

What can I do to help my lawyer?

It is important to trust your lawyer. Everything you tell your lawyer is confidential. Your lawyer cannot share this information without your permission. If you are worried or embarrassed about something, your lawyer can help.

You can also help get documents for your case. Your lawyer may need your birth certificate or identity card & letters from relatives/friends to prove your case. If you don't have any of these documents, don't worry. You can still win your case without them. But if you can get these documents safely, get them.

You can also get documents about your country from daraujo@heartlandalliance.org.

***What if I have a criminal record?
Can I still get asylum?***

The government will deny asylum to anyone who has been convicted of an "aggravated felony." If you have been convicted of any crime, talk to a lawyer to see if you can still qualify for asylum. Give your immigration lawyer the name & phone number of the lawyer who helped you with your criminal case.

It is important to tell the lawyer about all of your arrests. You may feel embarrassed talking about what happened. But, your lawyer needs to know about ***every arrest*** to help you make the best decision. If your lawyer does not know about an arrest, it can hurt your asylum case. Please don't wait until it is too late – talk to your lawyer about any arrest!

What should I do if I am ever caught by immigration officials?

Call your lawyer right away. If you will be harmed in your country, tell the immigration officer that you are afraid to go back and you want "asylum." Do **NOT** let the government deport you. You have a right to a hearing. If you do not have a lawyer, the judge will give you time to find help. Do **NOT** give up your rights.

***Years ago, I was caught at the border and forced to return to my country.
Can I still get asylum?***

If you were caught at the border or if you were ordered deported, you should talk to a lawyer. Tell your lawyer everything you remember – for example, did the U.S. government take your fingerprints or photo? Did anyone force you to sign any papers? Were you warned not to return to the U.S.? You may still be able to qualify for asylum, but talk to a lawyer.

Is asylum my only option?

Even if you can't get asylum, there may be other ways for you to stay in the U.S. if you fear harm in your home country. Ask a lawyer about "Withholding of Removal" & "The Convention Against Torture." These other options may allow you to stay in the U.S. legally and get a work permit. You will not get all of the benefits of asylum, but both are good back-up plans if you cannot qualify for asylum.

Call a lawyer for legal advice. Do NOT rely on this brochure alone. Because the law may have changed, you should talk with a lawyer before making any decisions.

***I AM GAY, LESBIAN,
BISEXUAL, OR
TRANSGENDER & I AM
AFRAID TO RETURN TO
MY HOME COUNTRY.***

***CAN I GET ASYLUM IN
THE UNITED STATES?***

Published by

*Lawyers' Committee for Civil Rights
(415) 543-9444*

&

*National Center for Lesbian Rights
(415) 392-6257*

What is asylum?

If you apply for “asylum,” you are asking for permission to stay in the United States because it is too dangerous to return to your home country. If you are granted asylum, you will be able to stay in the United States, get a work permit, and apply for a green card after one year.

Who can apply for asylum?

You need to show:

- (1) you are afraid to return to your country
- (2) because you fear mistreatment by the government, police, or others (family, gangs, other people)
- (3) based on your sexual orientation, gender identity, political beliefs, race, religion, nationality, or your membership in a particular social group.

You may qualify for asylum if you have been threatened or attacked in your home country because you are gay, lesbian, or bisexual and the police will not protect you.

Do I need a lawyer?

You do not need a lawyer to apply for asylum. But, we strongly recommend that you get help from a lawyer. The law is very confusing. A lawyer can help explain the law to you and can help you prepare your case.

If you win asylum, you will be able to stay in the United States and work. But, if you do not win asylum, you might be ordered to return to your country. For some people, it is better if they do not apply. But, you should make this decision **only after** you have talked to a lawyer.

Where can I find a lawyer?

For a list of lawyers in your area, call:

- Immigration Equality, (212) 714-2904
- American Immigration Lawyers Association, (800) 954-0254

If you cannot afford a lawyer, you may be able to get free legal help. Please call:

- Lawyers’ Committee for Civil Rights, (415) 543-9444 (advice & representation)
- National Center for Lesbian Rights, (415) 392-6257, x 304 (information only)

Should I get help from a “notario” or immigration “consultant”?

Many immigration “consultants” or “notarios” are NOT experts and may not even be lawyers. Be careful before you pay anyone to help you with your immigration case. Make sure that: (1) the person is a lawyer; (2) the person has a law degree; and (3) the person is an asylum expert. If you have been harmed by a “notario” or “consultant,” call the Immigrant Legal Resource Center at (415) 255-9499, ext. 774.

When should I apply?

You must apply for asylum within 1 year of your last arrival in the U.S.

If you have been in the U.S. for more than 1 year, you may still be able to apply for asylum. But, talk to a lawyer first. Tell your lawyer why you did not apply within the 1-year deadline.

How do I apply for asylum?

You will need to fill out forms from the government. You will also need to get documents to support your case. The application must be mailed to a government office in Nebraska. You should talk to a lawyer before sending anything to the government or the Immigration Court.

What happens after I apply?

You will get a notice from the Asylum Office, which will tell you when & where to go for an interview. At the interview, you will meet an Asylum Officer who will listen to your story and ask you questions. Most times, people get their decision 2 weeks after their interviews. But, some times (for example, if you are from Mexico), it may take longer to get a decision. The Asylum Office will either grant you asylum or it will send your case to an immigration judge to decide.

If your case is sent to a judge, make sure to go to court and bring a lawyer, if possible. You will have a chance to tell your story to the judge. If the judge does not grant you asylum, you can still appeal the judge’s decision, and you are allowed to stay in the U.S. while you wait for a decision.

Will I be able to get a work permit?

If the government takes more than 150 days to decide your case, you can apply for a temporary work permit. You may need to wait up to 30 more days before you receive the temporary work permit. If you caused any delays (for example, you asked the Asylum Office to reschedule your interview), you may have to wait longer before you can apply for a temporary work permit. If you are *granted* asylum, you are allowed to work legally and to apply for a Social Security card.