

AMI Receipt #: [REDACTED]

### Information About Your Asylum Merits Interview

Please read this notice carefully. An asylum officer has determined that you have a credible fear of persecution or torture. You will now be scheduled for an interview with an asylum officer to determine if you and any family members who were included on your credible fear determination are eligible for protection in the United States.

Your positive credible fear determination constitutes your asylum application. You may remain in the United States until your asylum application is decided. If you wish to leave the United States while your application is pending, you must obtain an advance parole document from USCIS prior to departing the United States. If you change your address, send written notification of the change within 10 days to the Asylum Office or using the USCIS Online Change of Address system at <https://egov.uscis.gov/coa/displayCOAForm.do>. You will receive a separate notice informing you when and where you and those listed on your application as a spouse or dependents must appear for an asylum merits interview. The notice will contain instructions for what to bring to your interview. **WARNING:** Failure to appear for your asylum merits interview, absent exceptional circumstances, may affect your eligibility for employment authorization, may result in you being removed from the asylum merits interview process and being placed in removal proceedings before the Immigration Court, and may result in dismissal of your asylum application.

#### Biographic and biometric checks

Applicants for asylum are subject to biographic and biometric checks of all appropriate records and other information databases. USCIS may use your biometrics to check the criminal history records of the FBI, for identity verification, to determine eligibility, or any purpose authorized by the Immigration and Nationality Act. USCIS may re-use your biometrics that were previously collected by DHS, collect your biometrics at the asylum office or other USCIS office, or ask you to appear for biometrics collection at a USCIS Application Support Center. USCIS will inform you if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment. You may obtain a copy of your own FBI record using the procedures outlined within 28 C.F.R., Section 16.32. For information, please visit <https://www.fbi.gov/services/cjis/identity-history-summary-checks>. For Privacy Act information, please visit <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>.

#### What happens at my asylum merits interview?

The purpose of the asylum merits interview is to obtain information on your eligibility for asylum, statutory withholding of removal, and protection under the Convention Against Torture. At your asylum merits interview, you will have an opportunity to discuss your background and experiences in your country and any other country to which you may be removed and explain to the asylum officer the reasons you are pursuing protection in the United States. The asylum officer will take written notes, and the interview will be recorded. It is very important that you tell the asylum officer about any harm you may have suffered in the past and any harm you fear in the future. You also may be asked about conditions in your country. If you have any dependents on your application, the asylum officer may also ask questions to determine if there is a significant possibility that they have experienced or fear harm that would be an independent basis for asylum, statutory withholding of removal, or protection under the Convention Against Torture.

To demonstrate eligibility for asylum, you must show the asylum officer that you have experienced persecution in the past or that you have a well-founded fear of persecution because of your race, religion, nationality, membership in a particular social group, or political opinion. To demonstrate eligibility for statutory withholding of removal, you must show that it is more likely than not you will be persecuted in the future if you return to your country, because of your race, religion, nationality, membership in a particular social group, or political opinion. To demonstrate eligibility for protection under the Convention Against Torture, you must show that it is more likely than not you will suffer severe

...al or physical harm, which would be intentionally 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, while you were in the custody or control of your torturer, and that the harm would not be pursuant to lawful sanctions.

If you are not eligible for asylum, the asylum officer will assess your eligibility for statutory withholding of removal and/or protection under the Convention Against Torture. The asylum office will then refer your application to the immigration court and provide this eligibility assessment to the immigration judge.

You have the right to speak with the asylum officer separately from your family. You may also request that your case be processed independently from your family members.

It is very important that you:

- Tell the truth during your interview. If you do not tell the truth, your statements may be used against you in this or in any future immigration case.
- Tell the officer any and all reasons why you fear returning to your home country. U.S. law has strict rules to prevent the U.S. government from telling others about what you say in your interview. For example, the U.S. Government will not disclose to your government any information that you provide, except in exceptional circumstances.

The asylum officer will record the asylum merits interview. If your case is referred to the immigration judge, a transcript of the interview will be provided to the court.

#### **You May Have a Legal Representative at Your Asylum Merits Interview**

While you wait for your interview, you may use this time to prepare and consult with an attorney or accredited representative of your choice as long as it does not unreasonably delay the process. The U.S. Government does not provide you with an attorney or representative, but you may choose to hire an attorney or representative, at your expense.

If you need additional time before your interview to contact someone, inform the Asylum Office about your circumstances and explain the reason you need more time. The Asylum Office will decide whether your circumstances merit providing you with additional time.

A list of representatives who may be able to speak to you for free is attached to this notice.

#### **Interpreters**

If you do not speak English well or if you want your interview to be conducted in a language of your choosing, USCIS will provide an interpreter for the interview. The interpreter has been told to keep the information you discuss confidential.

You may:

- Request another interpreter if the interpreter is not interpreting correctly or you do not feel comfortable with the interpreter.
- Request a female or male interpreter, if this would make it easier for you to speak about information that is very personal or difficult to discuss. USCIS will provide them if they are available.

#### **Submitting Additional Evidence**

If you wish to amend or correct information on your Form I-870, record of Determination/Credible Fear Worksheet or provide additional written information to supplement information collected during the credible fear process, you must submit the information directly to the asylum office that will conduct your asylum merits interview at least 7 calendar days before your scheduled interview or by mail postmarked at least 10 calendar days before your scheduled interview. The asylum office may consider amendments or supplements submitted after the deadline or may allow an extension to submit additional evidence if the asylum office finds good cause in an exercise of discretion. The separate notice you will

... with the time, date, and location of your asylum merits interview will indicate where to submit amendments or additional information.

#### **Rescheduling and Failure to Appear for Your Asylum Merits Interview**

Requests to reschedule your asylum merits interview should be directed to the Asylum Office indicated on your interview notice. Your interview will be rescheduled only in exigent circumstances. If you fail to appear for your asylum merits interview but wish to reschedule it, you must contact the Asylum Office in writing within 15 calendar days of the missed appointment with evidence to demonstrate that you were unable to attend due to exceptional circumstances. If you fail to contact the Asylum Office, or you failed to establish the missed appointment was due to exceptional circumstances, you will be removed from the asylum merits interview process and placed in removal proceedings before the immigration Court. If this occurs and you wish to still apply for asylum, you will need to file Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

#### **Employment Authorization**

You may file a Form I-765, Application for Employment Authorization, based on your pending asylum application 150 days after you filed your asylum application. The filing date of your application is considered the date you received your positive credible fear determination. You are not eligible to receive an Employment Authorization Document (EAD) until your asylum application has been pending for at least another 30 days, for a total of 180 days. 8 CFR 208.7(a)(1). The 150-day waiting period and the 180-day eligibility period, commonly referred to as the 180-Day Asylum EAD Clock, do not include delays that you request or cause while your asylum application is pending with an asylum office or with the Immigration Court. 8 CFR 208.7(a)(2).

#### **Delays you may request or cause may include:**

- A request to transfer a case to a new asylum office or interview location, including when the transfer is based on your change of address;
- A request to reschedule an interview for a later date;
- Failure to appear at an interview or biometrics appointment;
- Failure to provide a competent interpreter at an interview (if required);
- A request to provide additional evidence at or after an interview;
- The submission of large volumes of evidence immediately before an interview that requires a reschedule; and
- Failure to receive and acknowledge an asylum decision in person (if required).

If you are required to receive and acknowledge your asylum decision at an asylum office but you fail to appear, your 180-Day Asylum EAD Clock will stop and you may be ineligible to receive employment authorization. If your case has been referred to an Immigration Court, your 180-Day Asylum EAD Clock will not begin again until your first hearing with an immigration judge.

#### **Immigration Court Referral if the Asylum Officer Does Not Grant Asylum**

If the asylum officer does not grant you asylum, your case will be referred for further consideration by an immigration judge. You will receive a notice informing you of the time, date, and location of your immigration court hearing. You may have an attorney or representative at your own cost so long as it does not cause unreasonable delay.

The immigration judge will decide either that:

- You have not established eligibility for protection in the United States. You may then be removed from the United States.

OR

- You have established eligibility for asylum, withholding of removal, or protection under the Convention Against Torture.

**U.S. Citizenship Claims**

If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

**Applicant Acknowledgment of Receipt**

I acknowledge that I have been given notice concerning my asylum merits interview. I understand that I may consult with an attorney or representative before the interview as long as it does not unreasonably delay the process and is at no expense to the U.S. Government.

\_\_\_\_\_  
Applicant Signature

07/21/2022  
Date of Signature (mm/dd/yyyy)

**Interpreter Certification**

Interpreter was placed under oath, certified they are fluent in both the \_\_\_\_\_ and English languages, and read the form in entirety to the noncitizen in the \_\_\_\_\_ language. The noncitizen confirmed that they understood every instruction on the form.

Telephonic interpreter used Language Line: \_\_\_\_\_  
Service/ID if available

OR

\_\_\_\_\_  
Interpreter Signature

\_\_\_\_\_  
Date of Signature (mm/dd/yyyy)