

## **ASYLEE DOCUMENTATION**

Below is a list of documents that show proof of asylum status and date of "entry" (i.e., date of asylum grant).

### **1. INS Form I-94 Arrival/Departure Card**

- ▶ noting that the individual has been admitted under § 208 of the INA
- ▶ with the admission codes AS-1, AS-2 or AS-3
- ▶ with Visa 92 (or V-92)

### **2. Order of an Immigration Judge Granting Asylum under § 208 of the INA**

An Order of an Immigration Judge granting asylum under § 208 of the INA will serve as proof of asylee status if the US Citizenship and Immigration Services (CIS) has waived the right to appeal the case. The date on the Immigration Judge Order will serve as the "entry" date (i.e., the date the individual was granted asylum). An Immigration Judge Order will have a section where it is noted whether the CIS has waived or reserved its right to appeal.

▶ If the CIS has reserved its right to appeal, an Immigration Judge Order will not serve, on its own, as proof of asylee status. If an asylee brings an Immigration Judge Order that shows the CIS has reserved its right to appeal, eligibility workers must wait 30 days from the date on the Immigration Judge Order. On or after the 31<sup>st</sup> day, the eligibility worker will need to call the Executive Office for Immigration Review (EOIR) case status line at (800) 898-7180 to find out whether the CIS has appealed the case. If the CIS has appealed the case, the individual is not yet an asylee and is not eligible for benefits.

(Please see the note below about the EOIR case status line. The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.)

▶ If the CIS has not appealed the case and 30 days have passed since the date on the Immigration Judge Order, the individual is an asylee and is eligible for ORR assistance and services. In this situation, thirty days after the date on the Immigration Judge Order will serve as the "entry" date (i.e., the date the individual was granted asylum). For example, an individual may have an Immigration Judge Order dated September 1, 2000. He or she may come to apply for ORR assistance and services on October 1, 2000. In this case, the eligibility worker should call the

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- ▶ EOIR case status line. If the case status line reports that CIS has not appealed the case, the individual is an asylee and is eligible for ORR assistance and services. October 1, 2000 will serve as the "entry" date (i.e., the date the individual was granted asylum). This individual would be eligible for RCA and RMA beginning on October 1, 2000 and continuing until May 30, 2001 (assuming eight-month eligibility period and calendar month or actual date of arrival to compute time-eligibility).

**Note:** Although the EOIR case status line is updated every 24 hours, ORR cautions that, on occasion, eligibility workers may find that the case status line does not contain the needed appeal information on the 31<sup>st</sup> day. The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.

### **3. Asylum Approval Letter from a CIS Asylum Office**

Along with the CIS and Immigration Judges, the Board of Immigration Appeals (BIA) may grant asylum. In most cases, individuals who have received asylum from the BIA will apply to the CIS for documentation confirming their status. Asylees most likely will have a piece of documentation with which eligibility workers are familiar, such as the I-94 Arrival/Departure Card. **However, eligibility workers may accept written decisions from the BIA as proof that an individual has asylee status.** The "entry" date (i.e., date of asylum grant) will be the date on the decision.

### **4. Recommended Asylum Approvals**

Recommended Asylum Approvals are **NOT** proof of asylee status. During the affirmative asylum process with the CIS, individuals first receive a recommended approval letter from the asylum office. A recommended approval letter lets the applicant know that his or her application has been recommended for approval and that an investigation of his or her identity and background will be conducted before a final approval is issued. These recommended approval letters allow applicants to apply for employment authorization documents. However, they are not proof of asylee status. Recommended asylum approval letters should **NOT** be accepted as proof of asylee status.

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### 5. Family Members

If an asylee includes his or her spouse and children on the asylum application, the family members have the same "entry" date (i.e., asylum grant date) as the principal asylee. In some cases, an asylee's family may not be in the United States. To bring the family to the United States, the principal asylee will complete a Form I-730. The date that these family members enter the United States will be their "entry" date for ORR purposes. Eligibility workers should use the date that the family members enter the U.S. to compute the benefit eligibility period. These family members should receive I-94 Arrival/Departure Cards from the CIS noting the "entry" date. In other cases, an asylee's family may be in the United States but the principal asylee may not have included family members in the asylum application. In this situation, the principal asylee will need to complete a Form I-730 for family members. The "entry" date of the spouse and children will be the approval date of the I-730. The CIS should issue a Form I-94 Arrival/Departure Card for the derivatives noting their "entry" date and their status as asylees. **In addition, an I-730 approval letter will be acceptable proof of asylee status.**

## ASYLEE ELIGIBILITY

(See Appendix C, Charts 4 a, b, c, & d for specifics on *Cuban/Haitian* Entrants, including those with Asylee status)

DOCUMENTATION AND SITUATION	ACTION	BENEFIT ELIGIBILITY (REFERRING ONLY TO ASYLUM STATUS)	"ENTRY" DATE (I.E., DATE OF ASYLUM GRANT) FOR ORR PURPOSES
Immigration Judge Order with notation that appeal was waived by CIS	No EOIR verification needed	Eligible	Date on Immigration Judge Order
Immigration Judge Order with notation that appeal was reserved by CIS; <b>CIS did not appeal</b>	No action can be taken until 30 days after the date on the Immigration Judge Order; on or after the 31 <sup>st</sup> day**, call EOIR case status line at (800) 898-7180 to see whether CIS has appealed	If CIS did not appeal, the individual is an asylee and is eligible for ORR assistance and services	30 days after the date on the Immigration Judge Order; example: Immigration Judge Order dated September 1, 2000; CIS did not appeal; "Entry" date (i.e., date of asylum grant) is October 1, 2000
Immigration Judge Order with notation that appeal was reserved by CIS; <b>CIS appealed</b>	No action can be taken until 30 days after the date on the Immigration Judge Order; on or after the 31 <sup>st</sup> day**, call EOIR case status line at (800) 898-7180 to see whether CIS has appealed	If CIS has appealed the case, the individual <b>is not an asylee</b> and is not yet eligible for ORR assistance and services	<b>No "entry" date (i.e., no asylum grant)</b> ; individual is not yet an asylee

SITUATION	"ENTRY" DATE FOR ORR PURPOSES
Family members included in principal asylee's application	Same "entry" date (i.e., date of asylum grant) as principal asylee
Family members outside of the United States; I-730 process; Visa 92	Date that the family members enter the United States; date of "entry" should be noted on Form I-94
Family members in the United States; not included on principal's asylum application; I-730 process	Date that the I-730 application is approved; CIS should issue Form I-94 with this date; I-730 approval letter also will be acceptable documentation