Asylee Eligibility for Resettlement Assistance

What is an asylee?

An asylee is legally defined as a person who flees his or her country and is unable or unwilling to return due to persecution or a well-founded fear of persecution. The persecution may be on the basis of race, religion, nationality, political opinion, or membership in a social group. Procedurally, a prospective asylee enters the United States as an alien in some other immigration category, enters without inspection, is paroled into the United States for consideration of an asylum claim, or is placed in expedited removal proceedings at the port of entry. The person then applies for asylum and if successful, is granted.

About 46% of asylum grants are handled by the immigration courts, which are located in cities throughout the U.S. About 54% of asylum grants are handled by the U.S. Citizenship and Immigration Services or “USCIS,” which has eight regional asylum offices throughout the U.S.
How is asylum status documented?
Asylees will usually have either an Asylum Approval Letter from a USCIS Asylum Office OR an Order of an Immigration Judge Granting Asylum under § 208 of the INA. An order from a judge is NOT final unless:

1. U.S. Immigration and Customs Enforcement (ICE) has waived the right to appeal the decision granting asylum; OR

2. if ICE has reserved the right to appeal the decision, 30 days have passed and ICE has not filed an appeal (call the EOIR Case Status Line at 1-800-898-7180 and enter the A-number of the applicant to find out if ICE has filed an appeal).

Proof of asylum status can also be found on other documents, such as the I-94 or the Employment Authorization Document (EAD). Additional information is provided in the Office of Refugee Resettlement (ORR) State Letter #00-17 on Status and Documentation Requirements for the Refugee Resettlement Program in Chart #3. This letter may be found on the ORR website at www.acf.hhs.gov/programs/orr/policy/sl00–17.htm.

Note: Asylum applicants (with the exception of Cuban and Haitian entrants) and individuals who have received a notice of recommended asylum approval are not eligible for federal refugee benefits and services.

Are asylees work authorized?
Yes. People who have been granted asylum are authorized to work in the U.S.

How can asylees document their work authorization?
Asylees must meet the same employment eligibility requirements as other U.S. workers. These are found on USCIS Form I-9 (Employment Eligibility Verification). The I-9 requires workers to submit either:

- one document that shows both identity and work authorization; OR
- one document that shows identity and one document that shows work authorization.

Asylees, like all other workers, can choose which documents listed on the I-9 to submit as proof of employment eligibility. By law, an employer CANNOT demand that a worker submit a particular document or refuse to hire a worker because the worker does not have a green card. Asylees who believe they may be victims of unlawful employment discrimination based on immigration status may call the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) at 1-800-255-7688 or visit the OSC website at http://www.usdoj.gov/crt/osc/.

The following documents are most commonly used by asylees to show employment eligibility. Other, additional documents may be found on the I-9.

- **Employment Authorization Document (EAD):** An unexpired EAD shows both identity and work authorization. Therefore, an unexpired EAD is sufficient by itself and does not require any additional documentation. Once an EAD expires, an asylee may provide other documents to satisfy the I-9 requirements. The asylee is not required to keep renewing the EAD. However, it is advisable to maintain a valid EAD until the green card is received, as this will help to avoid any status documentation problems, especially with the Department of Motor Vehicles (DMV). (The expiration date on the EAD applies only to the EAD itself and not to the immigration status of asylee, which does not expire.)

- **Social Security Card:** Asylees are authorized to receive unrestricted social security cards. An unrestricted social security card is evidence of work authorization and, together with a state driver’s license or state ID card which establishes identity, can be used to document employment eligibility. Asylees who obtained their social security cards prior to April 2001 may have restricted cards which say, “Valid for Work Only with INS Authorization.” They are authorized to return to the Social Security Administration to receive a new, unrestricted card. For more information on this policy, see ORR State Letter #01-09 on the ORR website at www.acf.hhs.gov/programs/orr/policy/sl01–09.htm.

- **State Driver’s License or ID Card:** A state driver’s license or ID card establishes identity and can be used together with an unrestricted social security card, which establishes work authorization, to document employment eligibility.

Note: In 2009, USCIS revised the I-9 and updated its *Handbook for Employers* (M-274). The new I-9 requires all documents to be unexpired. Older versions of the EAD (Forms I-688, I-688A, and I-688B) have been removed from the list of acceptable documents. The handbook, available on the USCIS website, has a helpful question and answer section.
### What kind of benefits and services are asylees eligible for?

<table>
<thead>
<tr>
<th>Type of Assistance</th>
<th>Description</th>
<th>Eligibility Period for Asylees (from date of asylum grant)</th>
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</thead>
<tbody>
<tr>
<td>Refugee Cash and Medical Assistance (RCA &amp; RMA)</td>
<td>A federally funded program available to needy asylees who are not eligible for other cash or medical assistance programs such as TANF, SSI, or Medicaid.</td>
<td>up to 8 months</td>
</tr>
<tr>
<td>Refugee Social Services</td>
<td>Designed to smooth adjustment and facilitate early self-sufficiency. These include job preparation and placement and English language classes. The range of services varies by state.</td>
<td>5 years (however, some refugee social services provided pursuant to discretionary grants are not time-limited)</td>
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<tr>
<td>Matching Grant</td>
<td>An early employment program administered by private resettlement agencies as an alternative to public cash assistance. Provides job counseling and placement, case management, transitional cash, and living assistance. Selective: only those who are good candidates for early employment are chosen, and it is based on availability of slots.</td>
<td>180 days (but must be enrolled within 31 days of asylum grant)</td>
</tr>
<tr>
<td>Medical Screening</td>
<td>A preventive medical screening and assessment provided by the State Dept. of Public Health to asylees for early diagnosis and treatment of any illness. Usually includes screening for TB, parasites, and hepatitis, as well as school vaccinations for asylee children. Not available in every location.</td>
<td>Varies. Where available, medical screening is strongly recommended and should be arranged within the first 90 days after asylum grant.</td>
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</table>

**Note:**

1. Most, but not all, of these services are funded by ORR through grants to State governments or to private voluntary agencies. However, in the award of contracts for services, States will target resources to the communities of high concentration of refugees and asylees. Therefore, these services may not be available in all communities.

2. An asylee may be enrolled within 31 days of notification of grant of asylum if an exception letter to the program guidelines is obtained from the ORR MG Team.

3. Effective October 1, 2008, certain asylees who are subject to the 7-year time limit on SSI may be able to get up to 3 additional years of SSI. The extension expires in October 2011. For more information about the SSI extension and who qualifies, refer to the National Immigration Law Center website at [http://www.nilc.org/immspbs/ssi/index.htm](http://www.nilc.org/immspbs/ssi/index.htm).

4. There is a lifetime eligibility limit of 60 months. Some states have additional time limits on TANF for asylees. These states (IN, MS, OH, SC, and TX) limit TANF for asylees who entered the U.S. on or after 8/22/96 to the first 5 years after obtaining asylum status.

5. AL, MS, ND, OH, TX, VA, and WY have time limits on Medicaid for asylees. These states limit Medicaid for asylees who entered the U.S. on or after 8/22/96 to the first 7 years after obtaining asylum status.
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A GUIDE by
Catholic legal immigration network, inC.

Asylees granted asylum by an immigration judge, the Board of Immigration Appeals, or a federal court should schedule an InfoPass appointment at their local USCIS office at least three business days after the date on the order granting asylum to obtain both an EAD and an I-94. They need to bring their copy of the order granting asylum and some form of photo identification. The I-94 is given at the appointment, and the EAD is mailed to the asylee within 7-10 days after the appointment (card delivery can take up to 2 additional weeks). In some cases, the asylee may be directed to submit fingerprints at an Application Support Center before EAD card production can begin. In these cases, the EAD is mailed within 7-10 days after submitting fingerprints.

Asylees granted asylum by the USCIS Asylum Office receive the EAD in the mail within 2-4 weeks after receiving their asylum approval letter. The I-94 is issued together with the approval letter.

Derivative asylees (the spouse and children of an asylee) entering the U.S. through a Refugee and Asylee Relative Petition (Form I-730) will be processed for an EAD at the port of entry and receive the EAD in the mail 2-4 weeks later. The I-94 will still be issued at the port of entry.

what if asylees have an error on their I-94 card or lose their I-94 card?

Asylees sometimes find that their I-94 contains an error, such as a misspelled name, incorrect date of birth, incorrect date of entry, or expiration date. Rather than applying by mail for a corrected I-94 (a process that can take several months), current USCIS policy allows asylees to obtain a corrected I-94 on a walk-in basis at the USCIS district office, but only if the initial I-94 was issued by a USCIS office, such as the asylum office or district office. If the I-94 was issued by U.S. Customs and Border Protection (CBP) at a port of entry and contains an error, the asylee should return to the nearest port of entry or CBP deferred inspection office to obtain a corrected I-94. For a list of CBP ports of entry, refer to http://www.cbp.gov/xp/cgov/toolbox/ports/. There is no fee for a corrected I-94 when the error was made by USCIS or CBP. Asylees who lose their I-94 are required to apply for a replacement card using Form I-102 with the correct fee.

Can asylees travel outside the United States?

Prior to their departure from the U.S., asylees are required to obtain USCIS permission to re-enter the U.S. after their trip abroad. Permission is obtained by filing Form I-131 to receive a Refugee Travel Document. Asylees should be especially cautious about travel to the country where they were persecuted. For more information, refer to the USCIS fact sheet on asylee travel at http://www.uscis.gov/files/pressrelease/AsylumTravel122706FS.pdf.
Asylees eligible for a green card?

Yes. Asylees are eligible to apply for adjustment of status (a green card) after one year of physical presence in the U.S. (from the date of the asylum grant) using Form I-485. Professional assistance through an immigration attorney or a Board of Immigration Appeals recognized non-profit organization is recommended to ensure the application is completed correctly and includes all the required attachments. A list of recognized organizations is available on the U.S. Department of Justice website at http://www.justice.gov/eoir/statspub/raroster.htm.

The fee for the I-485 now includes the fees for an EAD and a Refugee Travel Document. Therefore, an asylee who pays the current I-485 fee is not required to pay an additional fee for the EAD or Refugee Travel Document, if needed while the I-485 is pending. Asylees who are unable to pay the I-485 fee may apply for a fee waiver. In September 2009, USCIS released a list of questions and answers about adjustment of status for asylees, available on its website, http://www.uscis.gov, under “News.”

How long does it take for asylees to receive a green card?

Green card processing times are posted on the USCIS website, http://www.uscis.gov. As of the date this guide is being printed, asylee green card processing times are 4-6 months.

Can asylees bring their immediate family members to the United States?

Asylees can request derivative asylum status for their spouse and unmarried children under age 21 by filing Form I-730 (Refugee and Asylee Relative Petition). There is no filing fee for the I-730. The I-730 allows family members to join the asylee in the U.S. The I-730 must be filed within two years of receiving asylum status. Family members, as derivative asylees, are eligible for resettlement assistance from the date of their entry into the U.S., which is found on the I-94 card.

Can asylees get student loans?

Asylees are eligible for federal student financial aid, including grants, loans, and work study programs, from the U.S. Department of Education. For more information, contact the Federal Student Aid Information Center at 1-800-433-3243 or see The Guide to Federal Student Aid (available in English and Spanish) at http://studentaid.ed.gov/students/publications/student_guide/index.html.