

Pro Se Manual:

Asylum, Withholding of Removal, and
Convention Against Torture Protection
for Survivors of Domestic Violence

Do you fear that you may be abused by your husband, boyfriend, or partner if you return to your country of origin?

If so, you may have a claim for protection from the United States government, granting you relief from deportation and the ability to remain in the United States.



CENTER FOR Gender & Refugee STUDIES

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While the intention of this manual is to help you prepare your own domestic violence asylum application, it does not provide legal advice. We therefore recommend that you seek legal consultation to discuss the particulars of your case to the extent possible.

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Section 1: Introduction

Who should use this manual?

Individuals who fear domestic violence in their country of origin

The information provided in this manual is intended for individuals, **in particular women and girls**, who are in the United States and who fear they will suffer harm in the form of **domestic violence** by an intimate partner (husband, boyfriend, partner) if they are forced to return to their country of origin. This fear may be based on abuse by an intimate partner that occurred in your home country. Or it may have occurred in the U.S., if the abuser is now in your home country or may soon return there.

This manual may be used by individuals in removal proceedings as a *defense* to deportation in immigration court, or by those who wish to *affirmatively* apply for asylum at the Asylum Office, bringing themselves to the attention of U.S. immigration authorities. Your immigration options, and the arguments you make to apply for asylum or other immigration options, may vary depending on your situation.

This manual aims to help individuals who do not have an attorney (“pro se”). However, if you have the opportunity, we recommend that you consult with an attorney or other legal representative about your particular circumstances if you can.

The immigration court website maintains a list of free legal service providers at this link:

<http://www.justice.gov/eoir/probono/states.htm>

What is domestic violence?

Domestic violence can take the form of physical, sexual, psychological, or economic abuse at the hands of an intimate partner, such as a husband, partner, or boyfriend. Domestic violence may also occur at the hands of a family or household member who is not an intimate partner – such as a parent, aunt, uncle, sibling, or in-law. Although this manual focuses on those who fear harm from another person with whom they have an “intimate” or romantic relationship, many of the same arguments apply to both situations, so this manual may still be helpful.

Who suffers from domestic violence?

Typically, domestic violence involves male aggressors targeting their female wives, partners, or girlfriends. Thus, this manual focuses on providing information for females applying for protection. However, domestic violence can occur in any relationship, including intimate relationships with partners of the same sex, and relationships involving individuals who identify as, or who are perceived to be, lesbian, gay, bisexual, or transgender. The information in this manual is relevant in those contexts as well.

What if I fear something other than domestic violence if returned to my country?

If you have suffered harm other than domestic violence in the past, and/or fear harm other than domestic violence in your home country in the future, for example harm resulting from a war or other conflict in your country, you should include information about these harms in your asylum application. This manual focuses only on how to build your domestic violence claim, so you may wish to consult additional asylum application resources for other types of claims or for general information about your immigration proceedings. However, you should include an explanation of all of the reasons you fear returning in your asylum application.

Links to other helpful resources:

- Florence Immigrant and Refugee Rights Project, Pro Se Resources
<http://www.firrp.org/resources/prose/>
- National Immigrant Justice Center, Know Your Rights Manual for Detained Immigrants
<http://www.immigrantjustice.org/know-your-rights-manuals-detained-immigrants>
- Political Asylum/Immigration Representation Project, Pro Se Asylum Manual and other resources
<http://www.pairproject.org/legalresource.php>

What if I have suffered from domestic violence in the United States?

If you have suffered domestic violence in the United States, you might be eligible for another form of immigration relief. For example, under the Violence Against Women Act (VAWA), spouses who have suffered domestic violence in the U.S. by a U.S. citizen or lawful permanent resident may be eligible for immigration protection by completing a Form I-360 application form, which does not require the abusive family member's consent or participation. Similarly, victims of crimes that occurred in the U.S. — in some cases including victims of domestic violence — may be eligible for a U-visa (U.S. Citizenship and Immigration Services Form I-918). Because this manual is specific to asylum applications for women who fear domestic violence in their country of origin, you should consult other resources for further information about other immigration options.

The Immigrant Legal Resource Center has some resources that might be useful if you think you may be eligible for VAWA or a U-visa:

- Information on VAWA
<http://www.ilrc.org/info-on-immigration-law/vawa>
- Pro Se Manual for U-visa Applicants in Detention (English and Spanish)
<http://www.ilrc.org/resources/pro-se-manual-for-u-applicants>

Stanford University has also developed a U-visa manual, available:

- in English here: <http://tiny.cc/t9gyvw>
- in Spanish here: <http://tiny.cc/aahyvw>

Section 2: Forms of Protection for People Fearing Domestic Violence in Their Home Country

What are asylum, withholding of removal and Convention Against Torture protection?

The U.S. government offers three related forms of relief to people who have been harmed and/or fear harm if they are returned to their country of origin:

- (1) **Asylum**;
- (2) **Withholding of Removal**; and
- (3) **Convention Against Torture (CAT) relief**.

The requirements for each form of relief are similar, but Withholding of Removal and CAT require different proof, so they can be harder to obtain than asylum and do not offer as much protection as asylum. This manual will focus on asylum, but the same application form and the same type of evidence is used for all three kinds of cases.

1. Asylum

Asylum is a form of protection offered by the U.S. government to individuals who have a “well-founded fear” of returning to their country of origin because they have been “persecuted” (harmed) in the past or may be persecuted in the future if they return because of their “race, religion, nationality, membership in a particular social group, or political opinion.” (Definitions for these terms are provided below.)

- **Domestic violence** is a recognized form of **persecution** (including physical, sexual, and/or psychological harm) for which a person may seek asylum in the U.S.

Individuals who are granted **asylum** are allowed to remain and seek employment in the United States. They may obtain legal status for their children under age 21 or for a non-abusive spouse to remain or join them in the U.S. Those granted asylum can later apply for permanent residence (a “green card”) and, eventually, U.S. citizenship.

2. Withholding of Removal

Withholding of Removal (referred to as “withholding”) is a legal protection that, like asylum, allows you to stay and work in the U.S. Withholding may be a good option if you are not otherwise eligible for asylum, for example, because you’re applying more than one year after your arrival in the U.S. and you do not meet one of the exceptions for the delay in filing (see page 14) or if you have reentered the U.S. after being deported. In order to qualify for withholding, you must show that it is *more likely than not* that you will face a “threat to your life or freedom” (in other words, persecution) in your country of origin because of your race, religion, nationality, membership in a particular social group, or political opinion.

- Unlike asylum, **withholding** does not provide an individual with a path to permanent residence or citizenship, nor does it provide a way for family members to join you in the U.S. It merely allows you live and work in the U.S. as long as the threat of harm in your home country remains.
- If, after being granted withholding, conditions in your home country change such that your life or freedom would no longer be threatened by your return, the U.S. government can seek to remove you from the U.S. Nonetheless, as long as a threat remains, individuals who are granted **withholding** will be allowed to live and work in the U.S.
- Individuals granted withholding will need to apply for renewals of work permits each year that they remain in the U.S.

3. Convention Against Torture (CAT)

Like asylum and withholding, the U.S. government may grant you CAT protection, allowing you to remain and work in the U.S., if you can establish that it is *more likely than not* that you will be **tortured** if removed to your country of origin (see page 17 for a more complete explanation of the elements you must prove). CAT might be the best option for you if, for example, you’re unable to show that the reason your abuser harmed you was because of one of the protected categories such as political opinion or membership in a particular social group.

- Like withholding, **CAT** does not provide a path for permanent residence or citizenship in the U.S., nor does it provide a way for family members to join you in the U.S. However, if you are granted protection under CAT, you will be allowed to work and live in the U.S. as long as the threat of torture in your home country remains.
- If, after being granted CAT protection, conditions in your home country change such that your life or freedom would no longer be threatened by your return, the U.S. government can seek to remove you from the U.S. Nonetheless, as long as the threat remains, individuals who are granted **CAT** protection will be allowed to live and work in the U.S.
- Individuals granted CAT protection will need to apply for renewals of work permits each year that they remain in the U.S.

Section 3: Eligibility

Can I apply for protection, and what do I have to prove?

Can I apply for asylum?

If you are present in the U.S., you can apply for asylum whether or not you currently have legal status to be in the United States. The deadline for filing an asylum application is one year from your last date of entry into the U.S. However, if you have been in the U.S. longer than one year, you can still apply for asylum, but you will need to explain the reason for your delay in filing (see page 14). Individuals who bring themselves to the attention of U.S. immigration authorities by applying for asylum at the Asylum Office are referred to as **“affirmative”** applicants. Those who apply for asylum after immigration authorities know they are in the country without status and authorities have already initiated removal proceedings against them, including those in detention, may also apply for asylum as a defense to deportation at the Immigration Court. These individuals are referred to as **“defensive”** applicants.

What do I have to prove to qualify for asylum?

You may be granted asylum if you can show that you suffered persecution in the past, or that you have a well-founded fear of persecution in the future, because of your race, religion, nationality, membership in a particular social group, or political opinion. In order to be granted asylum, you must explain how you meet each **requirement** for asylum described here:

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IMPORTANT NOTE: In August 2014, the immigration tribunal that reviews orders of deportation recognized for the first time that a woman can seek asylum on the basis of domestic violence. The decision is called *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014). We recommend that you reference this decision in your asylum application based on domestic violence.

1. Persecution

You must show that the harm you suffered in the past, or that you fear in the future, rises to the level of “persecution.” Domestic violence – which can involve physical, sexual, emotional, or economic harm, and/or the deprivation of liberty, food, housing, employment or other life-essentials – includes harm and suffering that can be considered persecution. It does not require that you suffer permanent injuries; however, showing injuries can help establish the presence of persecution.

2. Protected Categories

The persecution you suffered in the past and/or fear in the future must be motivated by a protected category. The 5 protected characteristics are race, religion, nationality, political opinion, or membership in a particular social group. In domestic violence asylum cases, the two most common categories are membership in a particular social group and political opinion.

Particular Social Group

While “gender” is not listed as a protected category, women who are targeted by intimate partners may be considered members of a particular social group. **A particular social group is a group of people that share** immutable (unchangeable) characteristics or fundamental characteristics (that are essential to an individual’s identity). These are characteristics that you cannot change or should not be required to change such as your gender, your sexual orientation, your tribal group, or your family. Women who have suffered domestic violence may be considered members of a particular social group that is defined by their gender and other traits that are immutable or fundamental; for example, a woman’s status in a relationship, her beliefs in opposition to male dominance, her nationality, her ethnicity, her tribe, or her religious affiliation. When describing a social group, you should list the characteristics that motivate your abuser to harm you.

In addition to being defined by immutable or fundamental characteristics (for example, gender, which is something that cannot be changed), social groups are generally required to have what is called “social distinction” and “particularity.”

- **Social distinction** requires that the group be perceived as a group in society. This can be established by showing that women in your country in situations like yours are treated differently than others. For example, you can show that once a woman enters a relationship, the man believes he has the right to treat her however he wants. You can also show that the group is visible by showing that the society, including the government, expects and tolerates this kind of abuse.
- **Particularity** refers to whether or not the group can be clearly defined, so it’s easy to tell who is in the group and who is not in the group. You can show this by explaining that it is easy to tell who is in a domestic relationship, for example, because there are laws that define domestic relationships and domestic abuse, and those laws cover abuse by boyfriends, spouses, and others.

The following are examples of social groups that have been approved by immigration judges in domestic violence asylum cases:

- Mexican women in domestic partnerships that they are unable to leave.
- Married women from Ghana who are opposed to male dominance.
- Women in El Salvador.
- Women of the Bulu tribe.
- Married Trinidadian women of Indian descent.
- Women in El Salvador formerly married to gang members.
- Members of the “Doe” family.

Political Opinion

For the purposes of a domestic violence asylum application, you may also be able to show that you were targeted for your **political opinion — or for an opinion the abuser thinks you have, even if the abuser is wrong**. You don’t have to be involved in politics to have a political opinion. A political opinion can include any strongly held beliefs; for example, if you are a feminist who opposes male domination or who believes in equality for women.

Other Protected Categories: Although particular social group and political opinion are the most common reasons why domestic violence is inflicted, race, religion or nationality may also be relevant. For example, a woman’s husband may beat her because she has different religious views, such as more liberal views of Islam. In one case, a Nigerian Christian woman was granted asylum based on abuse she suffered at the hands of her husband, which began after his conversion to another religion and her refusal to convert. You should include all protected categories that are relevant.

3. On Account Of / Reason for the persecution

It is not enough to show you have suffered persecution in the past or fear persecution in the future and that you are a member of a particular social group or hold a political opinion. You must also show that the persecution you suffered in the past or fear in the future is *because of* your membership in a particular social group or your political opinion, or because of one of the other protected categories: race, religion, or nationality. In other words, you must show that your abuser was/is **motivated to harm you because of** your race, religion, nationality, political opinion, or membership in a particular social group, or because the abuser believes you are a member of the group. For example, the abuser may believe you are lesbian and harm you as a result even if you are not actually lesbian. If there is more than one reason that your abuser harmed you, list all reasons in your application.

You can show the causal connection between the abuse you suffered or fear and 1 of the 5 protected categories by looking to specific things the abuser said that indicate his motive, such as “you are my woman and I can treat you however I want.” You can also establish the connection between domestic violence and your race, religion, nationality, political opinion, or membership in a particular social group by looking to the general societal attitude about domestic violence in your country and showing: Who is targeted for domestic violence? Is it pervasive within a particular religion, for example? Are domestic violence and other violence against women considered acceptable? Do victims receive protection from the government in your country?

Note of Caution: “On account of/reason for the persecution” is one of the most complicated elements to prove, and some judges may consider domestic violence as merely a personal issue or something caused by a crazy or drunk abuser. You should be aware of this and address it by highlighting the reasons you believe that your abuser harmed you that are related to your gender, your status as his wife or partner, or other characteristics that you possess.

4. Inability / Unwillingness of Your Government to Protect You

For the purposes of asylum, when a persecutor is a private individual (and not a government official), you must also show that your government is unable or unwilling to protect you from the individual. If a country does not have any laws to protect you (for example, if your country does not recognize that rape by a spouse is illegal), this can help prove that it is unable and unwilling to control your abuser. Even if your country has laws that protect you, you can still show that the government is unwilling or unable to protect you because the government fails to implement or follow the laws (for example, because there is still a lot of violence against women and the government doesn't prosecute many cases).

If you suffered harm in your home country, you must show either that:

(a) **You reported abuse** to the police or other government authorities and no one helped you; or

(b) **You did not report** because reporting abuse would be:

1) **futile (ineffective or pointless)** because the government would not do anything to protect you; and/or

2) **dangerous** because it would put you at risk for harm by your abuser in retaliation for reporting or at risk for harm by the government authorities for having reported.

If you did not suffer harm in the past, but fear harm in the future, you have to show that the government would not protect you in the future. One way to show this is through examples of other women you know from your country who were abused and whose reports to police or requests for help did not result in protection. Another way to show this is through reports or articles that talk about how the government does not protect women in situations similar to yours.

5. Well-Founded Fear

The sections above discuss the requirements for showing that the domestic violence you have suffered or fear is severe enough to be considered persecution, that the government is unable or unwilling to protect you from it, and that the domestic violence is on account of (or motivated by) by your race, religion, nationality, membership in a particular social group, and/or political opinion. In addition, you will need to prove that you have a well-founded fear of persecution if you now return to your home country. A “well-founded fear” of domestic violence can be established based on either past persecution, or on a fear of future persecution, or both.

(a) Past Persecution

If you were persecuted in the past, the decision makers will presume that you will suffer persecution in the future. However, the U.S. government may argue that the presumption of future persecution is no longer valid because of **changed circumstances** (for example, your abuser is no longer alive, or there is a new government in your country who can protect you) or because you could **relocate** in your country to avoid persecution and it would be reasonable for you to do so.

(b) Fear of Future Persecution

To establish a “well-founded fear” of persecution based only on future persecution, you have to show two things: 1) that you actually fear persecution in the future, and 2) that your fear is objectively reasonable to others. A fear of future harm is “well-founded” for purposes of asylum if you can show there is a 1 in 10 (or 10%) chance of the harm happening. For withholding, you have to show that the persecution is *more likely than not* (or a 51% chance).

- **Subjective fear** (your personal fears)

This means that you have a genuine/true fear that you will be subjected to domestic violence if you return to your home country. When you sign your personal declaration, you are swearing that the information you provide in the declaration is true, including that you truly fear harm.

- **Objective fear** (reasonableness of your fears)

This means that other people would also fear returning to their home country if they were in a situation similar to yours. You can show that your fear is objectively reasonable by providing examples of others who are or were in a situation similar to you, and have suffered as you have.

6. Inability to Relocate Within Your Country of Origin

The U.S. government may suggest that your fear of persecution is not well-founded or reasonable because you could relocate to another city or region of your home country to avoid the persecution. Relocation has to be both safe and reasonable. For this reason, you should explain why it is not safe for you to move anywhere else or, even if it would be safe, that it would not be reasonable for you to relocate.

- **It might not be safe for you to relocate** if, for example, your abuser would easily be able to find out where you are and police protection is lacking in that region.
- **It might not be reasonable for you to relocate** if health, social, political, or economic issues prevent you from being able to provide for yourself in that region, or for example, because: you require medical or psychological care and cannot receive it if you relocate; jobs are unavailable to unmarried women; you will not have family to care for your children in another region and child care is unavailable; or there are other forms of threat – such as war or gang violence – in other parts of your country that are away from your abuser.

Humanitarian asylum: Protection in the United States may be available to you if you suffered persecution in the past but you no longer have a well-founded fear of persecution in the future because, for example, you can relocate in your home country or your abuser is no longer alive. “Humanitarian asylum” can be granted if you can show either:

(1) that the persecution you suffered was **severe** and makes you unable or unwilling to return to your country. For example, if the psychological trauma of returning would be great and/or it would be difficult to find work or a place to live; or

(2) it is possible that you will suffer **“other serious harm”** if you are returned to your country. For example, even if your abuser is no longer alive, you may still fear other kinds of violence such as general violence against women in your country, or harm related to war or other conflict. Some women have been granted asylum on this basis because they are in need of psychological care that they are receiving in the U.S. but would not receive if returned to their country. For humanitarian asylum, you don’t need to show that the other serious harm you face is “on account of” one of the five protected categories.

7. Discretion

In addition to meeting the requirements set forth above, you must be found to be deserving of asylum. You can demonstrate that the judge should grant you asylum by showing that you are a responsible person, for example, someone who cares for your community, attends school or church, or performs any other good deeds. If you have been convicted of a serious crime in the past, you should show that you are rehabilitated and will not get into any more trouble with the law.

Possible Bars or Barriers to Asylum Eligibility

One-Year Application Deadline

Even if you meet the criteria for asylum, there may be other circumstances that make you ineligible. A common reason that a domestic violence asylum applicant may be ineligible for asylum is because she failed to apply for asylum **within one year of her most recent arrival in the U.S.** This is known as the “**one-year deadline**.” Those who do not file within one year are barred from receiving asylum.

Exceptions to the One-Year Application Deadline

If you have been in the country for more than one year since your most recent arrival, you may still be eligible for asylum if you can demonstrate that one of the exceptions applies to you. To do so you need to show (1) that “extraordinary circumstances” prevented you from filing within one year of your last arrival, and/or (2) that “changed circumstances” have now made you eligible for asylum. You must also show that you are applying within a reasonable timeframe of the changed or extraordinary circumstance (usually within six months).

(1) Extraordinary Circumstances

Certain circumstances, such as a physical or mental illness or physical restraint, that prevented you from applying for asylum within the first year after your arrival in the U.S., may allow you to overcome the one-year bar.

- **Ongoing Abuse** — If you were in an abusive relationship in the U.S. that made it difficult for you to apply for asylum within one year of your last entry, this can be considered an “extraordinary circumstance.”
- **Mental or Physical Disability** — Victims of domestic violence often suffer from Post-Traumatic Stress Disorder (PTSD), depression, or other psychological disorders, which affects their ability to file for asylum within a year. If this applies to you, you should try to obtain a statement from a mental health professional (such as a psychiatrist or psychologist) explaining that you suffer from such a disorder, and how this disorder caused the delay. However, if you believe you suffer from PTSD or depression or another mental illness that resulted in your failure to file an asylum application within one year of your arrival in the U.S., you should mention this in your application even if you do not have a formal diagnosis. You can discuss how the abuse has impacted your life and prevented you from filing sooner. For example, you could show that you have nightmares or flashbacks from the abuse, difficulty trusting men, or stressful feelings when asked to recall your abuse.

- **Incarceration** — If you were detained by immigration authorities in the U.S. within one year of your arrival, and you did not have the opportunity to see an immigration judge before the one-year deadline to file for asylum, then you may be able to show that the delay in filing was not your fault, but due to extended incarceration and lack of access to the application.
- **Minors** — If you were a minor (under 18 years old) when you entered the U.S., this may be considered an “extraordinary circumstance.” Explain how old you were when you entered the U.S. and how old you are now. If you were in government custody because you were an unaccompanied minor and separated from your parents, explain that as well. If you are now over 18 years old and it has been more than one year since you last arrived in the U.S., explain why you did not apply for asylum when you were younger.
- **Bad Legal Advice** — If you received bad legal advice from an attorney — for example, your prior attorney did not advise you to apply for asylum before the one-year deadline passed even though you are eligible for it — this may be considered an “extraordinary circumstance.” Explain in detail the advice the attorney gave you, when you learned that the advice was bad, and how that caused your delay in filing for asylum.

(2) Changed Circumstances

If something happened either in the U.S. or in your country *after* you were present in the U.S. for more than one year that now makes you afraid of returning, this would be a “changed circumstance” that may allow you to overcome the one-year bar to asylum eligibility. For example:

- **Relocation or Reappearance of Abuser** — A “changed circumstance” could be that your abuser was deported back to your home country, and you fear that he would harm you if you also returned. A changed circumstance could also include, for instance, the reappearance of an abuser renewing his threats to harm you or your family.
- **Changed Country Conditions** — Another example of a “changed circumstance” could be the existence of a new government in your home country that doesn’t protect women from the harm you fear.
- **Religious Conversion** — If you have made a religious conversion that would make you at risk for abuse, this could be a changed circumstance.
- **Other Circumstances** — For example, if you re-marry or have a child with a new man, this could be a circumstance that reignites threats from your abuser.

You must file your application within a reasonable period of when the extraordinary or changed circumstances occur. A reasonable period is usually six months. Even if you do not file your application within six months of the extraordinary or changed circumstances, you should explain why it was not possible for you to file for asylum earlier and why your delay was reasonable in light of your circumstances.

Other Bars

You may also be ineligible for asylum or withholding if you have committed or been convicted of certain crimes, harmed members of a protected group, represent a danger to the security of the U.S., have previously been denied asylum, or are found to have been given an offer of permanent residence in another country. For example, some domestic violence victims may have received a conviction for an action they took out of desperation to escape the abuse or that they were forced to do by the abuser. Most of these same bars apply to withholding of removal. However, even if you are ineligible for asylum and withholding, you may still be eligible for CAT or another form of protection.

Because of the potentially serious consequences of failing to properly address a crime or conviction in your asylum application, it is very important to speak with a legal representative about applying for immigration status if you have committed or been convicted of a crime or caused harm to another person of a protected group in the U.S. or abroad.

If you are unable to obtain legal consultation, you can look to other materials for further explanation regarding the bars. For example, the Florence Project manual is available at this link:

<http://www.firrp.org/media/HowToApplyForAsylumWithholding-en.pdf>.

If you are in **immigration detention**, you can also attend Know Your Rights trainings at your detention center to ask questions.

Convention Against Torture — What Do I Need to Prove?

To be granted CAT protection, you must establish that it is **more likely than not** that if you return to your country, you will be **tortured** either by a government actor or with the consent or **acquiescence** of the government. The evidence that you submit to prove the elements for asylum and withholding is very similar to the evidence for CAT, but it is not the same. If you apply for CAT, you should be aware of the differences.

- To be granted asylum, you have to prove that you have a well-founded fear of being harmed in the future, which means a 10% chance. For CAT, you have to prove that the likelihood you will be harmed in the future is “**more likely than not**,” or a 51% chance. You can prove this by showing why you are specifically at risk. This can be shown by proving you were persecuted in the past as well as through documents that talk about conditions for women in your country, such as the rates of violence against women.
- **Torture** is a form of cruel and inhumane treatment that intentionally inflicted to cause severe pain or suffering (physical or mental) on a person, in order to coerce, punish, or intimidate them. Rape and other sexual violence has been considered torture, as have other forms of physical violence such as beatings, burning, stabbing, and enslavement.
- If you fear torture by a nongovernmental actor, **acquiescence** – or tolerance – of torture by your government can be shown when the government knew or should have known that domestic violence was occurring, but failed to prevent it or respond to it when women reported it. If you reported an incident of domestic violence and the state failed to respond, this would help to show that the government would acquiesce to your torture again in the future. You can also discuss examples of other women you know who sought protection from the government but the government failed to respond.

Personal Declaration and Country Conditions Documentation

It is important that you establish all of the elements for asylum, withholding, and CAT protection by writing a personal declaration to support your application. The format of such a declaration and how to incorporate these elements are detailed in Section 4 of this manual. In addition, it is very important to provide country conditions documentation to support your claim, as described in Section 4. This may be difficult to obtain, especially if you are in detention, so we provide a list of resources on page 31 that can help with country conditions information.

Section 4: Applying

How do I prepare my application?

Checklist of items you will need to submit to the U.S. government to be considered for protection:

- (a) U.S. Citizenship and Immigration Services (USCIS) Form I-589 **(required)**
- (b) Photocopies of identity documents such as birth certificates, passports and driver's licenses **(required)**
- (c) One passport photo **(required)**
- (d) Personal Declaration Explaining Fear **(highly recommended)**
- (e) Application Support Materials **(recommended, if available)**

Submit the **originals and two additional copies** of the above documents to the government, and keep one copy of the documents for yourself.

(a) Application Form I-589

The U.S. Citizenship and Immigration Services (USCIS) is a government agency that issues immigration forms and instructions. To apply for protection in the U.S., you will need to fill out Form I-589, Application for Asylum and Withholding of Removal. The same form is used for all three forms of protection: asylum, withholding of removal, and CAT protection.

Where can I obtain a Form I-589?

- **Online:** Application form available at <http://www.uscis.gov/files/form/i-589.pdf>
- **By Phone:** Asylum seekers in detention centers and jails may call the Office of the United Nations High Commissioner for Refugees (UNHCR) collect at **1-202-296-5191** or toll-free at **1-888-272-1913** on Monday, Wednesday, and Friday, 2-5 p.m. (Eastern Standard Time) to request an application.
- **In Person:**
 - *Immigration Court:* If you are scheduled to appear in immigration court, the immigration judge presiding over your case will provide you with an asylum application.
 - *USCIS Field Office:* You can call USCIS Customer Service for information regarding the nearest office for the immigration service at **1-800-375-5283**.

Tips for Filling out Form I-589

- **Before you begin!**

Before you begin filling out your Form I-589, Application for Asylum and Withholding, you should carefully read the government-issued instructions.

These **instructions** can be found online at <http://www.uscis.gov/files/form/i-589instr.pdf> or can be requested by phone or in person at the same time you receive the application.

- **Fill out the form completely and accurately.**

Take care that any information filled out or described in the application form is consistent with your personal declaration (see page 21). Inaccuracies in your application and inconsistencies between your application and declaration (and your testimony at the asylum interview or before the immigration judge) can be used to show that you are not telling the truth and may result in your application being denied.

- If you do not have information to provide in a particular field of the application form, write “N/A” to indicate that the question is Not Applicable, meaning it does not apply to you. Do not leave fields blank unless instructed to skip them.
- If you do not know a date requested or an address, do not make one up. Simply state that you do not know or remember when an incident occurred, or if you can remember a month or season and year, state this information instead.

Are you receiving help with translation?

If you rely on the help of other persons to translate the asylum application for you, for example other detainees, it is very important to tell the asylum officer or the immigration judge at the beginning of your interview or hearing that you did not understand the application and you had to get help from someone else.

What information will I need to provide in the Form I-589?

The asylum application is divided into four parts:

— Part A, information about you, your family, and your background

In this section, you will primarily be filling out information as requested. You should also state whether you would like your application to be considered under the Convention Against Torture. If it is more likely than not that you will suffer domestic violence if you return to your home country, you should check the corresponding box for CAT on the application.

- It is important to list all of your children in this section of the application, because they may be able to benefit from your asylum claim whether or not they are in the U.S. If there is not enough space to list all of your children in this section of the form, fill out as many supplementary forms as you need at the end of the application.

— Part B, information about your application and why you are seeking asylum

In this section, you should answer the questions as accurately and completely as possible. If you are able to write one, you should also refer to the Personal Declaration that you are allowed to submit with the application form when answering these questions. For example, you can write “see personal declaration” in this section. Page 21 will provide further information about writing a Personal Declaration.

— Part C, additional information about your application

In this section, you will provide information about any circumstances that might prevent you from being granted asylum (such as more than one-year presence in the U.S., or a criminal conviction), and provide explanations about why those circumstances should not bar you from a grant of asylum. Like in Part B, you should refer to your Personal Declaration to provide further information about these circumstances if possible.

— Part D, your signature.

Your signature confirms the truth and accuracy of the information you provide in your application.

(b) Personal Declaration Explaining Fear

What are the contents of my personal declaration and what should be the order?

Submitting a personal declaration is an important part of your asylum application. There is no specific formula for your declaration. The most important thing is that you tell your story in a clear and compelling way that explains why you fear going back to your country. We recommend that you write your declaration in a chronological order as best as you can.

The list of statements in your Personal Declaration should address each of the requirements of your asylum claim that were discussed on Page 8, including: (1) persecution; (2) protected category; (3) the reason for the persecution; (4) the inability and unwillingness of your government to control your abuser; (5) your well-founded fear; (6) your inability to relocate within your home country; (7) an explanation for any of the applicable bars to your application, and (8) finally, why you should be granted asylum in the discretion of the judge.

Suggested Order

We recommend that you tell your story in the following order. Although this is not the only way to tell your story, it will help organize the story for you as well as for the judge or asylum officer:

A. Overview	22
B. Background Information	22
C. Conditions in your Country	23
D. Harm Suffered in the Past	23
E. Harm Feared in the Future	26
F. Inability to Relocate	27
G. Leaving Your Country and Traveling to the U.S.	27
H. One-year Bar or Other Bars Explanation (if applicable to you)	28
I. Discretion	28
J. Signature	29

A. Overview

It is helpful to provide an overview at the beginning of your declaration explaining who you are, where you are from, and the reason why you fear returning to your country. You should also clearly identify the protected category that is the reason your abuser is motivated to harm you.

Sample Overview

1. My name is [name] and I am a [age]-year-old woman from [country]. I suffered domestic violence at the hands of my [husband, boyfriend, or partner] on account of my membership in the particular social group [insert group, e.g. married Mexican women unable to leave the relationship] and my political opinion [insert opinion, for example, feminist]. I fear that I will be harmed or killed by my [husband, boyfriend, or partner] if returned to [country] and that my government cannot and will not protect me.

B. Background Information

In the first section of your declaration, you should provide information about your personal and your family history. You should also provide information about your current and past relationships, and identify any children you have.

Sample Background

2. My name is [name].
3. I was born on [date of birth], in [city, country], and I am a citizen of [country of citizenship].
4. I am from/grew up in/lived in [region within country that you consider yourself to be from].
5. My parents are [mother's name, father's name].
6. I am a member of [tribal/racial/religious affiliation].
7. I am [married/unmarried/divorced/in a partnership], and my [partner's/husband's] name is [husband's/partner's name.]
8. I was married on [date].
9. I was divorced from my [husband/partner] on [date.] [Or, we are still married, but we separated on date].
10. [Provide any other information about your domestic status, for example, whether or not your divorce is recognized or available in your home country.]
11. I have [number] children. [Provide the age and name of each child, and father of each child if known.]
12. [Provide any other information about family members that may play a part in your story.]

C. Conditions in Your Country

Describe the conditions in your country generally. How are people like you — for example, women — treated in your country? How common is domestic violence? What is society's and the government's attitudes about domestic violence? This will help support the statements you make about the connection between who you are and the harm you suffered as a person belonging to a protected group. In addition to describing what conditions are like in your country generally, you can also describe what life has been like for other women you know.

Sample Country Conditions

13. In my country, the following conditions exist [general economic, political, and/or environmental conditions that exist].
14. Women who are [identify your particular social group—such as women in domestic relationships who are unable to leave] are treated like [describe treatment].
15. It is common for men in my country to treat women [identify particular social group] like [describe treatment.]
16. It is common for government officials in my country to treat [members of the particular social group], like [describe treatment].

D. Harm Suffered

In this section, you should describe in detail information about the domestic violence *you* have suffered. Abuse of your children, or threats by husband/partner that he will harm your children or limit your access to your children can also be evidence of gender-motivated persecution and should be described in your statement.

While it may be difficult to recount details of abuse, providing as much information as you can about the physical and emotional harm you have suffered will help the asylum officer or judge understand why you fear returning to your home country. It is helpful to explain the events in chronological order to the extent possible. When describing past incidents of harm, you should include answers to the following questions:

- **What happened?** Explain incidents of harm to you or your children in as much detail as possible, including any **injuries** or **emotional trauma** you or your children suffered. This may include physical beatings, threats of beating, sexual assault, being required to have sex when you did not want to, or being threatened with sexual violence to manipulate you in another way. You can describe **individual incidents** (for example, one particular beating that you remember distinctly) and you may also describe **patterns** of abuse (for example, what your life was like in general).
 - » **Reminder:** If you cannot remember specific details of your abuse, that is okay! If you cannot remember whether the details you recall are from one single incident or from many separate incidents, it is better to describe what you remember. You can explain that you're not sure whether the thing you remember was part of a single incident or a series of incidents, but you are sure that it happened.

Sample Harm Suffered

17. I experienced [beatings, rapes, and other harms] frequently in my relationship. These are some specific examples that I remember.
18. On [date], my [husband/boyfriend/partner] did [description of harm inflicted, include injuries suffered.] [Repeat for each incidence of violence.]

- **Why it happened?** In addition to describing each incident of harm you suffered, you must explain why you believe your abuser targeted you for abuse. To do this, talk about your specific case as well as the reasons for domestic violence in your country more broadly.

Your Experience

- » This could include a description of the specific statements made by your abuser before, during, or after an attack. It could also include the circumstances surrounding the attack (for example, he might hit you after you refuse to do something that he has ordered you to do, or after you express your opinion about your rights, or he might tell you what he thinks of women generally, for example, that they are only there to serve men).

Domestic Violence Generally

- » You could also explain the general reasons that people who are members of the protected group with which you identify (such as married women of your race or ethnicity), are targeted by husbands or men as subjects of domestic violence. An example of this might be that you come from a country where women are generally viewed as a class of people who are subservient to, or are considered the property of, men. Another example could be that you are a liberal female, a feminist, or otherwise identify with a particular political ideology for which women like you are frequently targeted by husbands, or other male family members, in the form of domestic abuse.

- **What were the consequences?** Although you do not need to show that you suffered any permanent injuries as a result of the domestic violence, if you did suffer any injuries (physical or emotional) as a result of the abuse, you should describe this in your declaration. You should also explain here whether you went to the hospital or other medical clinic after any incidents of abuse, and the type of treatment you received. If you have any medical records or photographs of any scars from the abuse, you should include those with your application. You can also include an explanation of the long-term effects of the abuse on your emotional state, for example, whether the abuse has made you fear men and have bad dreams about the abuse.

Sample Harm Suffered Continued

19. I know that my [abuser] hurt me because of my status as a [identify your particular social group, such as women in domestic relationships who are unable to leave], because at the time that he harmed me, he said, “[words said to you by your abuser].”
20. Frequently, when my abuser harmed me, he did so because of my [explain reason your abuser harmed you – for example, gender and religion].
21. I know that my [abuser] hurt me because I am his [wife/girlfriend/partner], because it is considered acceptable in my country for men [or other status of abuser] to abuse their wives because husbands are considered to “own” their [wives/girlfriends/domestic partners/mothers of their children].
22. It is generally acceptable in my society for husbands to treat wives as servants who may be beaten in order to establish their dominance.
23. After the incident, I did/did not go to [include whether you went to the hospital or any other medical clinic and the treatment received. If you did not seek medical attention, explain why not.]

- **Was the government able to protect you?** After describing an incident (or pattern) of abuse, you should say whether or not you reported the abuse to the police or other government authority.
 - » If you sought protection from the police or a government agency in your home country to protect you from your abuser, explain who you reported to, and what occurred after your report. For example, explain what type of help you were offered, if any, and whether you were further harmed or mistreated because of your report, either by the authorities who received the complaint or by your abuser in retaliation.
 - » For the purposes of your asylum claim, there is no requirement that you report past incidents of domestic violence to police or other authorities in your home country. However, the asylum officer or judge may ask you why you didn't. If reporting abuse was not an option for you – for example because you know that police do not do anything to help people like you who suffer from domestic violence, or because reporting to police would have been dangerous – you must explain why you didn't think the police would help or why doing so would have subjected you to further harm.
 - This can include mentioning specific examples of cases where other domestic violence victims that you know of reported to the police, who ignored them, or how it is well known that the police do not respond in these kinds of cases. You can also discuss whether the police or other authorities do not help if the victims are from a minority group such as an indigenous tribe.
- **Harm suffered other than domestic violence:** If you suffered harm other than domestic violence, this harm should also be discussed in your application for asylum and should be listed in your personal declaration.

Sample Harm Suffered Continued

24. After the incident, I did/did not seek protection [include whether you went to the police or government authority and, if not, why not].
25. After I reported the abuse, the police [describe the action the police took or did not take and what they said to you. For example: The police did not write down any notes about my report, and after I finished telling them what had happened, they instructed me to return home. The police did not speak to [abuser], and did not do anything to assist me. The police said they would follow up, but I never heard from them again].
26. [Repeat format for each incident of violence that you can recall.]

E. Harm Feared in the Future

When you have been persecuted in the past, the U.S. government assumes that you will be harmed in the future. However, the government can argue that there is no longer a reason for you to fear harm in the future because conditions have changed or relocation is possible. Even if you have not suffered harm in your country in the past, you can still qualify for asylum if you can prove that it is likely you will suffer persecution in the future. Therefore, whether you have suffered harm in the past or not, it is important that you explain why you have a fear of future persecution if returned to your home country. When explaining your fear of future harm you should describe:

- **Who you are afraid of:** Here, you should explain who you fear in your country if returned, for example, your abuser. If you are afraid of harm from others, including other individuals associated with your abuser, that information should be included as well.
- **The type of harm you fear:** As above, you should explain the type of abuse that you fear – whether it will be physical, sexual, emotional, or economic abuse. You should explain generally here what you think your life would be like if you return to your country. This includes the specific types of harm that you think your abuser would inflict on you and why you think he would do so. You should also include information about whether you think your children will be at risk for abuse.
- **Why this harm happened to you:** Here, you can explain why you think your abuser will inflict this harm. For example, to help show the causal connection between the harm and a protected category as explained above, you could explain that you believe your abuser will harm you because you are his wife, girlfriend, or partner and such abuse is tolerated in your country.
- **Whether your government will be able to control your abuser:** You should explain whether you believe that the government would be able and willing to protect you from the domestic violence that you fear. For example, you could include information here about any stories you have heard from women you know or from the news that show the police do not help women in your situation.

Sample Harm Feared in the Future

27. I fear that if I return to my home country, I will continue to be abused by [abuser].
28. I fear this because my abuser harmed me in the past and protection from my abuser was unavailable to me then. I have no reason to believe protection will be available to me now if I return.
29. It is reasonable for a [person of your protected group] to fear domestic violence in my country because domestic violence against us is socially acceptable and common.
30. I know of other women, including [family members or friends] in my country who have been abused by their [husbands/spouses/domestic partners/boyfriends]. No one would help them, and as far as I know, they continue to suffer from domestic violence.

F. Relocation and Changed Circumstances

You should explain whether government protection is available in another part of the country, whether your abuser would find you if you moved, and how you think he would find you. Even if government protection is available to you in another part of your home country, you can explain why it would be unreasonable, given your circumstances, to move to another part of your country. For example, it might be unreasonable to expect you to move because there are no jobs in safe parts of the country and you would be unable to support yourself and any children if you moved there; because there are other forms of threat – such as war – in other parts of your country; or because you have no family and friends in other places and it would be dangerous for you to live alone.

If you fear harm other than domestic violence: If your fear of persecution is based on something other than domestic violence, these fears and harms should also be discussed in your application for asylum, and should be listed in your personal declaration.

In addition, in this section, you can explain why you should not be forced to return even if it is reasonable for you to relocate or even if there are changed circumstances that reduce the risk of abuse (for example, if your abuser has died). This is what is discussed above in the section on “humanitarian asylum” (see page 13). You can explain why the harm you suffered was so severe that it would be detrimental to return to your country, and/or explain that even if you might not be subjected to the same harms that you escaped, you might be subjected to another form of harm.

G. Leaving Your Country and Traveling to the United States

You will next want to provide information about your decision to leave your country and **how** you traveled to the U.S. (for example, by plane/bus/boat/foot) and **when** (the date) you arrived. If you do not have any evidence to prove when you last left your country and last entered the U.S., you should describe your journey in detail and include information about the dates and how/why you remember the particular dates (for example, you might not remember the exact date, but you might remember that you left after Christmas and entered the U.S. before New Year’s Eve).

You should also provide information about any previous entries to the U.S. and, if you returned to your country after a previous departure, explain the reasons why you went back and whether you suffered any harm when you returned.

Sample Relocation and Changed Circumstances

31. I will not be protected if I move to another place in my country because when I tried to do this on [date of attempted flight], my abuser’s brother found me and forced me to return home. [If you have tried to leave before, explain the reasons why your attempt to leave failed.]
32. Because women are not allowed to work without the permission of their husband in my country, I cannot support myself if I attempt to live away from my husband and his family.
33. I have no family or friends in other cities in my country and it would be dangerous for me to live alone.
34. The abuse I suffered was so severe, the thought of returning anywhere in my country gives me great anxiety and I believe it would have a negative impact on my mental and physical recovery.
35. If returned to my country, I am also scared that I would suffer [other types of harms, like violence against women in general, civil war, gang violence, or other dangerous circumstances].

Sample Leaving Your Country and Traveling to the United States

36. On [date], I left [country] by [method of transport, for example, foot/bus/car/plane].
37. It took [number of days or weeks] to arrive in the United States.
38. [Describe the journey from your country.]
39. I arrived in the U.S. on [date].
40. [Describe where you went when you entered, for example, I was stopped by the immigration service and taken to detention. Or, I crossed the border and went to meet with family in Houston, Texas.]

H. Bars to Asylum: One-year deadline and other bars (if applicable)

To qualify for asylum, you must prove that you are applying for asylum within one-year of your last arrival to the United States (see pages 14-15). If you have been in the United States for one year or more without having applied for asylum, you will need to explain (1) the changed or extraordinary circumstances that caused your delay, (2) **how** your changed circumstances affected your eligibility for asylum, or how your extraordinary circumstances caused your delay in filing for asylum, and (3) that your delay was reasonable given your circumstances. For example, if your reason for delay is related to your mental or physical health, you should describe what your physical or mental health condition is and how your health condition caused the delay. If possible, you should also submit reports from medical providers to support your health-related claim. A lack of knowledge that asylum exists is generally not considered a valid excuse for failing to meet the one-year application deadline.

In addition to the one-year deadline, you should also address other potential bars in your case, for example, criminal convictions. If you have criminal convictions, it is important to show that you have rehabilitated or changed and that you will no longer get into trouble with the law.

Sample Bars to Asylum

41. Since coming to the United States [state whether you have returned to your country, what happened while you were there, and why and how you came back again].
42. Although I last arrived in the United States on [date of arrival], I am applying for asylum only now because [extraordinary circumstance prevented me from doing so OR changed circumstances impacted my ability to apply for asylum].
43. [Describe if you have suffered from a physical or mental illness, or any other extraordinary circumstances, since arriving in the United States that made it difficult for you to discuss your abuse, or your abuser has recently been (or will soon be) removed from the U.S. back to your country of origin where protection is unavailable.]
44. [Insert extraordinary circumstances] caused delay because [explain relationship between circumstance and delay]. I applied for asylum as soon as I could after this occurred.
45. It is common for others who suffer from [circumstance] to be hesitant to to apply for asylum, so my delay is reasonable.
46. [Include information here that explains any of the other potential bars to asylum, such as criminal convictions. Explain how you have changed.]

I. Discretion

In this section, you should describe why you are a responsible person who should be granted asylum.

Sample Discretion

47. I am deserving of asylum in the exercise of discretion.
48. I am a responsible, community-minded person. I attend [school/church/other community event].
49. [If you have children in the U.S., give their ages and explain what you do to help them.]
50. I have not committed any crimes or harmed anyone else in the United States or [your country].
51. I am a hard worker and hope to contribute positively to society.
52. [If you have committed a crime, explain [why you still are deserving of asylum – for example, because it was years ago and you have changed since then, have responsibly held down a job and raised a family since then, and so forth.]

J. Dated signature declaring that the information you have described is accurate and true.

Once you have completed your story, you will need to add a final line to your declaration to affirm that you have told only the truth about what has happened to you, and why you fear returning to your country of origin. It is important that you sign and date this statement, and include your printed name under your signature.

Sample Signature

53. "I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief."

_____, _____
[Signature] [Date]

[Your Printed Name]

(c) Application Support Materials

Your asylum application and personal declaration, in addition to your testimony at an asylum interview or testimony before an immigration judge, may be enough for an asylum officer or judge to approve your application. Nevertheless, supporting documentation can strengthen your application significantly. Some judges may ask you to provide supporting documentation, so you should provide if it is reasonably available to you. If it is not reasonably available to you, you should explain why you cannot get it.

You should submit *copies* of the following documents. Do not submit originals. However, you should be sure to keep all of your original documents and bring them with you to your interview or hearing because you may be asked to present them.

1) Personal Identification Documents

Provide any (or all) of the following, including an English translation (if you can get one) of any documents that are not in English:

- Your birth certificate
- Your passport
- Your driver's license
- Any other form of government issued identification (including school records)
- Marriage certificate(s)
- Divorce certificate(s)
- Children's birth certificates

2) Travel Documents

- Receipts or other documents (such as school records, pay stubs, or medical records) that show when you were last in your country of origin
- Plane or bus ticket showing your date of departure from your home country
- Customs declaration or other evidence showing your date of entry into the U.S.
- Other dated documents that confirm when you arrived in the U.S. (including affidavits of family and friends)

3) Documents that Support Your Claim

Medical Information

(Related to the abuse you suffered)

- Records from hospital or doctor's visits after an incident of abuse in your home country
- Records from any doctor or psychologist in the United States
- Photos of scars or other permanent injuries from abuse suffered

Police Reports

(Related to the abuse you suffered)

- Records from any reports made to the police or other government agency regarding abuse in your home country
- Photos or information collected before or after an incident where your abuser attacked you

Other Evidence

- Anything else that could help to prove any part of your declaration or story, for example: school records, work records, or rental agreements.

4) Affidavits of others who can support or corroborate your claim

Signed and dated affidavits from friends and family members who witnessed or learned about the domestic violence you suffered. It is okay if the affidavit is handwritten. If the affidavit was mailed to you, you should also keep the envelope the letter arrived in, in order to show its authenticity.

Note: Statements from family, friends, and other witnesses should be consistent with your own statement and should provide specific information when possible. A statement that simply says that you suffered harm and should be granted asylum without providing any more specifics that corroborate your claim is not as helpful.

5) Country Conditions Information:

Various nonprofit organizations and government agencies prepare reports on conditions in other countries, and these reports can be found online through the following sources, among others:

- Center for Gender & Refugee Studies, <http://cgrs.uchastings.edu/>
- United Nations High Commissioner for Refugees, www.refworld.org
- U.S. Department of State, <http://www.state.gov/>
- Canadian Immigration and Refugee Board, <http://www.irb-cisr.gc.ca/Eng/ResRec/NdpCnd/Pages/ndpcnd.aspx>
- Amnesty International, <http://aiusa.org>
- Human Rights Watch, <http://www.hrw.org/>

If you are in **immigration detention**, you can call the Center for Gender & Refugee Studies for reports on country conditions at 1-415-565-4877.

(d) Filing your Application

Affirmative Applicants – Asylum Office

You should refer to the Form I-589 instructions (see page 19) to determine how to gather the parts of your asylum application, as well as to determine where and how to submit your asylum application to the Asylum Office.

Defensive Applicants – Immigration Court

If you are submitting your application to an immigration court because you are in removal proceedings, you should follow the immigration court practice manual, which describes the filing procedures.

It is available at http://www.justice.gov/eoir/vll/OCIJPracManual/ocij_page1.htm.

The court may also provide you with special instructions. It is very important that you follow the instructions so that you do not miss a deadline or opportunity to have your case considered.

Section 5: Conclusion

Preparing for Testimony

If you apply for asylum **affirmatively** (at the Asylum Office), you will be interviewed by an asylum officer. The asylum interview is informal. The only people present during the interview are you, your interpreter and/or attorney, and the asylum officer. The asylum officer asks all of the questions during the interview.

If you apply for asylum **defensively** (at the Immigration Court), you will submit your application to the immigration judge. Hearings before an immigration judge are more formal. In addition to you and the judge, there will be an attorney that represents the U.S. government. You may bring family members and witnesses to testify on your behalf. There are two types of hearings in immigration court. The first is called a “Master Calendar” hearing. At this hearing, the judge will allow you to submit your application and will schedule another hearing for a later date so you can testify. The first hearing is generally very short. The second hearing is an “Individual” or “Merits” hearing. This is the hearing where you will testify about your request for protection and the reasons you fear returning to your home country. This hearing may last several hours.

Testifying before an asylum officer or immigration judge may be intimidating, but you should think of it as an opportunity for you to tell your story and explain what has happened to you and what you think will happen to you if you are forced to return to your country. You should take as much time as you need to fully explain your case.

Note: If you have trouble understanding or speaking English, you should alert your judge to ensure that a court interpreter is provided. If you are applying affirmatively, you will be required to bring your own interpreter. If you have trouble understanding or communicating with the interpreter, tell this to the asylum officer or immigration judge as soon as you can.

What to Expect at Your Individual Hearing

- **Oath:** At first, during the hearing, the judge will make you promise to tell the truth during the hearing. This is called the “oath.”
- **Exhibits:** The judge will then make sure that all of the documents you submitted have been received and will mark them with exhibit numbers so they can be easily referred to later on. The judge will also go over the Form I-589 asylum application to make sure that everything written in the application is correct.

Did you receive help with translation?

If you rely on the help of other persons to translate the asylum application for you, for example other detainees, it is very important to tell the judge at the beginning of your hearing that you did not understand the application and you had to get help from someone else.

- **Judge Questioning:** After the preliminary matters are taken care of, the judge will ask you questions about your request for protection. Each judge is different. Some may ask you several questions and even interrupt you while you are speaking. Others may ask you only a few questions and then give you a chance to tell your story. (Normally these questions are asked by your lawyer, but if you have no lawyer the judge will ask them.)
- **Government Attorney Questioning:** Then, the attorney for the government may ask you some questions. Attorneys for the government are called the “Trial Attorney.” They will likely ask you questions regarding your entry to the U.S., the documents you submitted in your case, your criminal history, and other such things.
- **Witnesses:** You have the ability to present witnesses in support of your case. Witnesses will generally testify after you have finished testifying. Only present witnesses who you are sure will provide truthful information regarding your case and can provide consistent, helpful information.
- **Closing Statement:** After all questions have been asked, you should be given an opportunity to make any additional statements to the court, or you can ask for this opportunity. At this point, you can describe anything in your application that you don’t think was adequately addressed.

Types of Questions That Will be Asked

You should be prepared to answer questions regarding everything in your application. This includes background information, such as your residence and employment history, and the reasons you are requesting protection in the U.S., for example, what happened to you in your country, what you fear if you return, why you fear it or why it would happen, why you can’t move somewhere else in your country, why you didn’t report abuse (if you didn’t), why you didn’t leave your abuser earlier, how you entered the U.S., and who paid for your journey.

General Tips for Answering Questions

You should provide all details where possible. However, if you don’t know the answer, do not guess; you should explain that you don’t know or don’t remember. You can do your best to answer for the court, but you can explain that your answer is not certain, and you can also explain why it is difficult for you remember.

It is important to testify consistently with what you wrote in your application and personal declaration. If the asylum officer or judge does not believe you are telling the truth, your application for protection could be denied. If you find any errors or mistakes in your application, tell the asylum officer or judge as soon as possible.

Appendices

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A.
**Sample Cover Letter to the
Asylum Office
(affirmative application)**

September 1, 2013

USCIS Texas Service Center
Attn: Asylum
P.O. Box 851892
Mesquite, TX 75185-1892

Note: There are four Service Centers – Texas, Nebraska, California, and Vermont. Where you mail your application to depends on where you live. To find the correct Service Center, see the next page of the appendix.

Re: I-589 Filing of Jane Doe

Dear USCIS Texas Service Center:

Please accept my enclosed affirmative asylum application seeking refugee protection in the United States on account of persecution in [Home Country].

Enclosed are the following documents, plus two (2) copies of each:

1. Completed and signed Form I-589, with one recent passport-sized photograph attached;
2. Personal declaration in support of my application for asylum;
3. Copy of my birth certificate with translation;
4. Copy of my marriage certificate with translation;
5. Copies of my children's birth certificates with translations;
6. Letter from my sister with translation;
7. Letter from my son with translation;
8. Copy of police report from [Home Country] with translation;
9. Copy of hospital record from [Home Country] with translation; and
10. Country conditions documentation regarding the treatment of women in [Home Country].

Thank you for your kind assistance in processing my application. Please do not hesitate to contact me at (111) 111-1111 should you have any questions about the present submission.

Sincerely,

Jane Doe

Where to Mail Your Affirmative Asylum Application

If you live in:	Mail your application to:
Alabama, Arkansas, Colorado, District of Columbia, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Oklahoma, Western Pennsylvania (<i>in the jurisdiction of the Pittsburgh sub-office</i>), Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Utah, Vermont, Virginia, West Virginia, or Wyoming	USCIS Texas Service Center Attn: Asylum P.O. Box 851892 Mesquite, TX 75185-1892
Alaska, Northern California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Northern Nevada (<i>in the jurisdiction of the Reno sub-office</i>), North Dakota, Oregon, Ohio, South Dakota, Washington, or Wisconsin	USCIS Nebraska Service Center P.O. Box 87589 Lincoln, NE 68501-7589
Arizona, Southern California, Guam, Hawaii, or Northern Nevada (<i>in the jurisdiction of the Las Vegas sub-office</i>)	USCIS California Service Center P.O. Box 10881 Laguna Niguel, CA 92607-0881
Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Eastern Pennsylvania (<i>in the jurisdiction of the Pittsburgh sub-office</i>), Rhode Island, or Vermont	USCIS Vermont Service Center Attn: Asylum 75 Lower Welden Street St. Albans, VT 05479-0589

This list was last updated on December 1, 2013. For current information, please visit <http://www.uscis.gov/i-589> or call the National Customer Service Center at 1-800-375-5283.

B.
**Sample Cover Letter to the
Immigration Court
(defensive application)**

Jane Doe
Krome Detention Center
18201 SW 12th Street
Miami, Florida 33194

DETAINED

Pro Se

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
MIAMI, FLORIDA**

_____)	In Removal Proceedings
))	
In the Matter of:)	
))	
Jane Doe)	File No.: A 012-345-678
))	
Respondent)	Hearing: June 1, 2014
))	Time: 8:30a.m.
))	Judge: Jones
_____)	

**EXHIBITS IN SUPPORT OF RESPONDENT'S APPLICATIONS FOR ASYLUM,
WITHHOLDING OF REMOVAL, AND RELIEF UNDER THE
CONVENTION AGAINST TORTURE**

INDEX OF EXHIBITS

Exhibit Tab	Description	Exhibit Pages
<i>Personal Documents</i>		
A	Declaration of Respondent Jane Doe	1
B	Birth Certificate of Respondent with translation	11
C	Marriage certificate of Jane Doe and John Doe with translation	13
D	Birth Certificates of Respondent's children with translations	15
E	Letter from Respondent's sister Mary Smith with translation	21
F	Letter from Respondent's son Michael Doe with translation	22
G	Copy of police report from [Home Country] with translation	23
H	Copy of hospital records from [Home Country] with translation	26

Note: Police reports and medical records do not always exist, for example, if you did not report abuse. Even if they do exist, they can be difficult to obtain. If you have them and they relate to your abuse, they should be included.

Country Conditions Documentation

I	Affidavit of Expert on Domestic Violence in [Home Country]	31
J	Bureau of Democracy, Human Rights and Labor, U.S. Department of State, <i>2012 Human Rights Report: [Home Country]</i> (2013)	33
K	U.N. Human Rights Council, <i>Report of the United Nations High Commissioner for Human Rights on [Home Country]</i> (Jan. 29, 2008)	40
L	Amnesty International, <i>Amnesty International Annual Report 2011: [Home Country]</i> (May 13, 2011)	45

Note: Country conditions documentation is very helpful in all cases. The Center for Gender & Refugee Studies collects country conditions information and expert affidavits. You can contact the Center at 415-565-4877 or visit the Center's website at cgrs.uchastings.edu for more information.

C.
Sample Form I-589

**I-589, Application for Asylum
 and for Withholding of Removal**

START HERE - Type or print in black ink. See the instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A.I. Information About You			
1. Alien Registration Number(s) (A-Number) (if any) <u>012-345-678</u>		2. U.S. Social Security Number (if any) <u>N/A</u>	
3. Complete Last Name <u>Doe</u>		4. First Name <u>Jane</u>	5. Middle Name <u>N/A</u>
6. What other names have you used (include maiden name and aliases)? <u>N/A</u>			
7. Residence in the U.S. (where you physically reside)			
Street Number and Name <u>Krome Detention Center, 18201 SW 12th Street</u>			Apt. Number
City <u>Miami</u>	State <u>FL</u>	Zip Code <u>33194</u>	Telephone Number () <u>N/A</u>
8. Mailing Address in the U.S. (if different than the address in Item Number 7)			
In Care Of (if applicable):			Telephone Number ()
Street Number and Name			Apt. Number
City	State	Zip Code	
9. Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	10. Marital Status: <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
11. Date of Birth (mm/dd/yyyy) <u>10/01/1975</u>	12. City and Country of Birth <u>[City], [Home Country]</u>		
13. Present Nationality (Citizenship) <u>[Nationality]</u>	14. Nationality at Birth <u>[Nationality]</u>	15. Race, Ethnic, or Tribal Group <u>[Race + Ethnic Group]</u>	16. Religion <u>Catholic</u>
17. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input checked="" type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past.			
18. Complete 18 a through c.			
a. When did you last leave your country? (mm/dd/yyyy) <u>01/01/2010</u>		b. What is your current I-94 Number, if any? <u>N/A</u>	
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date <u>02/04/2010</u>	Place <u>Texas</u>	Status <u>N/A</u>	Date Status Expires <u>N/A</u>
Date _____	Place _____	Status _____	Date Status Expires _____
Date _____	Place _____	Status _____	Date Status Expires _____
19. What country issued your last passport or travel document? <u>N/A</u>		20. Passport Number <u>N/A</u> Travel Document Number <u>N/A</u>	21. Expiration Date (mm/dd/yyyy) <u>N/A</u>
22. What is your native language (include dialect, if applicable)? <u>Spanish</u>	23. Are you fluent in English? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	24. What other languages do you speak fluently? <u>None</u>	
For EOIR use only.	For USCIS use only.	Action: Interview Date: _____ Asylum Officer ID#: _____	Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____

Part A.II. Information About Your Spouse and Children

Your spouse I am not married. (Skip to **Your Children** below.)

1. Alien Registration Number (A-Number) <i>(if any)</i> N/A	2. Passport/ID Card Number <i>(if any)</i> Unknown	3. Date of Birth (mm/dd/yyyy) 05/08/1972	4. U.S. Social Security Number <i>(if any)</i> N/A
5. Complete Last Name Doe	6. First Name John	7. Middle Name N/A	8. Maiden Name N/A
9. Date of Marriage (mm/dd/yyyy) 02/03/1995	10. Place of Marriage [City], [Home Country]	11. City and Country of Birth [City], [Home Country]	
12. Nationality (Citizenship) [Nationality]	13. Race, Ethnic, or Tribal Group Latino	14. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input checked="" type="checkbox"/> No (Specify location): [City], [Home Country]			
16. Place of last entry into the U.S. N/A	17. Date of last entry into the U.S. (mm/dd/yyyy) N/A	18. I-94 Number (if any) N/A	19. Status when last admitted (Visa type, if any) N/A
20. What is your spouse's current status? N/A	21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy) N/A	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	23. If previously in the U.S., date of previous arrival (mm/dd/yyyy) N/A
24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No			

Your Children. List all of your children, regardless of age, location, or marital status.

I do not have any children. (Skip to Part A.III., **Information about your background**.)

I have children. Total number of children: 3

(NOTE: Use Form I-589 Supplement A or attach additional sheets of paper and documentation if you have more than four children.)

1. Alien Registration Number (A-Number) <i>(if any)</i> N/A	2. Passport/ID Card Number <i>(if any)</i> N/A	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number <i>(if any)</i> N/A
5. Complete Last Name Doe	6. First Name Michael	7. Middle Name N/A	8. Date of Birth (mm/dd/yyyy) 06/24/1995
9. City and Country of Birth [City], [Home Country]	10. Nationality (Citizenship) [Nationality]	11. Race, Ethnic, or Tribal Group [Race or Ethnic Group]	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input checked="" type="checkbox"/> No (Specify location): [City], [Home Country]			
14. Place of last entry into the U.S. N/A	15. Date of last entry into the U.S. (mm/dd/yyyy) N/A	16. I-94 Number (If any) N/A	17. Status when last admitted (Visa type, if any) N/A
18. What is your child's current status? N/A	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy) N/A	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No			

Part A.II. Information About Your Spouse and Children (Continued)

1. Alien Registration Number (A-Number) (if any) N/A	2. Passport/ID Card Number (if any) N/A	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any) N/A
5. Complete Last Name Doe	6. First Name Jill	7. Middle Name N/A	8. Date of Birth (mm/dd/yyyy) 06/15/1998
9. City and Country of Birth [City], [Home Country]	10. Nationality (Citizenship) [Nationality]	11. Race, Ethnic, or Tribal Group [Race or Ethnic Group]	12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input checked="" type="checkbox"/> No (Specify location): [City], [Home Country]			
14. Place of last entry into the U.S. N/A	15. Date of last entry into the U.S. (mm/dd/yyyy) N/A	16. I-94 Number (if any) N/A	17. Status when last admitted (Visa type, if any) N/A
18. What is your child's current status? N/A	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy) N/A	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No			
1. Alien Registration Number (A-Number) (if any) N/A	2. Passport/ID Card Number (if any) N/A	3. Marital Status (Married, Single, Divorced, Widowed) Single	4. U.S. Social Security Number (if any) N/A
5. Complete Last Name Doe	6. First Name Jack	7. Middle Name N/A	8. Date of Birth (mm/dd/yyyy) 09/15/2000
9. City and Country of Birth [City], [Home Country]	10. Nationality (Citizenship) [Nationality]	11. Race, Ethnic, or Tribal Group [Race or Ethnic Group]	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input checked="" type="checkbox"/> No (Specify location): [City], [Home Country]			
14. Place of last entry into the U.S. N/A	15. Date of last entry into the U.S. (mm/dd/yyyy) N/A	16. I-94 Number (if any) N/A	17. Status when last admitted (Visa type, if any) N/A
18. What is your child's current status? N/A	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy) N/A	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input checked="" type="checkbox"/> No			
1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you fear persecution, also list the last address in the country where you fear persecution. (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
123 Calle A	[City]	[State]	[Home Country]	01/95	01/10

2. Provide the following information about your residences during the past 5 years. List your present address first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
123 Ave. C	Miami	Florida	USA	05/10	Present
456 Ave. B	Miami	Florida	USA	02/10	04/10
123 Calle A	[City]	[State]	[Home Country]	01/95	01/10

3. Provide the following information about your education, beginning with the most recent.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
Santa Lucia School	Primary	123 Ave. D	About 1981	06/87

4. Provide the following information about your employment during the past 5 years. List your present employment first.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
Cleaning Services	Housekeeper	About 2012	01/13
Restaurant	Server	About 2010	12/11

5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.
(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother Nancy Smith	[City], [Home Country]	<input type="checkbox"/> Deceased [City], [Home Country]
Father David Smith	[City], [Home Country]	<input checked="" type="checkbox"/> Deceased
Sibling Mary Smith	[City], [Home Country]	<input type="checkbox"/> Deceased [City], [Home Country]
Sibling Adam Smith	[City], [Home Country]	<input type="checkbox"/> Deceased [City], [Home Country]
Sibling		<input type="checkbox"/> Deceased
Sibling		<input type="checkbox"/> Deceased

Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Race | <input checked="" type="checkbox"/> Political opinion |
| <input type="checkbox"/> Religion | <input checked="" type="checkbox"/> Membership in a particular social group |
| <input type="checkbox"/> Nationality | <input checked="" type="checkbox"/> Torture Convention |

- A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

No Yes

If "Yes," explain in detail:

1. What happened;
2. When the harm or mistreatment or threats occurred;
3. Who caused the harm or mistreatment or threats; and
4. Why you believe the harm or mistreatment or threats occurred.

I suffered years of abuse by my husband. He beat, raped, and threatened me repeatedly during our marriage because I am his wife. Mistreatment of women is common in my home country because men feel that they own their wives, and the authorities do nothing to stop it. My husband also abused our children. Please see my personal declaration for more detail.

- B. Do you fear harm or mistreatment if you return to your home country?

No Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

I fear that my husband will continue to abuse and even kill me if I return to my home country and that the authorities will do nothing to stop him. My husband was very brutal before I left, but now that I left him, he is even more angry because he believes he has the right to control me in every way. Please see my personal declaration for more detail.

Part B. Information About Your Application (Continued)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

No Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

No Yes

If "Yes," describe for each person the level of participation, any leadership or other positions held, and the length of time you or your family members were involved in each organization or activity.

My family belongs to a Catholic church in my home country.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

No Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

My family still attends the Catholic church in my home country.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

No Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

I fear that my husband will torture me if I return and that the authorities will do nothing to stop him. Please see my personal declaration for more details.

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

No Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

- 2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

No Yes

- 2.B. Have you, your spouse, your child(ren) or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

No Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

I traveled through Mexico before arriving in the United States. I only stayed in Mexico as long as was necessary to make it to the United States. I did not seek or receive legal status in Mexico. Please see my personal declaration for more details.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

No Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

My husband harmed me because of my membership in a particular social group of married women in [home country] that are unable to leave. He believes he has the right to abuse and control me because I am his wife. Please see my personal declaration for more detail.

Part C. Additional Information About Your Application (Continued)

4. After you left the country where you were harmed or fear harm, did you return to that country?

No Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s).)

5. Are you filing this application more than 1 year after your last arrival in the United States?

No Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

I arrived in the United States in February 2010 and am applying for asylum now in September 2013. Since coming to the United States, it has been very difficult for me to talk about everything that happened to me in my home country. I get nightmares when I think about it even still. Please see my personal declaration for more details.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crimes in the United States?

No Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, dates, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any formal charges that were lodged against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Asylum Officer

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are all true or not all true to the best of my knowledge and that correction(s) numbered ____ to ____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

Signature of Applicant

Date (mm/dd/yyyy)

Write Your Name in Your Native Alphabet

Signature of Immigration Judge

Supplement A, Form I-589

A-Number (If available)	Date
Applicant's Name	Applicant's Signature

List All of Your Children, Regardless of Age or Marital Status

(NOTE: Use this form and attach additional pages and documentation as needed, if you have more than four children.)

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location): _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

1. Alien Registration Number (A-Number) (if any)	2. Passport/ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)
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9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location): _____			
14. Place of last entry into the U.S.	15. Date of last entry into the U.S. (mm/dd/yyyy)	16. I-94 Number (if any)	17. Status when last admitted (Visa type, if any)
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21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Additional Information About Your Claim to Asylum

A-Number (if available)	Date
Applicant's Name	Applicant's Signature

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part _____
Question _____

D. Sample Personal Declaration

DECLARATION IN SUPPORT OF ASYLUM APPLICATION OF JANE DOE

I, Jane Doe, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and recollection:

INTRODUCTION

1. My name is Jane Doe. I am seeking asylum because, if I am forced to return to [Home Country], I fear my husband, John Doe, will find me, beat and rape me, and eventually kill me. For many years, he beat, raped, threatened, isolated, stalked, and humiliated me. He often told me women need to be submissive to their husbands. I tried to escape from him, but he found me. I was unable to get away from him. After I fled to the United States, John harassed me with constant phone calls, pressuring me to return and threatening to harm my children if I don't go back to my home country. I am terrified he will harm my children, but I know if I go back I won't be safe from violence.

PERSONAL AND FAMILY BACKGROUND

2. I was born on October 1, 1975, in [Home Town], [Country]. My parents had three children: me, Mary Smith, and Adam Smith. My mother and sister still live in our hometown, and my brother lives in Houston, Texas. My father is deceased.
3. My family is indigenous. My grandmother and mother wore traditional clothing. My grandmother spoke an indigenous language to my mother, who understood, but did not speak it well. I never learned the language growing up and did not wear traditional clothing. I only spoke Spanish with my family.
4. My family was very poor. My parents didn't have much schooling and had to work a lot; my father outside the home, and my mother around the house, taking care of the children.
5. I went to school for six years. I was a good student, but I had to quit and help my parents at home. I started working when I was eleven or twelve years old. My first job was taking care of a neighbor's boy and cleaning houses. I cleaned a lot of homes and also found work at a restaurant.

RELATIONSHIP WITH JOHN

Early Relationship & Marriage

6. I met the father of my children, John, when I was seventeen. He was twenty years old. I thought he was a good person. He was always very kind to me and would complement me. We became boyfriend and girlfriend. I was happy in the beginning. I introduced John to my mom and sister. He was always on his best behavior then.
7. After nearly two years of dating, I became pregnant. John and I had talked about getting married before this, but since I became pregnant, he said we needed to get married right

away. I agreed because I wanted my child to grow up in a stable family. We got married on February 3, 1995. Our son, Michael Doe, was born on June 24, 1995. We moved in with John's parents, who lived in the same town.

Changes in Relationship

8. Not long after we got married and had a son, I started noticing changes in John. He became more aggressive. He would say he was "the man of the house." He also would drink more, shout, and slam doors. Sometimes he would ask me to make him food, and then throw the food and dishes if he did not like it.
9. I wanted to continue working at the restaurant, but he didn't let me once we got married. He became very jealous and controlling. He didn't want me to go out, and he was even jealous at home when his brothers came over. Every day I had to make breakfast, wash the dishes, clean the kitchen, patio, and bathroom, and wash everyone's clothes. I had no money of my own as a result. I only received money when I was sent to the market or to run errands.
10. John started making me give him a summary of what I had done each day, including where I had gone, who I had gone with, and who I talked to. He told me he did not want me speaking to anyone else and threatened to hurt me if he ever caught me talking to another man.

First Time John Was Physically Abusive

11. The first time John hit me was during Holy Week in 1996. We watched the festivities with his family and he went to go drink with his friends after. When he returned home, he told me to make him some food. I told him it was late already and we should go to bed, and that's when he started to hit me. He hit me with his hands, then took off his belt and hit me with his belt. He hit me over and over again. When I fell to the ground, he kicked me in the side and on my legs. I cried and begged him to stop, but he ignored me.
12. The next morning I was badly bruised. I told his mother what happened, but she didn't help me. I think she was also afraid of John. John was angry that I told his mother and told me to keep my mouth shut.

Severe Abuse on a Regular Basis

13. Several weeks passed and John did it again. Soon he was hitting me all the time. Sometimes only a few days would pass in between his abuse, other times he hit me multiple times a day. When he would hit me, he'd use his hands, his fists, and his belt too. He would use the belt and not stop – just hit me over and over and over again. There were times when he was more angry or jealous and it would be worse; then he would hurt me with his belt buckle. When I'd raise my hands to protect myself, he would hit my hands and they would get swollen and sore. He'd kick me too. I always had bruises. He didn't like when I cried; he would hit me worse if I did, or turn up music over the sound of my crying.

14. Sometimes after John hit me he would force me to be intimate with him. For me it was a violation – I was never in agreement with it. When I refused, he hit me more and raped me anyway. He did this to me more than twenty times.
15. In addition to the physical and sexual violence, John almost never let me leave the house. If I did, I had to keep my head down and not make eye contact with other people. I couldn't communicate with anyone. He prohibited me from having friends. He wouldn't even let me call or visit my family.
16. There was no reasoning with him. When he was jealous he would accuse me of things I had never done. If he told me to do something and I didn't do it right he would punish me. When he asked me a question, he'd hit me if I answered. But if I didn't respond, he'd hit me then too.
17. I could never express my opinion. He would say, "Women need to be molded to men's ways with a heavy hand. We have to show them who is boss at home. They have to do things we want, not what they want." He would also say things like "women must be submissive to their husbands" and "you do whatever I tell you to do."
18. John's family approved of how he mistreated me. They did nothing when they saw him hurt me; they even encouraged his abuse. All the males in his family are machistas: John, his brothers, his father. When John beat me one day, one of his brothers said, "that's how you keep women, that's how you show her you're a man."

Attempt to Escape

19. John's abuse continued like this for years. I thought about leaving for years but did not want to leave my children behind. I was also afraid that I would fail and that John would find me.
20. One day, when John was at work, I decided to take the chance. I said goodbye to my kids but did not tell them where I was going. I grabbed my things and left. It was one of the hardest things I have done. I went to my sister's house which was on the other side of the city. I lived in hiding because I was afraid that John would find me.
21. After several days, John came to the house and pounded on the door. He was yelling and demanding that I come outside. The moment I heard him I became terrified. He threatened to "seek revenge where it would hurt me most" if I did not return with him. I think he meant that he would harm my children. I did not want to go back with him, but I was worried he would hurt my children, so I went outside to talk to him. He immediately grabbed my arm and started dragging me to the car. I screamed and yelled at him to let me go, but he told me to shut up.
22. When we got home, John punished me severely by beating me with his fists, his belt, and his belt buckle. He said, "next time you try to do that, I'll kill you!" I had cuts and bruises all over my body and face.

Continued Isolation and Physical Abuse

23. The abuse got worse when I returned home. John became more controlling because he didn't trust me. He locked me up again, and hit and raped me more. He started threatening me more too. He always said that if I ever left again, he would find me, and when I returned it would be worse.
24. After returning I was rarely allowed to leave the house, not even with John. During this time I only remember two instances when I left alone. One time I went to the market when no one was home because we needed food and I knew if I didn't have food ready for John when he came home, he would beat me. Somehow he knew I had gone out. He threw the food I made at me, yelled that I wasn't allowed to leave, and hit me. The second time I left to replace my lost ID card. Again, John found out I left. He accused me of cheating on him with a man to get the ID. He hit me, and he also examined me to see if I had had relations with the man. I was very scared to leave again.

Abuse During and After My Pregnancies

25. During my second and third pregnancies, the abuse continued. John hit me the same as he had before. Both of my pregnancies were very traumatic for me, as I was afraid that John would cause me to miscarry. My daughter, Jill Doe, was born on June 15, 1998. My second son, Jack Doe, was born on September 15, 2000.
26. A few months after Jack was born, John finally let me work. We needed money to pay for things for our kids, and John could not afford it on his own. But he controlled the money I earned and took most of it for himself.
27. I worked at a restaurant. John often accused me of being with other men when I got home from work. During this time he would yell at me and hit me. He did this when he was drunk and sober. One day my coworker at the restaurant noticed bruises on my face from John's abuse. She told me I should leave him because if I stayed he would kill me.

REPORTING TO THE POLICE

28. I never went to the police because I knew they would not protect me. I had heard stories about women who reported their husbands for beating them; the husbands might be in jail for a little while, but when they were released they got their revenge on their wives and beat them even harder. The police do not help women in my home country.
29. John knew this. He would say that he could kill me and it would not matter. Sometimes when he hit me, he would even say that he could buy the police, and they would do nothing to him. It was common knowledge the police were corrupt in my home country.

ESCAPE FROM HOME COUNTRY

30. After years of abuse, I knew I had to escape or I would die. My kids supported me leaving. I arranged to borrow money to make the trip to the U.S., and started making plans to leave. I left [Home Country] on January 1, 2010. My guide picked me up in a car at my work. I traveled to Mexico where our group got on a small bus and rode for one or two hours. After that, we traveled on bigger buses. I spent many days and nights on the buses. When we got to Monterrey, Mexico, we stayed in a hotel for three days while others arrived.
31. From there we left in groups to cross the border. We crossed the river in a raft, went up a mountain, climbed over a fence, and walked down a path through an open field. We had to hide for a while and then a van driver picked us up and drove us to a house in San Antonio, Texas. We stayed there for two days before we were taken to Miami, Florida.

LIVING IN THE UNITED STATES

Continued Harassment in the U.S.

32. When I got to the U.S., I continued to talk to my children on the phone. John found out my phone number and started calling me constantly. He continued to harass me and threatened to come to the U.S. and find me. He told me that one way or another, I was going to return to [Home Country], and when I did he was going to take me far away from my family, where they wouldn't find me.
33. I had to change my number because of how much John was calling, but I know from my children he is still waiting for me to come back to my home country.

Constant Stress and Anxiety

34. I feel anxious and desperate all the time over what John might do to our kids. John started hitting my kids more after I left, so now they are staying with my sister. I can't sleep at night from all my worries. When I do fall asleep, I have nightmares about John. I dream that he is angry at me and that he is beating or raping me. Sometimes when I'm asleep, I feel John choking me like he did when I was with him. I wake up gasping for air, as if it were really happening. Often I wake up and can't go back to sleep anymore.
35. I wanted to get help here, but I couldn't because I was so depressed. I went to see a lawyer once who was recommended to me by an acquaintance that I met at church and the lawyer said I would have to pay at least \$5,500, and that no one would help me for less than that. I didn't have any hope that I could pay. I felt overwhelmed with everything – not just financially but also I felt so much stress about what happened to me and had constant worry and anxiety about my kids. I wanted to get help for them, but I didn't know how.
36. I went to another attorney and asked for help for my sons, but I was told there was nothing that could be done because my sons were still in [Home Country] and not here. I

didn't have the courage to say that I needed help too. I didn't want to have to tell what had happened to me. John made it difficult for me to trust people. I'm scared of telling others what he did to me. I was also still living in fear of John and scared that he would find out if I reported what he did to me.

37. I've been desperate and sad all the time. Sometimes I don't hear from my kids for a while and I worry. I cry a lot. One day my son called and told me how John beat him. My boss had seen me crying before, and when she saw me crying that day, she asked if John hurt my sons and if he hurt me too. When I told her yes, she told me I needed to do something for them and for myself. She told me she had heard of other women applying for asylum because they had suffered from domestic violence and feared going back home. When I found this out, I decided to apply for asylum.

Inability to Safely Return to Relocate

38. There is no place in [Home Country] where I can be safe from John. I know that he would find me anywhere. He found me when I ran away in the past. He works as a driver, going all around the country – it would be easy for him to find me again.
39. I have nowhere to go if I were forced to return to [Home Country]. I can't move in with my mother or sister because John knows where they live and he already found me at my sister's house once. I don't know anyone else in other places in the country. I would be on my own and I wouldn't be safe.
40. If I went back to my country, I would try to be in contact with my kids. I fear that John will threaten them unless they tell him where I am because he knows they are scared of him. Once he finds me, he will get revenge. I believe he is capable of killing me. I would have to live in hiding and would always be scared that he would find me. I would never be able to live in peace.
41. For the above reasons, I respectfully request asylum in the United States.

I certify that this declaration has been read to me in Spanish, and I understand and affirm its contents.

[Date]

[Signature]

Jane Doe

E.
Sample Affidavits from
Family Members/Witnesses

Mary Smith
[Address]

August 1, 2013

To Whom It May Concern:

I, Mary Smith, testify and confirm that my sister, Jane Doe, suffered years of verbal, physical, and sexual abuse at the hands of her husband, John Doe. When Jane was living in [Home Country], Jane confided in me that John was a controlling and possessive husband, but she didn't always tell me everything I could tell. I think it was because she was scared. She used to call me sometimes on the phone when John was out of the house because he wouldn't let her use the phone when he was there. She was rarely allowed to see me and my mother. One time my sister tried to escape and came to live with me on the other side of the town, but John found her and forced her to return home. When my sister opened the door to talk to him, John grabbed her and dragged her to the car. I didn't hear everything, but he was yelling at her and I could hear my sister screaming in pain. I tried to run after them but they sped away in his car.

I don't believe my sister is safe anywhere in our country. I have heard many stories of women being killed by their husbands if they try to leave them. I fear that he will kill her if she returns here. I also fear that John will hurt her children – I am trying to protect them by giving them a place to live but I don't have the means to support all three of them. I hope that you will offer my sister protection in the United States.

For more information, you can contact me at [telephone number]. Enclosed is a copy of my ID card.

Sincerely,

[Signature]

Mary Smith

TRANSLATION CERTIFICATION

I, [Translator's name], hereby certify that I am fluent in the Spanish and English languages and have rendered a full and accurate translation of the above document to the best of my competence.

[Date]

[Signature]

Michael Doe
[Address]

August 1, 2013

To Whom It May Concern:

I, Michael Doe, testify and confirm that my mother, Jane Doe, suffered years of abuse by my father, John Doe. I am 18 years old and I live in [Home Country] with my aunt Mary Smith. I witnessed my father's constant abuse and mistreatment of my mother throughout my life. My father did not allow my mother to leave the house, except after my younger brother was born because she had to work. My father hit her even in front of me and my younger siblings. Sometimes he hit us too. One time I tried to stop my father from hitting my mom, but he told me that he could do whatever he wanted because he was "the man of the house," and he pushed me out of the way.

My mother tried to leave once, but my father found her. He brought her back home and beat her really hard that night. Although I did not want her to leave us, I supported my mom leaving because I was afraid my father would kill her one day. She didn't take me, my brother, and my sister with her because it was a long journey and it would be too difficult and expensive for us to go with her. Now that she is in the United States, I know she is safe and that my father can't hurt her. I am afraid of what he will do if she comes back to our country. I am now living with my aunt because he has become more angry and violent. I am scared that he will come after me too. I ask that you please allow my mom to stay safe in the United States.

For more information, you can contact me at [telephone number]. Enclosed is a copy of my birth certificate because I don't have an ID card.

Sincerely,

[Signature]

Michael Doe

TRANSLATION CERTIFICATION

I, [Translator's name], hereby certify that I am fluent in the Spanish and English languages and have rendered a full and accurate translation of the above document to the best of my competence.

[Date]

[Signature]

Further Assistance Available:

If you, or an attorney you are working with on your application for protection, require additional information, we welcome you to contact the Center for Gender & Refugee Studies at UC Hastings College of Law by filling out our online form at,

<http://cgrs.uchastings.edu/assistance/>

or calling us at (415) 565-4877.

We wish you luck in completing your application for protection and in finding safety. ©