

Frequently Asked Questions: National Cases

Post-Win Information for Asylees and *Pro Bono* Attorneys

The information in this FAQ are subject to change. Attorneys should consult www.uscis.gov for the current filing instructions, location, and fee prior to preparing any immigration applications.

1. My asylum client won his case and is now an asylee. As *pro bono* counsel, can I help my client with anything else?

After the asylum grant is final (meaning appeal was waived or the appeal period has passed), *pro bono* attorneys can assist their clients in the following matters if necessary (more information on each to follow) prior to closing the case:

- Obtaining an unrestricted social security card for the client
- Obtaining a new I-94 card through USCIS for the client
- Obtaining any original documents that were submitted during the court hearing and have not yet been returned to the client

2. Do asylees need to apply for work authorization?

Asylees do not need work authorization. Asylees are automatically authorized to work once asylum is granted and an unrestricted social security card is sufficient evidence of their authorization to work. Some asylees still want an employment authorization document (EAD) as another form of identification, but the EAD should not be used to prove employment authorization.

- An asylee who obtained asylum from the asylum office will automatically be issued an EAD shortly after receiving the asylum approval letter.
- An asylee who obtained asylum from the immigration court must apply for an EAD if she wants one. *Please see NIJC's asylum manual and the EAD FAQ for more information about the EAD application process.*

If an asylee encounters difficulties with her employer, the *pro bono* attorney may provide a letter for the employer explaining that an asylee is authorized to work and that the employer may not request a "green card" or EAD as evidence of employment authorization. Additional information may be found at <https://www.justice.gov/crt/file/865651/download>.

3. How can an asylee obtain an unrestricted social security card?

An asylee can obtain an unrestricted social security card by going to the nearest Social Security Administration (SSA) office with her *original* asylum decision from the immigration judge¹, the asylum office decision, or an I-94 card stamped "asylee" and applying for the card. The SSA should assist the asylee with this process.

At times, asylees have encountered problems at the Social Security Office with employees who are not aware that asylees are eligible for unrestricted social security cards. To avoid

this, we recommend that asylees print the information on the Social Security Administration webpage (<https://www.ssa.gov/people/immigrants>) under the “refugees and asylees” tab, and bring it to the Social Security Office. As asylees may need to speak with a supervisor or advocate for the right to apply for an unrestricted social security card, asylees who do not speak English should bring someone who can speak on their behalf. It is generally very helpful if the *pro bono* attorney can accompany the asylee to the Social Security Office to ensure the client is allowed to apply for the card.

Although the Social Security Administration (SSA) should accept the immigration judge decision as proof of an asylee’s status, in practice the SSA often will only accept the I-94 card as proof of status. NIJC therefore recommends that asylees obtain an I-94 card before attempting to apply for a new, unrestricted social security card.

4. Why is a new I-94 card important? How does an asylee get a new I-94?

Individuals granted asylum by the asylum office will receive a new asylee I-94 card with the asylum office decision. Individuals granted asylum by the immigration court will need to request a new I-94 card from USCIS.

To help your client obtain a new asylee I-94 card, call the USCIS customer service line at 1-800-375-5283. The USCIS representative may request the following information: (1) client name (2) date of birth (3) A number and (4) zip code. They may also ask for your name, firm name, address, and phone number. Let them know you are calling to make an infopass appointment for your client to obtain an I-94 card because she was granted asylum in court.

USCIS should then call back in 24-48 hours to schedule an appointment. When the officer calls back, the officer should provide a confirmation and pin number. If the officer does not – be sure to ask for one. You will then need to go to www.uscis.gov and enter your client’s information to obtain the printable appointment notice. Be aware that this is a new system and NIJC and *pro bono* attorneys have encountered numerous issues with the system, including USCIS officers erroneously telling attorneys they need to request an I-94 card from the asylum office or customs and border patrol. Attorneys may need to call USCIS several times in order to get an appointment.

Once the appointment is obtained, your client should attend the appointment with the original decision of the immigration judge, another id, and two passport-style photographs. If you, as *pro bono* counsel, assist with this process, the asylee will still need to attend the USCIS appointment with you as USCIS may need to fingerprint him or her.

5. DHS did not return my client’s original documents after our court hearing. How can my client get the documents back?

Once the immigration judge issues a final grant of asylum (and DHS does not appeal), the client can get her original documents back from DHS after DHS processes the file. To get the documents back, attorneys should wait about one-two weeks after the final decision and then take a G-28, signed by the client, to the local ICE office and request the documents. ICE will then order the client’s file and the documents should be available within a few weeks. Attorneys should be prepared for a long wait at the ICE office. Clients can go to the ICE office by themselves, but may have a difficult time advocating for the documents on their own.

6. How does an asylee petition for her spouse and children to come to the United States?

An asylee has two years from the date of the grant of asylum to file an asylee relative petition. NIJC strongly recommends that *pro bono* attorneys not file asylee relative petitions for their former asylum clients on their own and without the client having received a legal screening for purposes of the relative petition because there are frequently legal complications that make these applications challenging. If the client resides in Illinois, Indiana, or Wisconsin, the client is welcome to make an appointment with NIJC for assistance with this process by calling 312.660.1370 or emailing nijcild@heartlandalliance.org.

7. When can an asylee adjust her status to become a lawful permanent resident (petition for a “green card”)?

One year after the grant of asylum, an asylee can apply to adjust status to become a lawful permanent resident (LPR). Five years after receiving LPR status, she can apply to naturalize and become a U.S. citizen. As with asylee relative petitions, NIJC strongly recommends that *pro bono* attorneys not file adjustment applications for their former asylum clients on their own and without the client having received a legal screening related to adjustment eligibility to avoid placing the client at risk for deportation. If the client resides in Illinois, Indiana, or Wisconsin, the client is welcome to make an appointment with NIJC for assistance with this process by calling 312.660.1370 or emailing nijcild@heartlandalliance.org.

8. Is my client eligible for any social service benefits now that she has asylum?

Yes. In order to be eligible for certain asylee benefits, your client must speak to an asylee benefits agency within 30 days of the asylum grant.

National Immigrant Justice Center is a Chicago-based nongovernmental organization dedicated to ensuring human rights protections and access to justice for all immigrants, refugees and asylum seekers through a unique combination of direct services, policy reform, impact litigation and public education. For more information visit www.immigrantjustice.org.