to regulations at 8 CFR sections 208.20 and 1208.20, an application is frivolous if any of its material elements is deliberately fabricated. Again, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.</p>	<p>208.20 and 1208.20. (See Section IV, Right to Counsel, in Part 1 of these instructions.) Again, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>Part G. To Be Completed at Removal Hearing, If Applicable</p> <p>Do not sign your application in Part G before filing this form. You will be asked to sign your application in this space at the hearing before the immigration judge.</p> <p>NOTE: You must, however, sign Part D of the application.</p> <p>You are reminded again that, if, pursuant to a final administrative order, an immigration judge or the Board of Immigration Appeals determines that you have knowingly made a frivolous application for asylum, you may be permanently ineligible for any benefits under the INA. (See section 208(d)(6) of the INA.)</p> <p>The definition of a frivolous asylum application is available at 8 CFR sections 208.20 and 1208.20 (See Section IV, Right to Counsel, in Part 1. of these instructions.) Again, note that you may not avoid a frivolous finding simply because someone advised or told you to provide false information on your asylum application.</p>
<p>Page 9-12, XII. Where to File?</p>	<p>[Page 9]</p> <p>XII. Where to File?</p> <p>...</p> <p>[Page 12]</p> <p>5. Certain aliens ordered removed under section 235(c) of the INA on security-related grounds; and</p>	<p>[Page 9]</p> <p>XII. Where to File?</p> <p>...</p> <p>[Page 12]</p> <p>5. Certain aliens ordered removed under section 235(c) of the INA on security-related grounds; and</p>

	<p>6. Aliens granted S nonimmigrant status under section 101(a)(15)(S) of the INA (such as witnesses and informants).</p> <p>...</p>	<p>6. Aliens granted S nonimmigrant status under section 101(a)(15)(S) of the INA (such as witnesses and informants).</p> <p>...</p>
<p>Page 14, Paperwork Reduction Act</p>	<p>[Page 14]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 hours per response, including the time for reviewing instructions, and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy & Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1516-0067. Do not mail your completed Form I-589 to this address.</p>	<p>[Page 14]</p> <p>Paperwork Reduction Act</p> <p>An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 18 hours per response, including the time for reviewing instructions, and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy & Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140. OMB No. 1516-0067. Do not mail your completed Form I-589 to this address.</p>