

Post-Win Information for Asylees and *Pro Bono* Attorneys
Frequently Asked Questions

Q1. My asylum client won his case and is now an asylee. As *pro bono* counsel, can I help my client with anything else?

- A. Once a client obtains asylum, please forward the following items to the Asylum Project so the client's case can be closed:
1. Your client's current address and phone number
 2. The names of all attorneys who should be credited for the asylum approval in NIJC's pro bono newsletter
 3. A PDF copy of your client's asylum decision and final I-589 application, affidavit, and pre-hearing brief or cover letter.

Once NIJC closes your client's case, your responsibilities as *pro bono* counsel are also finished. NIJC does ask that *pro bono* attorneys assist their clients in the following matters if necessary (more information on each to follow) prior to closing the case:

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

Q2. Do asylees need to apply for work authorization?

- A. 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 card (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 in the appendix 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. Attorneys may contact NIJC for a sample of such letter. Additional information may be found at <https://www.justice.gov/crt/file/865651/download>.

Q3. How can an asylee obtain an unrestricted social security card?

- A. Asylees 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 this 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 argue 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.

Q4. Why is a new I-94 card important? How does an asylee get a new I-94?

- A. Generally, an I-94 stamped “asylee” serves as yet another form of proof of asylee status. It is not necessary to have this card, but it is recommended. Having a new I-94 often makes it easier for the asylee to apply for federal benefits and is generally necessary to obtain an unrestricted social security card.

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 obtain a new asylee I-94 card, the asylee should make an InfoPass appointment through USCIS at www.uscis.gov. She should attend the appointment with the original decision of the immigration judge or the decision of the asylum office, 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 her.

Q5. DHS did not return my client’s original documents after our court hearing. How can my client get the documents back?

- A. 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 ICE office on the 4th floor of 101 W. Congress Pkwy 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.

¹ 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.

Q6. How does an asylee petition for her spouse and children to come to the United States?

- A. An asylee has two years from the date of the grant of asylum to file an asylee relative petition. Asylees can make a consultation appointment with NIJC to discuss filing these petitions. The client will receive information about NIJC's consultation schedule with the closing letter. NIJC strongly recommends that *pro bono* attorneys not file asylee relative petitions for their former asylum clients, but instead refer them to NIJC. This allows NIJC to screen clients for these benefits since there are frequently legal complications that make these applications challenging. In addition, NIJC does not have a *pro bono* project to provide support to *pro bono* attorneys with asylee relative petitions as it does with asylum applications and NIJC's retainer with asylum clients is limited to representation on the application for asylum. As a result, NIJC is unable to provide technical support to *pro bono* attorneys who file asylee relative petitions on their own.

Q6. When can an asylee adjust her status to become a lawful permanent resident (petition for a "green card")?

- A. One year after the grant of asylum, an asylee can apply to adjust status to become a lawful permanent resident (LPR). If the asylee is in the Chicagoland area, she can make a consultation appointment with NIJC to discuss the individual's eligibility and filing options. 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, but instead refer them to NIJC for assistance.

Q7. Is my client eligible for any social service benefits now that she has asylum?

- A. 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, so it is imperative that you let NIJC know as soon as your client is granted asylum. Please also be sure to email NIJC with updated contact information for your client so that we can identify the correct agency to assist your client. NIJC will then provide your client with contact information for an asylee benefits agency near her residence.

If you have any additional questions, please contact Anna Sears at 312.660.1307 or ansears@heartlandalliance.org.

Heartland Alliance's 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.