



Practice Pointer

Completing Form I-589

Question-By-Question Guidance on Completing Form I-589, Application for Asylum and for Withholding of Removal

By AILA's Asylum & Refugee Committee

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This practice pointer provides tips to help ensure proper completion of Form I-589, Application for Asylum and Withholding of Removal. This practice pointer was updated in April 2019 to reflect the current version of Form I-589 as well as recent changes in substantive asylum law. Note that the form's current version is set to expire on May 31, 2019, so if you use this practice pointer after that date, be sure the form has not changed. While the practice pointer offers an overview of each question on the I-589, it is not a substitute for conducting thorough research and fully investigating the facts of each individual case to determine how to best prepare the application.

GENERAL PRACTICE POINTERS

- The application should be typed (preferable) or handwritten in BLACK ink.
- What may appear to be a simple question could be critical to your client's eligibility for asylum. Do not assume that the answer to a question will be straightforward—you should explore all possible answers with your clients. Due to language barriers and cultural considerations, filling out the I-589 can often prove a long, meticulous process. Please plan accordingly; the I-589 should never be rushed and often will not be completed in one sitting.
- Ensure that ALL the information in the form is consistent with ALL the supporting documentation submitted, including your client's affidavit, witness affidavits, and country conditions evidence. It is critical to ensure that each supporting document is internally consistent and consistent with all other supporting documents. Review the credibility and corroboration requirements for establishing asylum eligibility. Credibility and corroboration are more essential than ever before. You may find it helpful to complete the longer answers on pages 5-8 of the I-589 after you and your client have completed a detailed declaration and the client has provided all supporting documentation; important details tend to emerge during the preparation of the case. If there are any inconsistencies, they should be explained or fixed.
- Generally, you should provide answers to all of the questions in the application. If the answer to a question is not simple and/or requires explanation, or your client is unsure of the information, place an asterisk by the answer along with a comment, "See Supplement

B” (handwritten is fine if you cannot type it in). You can then list explanations on the I-589 Supplement B form. It is usually advisable to include explanations, especially if there are unusual circumstances. See the discussion below for specific examples of where this issue might arise. It is fine to summarize the answers to the primary “essay” questions; the declaration should have the most complete information.

- Do not leave blank spaces, except in Part A. II. (Information About Spouse and Children) if you have checked the boxes “I am not married” or “I do not have any children.” The service center may reject an I-589 if there are blank spaces. If the answer is none or does not apply, write “None” or “N/A” even if the questions say “if any” or “is applicable.” There is never a downside to filling in a box with “N/A” even if the answer is obvious, but failure to complete the box could lead to the entire application being returned.

PART A.I. INFORMATION ABOUT YOU (This is information about the APPLICANT)

- An I-589 is automatically an application for both withholding of removal under INA §241(b)(3) (“withholding”) and asylum under INA §208(a). Thus, there is no need to check a separate box to request withholding. However, relief under the Convention Against Torture (“CAT”) must be separately requested by checking the box found above PART A.I. on the form in order to apply. Additionally, the “Torture Convention” box on Page 5, Part B, Question 1 should also be checked. Please note that U.S. Citizenship and Immigration Services (“USCIS”) asylum offices only have jurisdiction to adjudicate asylum. They cannot adjudicate applications for withholding or CAT. However, even if your client is applying affirmatively for asylum, it is important to check the two CAT boxes, if warranted, in order to preserve that remedy in court. Furthermore, even if your client wins asylum at the asylum office, in a worst-case scenario, if they ever commit a crime that renders them eligible only for CAT deferral, it is better that they also sought this relief from the earliest point in their case.
- Question 1 – Alien Registration Number (*if any*):
 - The Alien Registration Number is also referred to as the “A” number. It is an 8 or 9 digit number preceded with an “A.” If you are preparing an affirmative asylum application and your client has never had any contact with DHS, there is the possibility that they do not have an A number. If this is the case, enter “N/A.” An A number will be generated upon filing the asylum application and will be noted on the receipt notice. The I-589 can then be amended at the interview to include the A number. If your client has had previous applications with DHS or is in removal proceedings, they should have an A number. You can find this number on most documentation from DHS.
- Question 2 – Social Security Number (*if any*):
 - The question simply asks for a U.S. social security number. It does not ask for any social security number ever used. Ask your client if they have a valid social security number. If they do not, list “N/A.”

- Question 3 – USCIS Online Account Number (*if any*):
 - USCIS has implemented an online tracking system for applicants and their representatives to track applications that have been filed. If your client has filed a previous application with USCIS, you should inquire whether they set up an online account and include the information here. Many asylum seekers will not have a USCIS online account. If that is the case, write “N/A.”

- Questions 4-6 – Biographical Information:
 - Ensure that your client’s name matches their identity documents unless your client entered under a false name. If your client entered under a false name, use your client’s legal name.
 - In some cultures/countries, people do not have first, middle, and/or last names. If your client does not have a first, middle, or last name, leave that spot blank. Do not write in “N/A” or “None” on the application, as USCIS might issue documents with “N/A” or “None” as part of the name. For applicants who do not have a first name, USCIS will “rename” the person as “FNU” (first name unknown). Your client either will have to prove that they do in fact have a first name or, if granted asylum and USCIS documents show the first name as “FNU,” your client will have to complete a legal name change. Otherwise, they will be known as “FNU.” There are many “FNUs” in the United States.
 - In some countries or cultures, the order of names can be confusing. Talk to your client to ensure that you are listing the order of their names correctly. Keep in mind, however, that the name must match the identity documents.
 - Sometimes your client’s true name does not match the name on their identity documents. List their true name, and then list the name that is on their documentation under Question 7. Put an asterisk after their true name and fully explain the circumstances. In this instance, your client should attempt to produce identity documents to corroborate the true and correct name.
 - If your client’s legal name does not match DHS documents, specify this in Question 6.

- Question 7 – Other Names Used:
 - List any names that your client has ever used. Ask your client about this specifically and in many different ways, as they may initially be inclined to state that they have not used other names. For example:
 - If the applicant has two last names, they easily could have used one or the other at some time. They also could have reversed the order. Include all variations, including and excluding hyphens if necessary.
 - Ask about nicknames.
 - Ask about aliases.
 - If they entered on a false name, list that name here.
 - Ask whether the applicant changed their name after getting married and/or divorced.

- Question 8 – Address in the U.S.:
 - “Address in the U.S.” is where your client is physically residing and the telephone number associated with that residence. The mailing address is listed separately in Question 9.

- Question 9 – Mailing Address:
 - If your client’s mailing address/phone number is the same as their physical residence, write “Same as above” in the first line of the address and phone number questions. Do not leave these blank.
 - If your client’s name is not on the mailbox, be sure to include the relevant individual’s name in the “c/o” space for mailing purposes.
 - If your client’s physical address is not secure for receiving mail, either because they live in a space where mail is shared, because mail is not regularly delivered, or because your client lives with an abusive partner, you can put the representative’s address here. But, of course, the client will then not receive notices about the case directly.

- Question 10 – Gender:
 - If your client’s circumstances or asylum claim involves issues of gender identity, the client should check the gender with which they identify, not the gender on their identity documents (if they are different) and insert an asterisk in pen in this space and note “See Supplement B.” Similarly, if the client does not identify as male or female, you should insert an asterisk in pen in this space and note “See Supplement B.” Add your explanation to the Supplement B form in the back of the I-589 application.

- Question 11 – Marital Status:
 - Sometimes, the answer to Question 11 is not clear cut. Different cultures have different definitions of married, single, divorced, and widowed. For example, your client may consider themselves married or divorced, even if there was never a legal ceremony or recording of a certificate. Under the laws of their home country (e.g. customary or common law), it still may be a viable marriage/divorce. In cases such as this, you will have to research to see what documentation is available to establish the marital status. The Department of State Reciprocity and Civil Documents Schedule (<https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>) is a good starting place. Please note, though, that the Schedule is not always up-to-date and should be used as a starting point only. If this issue is germane to the asylum claim, additional research will be necessary. If it is not germane to the case, you can always add an asterisk with an explanation on the Supplement B form.
 - Your client may respond that they were single because they are not currently living with their spouse. In this situation, the correct answer may actually be “married” or “divorced,” depending on the circumstances.
 - Overall, be sure to engage in detailed fact-finding on the question of marital status, and keep in mind that cultural differences may lead to different definitions

of these concepts. If a client states that they are “married” or mentions a “spouse,” always follow up and ask whether they have a marriage certificate as many couples in long-term relationships and/or with children in common may consider themselves married but not be considered legally married under U.S. law or the law of their country of origin.

- Question 12 – Date of Birth:
 - If your client has supplied you with identity documents, make sure that the date of birth you write on the form is the same as the date on these documents. If there is a discrepancy between what your client is telling you and the date on the documents, or if there is a discrepancy within the documents themselves, put an asterisk with an explanation on the Supplement B form.
 - In some cultures and during certain periods of countries’ histories, birthdays are not recorded and/or are unknown. If your client states January 1 of some year, this is usually an indication that they do not really know the exact date of their birth. DHS is aware of this issue. Again, you can include the client’s best guess or choose to write unknown and, in either scenario, put an asterisk and explain in the Supplement B form.

- Question 13 – City and Country of Birth:
 - Ensure that this answer comports with the client’s biographical documents that you are filing. If there are inconsistencies between documents or what your client is reporting, be sure to note with an asterisk and provide an explanation in the Supplement B form.
 - Clients may state that they are from the closest or biggest city/town to their village, rather than the actual village. It is not uncommon for birth certificates to list the town where the birth was recorded as the place of birth, rather than the actual place of birth. Be sure to probe your client in detail about this to determine the actual place of birth if they were in fact born in a village. Again, if there are discrepancies between what your client tells you and their biographical documents, add an asterisk and explain in the Supplement B form.

- Question 14 – Present Nationality (Citizenship):
 - The term “nationality” refers not only to citizenship or membership of an ethnic or linguistic group, but may occasionally overlap with the term “race.” See UNHCR, *Handbook on Procedure and Criteria for determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the status of Refugees*, HCR/IP/4/Eng/Rev. 1, ¶ 74 (1979, rev. 1992).
 - In most cases, this is an easy question to answer because nationality and citizenship are the same. However, in some cases, nationality and citizenship will be different, or the country in which your client was a national or citizen no longer exists. Additionally, your client may have a nationality, but be stateless. In these situations, be sure to add an asterisk and explain in the Supplement B form.

- Question 15 – Nationality at Birth:
 - Question 14 is relatively straightforward, as the question asks for nationality only at the time of birth (as opposed to the nationality/citizenship query in Question 13). Note, however, that this may not be the same as the country of birth. Remember that some countries have changed their names or gained independence during your client’s lifetime. For example, a client may have been born in the USSR, but since become a citizen of Belarus. In this situation, be sure to give the correct historical name of the country of nationality at birth. Clients may also consider their nationality to be different from their country of birth. For example, Jews from the former Soviet Union may consider their nationality as Jewish rather than USSR.
 - Note also that many countries do not have birthright citizenship. Do not assume that the client’s country of birth is also their country of citizenship or nationality.

- Question 16 – Race, Ethnic, or Tribal Group:
 - If the case is based on one of these characteristics, it is critical that the correct information be listed. For example, do not write “Black” if the case is based on a tribal group. It is important to list the specific tribe.

- Question 17 – Religion:
 - If your client belongs to a specific denomination of a religion, be sure to list this. For example, if your client is an Evangelical Christian, do not simply list “Christian.” Likewise many Muslim claims will hinge on whether your client is Sunni or Shia; be sure to accurately list the denomination.

- Question 18 – Procedural History:
 - It is critical that you understand the procedural posture of your client’s case. Clients may be confused about this. The best practice is to ask this question in the simplest of terms and in a variety of ways. For example, you may want to ask the following: Have you ever been contacted by immigration? Have you ever seen an immigration judge? Have you ever been in jail? Have you ever been fingerprinted? etc.
 - If your client has an A#, you should always call the EOIR hotline, 1-800-898-7180 to see if your client has ever been in immigration proceedings.

- Question 19 – Exit of Home Country/Entry to U.S.:
 - If your client entered legally, be sure that the dates in this question match up with their passport stamps and I-94 card, if your client has one. If your client entered without inspection (“EWI”) and is unsure of the exact date of entry, write their best guess, include an asterisk, and provide an explanation in the Supplement B form.
 - Keep in mind that this question addresses the statutory one-year filing deadline. When completing this question, ask if your client has documents to prove the entry date or to prove that they were outside the U.S. within one year of filing his/her application.

- If some of the answers are not applicable – for example, the I-94 number or the date status expires for someone who entered EWI – list “N/A.”
 - For the question “status” if your client EWI’ed consider writing “asylum seeker” if that is the reason they came to the United States.
 - If your client is not sure of the exact date they left their country or the exact date they entered the United States, type in an estimate and hand-write in “ca.” or “approximately” on the printed version of the form.
 - If your client is in F-1 or J-1 status, and they were admitted for the duration of their status, list “D/S.”
 - Be sure to list all prior entries, even if they were in a passport your client no longer has.
- Questions 20-22 – Passport/Travel Document Information:
 - If your client does not have a passport, place “N/A” in all of the answer spaces. If your client entered on a false passport and still has that passport, list “N/A” with an asterisk and explain the entry with the false passport in the Supplement B form.
- Question 23 – Native Language:
 - Native language refers to the language the applicant spoke in their home while growing up. If relevant, the tribal language should be included here. The language of education should be listed in Question 24 (see below). Remember to include specific dialect(s), if relevant.
- Question 23 – Fluent in English?
 - Unless your client’s first language is English or their English is perfect, check the “NO” box. This preserves their ability to have an interpreter present at an affirmative asylum interview.
 - In cases where your client is not a native English speaker, it is often advisable to bring an interpreter to the interview. Applicants get nervous at their interviews, which may affect their ability to communicate in English. Even seemingly fluent English speakers may find their ability compromised under the stressful circumstances of an asylum interview. On the other hand, whenever testimony is filtered through an interpreter, some immediacy of the testimony is lost. Some asylum officers will allow the applicant to bring an interpreter, testify in English, but make use of the interpreter if there is a question they don’t understand. Whether or not to use an interpreter is a strategic decision that will vary from client to client.
 - Please note that, unlike an individual hearing in immigration court, USCIS will NOT provide an interpreter for an affirmative asylum interview. Instead, the applicant must provide their own interpreter. It is best practice for the client to prep for the interview using the same interpreter who will attend the interview so that the interpreter is familiar with the narrative and any specialized vocabulary. It is generally not advisable to have a family member of the applicant serve as the interpreter.

- USCIS will call an interpreter on the telephone to monitor the interview and ensure that the interpretation is correct.
 - For defensive asylum applications in immigration court, request an interpreter for the individual hearing at the master calendar hearing. Be sure to request an interpreter in the client’s best language, including the specific dialect. If possible, have a native speaker at the individual hearing to serve as a monitor to ensure that the court’s interpreter is interpreting clearly and correctly.
- Question 25 – Other Languages Spoken:
 - List all other languages in which your client is fluent. See Question 24 above for a discussion of fluency.
 - If your client does not speak any languages other than the ones you have already listed, write “None” here. If this is left blank, the application will likely be rejected.

PART A. II INFORMATION ABOUT SPOUSE AND CHILDREN

SPOUSE:

- Please note that above Question 1, you must check the box “I am not married” if this is the case.
- As noted above, ask your client detailed questions about their marital status. If there are any doubts, include an asterisk and an explanation in the Supplement B form. You will have to prove marital status in order for the spouse to be granted asylum as a derivative.
- If you are in doubt about whether a marriage is legal, err on the side of including the spouse here and consider providing an explanation in the Supplement B form. Failure to do so may exclude the spouse from eligibility as the beneficiary of a Form I-730, Refugee/Asylee Relative Petition.
- Questions 1- 23 – Spouse’s Biographical Information:
 - If your client is NOT married and you already checked the “I am not married” box, it is not necessary to put “None” or “N/A” in any of the questions in this section. You can simply leave these questions blank.
 - Please see comments in Part A.II. regarding how to fill out the corresponding biographical information for your client’s spouse.
 - If your client has more than one spouse, you must list information for all the spouses. However, be sure to inform your client that even if the multiple marriages are valid in the country where they were entered into, DHS will NOT recognize any marriages after the first marriage as viable for purposes of the I-730 or for inclusion as a derivative applicant.

- Question 24 – Including Spouse in the Application:
 - If your client’s spouse is not in the U.S., leave this blank. If the asylum application is approved, your client will need to file an I-730 for the spouse to come to the United States as a derivative.
 - If the spouse is already in the U.S. and wants to be eligible for derivative status, check the “YES” box; if your client is successful in obtaining affirmative asylum, the spouse will be considered a derivative (as long as you have proved the legal relationship) and will automatically be issued an I-94 card reflecting asylee status. If the principal applicant becomes eligible for work authorization while the case is pending, the spouse will also be eligible. Note, however, that the spouse must file a separate I-765 application. The client and spouse should be counseled carefully about including the spouse on the I-589. If the asylum applicant is referred to immigration court and the spouse is included, the spouse will also be placed in removal proceedings. If the “YES” box is not checked and the principal applicant wins, they will have to file an I-730 for their spouse.
 - If the principal is in removal proceedings, the court will only have jurisdiction to grant asylum to the spouse if the spouse has also been issued a Notice to Appear. Otherwise, upon being granted asylum by the court, the applicant must file an I-730 for the spouse.

CHILDREN:

- Please note that above Question 1, you must check the box “I do not have any children” or “I have children.”
- If your client has adopted children, include them in the number of children listed. Note that if the children were customarily adopted, you will need to do research to determine if the adoption was legal under the laws of the country in which the adoption occurred. If you cannot make that assessment when filing the application, place an asterisk by the biographical information of the child who was customarily adopted and provide an explanation in the Supplement B form.
- You do not have to include deceased children or children who were legally adopted from the applicant into another family.
- Keep in mind that one purpose of this section is to ensure that children will be granted derivative asylum or that an I-730 will be granted if the applicant wins asylum. If a child is NOT listed on this section, and your client later applies for the unnamed child, this may pose a serious challenge. It is therefore better to list all children, regardless of age or marital status, and provide explanations in the Supplement B form.
- If possible, review each child’s birth certificate to confirm their date of birth. This will avoid future issues with the consulate during the I-730 process.

- In an affirmative asylum approval, a derivative child will be automatically approved and issued an I-94 card, provided that you have proven the legal relationship.
- In removal proceedings, the court will only have jurisdiction to grant asylum to the child if the child has been issued a Notice to Appear. If the child is not in removal proceedings, you will have to file an I-730 on their behalf.
- Note that if there is not enough space to list all of the applicant's children on the I-589 form itself, the Supplement A form may be used to list any additional children.
- Question 21 – Include Children in the Application:
 - Please see the comments above in the Spouse section, Question 24.

PART A.III INFORMATION ABOUT YOUR BACKGROUND

- This section requests a lot of addresses and dates, which are often difficult for applicants to remember. If your client responds with a simple, "I don't know" or "I don't remember," ask more specific questions to get as much information as you can. For example, you can create a written or pictorial timeline for them to fill out. If there are gaps or the dates don't match up, clarify these with your client. This can be a lengthy process, but it is important. If your client can't remember the exact date, write in "ca." or "approximately." Likewise, if your client can't remember the exact address, they should at least try to recall the name of the street or the name of the town in which they resided.
- Be sure that all of the information is consistent with the supporting documentation and the client's declaration. For example, if your client states that she was involved at a political protest at her university in July of 2009, be sure that the information listed in this section shows that she was at that university during the period covering July of 2009.
- If your client simply cannot remember necessary information, list as much information as you can and provide any explanations in the Supplement B form. Remember that many asylum applicants are victims of trauma and may have difficulty remembering certain things as a result. If this is the case, be sure to obtain a psychological evaluation explaining these issues.
- Question 1 – Address Prior to Coming to U.S.:
 - Include the client's last address in the country in which persecution occurred, in addition to the applicant's last address abroad if your client lived in a different country before entering the U.S.
- Question 2 – Residence for Past 5 Years:
 - The answer to this may be a repeat of the information in Question 1. Be sure that the addresses are listed in reverse chronological order and that there are no gaps in the dates.

- Again, it is essential that all addresses are consistent with the applicant’s affidavit and supporting documentation.
- Question 3 – Education:
 - In some countries, the “type of school” does not mirror the U.S. education system. List what your client tells you and then include an asterisk and an explanation in the Supplement B form.
 - You may want to do some preliminary research to ensure that the education system your client explains to you is consistent with stated country practices.
 - If your client has school records, be sure that the information in this section comports with those documents, as well as your client’s affidavit. Note that all schools attended must be listed here, not just schools attended during the last five years.
 - Remember that in many countries school years do not run September through June as is common in the United States. Be sure to ask your client the month that school typically began and ended.
- Question 4 – Employment:
 - If your client disclosed unlawful employment to you, you must include it in this section. Your client may feel more comfortable being vague in supplying the answer to this question such as “delivery person, restaurant,” rather than giving the complete address for the place of employment. You should counsel your client, however, that if the officer, DHS attorney, or judge asks for more information at the interview, the client must answer truthfully.
 - Remember, your client’s credibility is one of the most important factors in the asylum adjudication. If the client hides something, such as unauthorized employment, and the officer or judge discovers it, this could negatively impact their credibility determination. Generally, it is better to err on the side of disclosure.
- Question 5 – Parents and Siblings:
 - As discussed in Part A.I. Question 12, be sure that your client tells you the actual place of birth of their parents or siblings, not simply the closest city.
 - If your client does not have any siblings, write “N/A” or “None.” USCIS may return the application as incomplete if you leave these spaces blank.
 - Include step-parents, as well as half- and step-siblings.
 - For “current location” it should be sufficient to list the name of the town or city and country where the relative lives. All relatives and their location must be listed even if the relative is in the United States without lawful status.

PART B. INFORMATION ABOUT YOUR APPLICATION

- Initially, this section requires that you submit general country conditions evidence to corroborate the specific facts of the applicant’s claim. If you cannot provide this information, you must explain why. Generally, State Department reports are what

asylum officers and immigration judges rely upon most for general country conditions. These can be located at <http://www.state.gov/j/drl/rls/hrrpt/>. However, keep in mind that State Department reports can be superficial and may not specifically address the issues involved in your client's case. Also be aware that these reports have faced criticism under the Trump administration as containing fewer details of mistreatment than in the past.¹ Do not despair if the State Department report does not support your client's claim. You can also file reports from experts or non-governmental organizations, such as Amnesty International or Human Rights Watch, to support your client's application. However, be prepared to explain how these additional reports prove that the State Department report is incomplete or incorrect if that is the case. You should also research to see if there are news or journal articles about the relevant country and events. Discuss your research with your client and revise your client's affidavit as you become more informed about your client's home country.

- In addition to general country conditions evidence, it is critical to file as many specific supporting documents as possible. These should verify the facts of your client's case and corroborate their claims. Make sure that all facts in these supporting documents are internally consistent, as well as consistent with your client's affidavit and other supporting documents. The more documents you can provide which corroborate aspects of your client's claim, even documents such as proof of education or employment which may not go to the heart of the claim, the more credible the adjudicator may find the applicant overall.
- Question 1 – Why you are Applying:
 - As mentioned in the general comments above, check the “Torture Convention” box if your client wants to apply for CAT relief. Unless there is no theory of the case that potentially supports a CAT claim, it is generally best for the default to be to include a CAT claim.
 - You can and should check more than one box if there are multiple possible claims.
 - If you are unsure if a ground applies to your case, it is better to check too many boxes than to leave one off. Be prepared at the interview or master calendar hearing to explain how each protected ground applies to your client's case.
 - Cases based on particular social group have come under particular scrutiny in recent Attorney General decisions and certifications. If it is possible, based on the facts of the case, to also include a claim on another protected ground or grounds, it is prudent to do so.
- Questions from Part B.1.A. - Part C.6.:
 - These questions address the basis of your client's asylum application. It is recommended that the answers to all of these questions be addressed in detail in your client's affidavit. Preparing a detailed written affidavit with your client is essential to the fact-gathering process, ensures that your client's claims are clear,

¹ See Amnesty International, *Trump Administration Undermines State Department's Human Rights Report*, Mar. 13, 2019, <https://www.amnestyusa.org/press-releases/trump-administration-undermines-state-departments-human-rights-report-2/>.

allows your client to organize his/her story clearly in his/her own mind, provides the client with a tool to use to refresh his/her memory prior to an interview or hearing, and enables you to identify and address difficult issues.

- After you have completed the affidavit, provide short summary answers on the I-589 for each question followed by the statement, “Please see sworn affidavit for additional details.”
 - The answers to these questions on the I-589 form should be summaries of the most important points responsive to the questions asked. Be sure to respond to each of the numbered sub-questions asked under each lettered question in the space provided. Answering each of those sub-questions should provide the asylum officer or immigration judge with enough information to understand the basis of the case.
 - Again, be sure that all information provided in these answers is completely consistent with your client’s affidavit and with the supporting documentation.
 - If your answer to a question here is “NO” and it does not require any explanation, write “N/A” in the answer space.
 - If your client is approaching the one-year filing deadline, or if an immigration judge requires submission of the I-589 before you can complete the affidavit with your client, it is okay to complete the I-589 first. But take care not to include too much detail here if you are only having a cursory meeting with your client. It can be very damaging the client’s credibility if information in the I-589 is inconsistent with later written or oral testimony.
- Question 1.A. – Past Persecution:
 - The answer to this question must always be “YES” if you are relying on past persecution. As described above, provide summary answers for each of the four sub-questions listed, followed by “Please see sworn affidavit for additional details.”
 - If your client (or family, friends, or colleagues) has not experienced past persecution and the case is based solely on future persecution, only then should you write “NO.” Remember, however, that even if your case is based on a fear of future persecution, your client’s fear is informed by what has happened to others, and any harm that has been inflicted on anyone who is similarly situated to your client should be included here.
 - Question 1.B – Future Persecution:
 - The answer to this question must always be “YES,” unless your case is based on the exceptions of humanitarian asylum or the “other harm doctrine” under 8 CFR §208.13. If your client does not fear future persecution and you cannot meet the exceptions listed in the regulations, your client cannot be granted asylum, withholding, or CAT (must meet future torture as opposed to future persecution standard).
 - As described above, provide summary answers for each of the three sub-questions listed, followed by “Please see sworn affidavit for additional details.”

- Question 2 – Past Treatment:
 - This question asks about the applicant and the applicant’s family members.
 - This question will give USCIS information on whether your client or their family members were persecuted in the past. If your client (or listed family members) were arrested, even under pretextual reasons, it is very important to answer yes as that arrest would form part of the past persecution.
 - Clients may not understand the legal terms mentioned in this question. It is important to educate your client and clearly explain these terms. If your client has experienced any of these in his or her home country as a result of persecution, you must check “Yes.”
 - Additionally, the answer to this question can be used against your client’s case as it will garner information regarding the “serious nonpolitical crime” bar to asylum codified at INA §208(a)(2)(A)(iii).
 - As described above, provide a summary answer addressing the relevant question, followed by “Please see sworn affidavit for additional details.”

- Question 3.A – Membership in Groups:
 - In many cases, the answer to this question will be “YES.” If your client’s claim is based on membership in a certain group (religious organization, political party, etc.), be sure to include that group here, even if it is not a formally recognized group (*i.e.* social group). For example, for religious persecution, be sure to list the church the client belonged to. For political persecution, list the political party.
 - List all groups, even if they are not related to the claim of persecution.
 - Be sure to discuss each group with your client as this question also attempts to identify individuals who may be ineligible for asylum due to Terrorism-Related Inadmissibility Grounds (TRIG). For a general overview on TRIG, see the [USCIS website](#). If your client has been in any type of army, militia, resistance, or guerrilla group, be sure to discuss these in great detail with your client so you can determine whether your client might be ineligible for asylum under INA §§212(a)(3)(B); 237(a)(4)(B).
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”

- Question 3.B – Current Participation:
 - In some cases where your client’s claim is membership in a particular social group it will be important to answer “YES.” For example, if your client’s PSG is “young women of the Tchamba-Kunsuntu Tribe who have not had FGM, as practiced by that tribe,” your client will still be a member of that group, however your client may not “participate” in that group. There are other possible PSGs, such as “Salvadoran police officers” where your client may have left the group when fleeing the country of harm. If your client’s claim is based on the group(s) discussed in Question 3.A., but they no longer participate in the group(s), provide an explanation as to why there is still a risk of future persecution based on that group membership. For example, if your client stopped all political activity since coming to the United States., explain why there is still a risk of future persecution based on the client’s political opinion or activities.

- As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”
- Question 4 – Torture:
 - This question addresses the issue of CAT eligibility. If your client is applying for CAT, the answer to this question must be “YES,” or your client will be found ineligible for CAT.
 - Refer to the definition of torture found at 8 CFR §208.18 and in applicable case law. When responding to this question, the harm you describe must rise to the level of “torture” and must have been committed by, at the instigation of, or with the acquiescence of a government official. The harm must also have been inflicted for one of the specific purposes under the definition of “torture” (to punish, threaten, intimidate, etc.).
 - As mentioned previously, although asylum offices lack jurisdiction to adjudicate CAT claims, these answers should be completed even if the applicant is applying affirmatively.
 - Remember that unlike asylum or statutory withholding of removal, CAT does not require a nexus to a protected characteristic. However, the client should be able to articulate, at least generally, how the government acquiesces to the torture. This definition varies from circuit to circuit, so it is important to research this legal term of art in the jurisdiction where you practice.
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”

PART C. ADDITIONAL INFORMATION ABOUT YOUR APPLICATION

- Part C provides the adjudicator with information about any bars to asylum eligibility that may be applicable in your client’s case. Thus, these should be answered very carefully and precisely, with any exceptions or explanations clearly articulated.
- Question 1 – Previous Applications:
 - Pursuant to 8 CFR §208.4(a)(3), an applicant can reapply for asylum as long as the previous application was not denied by an immigration judge (IJ) or the BIA.
 - An applicant can also reapply for asylum if there has been a change in circumstances that materially affect the applicant’s eligibility for asylum, regardless of the procedural history of the case. *See* INA §208 (a)(2)(D). Beware, however, that if your client’s previous application was adjudicated by an IJ, the BIA, or a federal court, jurisdiction for a new application may lie with that tribunal through a motion to reopen, and an affirmative application to USCIS may be denied for lack of jurisdiction.
 - If family members have applied for asylum or refugee status in the U.S., give their names, A-numbers, dates of application, and results. Consider filing FOIA requests to obtain family members’ A-files prior to submitting your client’s I-589 to ensure that there are no inconsistencies or information that would be damaging to your client’s claim. If your client is not in contact with their family members and is not sure whether the family member has filed, the client should explain

why they are unable to obtain this information. For example, the client may be estranged from a family member.

- As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”
- Questions 2.A. and 2.B – Firm Resettlement:
 - These questions address the issue of firm resettlement. Your client must disclose all pertinent information, even if it raises a potential issue. *See* INA §208(a)(2)(A)(vi) and 8 CFR §208.15 and relevant BIA and circuit court case law for the definition and parameters of firm resettlement.
 - If your client had legal status in another country prior to coming to the United States., it does not automatically mean that they were firmly resettled. Be sure to research the nature of the prior legal status (duration, rights accorded, etc.) and include that information as part of your evidence, along with any pertinent evidence of conditions in the country in which your client had status.
 - With regard to Question 2.A., asylum offices expect the client to disclose even transit stops in airports on the way to the U.S.
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”
- Question 3 – Persecution of Others:
 - This question addresses the bar to asylum and withholding of removal.
 - Review the statute, regulations, and relevant case law to assess the parameters of this bar, to determine whether this may pose an obstacle to your client being granted relief, and to inform your response to this question.
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”
- Question 4 – Return to Country of Persecution:
 - You must include ANY and ALL times your client returned to the country of persecution, no matter how short, whether the entry was legal or otherwise, and regardless of timing.
 - The answer to this question will be used in assessing your client’s well-founded fear of returning to the country of claimed persecution. Frequent returns or lengthy returns to the country of persecution without any problems may result in the adjudicator deciding that your client no longer has a well-founded fear of persecution.
 - If your client returned to the country of persecution, it is important to discuss the return trip in the affidavit and to provide an explanation of how it does not compromise his/her fear. For example, if your client returned, but had to remain in hiding in order to remain safe, or if your client traveled in and out of the country before they were harmed but has not returned since the harm occurred, these facts may serve to mitigate the impact of the trip.
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”

- Question 5 – One-Year Filing Deadline:
 - This question addresses the one-year bar to asylum found at INA §208(a)(2)(B).
 - Your client must provide documentation to establish that their application was filed within one year of entry into the United States. An I-94 or entry stamp is the best evidence in this regard. However, if your client entered EWI, secondary evidence in the form of affidavits from the applicant and/or others or documents establishing that your client was outside the U.S. within the year preceding the filing of the application should be presented. The more evidence, the better. In removal proceedings, you may be able to rely on the I-94, date of the I-213, or date of the credible fear/reasonable fear interview to demonstrate timely filing. The burden of proof is on the applicant to show by clear and convincing evidence that the application is being filed within one year of entry into the United States.
 - If your client is filing outside the one-year deadline, you must clearly identify the exception to the one-year deadline that applies to your client’s case and explain why it applies. The changed and extraordinary circumstances exceptions are found at 8 CFR §§208.4 (a)(4)-(5), 1208.4(a)(4)-(5).
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”

- Question 6 – Crimes in the U.S.:
 - This question addresses the issue of the “particularly serious crime” bar codified at INA §208(b)(2)(ii). It also addresses the exercise of discretion.
 - Review the statute, regulations, and relevant case law to assess the parameters of this bar, to determine whether the bar might pose an obstacle to relief for your client, and to help inform your response to this question.
 - If your client has ever been arrested for a crime, provide certified final dispositions and explain why each arrest does not meet the definition of a “particularly serious crime.”
 - As described above, provide summary answers for each piece of information requested, followed by “Please see sworn affidavit for additional details.”

PART D. SIGNATURE AND CERTIFICATIONS

- The applicant must sign the application in both English and in their native language, if the Roman alphabet is not used in the native language. If the client’s native language uses the same alphabet as English, but spells the name differently or uses diacritical marks, the native manner of spelling the name should be used. For example – Ahmed Ali Mohamed in Somali is Axmed Cali Moxamed; Ho Chi Minh in Vietnamese is Hồ Chí Minh.

- The applicant must include their signature and date. If the applicant is illiterate, the client can sign with an X.

- If the applicant’s spouse, parent, or child(ren) helped to prepare the application, you must check “YES” and include their name and relationship.

- You must check “YES” in response to the question, “Did someone else besides your spouse, parent or child(ren) prepare this application?” because you, as the attorney, assisted in the preparation of the application.
- Sometimes clients have received a notice of low/pro bono attorneys from the court or other agencies. If so, check the “YES” box.

PART E. DECLARATION OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT, SPOUSE, PARENT OR CHILD

- You, as the attorney, must fill out this section and include a signed and dated Form G-28, Notice of Entry of Appearance with the I-589 application if filing the application with USCIS. If application with immigration court, it must be accompanied by form E-28, or a copy of the form if you have already appeared in court.

PART F AND G TO BE COMPLETED AT INTERVIEW OR REMOVAL HEARING

- Do not have your client complete this section until you are in front of the asylum officer or immigration judge and your client is asked to do so.

SUPPLEMENT FORMS

- If you are adding information on any of the supplement forms, your client must sign the top of each supplement form page.
- Be sure to write the exact letter and numeral that corresponds with each question.