

ASYLUM for Children

WHAT IS ASYLUM?

Asylum is a protection from deportation. You may be eligible for asylum if:

1. You are in the United States and are scared to go back to your home country;
2. The reason you are scared is because someone harmed you in the past or because you think someone will harm you in the future;
3. This harm must be serious and is usually physical, but it could also be threats, verbal abuse, or the denial of things like food or medicine;
4. The reason this person harmed you in the past or will harm you in the future is because of an important part of your identity that you cannot change, like your race, religion, nationality, political views, gender, sexual orientation, or membership in a group;
5. You don't think the government in your country can protect you from this harm;
6. You don't think you can go somewhere else in your country to live safely.

EXAMPLES OF PEOPLE WHO MAY QUALIFY FOR ASYLUM:

Diana is afraid to return to her home country because she is afraid of a gang member who ordered her to be his girlfriend. This gang member has hit and punched her and tried to make her have sex with him. He told her if she did not agree to be his girlfriend, he would hurt her family.

Jose fled to the United States after witnessing two gang members kill his friend at a soccer match. The gang members threatened to kill him if he told anybody about what he saw.

When Guy was growing up, people thought he was different and accused him of being gay. Guy's family would make him do hard jobs because they thought that would make him stop acting like a girl and make him a man. Before Guy escaped to the United States, an older man forced him to touch his private parts and do other sexual things that Guy did not want to do.

HOW TO APPLY:

- Requesting asylum is a complicated process and anyone who wants to apply for asylum should try to find an immigration attorney to help.
- People who have cases in immigration court apply for asylum in court.
- People who do not have cases in immigration court can usually apply for asylum with the United States Citizenship and Immigration Services (USCIS). Cases with USCIS are usually decided more quickly and the process is non-adversarial, which means the officers deciding the cases have been trained to be friendly.
- Children who are under the age of 18 and do not have a parent or another adult who has been instructed by a court to care for them can apply for asylum with USCIS even if they have cases in immigration court.
- If the spouse or child of person applying for asylum is also in the United States, that person can be included in the application even if that person doesn't have the same fear of harm.
- It is important to tell the truth in an asylum application. If an immigration judge or officer finds that an asylum applicant lied in his or her application, that person may be ordered deported and may never be able to receive any immigration benefits or status in the future.

BENEFITS OF ASYLUM:

- People who win asylum are allowed to stay in the United States.
- They can file petitions to bring their spouses and children to the United States.
- They can work and receive other public benefits.
- One year after receiving asylum, they can apply for lawful permanent residence.
- After having lawful permanent residence for five years, they can become U.S. citizens.

This Fact Sheet is not intended as legal advice. Consult with an immigration attorney to determine whether you may be eligible for asylum or other immigration relief.