AMERICAN BAR ASSOCIATION
Commission on Immigration

HIAS
Welcome the stranger.
Protect the refugee.

Filing for Asylum Online

Frequently Asked Questions (FAQs) and Common Issues

Last Updated: 12/12/2022

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About HIAS

There have never been more people seeking safety and so few places willing to protect and welcome them. Over 100 million people are forcibly displaced. Governments should be taking responsibility to support them, but instead, their responses are unacceptable. Founded in the late 1800s, HIAS is there for refugees when and where they need help most. We are a Jewish humanitarian organization that works in the United States and 20+ other countries, providing vital services to refugees and asylum seekers of all faiths so they can rebuild their lives in safety, and with dignity. With the Jewish community beside us, we also advocate for the rights of forcibly displaced people globally. Over our expansive history, we've confronted—and overcome—formidable challenges facing refugees. Today, we are a leader with the expertise, partnerships, and values necessary to respond to the global crisis. Refugees deserve a world in which they find welcome, safety, and freedom. With you, we can create it. Join us.

- **Learn** about the global refugee crisis and how to make our world more safe and welcoming.
- **Visit HIAS.org** to learn about our work in the U.S. and more than 20 countries around the world.
- **Donate to HIAS**, or directly to **HIAS' Legal Team**. Your gift will make an immediate impact in the lives of refugees and asylum seekers.
- **Take action**. Speak up, show up, or organize your community to advocate for the rights of refugees and asylum seekers everywhere.
- **Volunteer** your time and talents directly to help refugees and asylum seekers near you.
- **Welcome the Stranger**. Learn about the Jewish values we bring to our work and how you can live them out every day.
- **Follow HIAS on social media** (Facebook – Instagram – Twitter) to stay informed on refugee news and ways to help.

About the ABA: Commission on Immigration

Guided by resolutions adopted by the American Bar Association House of Delegates, the Commission on Immigration (COI) works to coordinate and strengthen the ABA's response to legal developments and to address the needs of immigrants and newcomers. The ABA Board of Governors has designated immigration to be a legislative priority of the ABA in each Congress since 1992. The Commission works to achieve its goals to ensure fair treatment and full due process rights for immigrants, asylum-seekers, and refugees within the United States through various projects including South Texas Pro Bono Asylum Representation Project (ProBAR), Immigration Justice Project of San Diego (IJP), the Children's Immigration Law Academy (CILA), the Detention and LOP Information Hotline, and the COI pro bono, educational, and advocacy efforts.

- **Visit americanbar.org/immigration** to stay up to date on programming and learn about our work at the border and beyond.
- **Donate to the Commission**, or directly to CILA, IJP, or ProBAR to advance access to counsel and due process for migrants!
- **Volunteer** as a pro bono attorney, accredited representative, or translator by expressing interest on this Pro Bono interest form.
- **Stay informed** by signing up to receive our monthly pro bono newsletter highlighting ways to get involved and programming opportunities.
  Follow the Commission on social media (Facebook – LinkedIn– Twitter) to stay informed on programming and ways to help.

Process for Filing for Asylum Affirmatively

Until recently, all asylum applicants filing affirmatively (i.e., not as a defense to removal proceedings) were required to file their I-589 Application for Asylum in hard copy by mail at the USCIS Service Center Lockbox. Recently, USCIS announced a process through which asylum applicants could file their I-589 online, instead of in hard copy. This toolkit will walk you through the process of filing for asylum for your client online.

One important caveat of the online filing process involves who may file for asylum online: **If a derivative beneficiary is also filing as a principal applicant** (i.e., both spouses are applying for asylum and including each other as derivatives), **only one application may be filed online**; the other spouse's application must be filed on paper at the Asylum Vetting Center (see the "Special Instructions" dropdown on the USCIS, I-589 webpage). If the derivative spouse's application is accidentally submitted, USCIS will eventually reject it. Be aware that USCIS will likely still have access to this data, even after the application is rejected, so be careful to ensure consistency, and/or prepare your client to be prepared to explain any corrections/inconsistencies with that information.

Introduction to the Online Application for Asylum

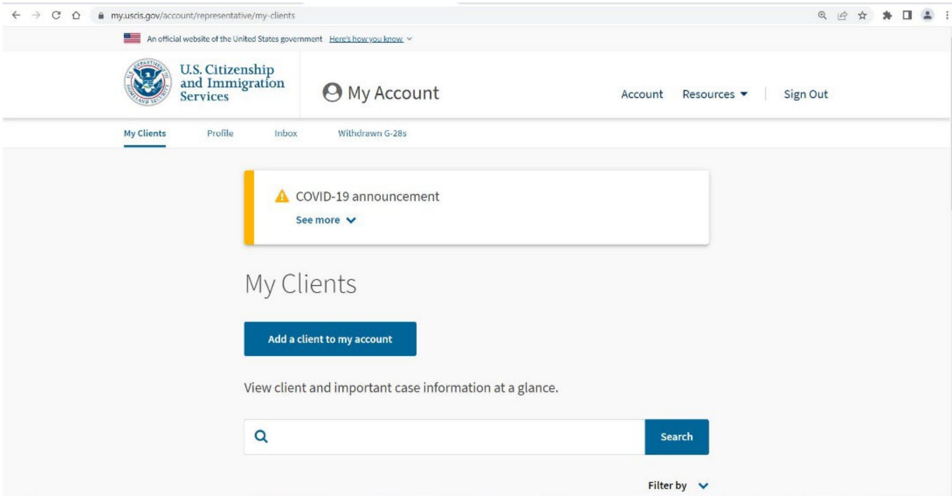
There is not a stand-alone page to access and submit the I-589 application. Online filing of the I-589 application takes place through the same (separate) platform where applicants can online file other applications and requests for benefits – myUSCIS – accessible at my.USCIS.gov.

The first step of this process is for the attorney to create their online account on myUSCIS as an attorney. The process is straightforward and detailed instructions can be found on the myUSCIS website: How to Create a USCIS Online Account | USCIS

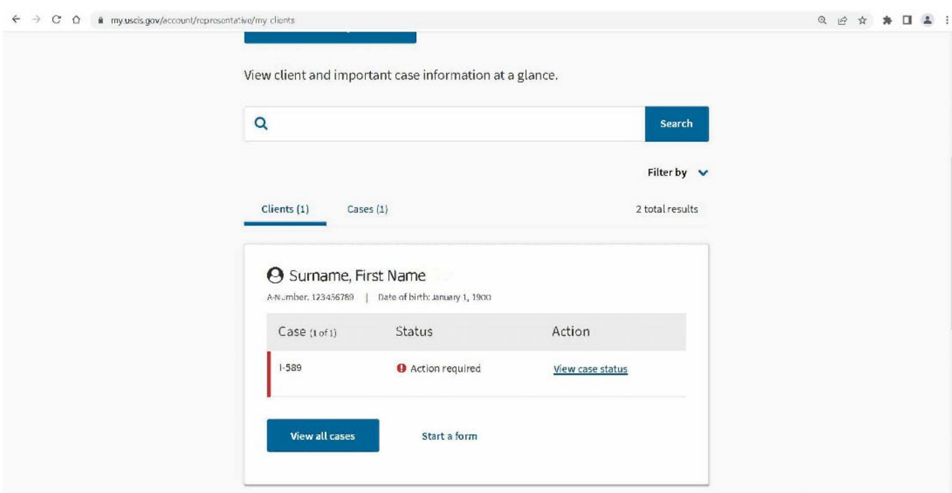
Thereafter, the attorney can select the option to "Add a Client." Once you have added the client, you will have the opportunity to add and select an application to file on their behalf, as described below.

How is the online form structured?

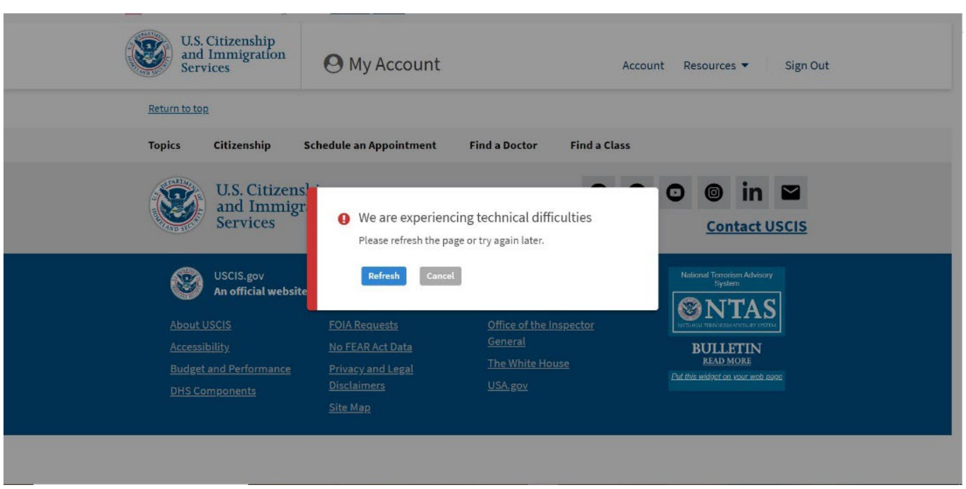
- **Step One**: Preparing the I-589 Online
- **Step Two**: Uploading the Evidence
- **Step Three**: Reviewing the I-589 and Submitting to Your Client for Review
- **Step Four**: Client Reviews the I-589
- **Step Five:** Submitting the I-589 Online



Screenshot: Adding a Client to Your myUSCIS Account



Screenshot: View of Pending Cases from Attorney's myUSCIS Account



Screenshot: Common Error Message

Before Filing: Creating Your myUSCIS Account and Adding Your Client

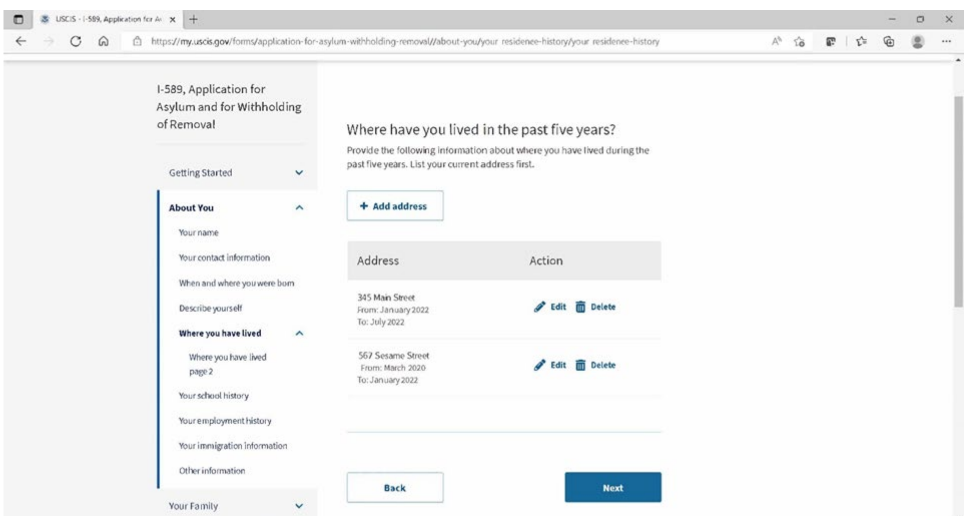
Before filing, you must create an attorney account with myUSCIS. The process is straightforward and detailed instructions can be found here: [How to Create a USCIS Online Account | USCIS]

After creating your account, the next step is to add your client as a client. Once logged in, select the "add client" button and provide basic biographical information about your client. You must add your client as a client *before* you are able to access any online forms. Your client's information will need to match this information exactly in order to properly complete the I-589 form electronically.

Step One: Preparing the I-589 Online

From your myUSCIS account, select your client and then select "I-589" as the form you would like to file on your client's behalf. You will have to complete the answers from the form on the website itself; you will not have an opportunity to upload a PDF version of the form. However, we recommend completing the PDF version of the I-589 with your client first, to facilitate the completion of the online form later.

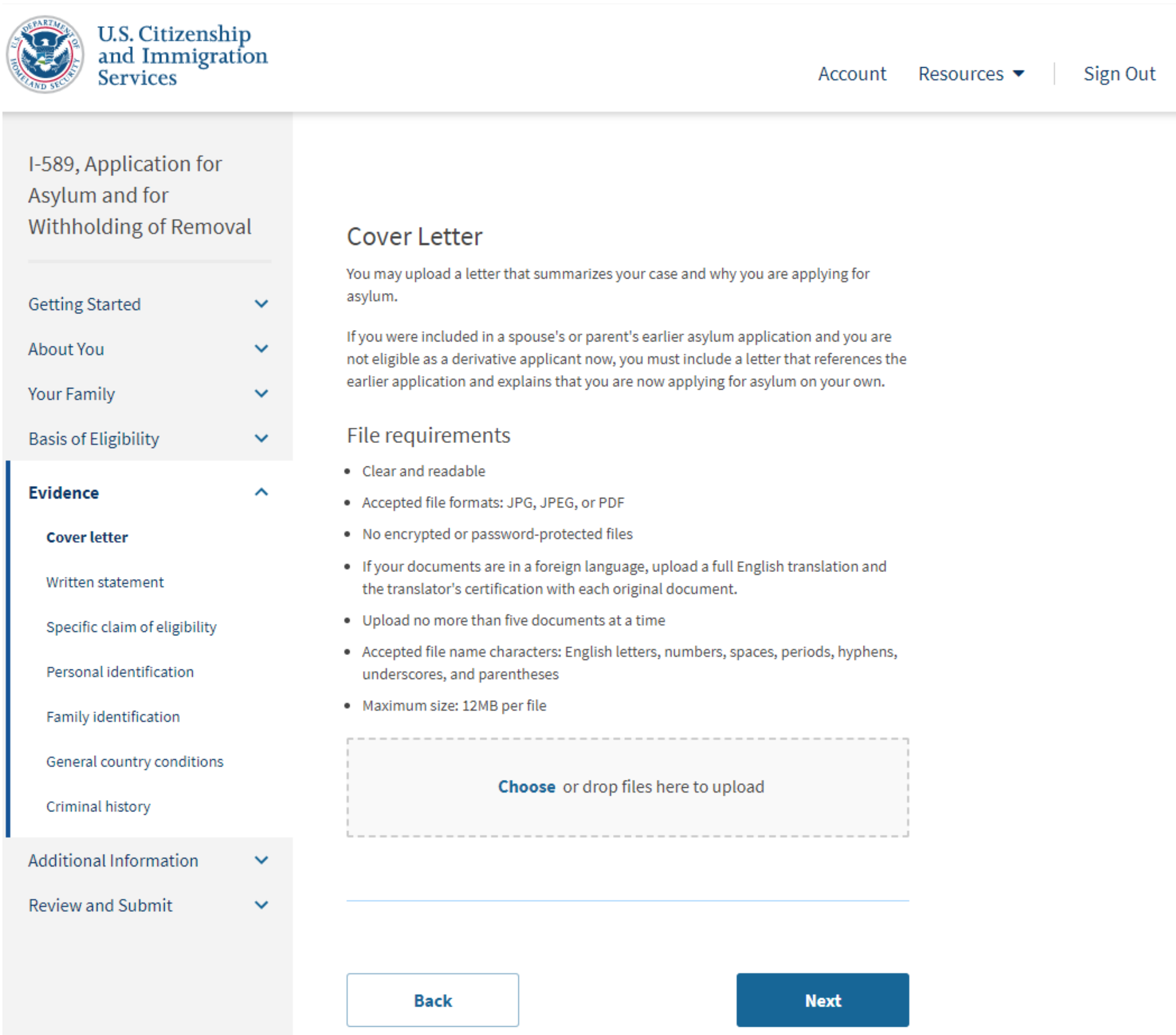
As you walk through the electronic I-589, you'll notice that the questions asked on the online form *generally* mirror those of the PDF version of the I-589, but they may not be asked in the same order as on the PDF version. Pay close attention to each question when completing the electronic form.



Screenshot of the Application Process

Step Two: Uploading Evidence

Once you have answered all the questions on the online form, you will have the opportunity to upload evidence in support of your client's I-589, including identity documents, personal evidence, and country conditions evidence. There are separate sections through which you can upload different types of documents, including: cover letter; written statement; evidence specific to the applicant's claim of eligibility; personal identification documents; family identification documents; general country conditions; and criminal history documents. See the screenshot below.

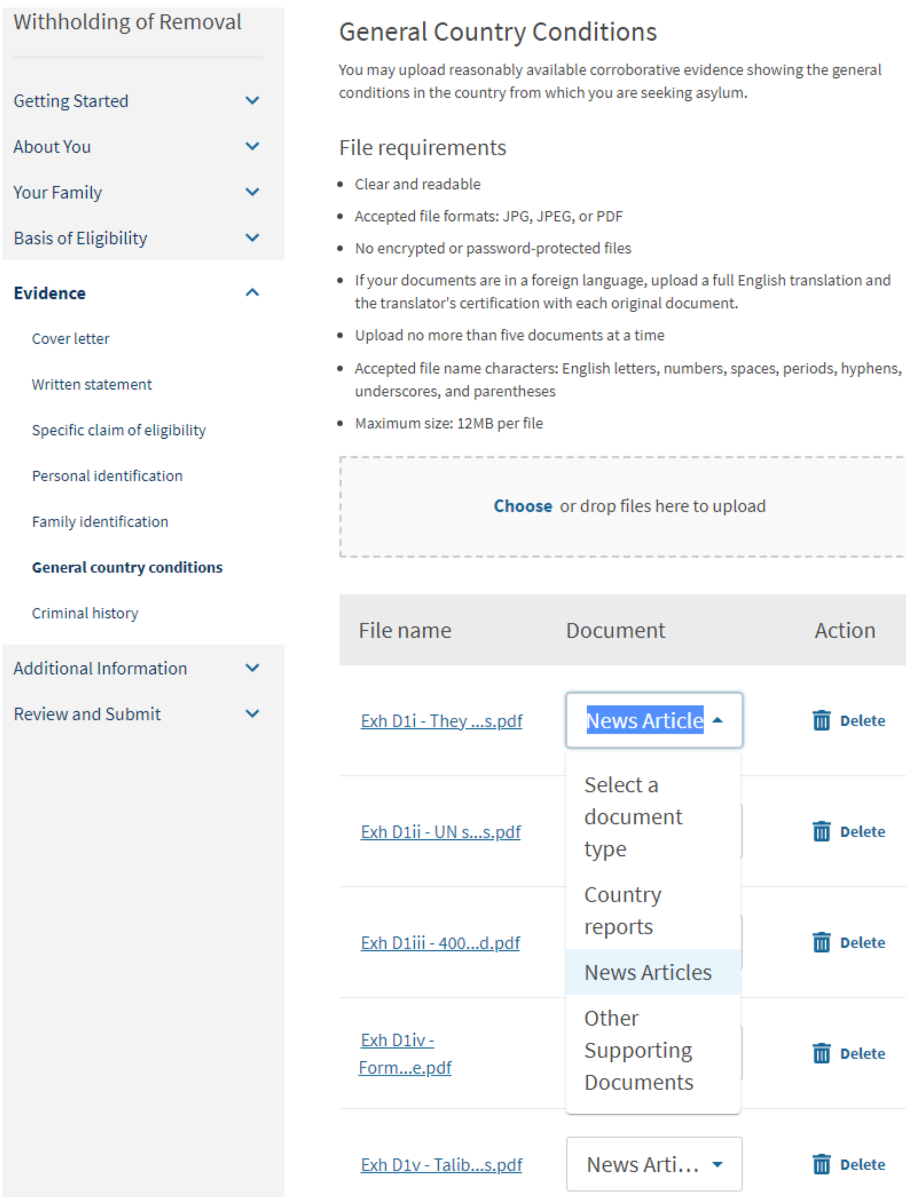


Screenshot: Uploads View

The portal will allow you to label each item you upload as what type of evidence it is, using a drop-down menu. Within those sections, we recommend taking care to upload the documents in the order you want USCIS to see the documents. We also strongly recommend carefully naming your documents so that they adequately describe the file contents. Consider naming your documents in a way that illustrates the order in which they should be organized. Ex: “Ex1-SwornAfft.PDF, Ex2-IdentityDocs, Ex3-EmployerLtr”

There are technical limitations to uploading evidence, including:

- Uploads must be in PDF or JPG/JPEG format.
- There is a size limit of 12 MB per document.
    - *Practice Pointer*: A scanned document 21 pages in length is usually about 12MB. Text documents that are already saved in PDF format will generally save in smaller sizes, which will allow attorneys to upload more pages at a time.
- A document will not be accepted if the file name includes prohibited characters. The only permissible characters for files names include: English letters, numbers, spaces, periods, hyphens, underscores, and parenthesis.
- Can upload up to five files at one time.



Screenshot: Uploads View

Step Three: Reviewing the I-589 and Submitting It to Your Client for Review

We strongly recommend reviewing your full filing before submitting it online. The system *does* automatically check for errors, but it is glitchy, so cannot be trusted to catch all mistakes. Before submitting the application, the system will offer a draft for review. Download and review that draft carefully to identify any errors or typos. **Once you submit the draft, you cannot reopen it to correct anything unless and until your client rejects it.**

Before submitting the application, the system will direct the attorney to prepare a Preparer's Certification and Signature page. This must be printed, signed (a "wet ink" signature) and uploaded. The system will prompt the attorney to complete the Form G-28, Entry of Appearance as Attorney.

Once you review the filing from your end, you submit it for your client's review. Once submitted to the client, the system will provide the attorney with a unique code to give to the client, to connect the two myUSCIS accounts and send the client their application for review. If the client does not already have a myUSCIS account, they should make one when they get the email from the attorney. The client will have 30 days to connect and review the application before the application is deleted from the system.

Step Four: Client Reviews the I-589

After the attorney submits the form for client review, the client should log in to their myUSCIS account to review it. They will enter the unique code provided by the attorney, and answer questions relating to the Form G-28 (including whether they would prefer documents and other communications be sent directly to the attorney).

> **Practice Pointer***:* Consider setting up a zoom meeting with your client where they can share their screen and you can walk them through the process of reviewing and submitting the application. Be sure to advise the client to carefully review the document to double check the information is accurate before signing and submitting.

Once their review is complete, the client will be prompted to "Accept or Decline the I-589" and type their name, which will be used as the Applicant's Signature.

Step Five: Submitting the Finalized I-589 Online to USCIS

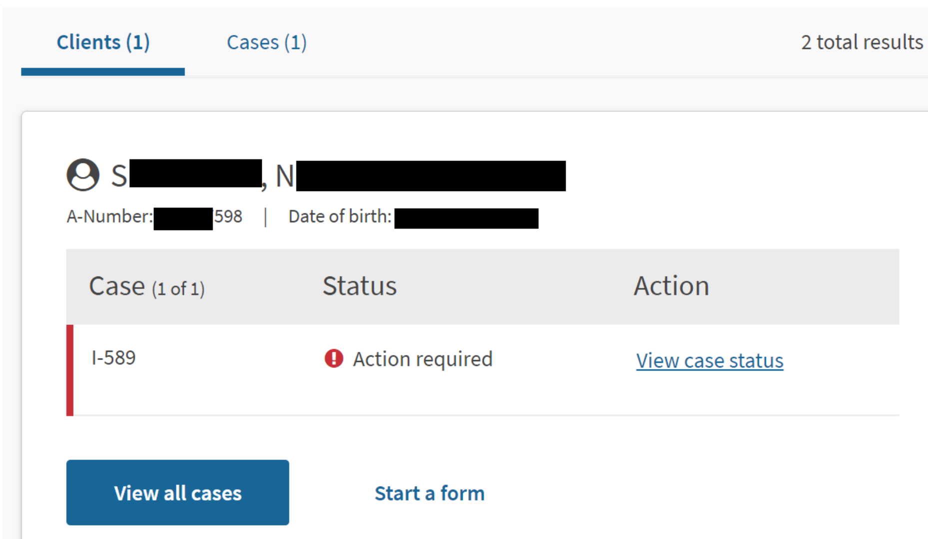
After the client has approved the draft I-589, you must log in to your myUSCIS account for a final review of the application before submitting it to USCIS.

> **Practice Pointer:** Review the draft with the client in real time, and you will know once the client approves the draft form. USCIS *will not* notify the attorney that the draft form has been approved by the client. If your client reviews the draft of their own, ask them to notify you once they approve the draft so you know when it's ready to be submitted.

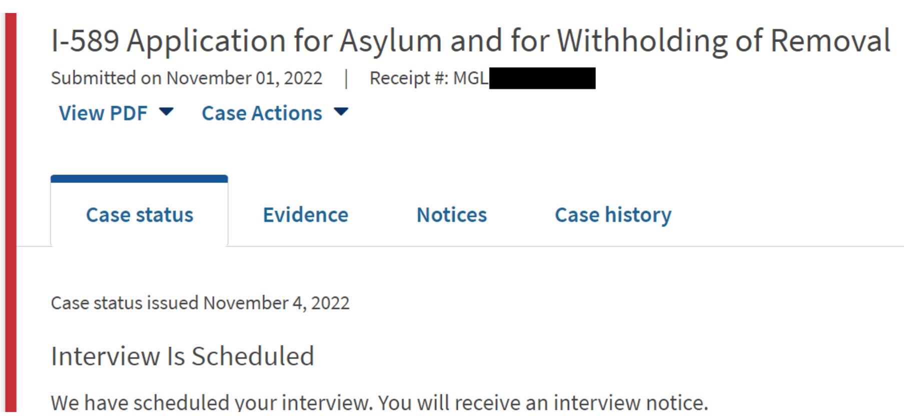
Practice Pointer: The attorney's myUSCIS landing page may still show the I-589 as "draft in process," even after the client approves the draft. Click the "Cases" tab, and from there, it should show that the I-589 and G-28 are ready for review.

After submitting the final version of the form, you will have the opportunity to download a copy of the application, as formatted on the website, for your records. USCIS will <u>not</u> automatically generate a PDF upon submission, so we strongly recommended saving this copy of the application for your records.

Practice Pointer: The I-589 PDF will not be the same as the printed I-589 or the review draft. It will have abbreviations that do not appear on the draft form (e.g., "AFG" for Afghanistan, FAE for Farsi – Afghani – Dari, PUS for Pashto). The submission will show the file name and category of the uploads but not the actual evidence.



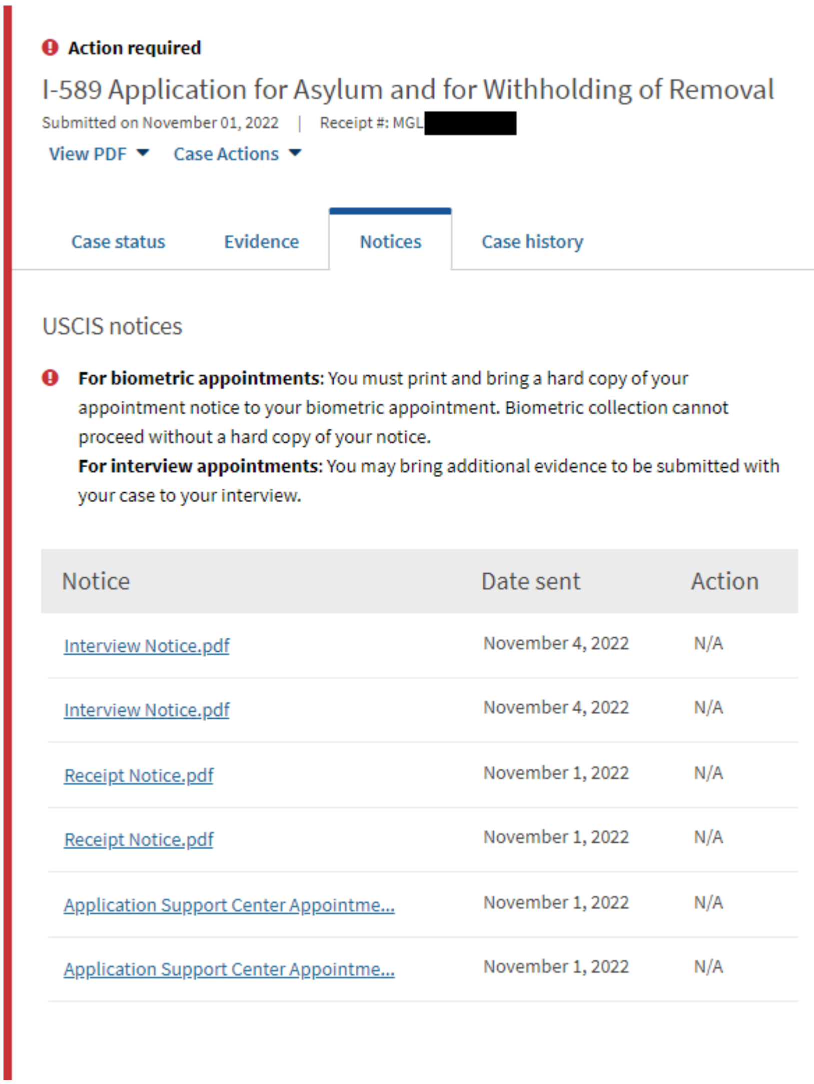
Once the I-589 is submitted, the attorney's myUSCIS account will show the client's case, A#, date of birth, case type (I-589) and upon clicking on the case, will show the current case status, evidence submitted, and any notices issued by USCIS in the case.



Practice Pointer: USCIS may not notify the attorney or client via email that a notice has been issued, so it is very important to check the myUSCIS portal every day, or every other day, to see if new notices have been uploaded.

Soon after the case is receipted, USCIS will issue a biometrics appointment notice (or will issue a notice waiving the biometric appointment requirement, as the agency can just process previously-obtained fingerprints for the requisite background check).

Then, USCIS will issue an interview notice. As with other notices, USCIS will not notify the applicant or the attorney that the notice has been uploaded to the system; it's very important to check the portal regularly to ensure the most up-to-date information about the case status.


Action required

I-589 Application for Asylum and for Withholding of Removal

Submitted on November 01, 2022 | Receipt #: MGL[redacted]

View PDF Case Actions

Case status Evidence Notices Case history

USCIS notices

For biometric appointments: You must print and bring a hard copy of your appointment notice to your biometric appointment. Biometric collection cannot proceed without a hard copy of your notice.
For interview appointments: You may bring additional evidence to be submitted with your case to your interview.

Notice	Date sent	Action
Interview Notice.pdf	November 4, 2022	N/A
Interview Notice.pdf	November 4, 2022	N/A
Receipt Notice.pdf	November 1, 2022	N/A
Receipt Notice.pdf	November 1, 2022	N/A
Application Support Center Appointme...	November 1, 2022	N/A
Application Support Center Appointme...	November 1, 2022	N/A

Using the "Evidence" tab, the attorney can supplement the client's filing through this online system up to 14 days before the asylum office interview.

Pros & Cons of Online Filing

Online filing may not be the best avenue for every attorney or every client. The decision of whether to file the client's asylum application online should be made on a case-by-case basis. We provide some considerations for each below:

<u>Pros to Online Filing:</u>

- *Process-*
    - Receive receipt notice quicker
    - May receive interview notice quicker (but note this is currently just anecdotal)
    - Attorney (and applicant) can draft the forms, log out, and come back to a "draft in process" later. However, the system will delete any form older than 30 days, so the draft must be completed before then.
    - Easy to track case status
    - Able to send secure messages to USCIS through inbox (as opposed to calling the USCIS Customer Service Hotline)
- *Information Input-*
    - Offers spell check
    - Character limits are significantly larger than on the PDF version of the form; most explanation boxes allow for up to 4000 characters
    - Likely do not need to use addendum sheets because the system allows for the addition of many more siblings, addresses, education, and employment history entries than the paper form does
- *Submission-*
    - No need to submit extra copies for applicant and derivative beneficiaries
    - Avoid needing to print out and put together paper version of the submission
    - Receive receipt notice much quicker

<u>Cons to Online Filing:</u>

- *Process-*
    - May be difficult for clients to navigate
    - Not all clients have access to necessary technology to facilitate online filing
    - ***May still need to file an application on paper:** As noted above, a derivative beneficiary is also filing as a principal applicant (i.e., where both spouses are applying for asylum and including each other as derivatives), <u>only one may be filed online</u>; the other must file their application on paper at the Asylum Vetting Center (see the "Special Instructions" dropdown on the USCIS, I-589 webpage).
    - USCIS will not notify the attorney via email when new notices are uploaded in the portal, and the attorney must regularly login and check
- *Information Input-*
    - When attaching evidence submissions, must upload each document individually, and in order, which can be cumbersome
    - Evidence submissions must conform to size and format restrictions

- Duplicating efforts if I-589 previously drafted on PDF version of the form
  - Questions on the online form do not appear in the same order as on the PDF version of the form
  - Small glitches throughout the form
- *Submission-*
  - Does not generate a completed I-589 form to save (must download it separately)

Considerations for Assisting Pro Se Applicants

An attorney engaging in limited scope representation of a pro se asylum applicant will not be able to complete the I-589 form from their attorney myUSCIS account without submitting a G-28, Entry of Appearance as Attorney. To assist a client who is planning to appear at their Asylum Interview pro se, we recommend pursuing one of the following two options:

Prepare Asylum Filing in Client's Presence *(Preferred Method)*

First, prepare the draft asylum application with the client on the downloadable PDF form.

Then, while meeting with the client (either in person or together on zoom while screen-sharing with the client), log in to the *client's* myUSCIS account. The client should carefully review and consent to each selection as you complete the form. **We strongly advise against completing the application with the client's myUSCIS information without the client present - either physically or virtually.**

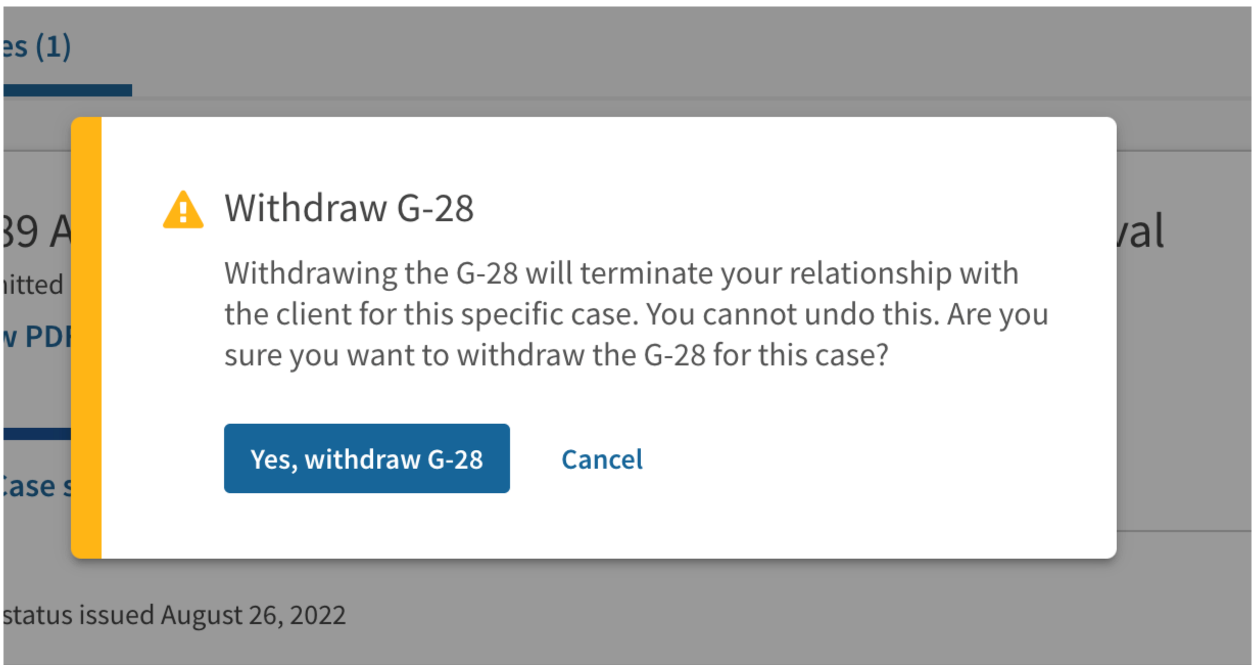
When uploading documents and evidence in support of the asylum case, make sure that the limited scope assistance is disclosed to USCIS – either on the cover letter, or in the client's statement, or both.

File as Attorney and Withdraw G-28

Another option to assist pro se asylum applicants is to prepare and file the application as the attorney, as outlined in this toolkit but then withdraw the G-28 after the case has been received and is in process.

To withdraw your G-28 online, you will need to login to your myUSCIS account and access your client's asylum case. You will then click the drop-down option under "Case Actions" and choose the option to "Withdraw G-28".

Once you have chosen this option, the online system will prompt you to confirm whether you would like to withdraw your G-28, by administering the message below:



Click the option for “Yes, withdraw G-28” to formalize the removal of your representation of the client’s asylum case.

Keep in mind that USCIS will consider you the attorney of record unless and until the G-28 has been withdrawn. If you continue to receive copies of correspondence for your client’s case after you have notified USCIS about your intention to withdraw your G-28: (1) ensure your client has copies of all correspondence you receive, and (2) follow up directly with the USCIS Asylum Office with jurisdiction you’re your client’s case to notify again about the G-28 withdrawal.

To find out about how the asylum office prefers to receive information from attorneys, like information about G-28s, contact that office directly, as processes may differ between different offices. Information about each asylum office can be accessed on the USCIS website, here.

General Tips and Tricks for Online Filing

- Use the latest version of Chrome.
- Each time you log out and log back in, you will need to authenticate your account. For most people, you will receive a text to your cell phone with an eight-digit verification code.
- You may elect to be notified about case status updates via email and/or mobile phone text message. Your client has the same options. Anecdotally, clients appear to receive email updates but attorneys do not always receive them, even if they signed up for the email notifications.
- The myUSCIS page is glitchy. Sometimes, you will log in and not be able to access anything. There may be an error page that says the page cannot load due to "technical issues." If this happens repeatedly, try again later.
- Be sure to sign out of the application before logging off. If this step is not taken, there may be an error message when trying to log back in. Refreshing the page or logging out and back in again may solve the issue but does not always work. Switching browsers (Chrome worked best) also helped with this issue.
- Sometimes the system will display an error that says it cannot add the information and it will delete the information in the specific section. The error message does not indicate the issue with the information. Signing out and signing back in did not help this issue but switching browsers did (Chrome works best).
- At the end of the application, in the review section, the system will indicate if there are any errors or warnings. The system will indicate the location of the issue on the form is (e.g., Minor Child's Information) but will not explain precisely what the problem is. The application cannot be submitted until the errors or warnings are resolved. Signing out and signing back in does not help. One strategy that worked is converting JPG files into PDF files, so that the entire section includes only PDF files (and not a mix of file types). Updating one section in this way may fix errors in other sections as well.