Asylum Seeker Information Guide

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Foreword

“Patience is very important because there are times frustration comes in. You have to hope and have patience.”

– Client of the Florida Center for Survivors of Torture

Refugees and asylees have shaped the history and culture of the United States in many positive ways. These brave men and women have come from all over the world looking for safety and pride. Their journey has led them to become members of the United States of America. Asylum seekers have been forced from their homes. For those that enter the United States, they must show that they are unable or unwilling to return because of persecution or the threat of persecution based on their race, religion, nationality, political affiliation, or membership in a particular social group. If they return, they could be put in prison or even killed.

The process of gaining asylum can be long and stressful. The many different and complex cases require many hours of careful preparation. Many clients are unfamiliar with the process. The Florida Center for Survivors of Torture, a program of Gulf Coast Jewish Family and Community Services, has created this guide in order to explain the process in simple and easy to understand English. This guide is intended to be a practical guide for asylum seekers to use with the help of their lawyers. It is not meant to be legal advice. This guide is not meant to be used by asylum seekers who do not have the help of a lawyer to prepare their own applications for asylum.
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We at the Florida Center for Survivors of Torture (FCST) envision a world in which every person enjoys human rights and every community torn apart by crisis is given the opportunity for healing and hope.

Program Description

FCST provides comprehensive treatment and support services to victims of political torture who have relocated to the Tampa Bay and Miami-Dade areas from their countries of origin. The FCST contracts with diverse partners including Church World Service and the Citrus Health Network.

The FCST is one of 34 organizations that form the National Consortium of Torture Treatment Programs. The National Consortium of Torture Treatment Programs (NCTTP) is a U.S. based network of torture rehabilitation programs that exists to advance the knowledge, technical capacities and resources devoted to the care of torture survivors living in the United States and acts collectively to prevent torture worldwide. Utilizing the concept of a “Center Without Walls”, FCST has recruited and trained a multidisciplinary network of providers, including psychiatrists, psychologists, teachers, interpreters, social workers, lawyers, and physicians who provide services to torture survivors in their community. The United Nations Voluntary Fund for Victims of Torture and the Office of Refugee Resettlement (ORR) fund FCST. The Florida Center for Survivors of Torture is also home to the National Partnership for Community Training (NPCT), an ORR technical assistance program which partners with the Harvard Program in Refugee Trauma and the Bellevue/NYU Program for Survivors of Torture to raise awareness on the prevalence and impact of torture and the holistic responses to service providers working with refugees and immigrants. The Asylum Seeker Information Guide was made possible by a capacity-building grant from the Center for Victims of Torture in Minneapolis, Minnesota.
Counties of Operation

Individuals who are currently living in Pasco, Pinellas, Hillsborough, and Miami-Dade counties.

Eligibility Criteria

Potential FCST clients must meet the definition of torture provided under U.S. Law. The United States defined torture as a criminal act in 18 U.S.C. 2340(1). That statute defines torture as:

an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

Torture includes the use of rape and other forms of sexual violence, as well as the. This definition can include threats of torture and not just the actual acts.

Some specific examples of physical and psychological methods of torture are strategic beating, sexual torture, electric shocks, suffocation, burning, bodily suspension, administration of mind-altering drugs or any other action designed to seriously disturb the senses or personality, mutilations, and pulling teeth. Torture may include threatened acts including mock executions, witnessing the torture of others, humiliation, and isolation.

Under the U.S. definition of torture, the person committing these acts must be a person “acting under the color of law”. Usually this is a person working for the government, like a police officer or soldier. Sometimes this can include private citizens acting with the government’s permission, or can even include persons the government cannot control, such as members of a rebel group.
Services Provided For Asylum Seeking Clients

Survivors of torture have experienced severe emotional trauma, and physical violence. To promote healing, our program offers the following services for torture survivors and their families:

Services While Seeking Asylum:

- A caseworker will come to your home to interview you. They will ask you questions about your development, your family history, your education, medical history, psychiatric history, life-changing events, and your social history.

- You will be given contact information to local networks of medical, mental health, legal and social service providers trained to work sensitively with survivors of torture.

- A variety of mental health treatment options.

- Interpreters will be available from our VOICES Professional Interpreter Program for many legal, medical, and mental health appointments.

- A caseworker will work with you to help with many of your social service, legal, medical and mental health needs.

- You will be offered culturally specific education or support groups.

- You will be given support throughout the legal aspect of the asylum and appeals process.

Services You MAY Be Eligible for When Asylum is Granted

- Referral to Match Grant Programs at a Refugee Resettlement Agency.

- Referral to our own Refugee Youth and Family Program for families with children that are between the ages of 5-19. This program helps children with their homework, offers cultural, educational, and social activities for children, provides English lessons for speakers of other languages, teaches children about possible jobs, and offers interpreter services.

NOTE: If you are a Cuban/Haitian asylum seeker, see your provider about eligibility for these programs.
If you left your country because you were persecuted or mistreated, and you are afraid to return because you fear you will be persecuted or mistreated again, you can apply to stay in the United States.

This is called seeking “asylum”. If you decide to seek asylum, you will be starting a legal process and must show that you qualify as a refugee under U.S. immigration law. Before an Immigration Judge or Asylum Officer may grant you asylum, you must prove that you cannot return home “because of persecution or a “well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” INA 101 (a)(43) (A).

“Affirmative asylum” is when a person is actively trying to get asylum. It is important to seek asylum within one year of entering the United States. There are special circumstances that apply if you wait more than one year.

“Defensive asylum” means a person is fighting deportation by applying for asylum.

**WHETHER YOU ARE AFFIRMATIVELY SEEKING ASYLUM OR FACING A REMOVAL/DEPORTATION ORDER, THE FLORIDA CENTER FOR SURVIVORS OF TORTURE RECOMMENDS YOU USE A LAWYER.**
Free legal help for people who do not make a lot of money is available from Gulf Coast Legal Services and Americans for Immigrant Justice (AI Justice). Some law schools may also offer immigration clinics, where students working under the supervision of a licensed Immigration attorney provide free legal services. In South Florida, The University of Miami, Florida International University, and St. Thomas University all offer immigration clinics. Other lawyers provide free or inexpensive services. We have contact information for lawyers who can help you. You may also search for an immigration attorney through the American Immigration Lawyers Association at www.AILA.org.

Trying to handle a legal case on your own is very difficult and risky, and there is a very low rate of success for self-handled cases. Therefore, we do not recommend that you attempt this process alone. You should be careful that whoever you find to help you is a licensed attorney with immigration experience. Recently there has been an increasing amount of fraud committed by Notarios, or unlicensed immigration consultants who are not attorneys, which can have very serious consequences for asylum applicants.

**IF YOU were held in a Detention Center**

An officer took your property from you (including clothes and papers). Your things were put in a safe place.

The processing officers gave you receipts for your property and belongings.

Form G-589 is a white paper describing your personal property, including documents and cash.

Form I-77 is a ticket for luggage and a description of what was inside your bags.

Your property should have been returned to you when you were released. You and the officer should have checked that you received everything written on the G-589 and I-77 forms.

**SOMETIMES THE OFFICERS KEEP PAPERS**

U.S. Immigration and Customs Enforcement (ICE) may reserve the right to appeal the judge’s decision in your immigration case. If this happened, ICE may have kept some of your original documents.

ICE must appeal within 30 days.

If ICE has not notified you of an appeal within 30 days, you can get your document back.

To do this, contact the Florida Center for Survivors of Torture. We will call the detention center for you
IMMIGRATION PATHWAYS

U.S.A

U.S. Citizen

Immigrant

LPR
(Legal Permanent Resident)

LTR
(Legal Temporary Resident)

Authorized Employment

Non-Immigrant

Non-Citizen

Undocumented

Student

Visitor or Business

Tourist

Person fleeing from prosecution

refugee

asylee

parole
WHO WILL HELP IN LEGAL PROCESS: KEY PEOPLE

YOU – You may be called the client, applicant, or asylee.

YOUR LAWYER – This person is trained in the law and acts on your behalf. Your conversations with your lawyer are confidential. This means everything you say to your lawyer is private as long as you say it in a private place. You are safe to tell your lawyer everything. You need to give your lawyer as much information as possible so he or she can help you with your case. If you do not make a lot of money, you can get free legal help.

NOTE: your lawyer may also be called your “attorney” or “legal counsel”.

INTERPRETER – If you do not speak or understand English, you can use an interpreter during proceedings.

USCIS – United States Citizenship and Immigration Services. This is the government office that handles immigration and affirmative asylum applications. Their website is www.uscis.gov

EOIR – Executive Office of Immigration Review. This is the Immigration Court and Board of Immigration Appeals, where an Immigration Judge will rule on your asylum application if you are in deportation proceedings.

ASYLUM OFFICER – In affirmative asylum cases an asylum officer will interview you. The asylum officer may approve the asylum application if you show that you qualify as a refugee under U.S. immigration law and a background check has already been completed. Otherwise, the Asylum Officer may issue a “recommended approval” of the application pending the successful completion of the background check.

IMMIGRATION COURT AND IMMIGRATION JUDGE (IJ)
An Immigration Judge (IJ) will determine your asylum case if you are already in deportation proceedings. If an Asylum Officer has denied your application and referred you for deportation proceedings, you may renew your application to the Immigration Judge. In the Tampa Bay area, the Immigration Court is located in Orlando, Florida.

ICE – Immigration and Customs Enforcement
ICE officers can detain persons and start deportation. If ICE detains you, you should insist to speak to your lawyer. You should not sign anything that ICE asks you to without consulting your lawyer first.

Every asylum case is different. If the Immigration Judge turns you down, you may appeal the decision.

BIA – Board of Immigration Appeals. If the Immigration Judge turns you down, this is the first step in an appeal.
THINGS YOU WILL NEED: PAPERS, DOCUMENTS

When you seek asylum, you need to provide information about your life before you came to the United States to the Asylum Officer and the Immigration Judge.

Here are some of the documents that you are going to need (your lawyer can help)

2. **Form EOIR-28 authorizing the presence of a lawyer** – your lawyer will have this
3. **Your Affidavit (Asylum applicant)** – You will need to explain what happened to you, why you left your country, and why you want to remain in the United States. It is a good idea to write down everything you can remember, as well as what you said in conversations with officials in the United States from the time you entered the country. Share this information with your lawyer. Sometimes asylum seekers are afraid to tell the truth about what happened to them, or later remember things they had forgotten. It is important to tell your lawyer exactly what has happened to you. Your talks with your lawyer are confidential. The most important factor for the officers and the judges who make the decision about your asylum is your personal “credibility” – whether the judge believes you. You need to be honest about what happened with your lawyer so your lawyer can help you present your case to the judge.
4. **Identification documents** – Often people leave their country quickly and with very limited resources. If you have birth certificates, passports or other official documentation, they are very helpful in proving who you are. If you left these in your country of origin, you will want to have them sent to you if possible.
Things that explain your situation

If there are arrest warrants, threatening letters, or newspaper stories that explain why you left your country, these are helpful. You will need both original and official translations. As with identification documents, if you left these documents in your country of origin, you will want to have them sent to you, if possible.

Reports about your country and the conditions

The reason you left your country is important to the immigration officials and judges. In order to be given asylum, you need to show that you are afraid to return to your country. You will need reports that describe the conditions in your country.

The United States Department of State issues reports on countries regularly. So do two non-governmental organizations (NGO’s) that do human rights work: Amnesty International and Human Rights Watch. Contact information for all three of these is as follows:

www.state.gov/r/pa/ei/bgn/  - U.S. Department of State country reports
www.amnesty.org  - Amnesty International
www.hrw.org  - Human Rights Watch

Your lawyer may also ask an expert to testify in immigration court about your country.

Reports about your personal medical and psychological state.

You may need or want medical and/or psychological evaluations by health professionals. These may be provided by sworn statement (affidavit) or the expert may testify. This is so the court has an objective assessment of physical and mental marks of torture and persecution. A 2007 study (Lustig and Kureshi) of 746 asylum cases between 2000 and 2004 where the asylum applicant had a medical evaluation found that asylum had been granted in 89% of the cases as compared to 37.5% of cases nationwide where there was no evaluation.

The Florida Center for Survivors of Torture can help with this. We can refer you to experts who can help. Other resources include The Physicians For Human Rights Asylum Program.
Physical and Psychological Evaluations

In order to strengthen your asylum application, your lawyer may request that a physical and/or psychological evaluation be conducted on your behalf. Following is some helpful information to help you to prepare for these evaluations.

Physical Exams

A medical evaluation is often important to show the facts about what happened to you, especially incidents of torture. Because the effects of torture are both seen and unseen, this involves a complete clinical evaluation of your physical and psychological health by medical professionals. There are two separate parts: the interview, where the doctor will ask you questions, and the physical examination, where the doctor will look at your body.

Interpreters are often used for both of these. You and your medical expert may speak different languages, and an interpreter can make sure your medical expert understands you completely. The medical evaluation is completely private and confidential, and the history and physical exam should be in a quiet, comfortable, safe, and private place.

It is very important that the doctor gets your informed (knowing) consent before you are interviewed or examined. You can ask questions and you should be able to choose if you want a male or female doctor and the interpreter (if used). Your consent (agreement) must be given freely, without any one placing pressure on you, promising you something, or telling you that bad things will happen. That includes police officers and judges.

If your doctor is not of the same sex as you, you may ask that another person of your same sex comes with you. This is very important if you were sexually abused to make sure you get extra support. If it is appropriate and you give consent, the interpreter may act as the chaperone or the person who goes with you. A chaperone must be present if there is to be an examination of your genitalia and the examining physician is of a different sex than you.
The doctor will be licensed. The doctor’s job is to do a medical evaluation and document what he or she finds. The doctor is not responsible for your medical care but may give you medical advice or counsel. You are responsible for making the appointment to see the doctor and for paying for the examination. Your attorney or sponsoring organization may help with this.

The Interview

The evaluation starts with an interview. This can take four or more hours or even several days. This can be stressful and you may feel pain and other symptoms, both physically and emotionally. If this happens, please tell the doctor and interpreter about your discomfort. The information is important, but your well-being is more important.

It is important that you feel you can trust your doctor. If you have any concerns, speak to your lawyer or caseworker. Sometimes it will be hard to remember all the details of what happened to you, especially if you experienced many episodes of torture or abuse or were held under conditions where you lost a sense of time and place. It is okay for you to be unclear, vague, confused, or inconsistent during the exam. It is the doctor’s job to ask questions in order to have as good an understanding of the history as possible but you are in control and have the right to limit the interview or to stop it at any time. You may choose to do the interview in more than one session if that is easier for you. Do not feel that you have to describe every physical mark or scar as related to maltreatment or torture. It increases credibility when you tell the truth, and some physical marks or scars are related to an ordinary injury. Do not feel that you have to make up an answer for every question that the doctor asks if you do know or remember the answer.

The doctor will ask you about the following:

- **Your past before the trauma**: the doctor will ask questions about your daily life, relations with friends and family, work/school, occupation, and use of alcohol and drugs prior to the traumatic events. This can include prior political activities and opinions if they help explain why you were detained and/or tortured.

- **Past medical history**: including prior medical, surgical, and/or psychiatric problems.
The doctor will ask you about the following:

- **Your past before the trauma**: the doctor will ask questions about your daily life, relations with friends and family, work/school, occupation, and use of alcohol and drugs prior to the traumatic events. This can include prior political activities, beliefs, and opinions if they help explain why you were detained and/or tortured.

- **Past medical history**: including prior medical, surgical, and/or psychiatric problems

- **Circumstances of detention(s)**: The specific incident of the detention, including date, time, others present, a description of those who detained the asylum seeker, what was said, any witnesses, and if violence was used or a threat spoken.

- **Prison/detention conditions**.

- **Methods of torture and ill treatment**

- **Review of symptoms**: Physical, psychological and disabilities at the time of the abuse, immediately after the abuse and up to the present time. All of your complaints are important. Tell your doctor about any ongoing pain or symptoms. Torture victims often have injuries and medical symptoms that are very different from other forms of trauma. Most bodily signs of torture heal within about six weeks of the torture, leaving no scars, or at the most, nonspecific scars. This often happens when torturers use techniques that prevent or limit detectable signs of injury. Any details you can give about your wounds and healing are important.

### The Physical Examination

The physical examination will be complete and include your whole body but the focus will be on the parts of your body that were most affected by the abuse or torture. Common areas of examination are the skin, face, mouth, chest, abdomen, musculoskeletal system (bones and muscles), and central/peripheral nervous systems. Special permission is needed from you if your genitals are to be examined, and a chaperone must be present if the doctor’s sex is different from yours. If it is appropriate and you give consent, the interpreter may act as the chaperone.
Chronic symptoms are those that continue for months or even years later. These can include scars, skeletal deformities, dental injuries, loss of hair, and fibrosis. You might also have some of the following: headaches, back pain, gastrointestinal symptoms, or problems with digestions, sexual dysfunction, and muscle pain. You may also feel sad, depressed, anxious, have trouble sleeping, have bad dreams or nightmares, flashbacks, or memory problems.

Drawings may be made and/or photographs and/or video may be taken of scars, deformities or other physical findings related to the abuse.

Further tests may be needed, including X-rays, CAT scans, MRI scans, and bone scans. In the case of electric shock injury, a biopsy may be necessary; this is, to actually take a piece of the scar to study it under the microscope.

After the evaluation, the doctor may refer you to other medical facilities to receive care for medical conditions found at the examination. The doctor, while preparing the report, may need to talk to you again to clarify some issues.

The Report

The doctor will state in the formal report whether your findings were:

- **Diagnostic of**: could not have been caused in any other way than that described.
- **Typical of**: is usually found with this type of trauma, but there are other possible causes.
- **Highly consistent with**: could have been caused by the trauma described, and there are few other possible causes.
- **Consistent with**: could have been caused by the trauma described, or maybe something else
- **Not consistent with**: could not have been caused by the trauma described.
The Court wants your doctor to provide evidence to support your claim based on a detailed history. The Court needs to understand whether the torture rather than other factors caused any medical symptoms.

The final medical report of the examination should be true, based on facts, and carefully worded, and will include the following:

A. Names of those present, exact date and time, location and address of the institution, and the circumstances at the time of the examination – especially if this has been done in a detention center.

B. Qualifications and experience of the medical and psychological experts in documenting evidence of torture, with attached curriculum vitae.

C. A detailed history of the trauma and methods of torture and all physical and psychological symptoms.

D. A record (drawing, measure, and photographs) of all the physical evidence of torture and a psychological assessment, including appropriate tests, if necessary.

E. Diagnosis and interpretation of findings and statements on the probable relationship of the physical and psychological findings to torture methods applied to the survivor.

F. Conclusions and recommendations.

G. Statement of truthfulness.

H. Names and signature of the experts who carry out the examination with date and place conducted.

The purpose of this written report or subsequent oral testimony in courts is to provide the court with the expert opinions on the degree to which the history and medical findings correlate with your allegation of abuse. The physician is trying to answer six important questions of legal interest:

1. Are the physical and psychological findings consistent with your report of torture?

2. What physical conditions contribute to your clinical picture?

3. Are the psychological findings expected or typical reactions to extreme stress within your culture and social context?

4. Given the fluctuating course of trauma-related mental disorder over time, what is the timeframe in relation to the torture event? Where in the course of recovery are you?

5. What other stressful factors are affecting you? (e.g., ongoing persecution, forced migration, exile, loss of family and social role, etc.)? What impact do these have on you?
6. Does the clinical picture suggest a false allegation of torture? Telling the doctor the truth and making sure the report is truthful. The doctor is empathetic to your situation and understands how hard it may be to disclose sensitive but crucial information. Your ability to trust the doctor and answer questions as honestly as possible, including admitting you do not remember or may be confused in some instances, is important.

You must personally review the final report before it is submitted. If anything is incorrect, you may ask the doctor to make corrections to the report.
Psychological Evaluations

If you are applying for asylum, your attorney may ask that you have a psychological evaluation done by a mental health professional. The evaluation is written up into a report that provides information to the court about psychological factors that might support your application for asylum. The report might help inform the judge about your thoughts and feelings related to what happened to you in your country and the reason you are in the United States seeking asylum.

How to Prepare

It will be helpful to bring along any medications that you are now taking and a list of doctors you have seen or will be seeing. Bring any test results you may have from other doctors, if any. Also, bring glasses or hearing aids if you have them. If you have written up an affidavit regarding your situation, you should also bring that. Even if you speak English, and you are not completely fluent, it may be beneficial to have an interpreter with you. When discussing traumatic or significant events it is sometimes difficult to express yourself in English and you may do better in your native language.

Prior to the psychological evaluation interview, you may already have had some type of psychosocial report developed by a counselor or social worker. You may have already completed the Harvard Trauma Questionnaire and/or the Hopkins Symptom Checklist as well. If that is the case, that information should be given to the psychological examiner prior to the evaluation.
What to Expect During the Evaluation

The evaluation may last from one to two hours or more. It depends on the case. There may be the need for additional sessions.

The psychologist will usually start with background information explaining the process to you and have you sign a confidentiality form. This will allow the psychologist to send the report to the people you choose and only to them.

The examiner will want to get background both before you left your country of origin and your history since you have been in the United States. This would include your educational history, work history, medical history, any psychological or mental health history, and any substance abuse history.

The psychologist will then complete a mental status exam, which could include information about mood, appetite, sleep habits, energy level, and any problems you might be having with your thoughts about taking care of yourself.

The psychologist would also ask about any problems with anger control, anxiety, or unusual thinking.

It is possible that the psychologist would also give you some small tasks to complete regarding memory, judgment, abstract thinking, and overall comprehension.

The psychologist might also administer some more tests regarding trauma, depression, or anxiety. If you have any trouble reading, you should have someone come along who is able to read the information to you. The information may be in your own language or in English and you should talk to the examiner about this before the evaluation.

A major part of the evaluation will be going over your story regarding why you came to the United States and why you do not want to return to your country of origin.

It may be helpful to prepare this ahead of time if you have not already done so, so that you can give a chronology of events to the examiner. The examiner will also want to know how you were feeling and what you were thinking at various times during the chronology of events. Particularly important will be your reasons for your actions or what you perceive to be the actions of others.

Afterward you may feel very tired and emotional and it will be good to take the rest of the day off if you can rest, relax, and recuperate.

It is possible that the psychologist will ask to see you again if there is more information they would like to include in the report.
Cost of the Evaluation

The cost of the evaluation will be determined before the evaluation and you should talk with the examiner ahead of time about the cost. The examiner may request the money paid for the examination with a check at the time of the evaluation or you may be able to pay in cash.
Your lawyer will help with this:

Preparing for Your Asylum Interview

The interview: The asylum officer is going to review your affidavit and ask you questions. Your lawyer can be with you but cannot speak. Only you can answer the questions.

Before the interview, you will want to:

• Go over your affidavit with your lawyer and on your own
• Talk to your lawyer about any fears, concerns, or anything that you are unsure of
• Ask your lawyer if he can organize a mock hearing so you can practice giving testimony and answering questions.

What to expect at the interview

• ALL your family members must be present!
• You must bring your own interpreter.
• You will present ALL your documents to the Asylum Officer.
• The Asylum Officer may decide during the hearing or put your case on hold pending review
• If so, the officer will tell the client at the hearing when to return.

During the Interview (your rights during an interview)

• You can ask to have questions repeated
• You can ask for clarification if something seems unclear
• You can ask to use the bathroom

Role of Lawyer

Your lawyer may attend, but will not be allowed to speak.
Possible relationship issues between Asylum Officer and Interviewee.

- Adversarial relationship, which means you might feel like the officer is not treating you nicely
- You may not feel empathy/kind emotions from Asylum Officer
- The Asylum Officer may seem insensitive (i.e., it may feel like you are being accused of not telling the truth).

Talking about your torture trauma (along with the pressure of the interview) may make you want to cry and/or overwhelmed during the interview. This is O.K.

How to use an interpreter effectively (how and when to interrupt). If your interpreter is saying anything that you do not agree with during the interview, you need to speak up.

At the end of the interview, you will be asked if there is anything you want to add. Think about what other information might be helpful to share with the Asylum Officer that you have already discussed with your lawyer and have not already told the Asylum Officer in the asylum interview.

Taking Care of Yourself

Plan for the Asylum Interview

- What is your routine prior to interview?
- What are you going to wear?
- What are you going to do the night before the interview?
- What time is the interview?
- Who is going with you, if anyone?
- How are you going to get to the USCIS?
- Do you know where to go?
Interpreter issues

• Find an interpreter (access, cost)
• Talk with your lawyer about using an interpreter
• Set up a meeting with your interpreter and your lawyer

Schedule meetings with your lawyer – discuss your options

• What is his/her role in the interview?
• Review your affidavit/asylum application
• Ask any questions you may have about the asylum process, your application, and your interview.
• Discuss any concerns about sharing your story with an Asylum Officer.

Use bedtime rituals to be able to fall asleep

Eat meals to maintain your energy

Use social support (friends, FCST staff, co-workers, and therapist) before and after the interview.

Use stress reduction and relaxation techniques

Use strategies to deal with psychological reactions (anxiety, nervousness, flashbacks, intrusive memories, dissociate symptoms where you feel like you are not in your body) before, during, and after the interview.

• Breathing techniques
• Grounding techniques
• Systems of support (lawyer, friends, Center Staff)
• Express your feelings
• Various coping strategies

Remember that: talking about your trauma at the hearing can be very stressful. You might feel like you want to cry and/or overwhelmed during or after the interview. This is O.K.
The Asylum Hearing (Master Calendar Hearing)

The Master Calendar Hearing is only to schedule the date for your Merits Hearing. The Merit Hearing is when your lawyer presents your case.

What to expect at the hearing

- Immigration Court – (See Office Information for directions)
- You may enter first through the jail before going to the hearing room, which is very small
- Your lawyer can talk for you
- The Petitioner is the only person who needs to attend

The Asylum Hearing (Merit Hearing)

The Merit Hearing is when your lawyer presents your case to the Immigration Judge. You will be testifying on your behalf.

What to expect at the merit hearing

- Immigration Court – (See Office Information for directions)
- You will enter first through the jail before going to the hearing room, which is very small.
- Lawyer will represent your case.
- Petitioner will testify.
- Present ALL documents.

Your rights during an interview:

- You can ask to have questions repeated
- You can talk with your lawyer during the hearing
- You can ask for clarification if something seems unclear
- You can ask to use the bathroom
Prepare for adversarial nature of the hearing

- An Immigration Judge will preside over the hearing and will decide the case
- US government lawyer v. your lawyer (regarding your asylum case)
- Adversarial relationship (the government lawyer will try to look for inconsistencies in your asylum case)
- You may not feel empathy/emotions from government lawyer or judge.
- Government lawyer and/or judge may seem insensitive (i.e., it may feel like you are being accused of not telling the truth).

Your Lawyer’s Role

- Your lawyer will be responsible for preparing you for the hearing, you should expect this to occur over several meetings.
- Your lawyer will review your affidavit with you beforehand
- Your lawyer will have compared information in the affidavit to that in other documents
- Your lawyer will have considered how to intervene in the court proceedings if you appear to be extremely affected (i.e. re-traumatized).
- Your lawyer will ask you questions relevant to proving your asylum case
- Your lawyer will serve as an advocate on your behalf
- Your lawyer has considered the possibility of bringing in supporters from the community to accompany and show support for you during the hearing
- Your lawyer will assess the possibility of bringing in outside witnesses and/or expert testimony

Interpreters

- Know how to use your interpreter effectively, i.e. you can ask to have all court proceedings (everything that happens in court, not just the testimony) interpreted
- The government will provide this during a hearing
- Know how and when to interrupt or complain about an interpreter
- Think about whether you should have an independent interpreter who will monitor the accuracy/fidelity of interpretation by the government hired interpreter
Taking Care of Yourself through the Hearing Process

- Use bedtime rituals to be able to fall asleep (do things you normally do before bed)
- Eat meals to maintain your energy
- Utilize social support (friends, FCST staff, co-workers, therapist) before and following the interview
- Use stress reduction and relaxation techniques
- Use strategies to deal with psychological reactions (anxiety, nervousness, flashbacks, intrusive memories, dissociate symptoms) before, during, and after the interview:
  
  I. Breathing techniques
  
  II. Grounding techniques
  
  III. Use system of support (lawyer, friends, FCST staff)
  
  IV. Express feelings
  
  V. Various coping strategies
  
  VI. Medications
CHAPTER 3
Conduct

You may have seen on television shows about courts or trials. The Immigration Court is like those courts in some ways but very different in others.

First, there are less people in Immigration Court. There is a judge, his clerk, you, your lawyer, a translator (if you need one), and another lawyer representing the government. That is it. There is no jury because the judge makes the decision. There is no bailiff or person with a gun in the courtroom.

Second, the courtroom is smaller than the ones you see on television. And there will not be an audience of people watching you. During your Master Calendar hearing at some Immigration Courts there may be other immigrants and their families and lawyers present who are waiting for their cases to be called. If the Immigration Judge or the Government Attorney begins asking you questions that make you uncomfortable, tell your lawyer. Your lawyer can ask the Judge for a private hearing.

Third, the lawyers will not be standing when they question you. They will stay seated at their tables and just ask you questions. The judge can also ask you questions and probably will.

Most American television shows deal with criminal trials where the prosecutor (representing the government) is trying to prove that the person on trial broke the law. That means the prosecutor is working hard to discredit the criminal – to get the person on trial to admit they did something wrong or committed the crime in the case. It is dramatic but like most television, it is not realistic
and does not show what really happens in courtroom trials. And it is even less
accurate for immigration court.

The prosecution attorney in the Immigration Court represents the Department
of Homeland Security. His or her job is not to get you “convicted of a crime” or
to keep you from getting your asylum granted. His or her job is to make sure
you do not present a threat to the United States, and that you are telling the
truth. It is also his job to prove that you are deportable in the first place.

That does not mean that the attorney’s style will be supportive or caring. It
may seem factual and analytical, and may even be adversarial at times.

Still, all three of the legal sides or groups in the Immigration Court are focused
on exactly the same thing: checking the truth of what you are saying.

Here is why. In order for the United States to grant you asylum or remove a
deportation order, the United States needs to know what you cannot go back
to your original country because you could be hurt. The court must have proof
that you have a fear of being hurt. This fear needs to be “well-founded”. That
means the court needs to verify that you were hurt (“persecuted”) in the past,
and that you are afraid to go back because there is a strong chance that you
will be hurt again.

You are the only person who can explain to the court what happened to you.
Only you can tell the judge, the attorney from Homeland Security, and your
own attorney about your experiences in a way that will show them you are tell-
ing the truth. Your attorney will ask you questions to help you explain things,
and the judge may ask questions at any time. But the only person who can
really make everyone understand what happened to you and why it has made
you afraid is you.

Basically, it is up to you to tell everyone why you came to the United States,
and why you need to stay here.

This may feel like a lot of pressure. And it may make you feel tempted to tell a
good “story”. You may be tempted to exaggerate some things, or leave some
things out. Do not lie.
That would be a mistake, because the most important thing for you to do is tell the truth, even when it does not make a great story, and even when it is painful to speak about. The judge and both attorneys are trained to listen carefully. They have heard many people testify (tell their story) and they listen to the way people tell their story.

Sometimes people lie to protect themselves. You may have lied when you arrived in the country, used a different name, or told someone something that was not true just because you were afraid of being deported. You may have decided not to tell something – and let the officials you dealt with have wrong thoughts about you because you were ashamed of something, or something was too painful to talk about. You may have forgotten some things that were painful – blacked them out of your mind – but some of those memories may now be coming back.

All of these reactions are perfectly normal. When people are afraid, they do things to make sure they will survive. This can include not telling the truth, or lying.

But lying can prevent you from getting asylum in the United States. The Immigration Court is looking for information about you that explains what happened to you, what you have said about it before, and what you are saying now. The Immigration Court is looking for a consistent and credible story. If you say something your attorney knows is not true, the attorney has the ethical obligation to have you go back and correct it for the record.

Consistent means that you are telling the same facts that you said before. If you said something different at any time, you will be asked about it. Maybe you think you should tell the story exactly like you did when you told it the first time. But it is not what really happened, and when you say it, it does not feel true to you because you know what really happened.

You should tell your lawyer the truth about exactly what happened to you. You can tell your lawyer why you did not tell the truth then, but tell the truth now. Why? Because the truth sounds different than lies do. Even when a person thinks they are telling a very good lie, and telling it very convincingly, it does not sound the same way the truth does.
Judges are trained at listening to details and making sense of them, and they are trained to listen for lies. One judge said he needs to be able to “see” or “picture” what happened to the person testifying. If you say to this judge, “they came to get me at my house later that night,” this judge will ask, “who are ‘they’? How many came? Were they wearing uniforms?” This judge is trying to understand or see what happened. A person answering the question honestly might speak right away, or they might pause to remember and then answer, but the way they answer is as important as the answer.

One judge told a group of lawyers about an elderly woman from Haiti who had applied for asylum. She told the judge that she had been robbed repeatedly and when she had nothing left to rob, she was beaten. The judge said she was not well educated and she spoke about it very simply. But she spoke in a way that the judge understood exactly what happened to her, why it scared her, and why she was afraid to go back.

So if you have told someone something that is not true, or you have left out some details that make things look different than they are, talk to your lawyer, and tell the lawyer the full truth as you know it. Tell your lawyer what happened to you – as many details as you can, as honestly as you can. This will help your lawyer in knowing what questions to ask you in court. And it will help your lawyer know what things are hard to you to talk about so he or she can ask you questions in a way that helps the judge and the other lawyer understand this as well.

The first time people talk about painful things that happened in the past; it can be very difficult and leave the person feeling very shaky or vulnerable. It can make people feel sick to their stomach, make it hard to breathe, or give them dreams. This is the body’s way of reacting to the painful memories, and it is perfectly natural. A mental health professional can help a person deal with the pain that comes with remembering.

Most of us do not like remembering painful events, or feeling like this. We often try to be strong and forget the memories, or focus on the present, or even the future. That is part of moving forward but in order to heal the past; often people need to remember what happened to understand the pain in the past. We cannot control the memories of what happened, and we cannot control the way those memories make us feel, but we can control what we do about it. We can get help (therapy) to heal.
You might already be involved in therapy, or you may want to ask your lawyer about getting some. The Florida Center for Survivors of Torture can help you with this. Being questioned by your lawyer may remind you of other times you were questioned, and that may make you feel nervous or frightened. Having to appear before people you do not know to tell your story and be questioned about it is hard for anyone. No one likes going before a judge and attorneys to be questioned about personal details in their life.

But, failing to tell the truth in your application for asylum can get your application denied or even your asylum revoked if it is discovered later. You need to tell the truth.
Miami Asylum Office Information
99 SE 5th Street, 3rd Floor
Miami, FL 33131
Phone: (305) 960-8600 Fax: (305) 530-6071

Directions

By Bus
The following bus routes provide service to Brickell Avenue with stops at or near SE 5th Street: Routes 24, 48 and B. For further information on bus routes please call: Dade County (305)770-3131; Broward County: (954)357-8400.

By Train
Take the Metrorail to the Brickell Street Station, then get off the train and get on the train to the Brickell loop of the Metro mover and exit at the SE 5th Street Station. Turn left (east) on SE 5th Street and walk one-half block to our offices.

By Car
From Southbound I-95, exit at SW 7th Street in downtown Miami. Go through the first light (SW 7th Street) and turn left (east) at the second light (SW 8th Street). Continue east to Brickell Avenue. Turn left (north) on Brickell and proceed to SE 5th Street (last street on left before Brickell Bridge). Turn left onto SE 5th Street and go half a block to the above address.

From Northbound I-95, exit at SW 8 Street and turn right (east) onto SW 8 Street. Continue east to Brickell Avenue. Turn left (north) on Brickell and proceed to SE 5th Street (last street on left before Brickell Bridge). Turn left onto SE 5th Street and go half a block to the above address.
Miami Immigration Court Information
One Riverview Square
333 S. Miami Ave., Suite 700
Miami, FL 33130
Phone: (305)789-4221

Directions

By Car

From I-95, take exit 1B for US-41/SW 7th St toward Brickell Ave. Then merge onto NW 3rd Ct. Make a slight left at SW 4th Ave./Juan Gualberto Gomez Blvd (You should see signs for Brickell Ave). Next, turn left at SW 8th St/Calle Ocho/US-41. Turn left at S. Miami Ave.
Miami Krome (Detained) Immigration Court
Krome North Processing Center
18201 SW 12th St., Building #1, Suite c
Miami, FL 33194
Phone: (305)530-7196

Directions

By Car

Orlando Immigration Court Information
80 N. Hughey Avenue, Suite 203
Orlando, FL 32801
Phone: (407)648-6565

Directions

By Car

From I-4, take exit 83B for State Highway 50/Amelia St./US 92 towards US 17. Then turn left at W. Amelia St. Make another left turn at Hughey Ave.
You may only receive some assistance and services for a short time. Asylees may apply to receive refugee cash and medical assistance for eight months beginning on the date that they are granted asylum. When you go to the benefits office to apply, you will need to bring proof that you have been granted asylum and proof of the date on which you were granted asylum. In addition to proving that you are an asylee, there are other requirements that you must fulfill in order to receive this assistance. These will be explained to you when you go to apply. The eligibility period for other ORR programs is normally five years.

**Employment Authorization**

Once you are granted asylum, you can work legally in the United States. However, many asylees find that employers do not recognize the I-94 card and require an EAD. The first time you apply for an EAD, it is free. After that, the fee is $380.
To apply for an employment authorization document (EAD)

- Copy of asylum approval
- 2 passport photos

Social Security

Once you are granted asylum, you need to go to the Social Security office and apply for a social security card. You must bring proof of your asylee status, either your I-94 card or your EAD.

For more information, call 1-800-772-1213, or go to http://ssa.gov/ssnumber/

Family Petition

Once you are granted asylum you can file petitions to bring your children and spouse to the United States. You MUST apply for them within two years of being granted asylum. The procedure is:

- Include a copy of your asylum approval letter
- Include a copy of birth or marriage certificate to prove your relationship
- Include one photo of your child or spouse

In order to file for your spouse, you must be married at the time you apply for asylum. You must list your spouse on your asylum application. Also, please be aware that any children born outside the US after gaining asylum are ineligible. Please be aware that you might be required to do DNA testing to prove that you are the biological parents of your children.

Permanent Residence (“Green Card”)

One year after being granted asylum, you can apply for permanent residency, which is also known as a green card.

**If you move (change address)**


If you are male and between the ages of 18 and 26, you need to register for the Selective Service. Selective Service lets the US government know about those that might be called to serve in the military. You will probably never be called to serve, but it is a possibility. The easiest way to register is online at: [http://www.sss.gov/RegVer/wfRegistration.aspx](http://www.sss.gov/RegVer/wfRegistration.aspx)

Some post offices also have a Selective Service “mail-back” registration forms.

**If you want to travel outside the United States, you need a special document.** You must speak with a lawyer before leaving the United States. Some people should not leave the country even after being granted asylum and if they do, it can have very serious negative consequences. You should be very careful about traveling abroad if you are convicted of a crime in the United States because some criminal convictions will make you inadmissible when you try to return. Please be sure to speak to your lawyer before travelling abroad.
Am I eligible to receive benefits through the Office of Refugee Resettlement?

If you have been granted asylum in the United States, you may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers programs to help refugees, asylees and other special populations restart their lives in the United States. Programs include cash and medical assistance, employment preparation and job placement, and English language training.

Am I eligible for any other benefits?

There may be other benefits programs that you are eligible for, in addition to ORR assistance and services. When you go to the benefits office, ask to learn about all of the assistance and services that may be available to you.

Asylees who have successfully completed the process have been interviewed to help you with possible coping strategies as you go through this process.

Department of Health and Human Services
Administration for Children and Families
Office of Refugee Resettlement

Who runs these programs?

These programs are run by state private agencies in different locations throughout the United States. Each state may have different programs available.

To find out what is available and where to go for assistance and services in your state, please call:
To find out what is available and where to go for assistance and services in your state, please call:

1-800-354-0365

Services are provided in several languages, including Spanish, Haitian Creole, French, Italian, Chinese, Russian, Macedonian, Polish, Hindi, Punjabi, Albanian, Serbo-Croatian, Arabic, Turkish and Korean.

Post Asylum Benefits

Once you have been granted asylum, you have 30 days to register in order to receive benefits from the government.
Helpful Advice from Asylees

Try to find a good lawyer who specializes in immigration.
Get all your facts and documents together.
Definitely get help from professionals.

If you are feeling frustrated or discouraged, try to find an organization like FCST to help you.

Patience is very important because there are times you will feel frustrated. You have to hope and have patience.

Get professional help. It is a process that sometimes goes fast and sometimes goes slow. You cannot change that – you have to trust the process and hope for the best.

Now that you are finished (or almost finished) with the process, what are your thoughts or feelings about it?

We are looking forward to a feeling of peace once it has finished.
It is hard going through the process and sometimes I feel like a victim. I do not have control over the future and the process requires a great deal of bravery. But the people who are helping me at the Center are giving me a lifeline.

Ways to take care of yourself during the process.
On a personal level, the most important thing was to have found a job to exist and carry us through.
Embracing each other as husband and wife and comforting each other.

Having a psychologist to work with me. She has helped me cope with some of the issues with flashbacks and every day images that take me back to what happened to me. She is helping me to see what is real now so that the past cannot control me.

Working with people at the Center who have been through this, I feel understood.

Any other thoughts or advice?
Be ready before you start the process. Be prepared and bring your documents with you.

Get a good attorney who is confident in your case.

Get professional help. Professionals can be lifesaving and make you feel more empowered.