

Asylum

People often come to the U.S. from their home countries when they have suffered persecution or fear that they will suffer persecution based on specific characteristics. To qualify for asylum, you must have suffered persecution or fear persecution in your home country due to your race, religion, nationality, membership in a particular social group, or political opinion. If you meet these definitions and are physically present in the U.S., you may qualify for asylum, which is a legal immigration status that allows you to remain in the U.S.

Applying for Asylum

You apply for asylum by filing [Form I-589, Application for Asylum and Withholding of Removal](#) with U.S. Citizenship and Immigration Services (USCIS). You must submit your application for asylum within one year of your most recent physical arrival in the U.S. You do not have to pay any fees to apply for asylum.

You can include your spouse and any unmarried children you have under the age of 21 and who are with you in the U.S. on your asylum application. You either can list them on your application when you first apply for asylum, or you can add them to your application later, at any time before a final decision is made on your application.

Applying for Asylum When You Are in Removal Proceedings

You also can apply for asylum as a defense to removal from the U.S. while you are in removal proceedings. You can do this by applying for asylum with the immigration judge handling your case through what is known as defensive asylum. This situation often occurs when you arrive at a U.S. port of entry or enter the U.S. without inspection.

Historically, the U.S. has operated an expedited removal process for noncitizens appearing at a port of entry or near the border. If they request asylum, all these individuals have a right to a credible fear screening. If a Customs and Border Protection (CBP) official determines that an individual has a credible fear of persecution or torture if returned to their home country, then the case is referred to immigration court. The individual then can apply for defensive asylum.

Noncitizens who have reentered the U.S. after a previous removal order or have committed certain crimes go through reinstatement of removal, which is a different kind of expedited removal process. In addition, these individuals are eligible for a reasonable fear screening, which is a higher standard than a credible fear screening. If a CPB official determines that an individual meets this standard, they, too, are referred to immigration court, where they can apply for defensive asylum.

Bringing Your Family to the U.S.

If you are granted asylum, you can file to bring your spouse and unmarried children under the age of 21 to the U.S. by using [Form I-730, Refugee/Asylee Relative Petition](#). You typically must file this petition within two years of receiving asylum unless there are humanitarian reasons that caused you to miss the deadline.

Asylum and Working in the U.S.

You cannot apply for authorization to work in the U.S. when you apply for asylum. However, you can apply for work authorization 365 days after completing your asylum application, as long as no final decision has been made on your application. In addition, you will be eligible for work authorization if you meet various other criteria. For instance, you must not have caused an unresolved delay in your asylum application processing. You also must have no past convictions for an aggravated felony or a particularly serious crime committed after August 25, 2020.

If you are granted asylum, you automatically have the right to work in the U.S. If your asylum application is denied, however, your employment authorization terminates. Termination will occur either on the day of the denial or 30 days after your denial, depending on your circumstances.

Applying for Your Lawful Permanent Resident or Green Card

After one year has passed since you received asylum, you can apply to get your Lawful Permanent Resident or green card. You apply for a green card by filing [Form I-485, Application to Register Permanent Residence or Adjust Status](#).