Asylum Interview & Results

“The asylum application, all supporting information provided by the applicant, any comments submitted by the Department of State or by the Service, and any other information specific to the applicant's case and considered by the asylum officer shall comprise the record.”

The asylum interview notice in Houston is received approximately two weeks after the affirmative asylum package is sent to the service center. During this time period the applicant must be fingerprinted and make arrangements to travel to Houston for the interview. Approximately ten days after the interview, the applicant returns to Houston to pick up their results. Since this process moves very quickly, it is helpful to know what to expect during the process.

8.1 Once the affirmative application is submitted to the CIS, the pro bono and applicant can expect the following to occur:

1. Receipt Notice. Once the package is filed with TSC, the center will issue a receipt notice stating that the package has been transferred to the Houston Asylum Office. It usually takes approximately one to two weeks to receive the receipt notice from the date of the original filing. Both the applicant and the attorney of record should receive a receipt notice. See Appendix 8-A for a sample receipt notice.

2. Interview Notice. Shortly after the receipt notice is issued, the applicant and the attorney of record will receive an interview notice stating the date and time of the asylum interview. All interviews take place at the Houston Asylum Office on 16630 Imperial Valley Drive, Suite 200, Houston, Texas. See Appendix 8-K for directions and maps to the asylum office. Barring exceptional circumstances, an applicant must be interviewed within forty-five days from the day that the application was filed. Generally, individuals residing in North Texas are interviewed within thirty days from the date the application was submitted. See Appendix 8-A for a sample interview notice.

3. Fingerprints. After the I-589 receipt notice is received, the applicant will receive an appointment notice to have their fingerprints taken at a local Applications Support Center.

1 8 CFR 208.9(f)
2 INA §208(d)(5)(A)(ii).
Center (ASC) for a mandatory background check. **The applicant must be fingerprinted prior to the asylum interview.** If the applicant fails to do so, their asylum interview will be rescheduled. Applicants failing to show good cause for failing to appear for fingerprinting prior to the interview may have their cases dismissed or referred to the Executive Office for Immigration Review.³

ASCs are located in most major cities. There are three locations in the DFW metroplex. The notice will instruct the applicant which office they should go to be fingerprinted. The pro bono should urge the applicant to be fingerprinted as soon as possible. As noted above, the applicant’s failure to do so could slow down the processing of their application. See Appendix 8-B for a sample fingerprint notice.

Dependent family members over the age of fourteen will also be required to be fingerprinted. An appointment notice should also be sent to these family members. For directions to other ASC locations, please contact HRI.

4. **Employment.** The mere fact that an applicant has applied for asylum does not give the applicant the authorization to work. However, if the application is still pending after 150 days, the applicant may be eligible for a work permit, and the pro bono should contact HRI to discuss filing a Form I-765. Once the Form I-765 is filed, the applicant usually receives an Employment Authorization Document within 90 days.

### 8.2 The Affirmative Asylum Interview

1. **General Information regarding the Asylum Interview**

Asylum applicants are entitled to a non-adversarial interview with an asylum officer. The purpose of these interviews is to “elicit all relevant and useful information bearing on the applicant’s eligibility for asylum.”⁴ The interview consists of an asylum officer asking general questions verifying the information provided in the application and eliciting testimony regarding the applicant’s asylum claim. At the end of the interview, the attorney or applicant will be able to present a closing statement to the officer. The entire interview typically lasts between 1 ½ to 2 ½ hours.

Although the pro bono is not required to attend the asylum interview, HRI prefer that each applicant attend their interview with an attorney present. If the pro bono preparing the affirmative application is unable to attend, HRI will do everything in its power to secure another pro bono to attend with the applicant.

Most asylum offices only want one attorney present for the asylum interview. If more than one attorney wants to attend the interview, the attorney should make a request in writing to the asylum office director at least a week before the scheduled interview date.

Applicants and pro bono are individually responsible to make travel arrangements to Houston for the asylum interview. If, however, the applicant is unable to make or to afford travel arrangements, please contact HRI, and HRI will do its best to make arrangements for the applicant.

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⁴ 8 CFR 208.9(b)
2. Rescheduling the Asylum Interview

Rescheduling an asylum interview, although possible, is discouraged. This is because, if the request is not granted, the application could be denied, and the applicant could be placed in removal proceedings without having an interview with an asylum officer. Nonetheless, if the pro bono has good cause to reschedule an interview, the pro bono should send a fax to the asylum office stating the applicant’s name, alien number, and special reason the appointment needs to be rescheduled. The pro bono should follow up shortly after by telephone to verify that the office has received the request. Send the fax to the following:

Houston Asylum Office
Attention: Marie Hummert, Director of Asylum
Telephone: (281) 774-4825
Fax: (281) 774-5992

If the applicant fails to appear for the interview or attempts to reschedule more than once, the applicant will waive the right to an interview. Under these circumstances, the applicant is normally referred directly to the Immigration Court.\(^5\)

3. What to Bring to an Affirmative Asylum Interview

The attorney or applicant should bring the following to the asylum interview:

- **Interview notice.**
- **Asylum application.**
- **Applicant’s identification.**
- **Applicant’s entire legal file.**
- **All original documents in the applicant and attorney’s possession.**
- **Dependent family members.** If the asylum application includes any dependent family members, then these family members must also attend the asylum interview.
  - Dependent family members should also bring identification.
- **Competent interpreter.** If the applicant is unable to speak fluent English, then a competent interpreter is required\(^6\):
  - The interpreter must: (1) be at least 18 years of age; (2) have lawful immigration status; (3) be fluent in both English and a language in which the applicant also speaks fluently; and (4) not be (i) the applicant’s attorney or representative of record, (ii) a witness testifying on the applicant’s behalf at the interview, or (iii) a representative or employee of the applicant’s country.\(^7\) Additionally, it is strongly discouraged to have family members serve as interpreters.
  - Interpreters should also bring identification, and the pro bono should provide a copy of the interview notice to the interpreter.
- **Comfortable business attire for applicant.** The applicant should wear comfortable business attire for the interview. Although the applicant is not required to wear a suit, jeans and t-shirts are inappropriate.

\(^5\) 8 CFR 208.10

\(^6\) Failure to bring an interpreter, without a showing of good cause, may be considered an unexcused failure to appear for the interview. 8 CFR 208.9(g).

\(^7\) 8 CFR 208.9(g)
• **Additional items documenting the applicant’s claim or identity.** Additional documents furthering the applicant’s asylum claim, but not contained in the application, should also be brought. The pro bono should also make sure to bring three copies of any additional documentation.

• **Witnesses able and willing to substantiate the applicant’s claim.**

4. **The Asylum Interview**

Asylum Officers have wide discretion in how they conduct the asylum interview. Accordingly, it is impossible to know exactly how the interview will proceed. Notwithstanding the lack of uniformity, all Asylum Officers are directed to conduct the interview in a nonadversarial way. Asylum Officers are also instructed to remain objective and treat all applicants with respect during the interview.

Interviews generally begin with an introduction from the Asylum Officer explaining his role in the asylum proceeding. The Asylum Officer will explain that his job is to verify personal information, evaluate eligibility for asylum, and make determinations of alienage and removability. During this introduction, the Asylum Officer should also explain that the interview will remain confidential and will not be shared with the applicant’s government. After the brief introduction, the Asylum Officer will administer an oath to the applicant. If a translator is present, the Asylum Officer will also administer an oath to the translator. Additionally, the Asylum Officer may have a third-party translation service listen in to the interview over the telephone to verify the accuracy of the translation.

Once the oath is administered, the Asylum Officer will proceed by reviewing and confirming the information provided on the application. If any information on the application requires changes or updates, the attorney should raise the changes before the review process.

After the Asylum Officer finishes reviewing the application for updates and errors, the Asylum Officer will ask questions pertaining to the applicant’s claim for asylum. These questions will most likely concern the reason why the applicant fears returning to his or her home country. The questioning can be both specific and open-ended. Often, Asylum Officers will not have had time to review the application prior to the interview. Accordingly, it is best to be as comprehensive as possible when answering the Asylum Officer’s questions.

The role of the pro bono during the asylum interview is very limited. The pro bono may, in some circumstances, interrupt the interview if he or she feels that the applicant did not understand the question or if the question is inappropriate. Additionally, the pro bono may request a brief recess if he feels that the applicant needs a break or if it appears the applicant may be withholding or misrepresenting information. After the Asylum Officer finishes his questioning, the pro bono may, at times, be allowed to ask follow-up questions. Again, each individual Asylum Officer conducts interviews in their own way, so it is imperative that the attorney remain flexible.

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8 8 CFR 208.9(b)

At the conclusion of the questioning session, the Asylum Officer will ask if the pro bono or applicant would like to make a closing statement. During the closing statement, it is important that the attorney explain to the Asylum Officer why the applicant is eligible for asylum and which enumerated grounds are applicable to the applicant’s claim. Additionally, it is important to direct the Asylum Officer to any document that is particularly supportive of the applicant’s case or that the attorney believes should be given particular attention.

Asylum Officers, in their own discretion, may permit receipt of additional documentation after the interview. If you wish to provide additional documentation after the interview, be sure to discuss this with the Officer.

5. Preparing for an Asylum Interview

Preparation for an interview can be invaluable in achieving a successful asylum interview. Good preparation involves working with an applicant and explaining the most relevant issues regarding a valid asylum claim.

Mock interviews can be tremendously helpful in preparing for an asylum interview. Mock interviews help explain what problems the applicant may face and may also help prevent the applicant from being nervous during the actual interview. Additionally, mock interviews are especially helpful when the applicant requires an interpreter since mock interviews help familiarize interpreters with the applicant’s story and asylum claim. It is strongly recommended that the interpreter that will attend the actual asylum interview attend all mock interviews.

Creating a timeline prior to the interview can also be helpful, especially when the applicant’s story is complicated and lengthy. A timeline should include all essential information in chronological order with dates. Since Asylum Officers often ask questions out of chronological order, timelines are helpful for keeping track the important incidents that the applicant forgets to testify about.

Additionally, before the asylum interview, the pro bono should ask the applicant if there is any question that they fear the Asylum Officer asking them. It is better to address the applicant’s fears and formulate a strategy for dealing with them than to allow the applicant to feel fearful about a particular question which may or may not be asked.

Contact HRI to schedule mock interviews and for any additional guidance regarding preparing for the asylum interview. HRI typically provides one or two prep sessions before the interview. HRI strongly encourages that the interpreter also attend these prep sessions.

8.3 Interview Results

At the end of the interview, the applicant will be informed that they will be required to return to the asylum office to pick up their results, or they will be informed that their results will be mailed to them.

If the applicant is out of nonimmigrant status, the applicant will most likely be required to return to the asylum office in Houston to pick up their results. If the applicant is required to return to the asylum office to pick up their results, the Asylum Officer will advise the

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10 8 CFR 208.9(d)
11 8 CFR 208.9
applicant of this at the conclusion of their asylum interview. Generally, the result appointments are scheduled ten to fourteen days after the initial interview. When the applicant returns to Houston to pick up their results, they will be given a written decision explaining the results.

The possible results are as follows:

1. **The Applicant is Granted Asylum.** If all background checks have been completed, and the asylum office approves of the applicant's asylum claim, the applicant will be granted asylum and receive a final approval and I-94. See Appendix 8-C for a sample asylum approval notice, Appendix 8-D for a sample I-94, and Appendix 8-E for a sample Asylum Addendum Automatic Issuance of Form I-766 Employment Authorization Document.

2. **The Applicant is Recommended for Approval.** If the applicant’s background check has not been completed, but the applicant’s asylum claim is determined to be valid, the applicant will be given recommended approval. Once the asylum office completes the processing and background checks, the office will issue the final approval notice and I-94. See Appendix 8-F for a sample recommended asylum approval notice.
   - If the applicant receives recommended approval, they will not be processed for an employment authorization card at the asylum office. Instead, the applicant will have to apply through the Nebraska Service Center and will receive the authorization within ninety days.

3. **The Applicant is Referred to the Immigration Judge.** If the asylum application is not approved by the asylum office and the applicant is not in lawful status, the applicant will receive a Referral Notice briefly explaining why the case was not approved. Since the asylum office does not normally have the authority to deny an application, the notice refers the application to an Immigration Judge. Accompanying the Referral Notice is a Notice to Appear, which should schedule the applicant for a Master Hearing before the Immigration Judge. See Appendix 8-G for a sample Referral Notice and Appendix 8-H for a sample Notice to Appear.

4. **The Applicant is Issued an Intent to Deny.** If the applicant is still in lawful nonimmigrant status at the time the Asylum Office issues the decision, and if the asylum office does not believe that the applicant has met their burden of proving their case for asylum, the applicant will receive an Intent to Deny. If the applicant receives an Intent to Deny, the applicant is given ten days to respond to the reasons the CIS wishes to deny the application. The pro bono should contact HRI immediately if an Intent to Deny is issued. In most instances, an Intent to Deny cannot be overcome, and the applicant is issued a final denial letter stating the basis for the denial. The applicant will be able to remain in the United States while he or she is in valid nonimmigrant status. See Appendix 8-I for a sample Intent to Deny and 8-J for a sample Rebuttal to an Intent to Deny.
# Chapter 8

The Affirmative Asylum Process

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FROM AS DEPT OF HOUSING & SECURITY
BUREAU OF CIVIL & IMMIGRATION MAUS
ASYLUM OFFICE
7 O. BOX 670926
AUSTIN, TX 78767-9742

DATE: 7/16/02
FORM: I-589

Acknowledgement of Receipt was
Your complete Form I-589 asylum application has been received and is pending as of 7/14/00. You may remain in the U.S. until your asylum application is decided. If you wish to leave while your application is pending, you will obtain advance parole from BUSS. If you change your address, send written notification of the change within 10 days to the above address. You will receive a notice informing you when you and those listed on your application as a spouse or dependents must appear for an asylum interview.

TO

FROM AS DEPT OF HOUSING & SECURITY
BUREAU OF CIVIL & IMMIGRATION MAUS
ASYLUM OFFICE
7 O. BOX 670926
AUSTIN, TX 78767-9742

DATE: 7/16/02
FORM: I-589

Thereafter, you and the family members on your Form I-589 are scheduled for interview as shown below. Bring a written copy of identification, name, date and place of birth, and nationality; 3 copies of evidence of your relationship to family members on your Form I-589 such as marriage or birth certificates, or affidavits and other evidence not submitted before. If you cannot speak English fluently, you must provide a competent interpreter at least 18 years old who is not your attorney, representative, or witness. Failure without good cause to appear for interview or to provide a competent interpreter may result in immediate referral to an immigration judge.

INTERVIEW DATES: 8/20/02-9/6/02
TUES 7:30

FROM AS DEPT OF HOUSING & SECURITY
BUREAU OF CIVIL & IMMIGRATION MAUS
ASYLUM OFFICE
7 O. BOX 670926
AUSTIN, TX 78767-9742

DATE: 7/16/02
FORM: I-589

Thereafter, you and the family members on your Form I-589 are scheduled for interview as shown below. Bring a written copy of identification, name, date and place of birth, and nationality; 3 copies of evidence of your relationship to family members on your Form I-589 such as marriage or birth certificates, or affidavits and other evidence not submitted before. If you cannot speak English fluently, you must provide a competent interpreter at least 18 years old who is not your attorney, representative, or witness. Failure without good cause to appear for interview or to provide a competent interpreter may result in immediate referral to an immigration judge.

INTERVIEW DATES: 8/20/02-9/6/02
TUES 7:30

FROM AS DEPT OF HOUSING & SECURITY
BUREAU OF CIVIL & IMMIGRATION MAUS
ASYLUM OFFICE
7 O. BOX 670926
AUSTIN, TX 78767-9742

DATE: 7/16/02
FORM: I-589

Thereafter, you and the family members on your Form I-589 are scheduled for interview as shown below. Bring a written copy of identification, name, date and place of birth, and nationality; 3 copies of evidence of your relationship to family members on your Form I-589 such as marriage or birth certificates, or affidavits and other evidence not submitted before. If you cannot speak English fluently, you must provide a competent interpreter at least 18 years old who is not your attorney, representative, or witness. Failure without good cause to appear for interview or to provide a competent interpreter may result in immediate referral to an immigration judge.

INTERVIEW DATES: 8/20/02-9/6/02
TUES 7:30
Appendix 8-B

Fingerprint Notification

CASE TYPE
1589 Application For Asylum

RECEIVED DATE
July 14, 2009

PRIORITY DATE
July 14, 2009

NOTICE DATE
July 16, 2009

PAGE
1 of 1

CUSC DALLAS-NORTH
0051 WHITEHURST DRIVE
SUITE 220
DALLAS TX 75240

You have been scheduled to appear at the below USCIS Application Support Center (ASC) to be fingerprinted and photographed (biometrics collection) during the 14-day period specified below. Completion of background identity and security checks is required in order to process your application.

Address

14-Day Period

07/19/2009 to 08/02/2009

Hours of Operation
CLOSED ON FEDERAL HOLIDAYS

Sun, Mon Closed
Tues-Sat 8am-4pm

Failure to appear as scheduled for fingerprinting and biometrics collection during the 14-Day period may delay eligibility for work authorization and/or result in an asylum officer dismissing your asylum application, and/or referring it to an Immigration Judge.

When you appear for fingerprinting and biometrics collection, you MUST BRING THIS LETTER. Even if you are scheduled at the same time as your family members, each individual must bring his or her own notice. If you do not bring this letter, you will not be able to have your fingerprints taken. This may cause a delay in the processing of your application and your eligibility for work authorization. **You should also bring photo identification such as a passport, valid driver's license, national ID, military ID, State-issued photo ID, or USCIS-issued photo ID.** If you do not have any photo identification, please expect a minor delay, as you will need to be interviewed by a USCIS officer regarding your identity. **Note: Asylum applicants are not required to present identification documents in order to have fingerprints and biometrics collected.**

Please note that the staff at the ASC will not be able to answer any questions about the status of your application. We appreciate your patience during the process.

Pursuant to Section 265 of the Immigration and Nationality Act, you are required to notify the USCIS, in writing, of any address changes, within 10 days of such change. If you were placed in removal proceedings before an Immigration Judge, you are also required to notify the Immigration Court having jurisdiction over your case of any change of address within 5 days of such change, on Form EOIR-33. Include your name, signature, address, and USCIS A# on any written notice of change of address. The USCIS will use the last address you provided for all correspondence, and you are responsible for the contents of all USCIS correspondence sent to that address. Failure to provide your current address as required may result in dismissal or referral of your asylum application, institution of removal proceedings, the entry of a removal order in your absence if you fail to appear for a hearing before an immigration judge, and removal from the United States. If you have any questions or comments regarding the status of your application, please contact the office with jurisdiction over your application.

If you have any questions regarding this notice, please call 1-800-375-5283.

APPLICANT COPY

I-797C, Notice of Action

Department of Homeland Security
U.S. Citizenship and Immigration Service

THE UNITED STATES OF AMERICA

Updated April 2010
Appendix 8-C

Date: 09.02.2010

C/O HUMAN RIGHTS INITIATIVE
2801 SWISS AVE
DALLAS, TX 75204

RE:

Asylum Approval

Dear Mr.,

This letter refers to your request for asylum in the United States filed on Form I-589.

It has been determined that you are eligible for asylum in the United States. Attached please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted asylum status in the United States pursuant to § 208(a) of the Immigration and Nationality Act (INA) as of 08/31/10. This grant of asylum includes your dependents listed above who are present in the United States, who were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You have been granted asylum in the United States for an indefinite period; however, asylum status does not give you the right to remain permanently in the United States. Asylum status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2).

Now that you are an asylee, you may apply for certain benefits, which are listed below. You are also responsible for complying with certain laws and regulations, if such laws and regulations apply to you. These responsibilities are also explained in this letter. We recommend that you retain the original of this letter as proof of your status and that you submit copies of this letter when applying for any of the benefits or services listed below. You may obtain any of the U.S. Citizenship and Immigration Services (USCIS) forms mentioned in this letter by visiting a local USCIS office or by calling the National Customer Service Center at 1-800-375-5283. You may also download any USCIS form from the Internet on the USCIS website at www.uscis.gov.

Benefits

1. Employment Authorization

You are authorized to work in the United States for as long as you remain in asylum status. Your dependents listed above are also authorized to work in the United States, so long as they retain derivative asylum status.

RFOM January 2004

www.uscis.gov
In order to work in the United States, every employee must show to a prospective employer certain documentation as proof of employment authorization. That proof may consist of, among other things, an unexpired social security card and a state-issued driver’s license. It may also consist of an unexpired employment authorization document issued by USCIS. For a list of all documents that can be accepted by an employer as proof of employment authorization, consult the USCIS Form I-9, Employment Eligibility Verification, available on the USCIS web site at www.uscis.gov.

You and any qualifying dependents are each entitled to immediately receive an employment authorization document issued by USCIS. Please see the attached sheet entitled “Notice Regarding Employment Authorization Documentation” to find out how you can receive your employment authorization document.

2. Derivative Asylum Status

You may request derivative asylum status for any spouse or child (unmarried and under 21 years of age) who is not included in this decision and with whom you have a qualifying relationship, whether or not that spouse or child is in the United States. To request derivative asylum status, you must submit a Form I-730, Refugee and Asylee Relative Petition, to the Nebraska Service Center, P.O. Box 87730, Lincoln, NE 68501-7730. The Form I-730 must be filed for each qualifying family member within 2 years of the date you were granted asylum status, unless USCIS determines that this time period should be extended for humanitarian reasons.

3. Social Security Cards

You may immediately apply for an unrestricted Social Security card at any Social Security office. To get an Application for a Social Security Card (Form SS-5) or to get more information about applying for a Social Security card use www.ssa.gov. To learn more about applying for a Social Security card, call the toll-free number 1-800-772-1213, or visit a local Social Security office. When you go to a Social Security office to apply for a Social Security card, you must take your I-94 card showing you have been granted asylum status. If available, you also should also take some kind of photo-identity document, such as an EAD or your passport. For directions to the Social Security office nearest to you, call the Social Security Administration toll-free number or visit the website listed above.

4. Assistance and Services through the Office of Refugee Resettlement (ORR)

You may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers various programs, which are run by state and private, non-profit agencies throughout the U.S. The programs include cash and medical assistance, employment preparation and job placement, and English language training. Many of these programs have time-limited eligibility periods that begin from the date of your grant of asylum. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter. To find out what programs are available and where to go for assistance and services in your state, please call (800) 354-0365. You also may sign on to the ORR website at www.acf.hhs.gov/programs/orr.
5. **Employment Assistance**

You are eligible to receive a variety of services under Title I of the Workforce Investment Act of 1998. Such services include job search assistance, career counseling, and occupational skills training. These and other services are available at local One-Stop Career Centers. To obtain information about the Center nearest you, please call 1-877-US2-JOBS. The information is also available on-line through America’s Service Locator at [www.servicelocator.org](http://www.servicelocator.org).

6. **Adjustment of Status**

You may apply for lawful permanent resident status under section 209(b) of the Immigration and Nationality Act after you have been physically present in the United States for a period of one year after the date you were granted asylum status. To apply for lawful permanent residence status, you must submit a separate Form I-485, Application to Register Permanent Residence or Adjust Status, for yourself and each qualifying family member to the Nebraska Service Center, P.O. Box 87485, Lincoln, Nebraska, 68501-7485.

**Responsibilities**

1. **Departing from the United States**

If you, and/or your qualifying family members with derivative asylum status, plan to depart the United States, you must each obtain permission to return to the United States before you leave this country by obtaining a refugee travel document(s). A refugee travel document may be used for temporary travel abroad and is required for re-admission to the United States as an asylee. If you and/or your qualifying family members do not obtain a refugee travel document in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You and each qualifying family member may apply for a Refugee Travel Document by each submitting a Form I-131, Application for Travel Document, with the required fee or request for fee waiver under 8 C.F.R. 103.7(c) to the Nebraska Service Center, P.O. Box 87131, Lincoln, NE 68501-7131.

2. **Changes of Address**

You must notify the Department of Homeland Security (DHS) of any change of address within ten days of such change. You may obtain a Form AR-11, Alien’s Change of Address Card at your nearest post office or USCIS office, or online at [www.uscis.gov](http://www.uscis.gov), to comply with this requirement.
3. Selective Service Registration

All male asylees between the ages of 18 and 26 must register for the Selective Service. To obtain information about the Selective Service and how to register, you may sign on to the Selective Service website at www.ssn.gov or obtain a Selective Service "mail-back" registration form at your nearest post office.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the DHS.

Sincerely,

[Signature]

for Maria Hammert
Director
HOUSTON ASYLUM OFFICE

CC: LAURA M FONTAINE
2001 ROSS AVE STE 3700
DALLAS, TX 75201

Enclosures:  

☐ L-94 Card(s)
☐ Form I-688B, Employment Authorization Card
Warning. A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important: Renunciating a permit in your possession; you must surrender it when you leave the U.S.

Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this permit. To remain past this date, without permission from the Department of Homeland Security authorities, is a violation of the law.

Surrender this permit when you leave the U.S.

- By sea or air, to a transportation officer;
- At the Canadian border, to a Canadian official;
- Across the Mexican border, to a U.S. official.

Students planning to return to the U.S., within 30 days to return to the same school, see “Arrival Departure” on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

Part:
Date:
Carrier:
Flight No./Ship Name:
Asylum Addendum
Automated Issuance of Form I-766 Employment Authorization Document

This addendum is to notify you about the process for issuing your initial Employment Authorization Document (EAD) that is provided to you without cost. U.S. Citizenship and Immigration Services (USCIS) will provide a secure two-year EAD for those individuals who had their biometrics (fingerprints, photo and signature) collected at a USCIS Application Support Center (ASC) and were issued a final grant of asylum from an Asylum Office. In order to better serve asylees, USCIS is automatically generating an I-766 EAD that is valid for two years, and will be mailed within 7-10 days of issuance of your asylum approval to the last address you provided to USCIS.

What should I do if I do not receive my EAD card in the mail?

If you did not receive your EAD card in the mail within 14 business days of issuance of your asylum approval letter, you should contact the Asylum Office that issued your decision and inform them that you did not receive your card. The Asylum Office will try to determine why you did not receive your card.

Contact:  Alice Hassan,  EAD Coordinator  Telephone # (281) 931-2100

What should I do if my new initial two-year EAD card is lost or stolen?

If your new initial two-year EAD card is lost or stolen, you are required to fill out an I-765 Application for Employment Authorization and send it to the Nebraska Service Center at the following address:

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765
Date: 05-28-2010

C/O HUMAN RIGHTS INITIATIVE
2801 SWISS AVE
DALLAS, TX 75204

RE:

Recommended Approval

Dear Mr.

This letter refers to your request for asylum in the United States filed on Form I-589. Your request has been recommended for approval.

However, final approval cannot be given until U.S. Citizenship and Immigration Services (USCIS) receives the results from the mandatory, confidential investigation of your identity and background. If the results reveal derogatory information that affects your eligibility for asylum, USCIS may deny your request for asylum or refer it to an immigration judge for further consideration.

This recommended approval is valid for the period of time necessary to obtain the required clearances. The recommended approval includes your dependents listed above who are present in the United States, were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You and your dependents listed above are eligible to apply for work authorization during the background check process pursuant to 8 CFR 274a.12(c)(8)(ii). To work in the U.S., you and each qualifying family member must apply for and obtain an Employment Authorization Document (EAD). If authorized, you may accept employment subject to any restrictions in the regulations or on the card. You and your qualifying family members are not required to pay a fee with your initial request(s) for employment authorization. However, when you submit an application to renew your employment authorization, you must each pay a fee or request a fee waiver under 8 C.F.R. 103.7(c). To obtain an EAD, you must each submit a Form I-765, Application for Employment Authorization, to the appropriate USCIS Service Center as provided in the instructions to the Form I-765.

This recommended approval does not entitle your spouse or children outside the United States, if any, to receive derivative asylum status or to be admitted to the United States. If you receive final approval of asylum, you will be entitled to request derivative asylum for your spouse or unmarried child(ren) under 21 years of age by filing a Form I-730, Refugee and Asylee Relative Petition.

RFGM January 2004

www.uscis.gov
If you and/or your qualifying family members plan to depart the United States and intend to return, you must each obtain permission to return to the United States before you leave this country. If you leave the United States without first obtaining advance parole, it may be presumed that you abandoned your request for asylum. You may apply for advance parole by filing a Form I-131, Application for Travel Document. If you leave the United States with advance parole and return to the country of claimed persecution, you will be presumed to have abandoned your asylum request, unless you can show compelling reasons for the return.

You must notify the Department of Homeland Security (DHS) of any change of address within ten days of any such change. You may obtain a Form AR-11, Alien’s Change of Address Card, at your nearest post office or USCIS office, or online at www.uscis.gov, to comply with this requirement. Please also submit a copy of this form or other written notification of any change of address to the Asylum Office having jurisdiction over your pending request for asylum.

You may obtain any of the USCIS forms mentioned in this letter by visiting a local USCIS office or by calling the National Customer Service Center at 1-800-375-5283. You may also download any USCIS form from the public Internet by signing on to our website at www.uscis.gov.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the DHS.

Sincerely,

[Signature]

for Marie Hummert
Director
HOUSTON ASYLUM OFFICE

CC: LAURA M FONTAINE
2001 ROSS AVE STE 3700
DALLAS, TX 75201
Date: 8-19-09

C/O HUMAN RIGHTS INITIATIVE
2501 OAK LAWN AVE STE 850
DALLAS, TX 75219

RE:

Referral Notice

Dear Ms.

This letter refers to your request for asylum in the United States (Form I-589).

Applicants for asylum must credibly establish that they have suffered past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, and that they merit a grant of asylum in the exercise of discretion.

For the reason(s) indicated below, U.S. Citizenship and Immigration Services (USCIS) has not granted your claim for asylum:

After careful consideration of all available information and explanations at your asylum interview, your claim was deemed not credible on the basis of:

Material inconsistency(ies) between your testimony and application and/or other evidence. You testified that you suffered serious harm in 2003 and were trying to escape, but you made multiple returns to your country and delayed in filing for asylum although you had opportunities to do so.

Lack of detail(s) on material points. You lacked detail about MDC party leadership and activities.

Based on the above reason(s), your asylum application has been referred to an immigration judge for adjudication in removal proceedings before the U.S. Department of Justice, Executive Office for Immigration Review. This is not a denial of your asylum application. You may request asylum again before the immigration judge and your request will be considered (without additional refiling) when you appear before an immigration judge at the date and time listed on the attached charging document. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If your asylum application was filed on or after January 4, 1995, the following information applies to you. If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the

RFOJ January 2004

www.uscis.gov
decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 120 days of the date your asylum application was first filed in accordance with 8 C.F.R. §§ 208.3 and 208.4 (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization. The earliest possible date you are eligible to apply for employment authorization is 12/11/09. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail to appear for the scheduled hearing before the immigration judge and such failure is not excused, employment authorization will not be granted.

Sincerely,

for Marie Hurnt
Director
HOUSTON ASYLUM OFFICE

CC: JOANNA Y GRIGSON
2001 ROSS AVE STE 3000
DALLAS, TX 75201

RFGM January 2014
Appendix 8-H

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: ____________________________

In the Matter of:

Respondent: ____________________________

Currently residing at:

(Number, street, city, state and ZIP code)

(Phone number)

☐ 1. You are an arriving alien.

☐ 2. You are an alien present in the United States who has not been admitted or paroled.

☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below:

The Service alleges that:

1) You are not a citizen or national of the United States.

2) You are a native of ZIMBABWE and a citizen of ZIMBABWE;

3) You were admitted to the United States at NEW YORK, NY (IA) on or about July 23, 2008 as a nonimmigrant B-2 with authorization to remain in the United States for a temporary period not to exceed January 22, 2009;

4) You remained in the United States beyond January 22, 2009 without authorization.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237 (a) (1) (B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a) (15) of the Act, you have remained in the United States for a time longer than permitted.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(1)(2) ☐ 8 CFR 235.30(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

1100 COMMERCIAL STREET, ROOM 404, DALLAS, TX 75242-0800

on __________ at __________________ to show why you should not be removed from the United States based on the charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: ________________

HOUSTON, TX

(City and State)

See reverse for important information
Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Aliens Registration: This copy of the Notice to Appear serves upon you as evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing, you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the Immigration Judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before: ____________________________ Date: ____________________________

(Signature of Respondent)

Certificate of Service

This Notice To Appear was served on the respondent by me on 8-19-09, in the following manner and in compliance with section 239(a)(1)(F) of the Act:

☑ in person  ☑ by certified mail, return receipt requested  ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of Office)
NOTICE OF INTENT TO DENY

Date: MAY 26 2005

RE: A

Dear Ms.

The purpose of this letter is to notify you of the intent to deny your request for asylum. The Immigration and Naturalization Service ("Service") has carefully considered your written application and accompanying documents, available country conditions materials, and your oral testimony to reach this determination for the reasons given below.

In presenting your request for asylum, you indicated that you are a 31-year-old female native and citizen of Nepal, and you stated that you entered the United States at Chicago, IL on March 19, 2004, were admitted on a F2 visa, and authorized a "duration of status. Per your testimony, you are presently in lawful immigration status because your husband finished his study in Financial Economics in November 2004 and currently in the period of Practice Training.

You fear that you will be harmed by the Maoists because you were a member of Nepali Congress and because your husband worked for the government.

You testified that you were born in Nepal and married your husband on , 1999 and have a son who is living with you in the United States. You were a housewife before you came to the United States.

To receive asylum, an asylum-seeker must show actual past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Notice of Intent to Deny (NOID) (Rev. 04/27/01)
An overall assessment of your testimony was vague and lack of details. Your testimony regarding your fear of returning to Nepal on account of your political opinion was found not credible due to the following:

You stated that you suffered threats from the Maoists “many, many times”. When asked twice about these threats, you were either evasive or proffered generalized and vague answers. You were able to provide only one account of the threat. At the interview, you testified first that you received a call from the Maoists, threatening you for money on , 2004. You then changed your testimony and said you were threatened on , 2003. Your vagueness and non-responsiveness call into question whether you were actually threatened as frequently as you claimed. You speculated that the Maoists singled you out and threatened you for money “might be” due to the “discussion with the Maoists students during student union elections” during your college years. But you also testified when the Maoists called you for money, you responded that you did not have money. The Maoists responded that you had the money because you “just returned from Australia”. That calls into question the motives of the threats and whether you were threatened for the reason you claimed.

You stated both in your written and oral testimonies that you never reported the incident to the police because the Maoists “warned not to report this case to anyone”. You were not able to provide a reasonable explanation as to why the government of Nepal is unwilling or unable to provide any protections for you and your husband since your husband worked as Personnel Secretary for the Minister of , which is regarded as a high ranking official.

You testified you feared return to Nepal because your uncle and a family member were harmed by the Maoists. Both incidents of the attack happened in . 1999 and . 2003. Your husband left for Australia to study in April 2000, you joined him in July 2000, and both of you returned to Nepal in December 2001. You did not fear returning nor did you apply for asylum in Australia while there. Your purpose in coming to the United States with a F2 visa was to follow and accompany your husband, a F1 student in 2004. At that time, you were not fleeing from persecution. Nor did you request asylum upon your entry.

All the above mentioned are material to your claim, because your claim is based on your fear of harm arising from your involvement in the Nepali Congress, prior difficulties with the Maoists in your country, and your husband being a government official.

As your testimony was not credible in material respects, you have failed to meet your burden of establishing that you are a refugee as required by 8 C.F.R. § 208.13(a). Consequently, you are ineligible for asylum.

For the reasons explained above, the Service has found that you are not eligible for asylum status in the United States.

You can provide rebuttal to this notice in support of your request. You have sixteen (16) days [6 days total for mail included] from the date of this notice to submit such rebuttal or new evidence. Failure to respond to this notice within this allotted time may result in the denial of your request for asylum.
Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number A

Rebuttal -- ZHN

Sincerely,

[Signature]

Marie N. Hummert
Asylum Office Director

Notice of Intent to Deny (NOID) (Rev. 04/27/01)
Date: June 7, 2005

Attention: File Number A- Rebuttal – ZHN

U.S. Department of Homeland Security
Houston, Asylum Office
P.O.Box 570626
Houston, TX 77264

Rebuttal
This letter is the response of the “notice of intent to deny” dated May 26, 2005, which I received on May 31, 2005. I am presenting explanations as well as the documentation to clarify the questions raised in the letter sent to me.

I was admitted to the USA on March 19, 2004. My son was also admitted with me on the same day. My husband was admitted in the USA on August 23, 2003. I have been staying here in the USA as a dependent and my visa will end by the end of December 2005. I fear that the Maoists will harm me if I return to Nepal because of my political opinion and background. The Maoists suffered me from extortion and mental torture in Nepal before I came to the USA, and I have reasonable fear of persecution if I return Nepal. Therefore, I have applied for asylum in the USA.

I had an interview at Houston Asylum Office on May 16, 2005.

The Maoists act of violence (physical punishment, mental torture, kidnapping and killing) against my family members, friends and seniors as well as their threats and extortion to me in Nepal before I came to the USA has caused me a well founded fear of persecution if I return to Nepal. As I have mentioned in my statement, the Maoists have already tortured and murdered my friends, political colleagues and family members. The fate of
my friends and family members scares me to death. I fear similar harms if I return to Nepal.

Maoists brutally murdered my family member on September 29, 2003. He, in his late 30s, was running a small retail shop in Patan. On the morning of September 29, 2003, a group of Maoists attacked him first by using khukuri (Nepali knife). He fought for a while until another Maoist shot him using a pistol. The Maoists later chopped off his head and put it in a public place for display. All this happened in daylight but no one dared to go to rescue him.

As early as on 19 July 1999, the Maoists had attacked one of my uncles with Khukuri (Nepali knife) when he was in his home in Kathmandu. He was taken to Kathmandu using a helicopter for treatment. He survived the attack but there were deep multiple wounds in his arm. He was attacked because he was an active member of the Nepali Congress Party and the Maoists considered him their class enemy and threat to their cause.

The Maoists’ pattern and practice of extortions, kidnapings, torture and killing of my friends, family members and the Nepali Congress Party’s members, supporters and activists like me because of their political opinions has caused me well founded fear of persecution.

The pattern and the kinds of people the Maoists have been targeting scares me to death. The Maoists brutally killed who taught me about democratic ideology and inspired me to join the Nepali Congress Party, on March 13, 2002 in his home in Kathmandu. He was a Nepali Congress’ active member. Although I do not have contact with ’s brother, a school teacher, I heard he is living in New York as an asylee. The Maoists also killed, a long time friend of my father and a politician. I do not have contact but his son is also living in New York as an asylee.
Not only, the Maoists brutally murdered my friend who was a member of the Nepali Congress Party. We had worked together in various political and election campaigns of the Nepali Congress Party. He was brutally murdered by Maoists on September 21, 2003. The Maoists had abducted from his home in forcing other family members stay inside the house. The Maoists took to the other side of the village, tortured him by beating and shooting in his legs. begged for help calling everyone's name in his village. Family members couldn't hear and those who heard could not dare to rescue him. The Maoists left him to die and he died on the same night. He was targeted because he was active in the Nepali Congress Party like me.

In Nepal, the Maoists have threatened, tortured, kidnapped, extorted and killed a large number of civilians, my friends and family members, and their freedom have been threatened because of their political opinion or involvement in a particular political party. I have fear of persecution by the Maoists because firstly I escaped from them when I was not able to pay them donations as they repeatedly harassed me and tried to force me to pay due to my political opinion. In the past the Maoists even killed former member of the parliament when he refused to donate them. Secondly, my family members, friends and people like me have already been persecuted, tortured and killed because of their political opinion or being a member of the Nepali Congress Party. And, finally lives and freedom of large number individuals like me residing in Nepal have been threatened by the Maoists.

The situation in Nepal has not improved since I came to the USA. Instead, it is becoming worse. It has been noted worldwide including in the U.S. that the Maoists have been murdering innocent people, especially the Nepali Congress activists. The statement by Donald Camp, Principal Deputy Assistant Secretary, before the U.S. House of Representatives Committee on International Relations on March 2, 2005 mentioned, “in recent years, the Maoist presence has spread dramatically throughout Nepal. The Maoists have made clear their intention to impose a one-party “people’s republic,” collectivize

1 Please see the attached document entitled “Nepal rebels kill politicians” retrieved from: http://news.bbc.co.uk/1/hi/world/south_asia/2471073.stm
agriculture, “reeducate” class enemies, and export their revolution to neighboring states.”

2 Besides, Human Rights Watch, referring to the United Nations Working Group on Enforced and Involuntary Disappearances, mentioned that in 2003 and 2004 Nepal recorded the highest number of new cases of “disappearances” in the world.

The letter, in the second paragraph of its second page states, “You stated that you suffered threats from the Maoists “Many, many times.” When asked twice

………………………… you were threatened for the reason you claimed.”

I have clearly written in my application that I suffered repeated threats and extortions from the Maoists because of my political beliefs since I worked actively in the Nepali Congress Party and my husband worked as a Personal Secretary of ministers in Nepali Congress government.3 I have already submitted those documents during my interview. Extortion is one of the main forms of trouble the Maoists use to inflict to those who do not support them and then they kill the person when he or she expresses unwillingness to pay or can not pay donation. I have written in my application that they asked me for 200,000 rupees on March 14, 2003 and during the interview while the interview officer asked me about it repeatedly, I clearly answered that the incident had happened on March 14, 2003. I did not change the date from time to time as stated in the paragraph 2 of the page 2 of the letter I have received. The paragraph 2 of the page 2 of the letter shows that I changed my testimony by saying March 14, 2004 first and then March 14, 2003 later. I did not change my answer during the interview. I told I came here in the USA in March 2004. So this is completely different from what I said during the interview. I had given the same answer repeatedly when I was asked about that incident.

On March 14, 2003, they asked for 200,000 rupees and they gave me one-week’s time to fulfill their demands. It was a big amount of money so I had strongly requested them not to ask for such a big amount. I had told them that I did not have that much money.


3 Please see the attached letter from The Nepali Congress Party, letter of former minister , and my husband’s ID card.
because that was a very big amount of money in Nepal. My husband's salary was 7500 rupees per month. That time they had responded that they knew everything about me and I could pay them because I had returned from Australia. The motive of extortion was not for money. The Maoists do not trouble people only for money but they trouble people based on political opinion and involvement in other political organization and government services. They troubled me because of my political beliefs and my husband working closely with Nepali Congress' ministers. They threatened me to punish ("Jana karbhai" in their language) if I would not pay for them. So, eventually I had to pay them to save my and my husband's lives from them.

When I was asked about the other incidents of extortion during the interview I had responded that I had suffered me many times from the Maoists' act of extortions and I have stated the same in my application too. I did not give specific dates of those incidents because those incidents happened so many times. When the interview officer asked me about other dates I had told that I could not tell all the dates because those incidents occurred many times. I did not take any receipts from the Maoists as a record because the military used to search houses from time to time and if the military would get any documents about donation to the Maoists, I would be in trouble. It was like taking double risks. So people hardly save the records of extortions from the Maoists. If I had thought and planned that I would apply for asylum in the USA, I would have asked for and saved all receipts of those acts of extortions by the Maoists. My application for asylum is an obligation but not a result of my plan. When the Maoists troubled me in Nepal I was not even thinking of applying for asylum in the USA. The extortion usually happened at the end of Nepali calendar month about the middle of English calendar months and immediately before the greatest festivals of Nepal. The Maoists sometimes forced me to pay even in 15 days and threatened me for my life and blamed me as an enemy of people.

The statement in paragraph 2 of the page 2 of the letter states that I became too general in telling about the extortion events and gave vague answers. I should say that I did not give any vague and general response. I had given a real description of what had happened to me, and I was not non-responsive too. The Maoists also used to ask for donation before the greatest festivals Dashain and Dipawali of Nepal. Still I am not able to remember all
extortions incidents that happened to me almost every month when I returned Nepal from Australia in December 2001. However, when I looked and read the Nepali Calendar, I am able to remember some more incidents of extortions happened to me before Dashain and Dipawali festivals in 2002 and 2003. They are explained below:

The Maoists asked for donation of 10,000 rupees in the first week of October 2002 (Asoj, 2059 in Nepali Calendar) before public holiday for Dashain festival in Nepal.\(^4\) Again, they also asked for 5,000 rupees donation before Dipawali (another greatest festival of Nepal) in the beginning of November in 2002 (Kartik, 2059 Nepali Calendar) before public holidays for Dipawali.\(^5\) Similarly, the Maoists asked for 10,000 rupees donation before Dashain festival in the last week of September (Ashi, 2060, Nepali calendar) 2003 before public holiday for Dashain festival.\(^6\) Again they asked for 10,000 rupees donation before Dipawali, another biggest festival of Nepal in October (Kartik, 2060 Nepali Calendar month) before public holidays for Dipawali.\(^7\) When they asked me for donation in October, I told them that my husband quit the job as they had demanded before and I would not be able to pay for them anymore. Then they insisted that I had to pay them 20,000 rupees as penalty for rejecting to pay in the first instance and also I tried to disrespect them. They threatened to punish me if I did not abide by their party’s rule.

From October 25, 2003, I started escaping from the Maoists to avoid paying donation and save my life from them. I hid myself in my sister’s house located in Kathmandu and other sister’s house located in Kathmandu. When situation was very harmful for my life I applied for Visa in the US embassy and got it. However, I was not ready to come to the USA as long as I could stay in Nepal safely because my husband did not have financial strength to support me and my baby in the USA.

I was planning to rejoin my job in \(^8\) where I worked before I went to Australia. When I was staying in my sister’s house in one day the

\(^4\) Please see the attached calendar retrieved from http://www.nepalhomepage.com/reference/calendar/2050/2050.php
\(^5\) Refered to the calendar in note 4.
\(^6\) Please see the attached calendar retrieved from http://www.nepalhomepage.com/reference/calendar/2060/2060.php
\(^7\) Refered to the attached calendar in notes 6
Maoists called me (March 6, 2004). My brother-in-law (sister's husband) picked up the phone. Somebody asked for me saying that he was my friend. When I talked to the person he told me that he was a Maoist, who was not the same person who used to talk to me before in other extortion incidents. He told me that I did not pay donation to their party and escaped from them so their court ("Jana Adalat" in their terminology) has decided to punish me if I would not pay the donation soon. He threatened to punish me saying that I did not pay his party and hid my husband and I also escaped from them. My brother-in-law saw that I looked very sad and frightened and when I was talking to the Maoists. When I finished talking my brother-in-law asked me about what had happened. Before that day nobody knew about how the Maoists were threatening and troubling my husband and me. I told my brother-in-law everything about what had happened to me. Immediately he took me to my younger brother's apartment located on the other side of Kathmandu to save me from them. As my brother-in-law told me, later when the Maoists called again, and he had told them that I went to the USA. He advised me to join my husband in the USA as soon as possible. Then immediately I decided to come to the USA to join my husband and I left Nepal on March 18, 2004 and arrived to the USA on March 19.

I did not want to come to USA just to accompany my husband since I had a baby and my husband did not have income to support us in the USA. But due to the Maoists' threats and extortions I had to escape from Nepal to save my life from the Maoists. My husband had received a PhD fellowship offer from the Netherlands.¹ When my husband had wrote to the accompanying family members, the had replied that it would take at least 6 to 9 months and international students were discouraged to bring families to the Netherlands.² My husband had to give up such a prestigious fellowship and chose to continue a master degree in , USA since me and my baby had no place to go to save our lives from the Maoists.

³ Please see the attached fellowship offer letter from the ISS, the Netherlands.
⁴ Please see the attached email of .
In short, my application I had clearly stated that the Maoists troubled me because I was actively involved in the activities of the Nepali Congress Party and my husband worked as a Personal Secretary of ministers in Nepali Congress Party’s government. They troubled me mainly because of my democratic beliefs and involvement in the Nepali Congress Party’s political activities. The Maoists do not trouble their supporters. Their motive behind inflicting torture me was not money but my political beliefs and background. In other words, the motives behind Maoists’ harassment, and extortions was my opposition to their ideology, involvement in the Nepali Congress Party and my husband’s works as a Personal Secretary of ministers in Nepali Congress Party’s government but not the monetary reasons.

The third paragraph of the page 2 of the letter states, “You stated both in your written and oral testimonies that you never reported the incident to the police because the Maoists “warned not to report this case to anyone.” You were not able to provide a reasonable explanation as to why the government of Nepal is unwilling or unable to provide any protections for you and your husband since your husband worked as Personal Secretary for the Minister , which is regarded as a high ranking official”.

Nepal is suffering from Maoists insurgency since 1996. Many people have lost their lives due to the ongoing war in Nepal. The Maoists activities virtually have affected all 75 districts of Nepal, more than 100,000 people are internally displaced and many people have fled to India. The Maoist insurgency is spread throughout the country. The incidents of extortions have even been occurred in very highly secured places like banks at the heart of the capital. One such incident was not reported to police while the suspected Maoists stayed in the bank for hours. If the Maoists targets, they can sooner or later capture or kill anybody and anywhere in the country. Once somebody is in the eye of the Maoists, it will be very hard for him or her to save his or her life from the Maoists’ torture and threats. The Maoists killed Inspector General of Nepal Armed Police

10 Please see the attached document entitled “Up to 200,000 people displaced by fighting remain largely unassisted” retrieved from http://www.db.idpproject.org/Sites/idpSurvey.net/5/countries/Nepal
11 Please see the document printed from http://www.state.gov/ct/rls/45394.htm
12 Please see the attached document entitled “Rs.3 million looted from bank in city centre nepalnews.com mon May 24 05” retrieved from http://www.nepalnews.com.np/ and “Suspected Maoist robs Rs 3m from bank” retrieved from http://kantipuronline.com/kotnews.php?nid=46922
force (IGP), Krishna Mohan Shrestha, along with his wife and a bodyguard when they were in morning walk in Kathmandu in January, 2003. In March 2004 the Maoists had abducted the Chief District officer (CDO), Chief of District Police including other when they attacked the district headquarter of Magdi district of Nepal. The Maoists kidnapped the Chief District Officer (CDO) and Local Development Officer (LDO) of Arghakhanchi district in January, 2005. CDO is a government official who is responsible security of a district. The Maoists also killed an officiating CDO of Bardia district of Nepal in April 2005. I am an ordinary citizen of Nepal and my husband worked as a Personal Secretary of Ministers. That does not mean that government can protect our lives from the terrorists whereas the Maoists killed even the chief of armed police force. I firmly believe that my family and me are not safe by reporting the acts of extortion by the Maoists to the police. In stead the police or army would kill the Maoists at my residence which would create risk to me and my family’s life as well as my parents and relatives. People have to save their lives by themselves. No security forces can save people’s lives from the Maoists in Nepal. The Maoists insurgents bombed even US cultural center, which is a highly secured place in Nepal in September 2004. They killed 2 US embassy security guards in Kathmandu blaming them to be spies. They also killed former Member of Parliament Mr. Chakra Bahadur Dangi in November 2002 who belonged to the United Marxist-Leninist (UML) when he refused to donate the Maoists. There are so many incidents of killing, kidnapping, extortions and torture to the supporters, activists

(15) Please see the attached document entitled “Maoists ab ducted CDO, LDO in Arghakhanchi” retrieved from www.nepalnews.com
(19) Please see the attached document entitled “Nepal rebels kill politician” retrieved form http://news.bbc.co.uk/1/hi/world/south_asia/2471073.stm

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and leaders of other political parties by the Maoists insurgents in Nepal. The Maoists also kill, kidnap and torture when people refuse to fulfill their demands. They killed their political opponents, activists of other parties especially the supporters and activists of the Nepali Congress Party just based on their political opinion. So I could not report the act of extortions to the police to save my and my husband's lives. Few people report the incidents of extortions of Maoists' to the police since the government can hardly protect their lives from them. I did not say that the government of Nepal is unwilling to provide protection to my husband and me in my interview and application, but I stated that the government of Nepal is not able to protect the lives of people like my husband and me.

The fourth paragraph of the page 2 of the letter states, "You testified you feared return to Nepal because your uncle and a family member were harmed by the Maoists. Both incidents of the attack happened in July 1999 and September 2003. Your husband left for Australia to study in April 2000, you joined him in July 2000, and both of you returned to Nepal in December 2001. You did not fear returning nor did you apply for asylum in Australia while there. Your purpose in coming to the United States with a F2 Visa was to follow and accompany your husband, a F1 student in 2004. At that time, you were not fleeing from persecution. Nor did you request asylum upon your entry."

Now I have fear to return to Nepal because of the threats and extortion of the Maoists to me. I have clearly stated in my application that I suffered a lot from the Maoists when I returned from Australia. Before my marriage I had been a victim of some extortions and threats by the Maoists. After I got married to Mr. in December 1999 they started troubling me more than before. They blamed me of getting married to the person who was working against them as Personal Secretary of Nepali Congress ministers while they were threatening me not to get involved any Nepali Congress Party's activities. Before I went to Australia in July 2000, the Maoists insurgency problem was not spread throughout the country. The situation in Kathmandu was not as bad as it is now. My husband wanted to develop his civil service career in Nepal and I wanted to go back to Nepal. Moreover, I did not know that the Maoists activities had increased in Kathmandu at that level in 2001 and returned from Australia in spite the fact that my employer in Australia had requested me to stay and work for them and they were ready to
sponsor for me. Therefore, I did not need to apply for asylum in Australia if I wanted to stay in Australia.

The Maoists gave my uncle a cruel physical punishment in July 1999. This incident happened before I went to Australia. They killed my family member in September 2003, which was after a long time I returned from Australia. I suffered from the Maoists mainly after I returned from Australia. In fact, I did not stay in Nepal for a long after marriage and joined my husband in Australia. The situation of Nepal in 2000 and now is completely different. Moreover, peace talks were taking place between the Maoists and the government.\(^20\) I had expected that the Maoists problem in Nepal would be solved soon. That's why I did not fear return from Australia. In my interview I clearly told that the Maoists could harm me like they did to my family members because they threatened them first and harmed later. I escaped from them before I came here without paying donation to them while they had already threatened that they would punish me if I did not fulfill their demand. I feel that I would be harmed by them if I return to Nepal in this situation.

My purpose of coming to the USA in F2 visa was not to follow and accompany my husband in 2004 as stated in paragraph 4 of the page 2 of the letter. I fled from persecution by the Maoists insurgents when I was not able to pay them, as they demanded in October 2003. I had visa to stay here in the USA up to November 2006 with my husband so I did not apply for asylum upon my entry on March 19, 2004. I did not feel it necessary to apply for asylum at that time because I could stay in the USA legally up to the end of November 2006. However the situation changed when my husband completed his study in November 2004 and currently he is in OPT status, which will end by the end of December 2005. I can not go back to Nepal because of the threats, extortion and possibility of killing by the Maoists and I can not stay here in the USA after December 2005 as a legal alien. Now I am in a difficult situation. I am scared to death at the idea of going back to Nepal. I have only two choices: whether to return to Nepal and face the possibility of real danger of death or seek an asylum in the USA. Therefore, I have

applied for asylum within one year of my entry to the USA to save me my life from the Maoists. If I had no threats from the Maoists I would go back to Nepal and stay happily since my husband is still in government service as an officer and, and I am an educated person in Nepal so I could get a job easily.

The fourth paragraph of the page 2 of the letter states, “All the above mentioned are material to your claim, because your claim is based on your fear of harm arising from your involvement in the Nepali Congress, prior difficulties with the Maoists in your country, and your husband being a government official”.

I have applied for a political asylum because the Maoists harmed me before I came to the USA and I have fear of extortion, kidnapping, torture and killing because of my involvement in a particular political party, and my husband worked as a responsible person with ministers in Nepali Congress government. The Maoists have declared the Nepali Congress Party and its supporters, activists and leaders as their main enemy since they started insurgency in Nepal in 1996. The Maoists have killed and tortured many Nepali Congress Party’s supporters, activists and leaders. I think my claim for political asylum is based on facts, reasons and evidence. The facts I have provided are credible and true and supported by the evidence as far as possible. So I humbly request you to grant me asylum to stay in the USA and save my life. My intention to apply for asylum is not derived from any other motives other than saving my life from the Maoists insurgents.

I came to the USA on March 19, 2004 to join my husband when my life was threatened by the Maoists in Kathmandu, which is the capital of Nepal relatively safer than other places. I could not go my parents’ house and also I could not go to my husband’s house located in because of Maoists’ threats. I had no option to save my life so I came to join my husband. Therefore, I would like to request to evaluate my case, review the documents, evaluate Nepal’s condition, patterns and practice of the Maoists’ killing torture and threats, and Maoists insurgency problem and grant me asylum in the USA and save my life. I request you to consider the seriousness of the situation I have faced with and reevaluate my case in the light of gravity of the
Appendix 8-K

Directions from Dallas to the asylum office in Houston:

2801 Swiss Ave, Dallas, TX 75204

1. Head southwest on Swiss Ave toward Texas St
   go 0.1 mi
   total 0.1 mi

2. Take the 2nd right onto Cantegral St
   go 0.1 mi
   total 0.2 mi

3. Take the 2nd left onto Live Oak St
   About 2 mins
   go 0.3 mi
   total 0.6 mi

4. Turn right at N Pearl St
   go 0.1 mi
   total 0.7 mi

5. Take the 1st right onto Bryan St
   go 0.2 mi
   total 0.9 mi

6. Take the ramp onto US-75 S
   About 2 mins
   go 1.2 mi
   total 2.1 mi

7. Continue onto I-45 S
   About 3 hours 27 mins
   go 212 mi
   total 214 mi

8. Slight right at Hardy Toll Rd
   Toll road
   go 13.1 mi
   total 228 mi
   About 13 mins

9. Take the exit toward Texas Beltway 8/Sam Houston Pkwy
   go 0.1 mi
   total 228 mi

10. Merge onto E Hardy Rd
    go 0.1 mi
    total 228 mi

11. Turn right at Texas 8 Beltway Frontage Rd
    About 2 mins
    go 0.9 mi
    total 229 mi

12. Turn right at Imperial Valley Dr
    Destination will be on the right
    go 0.2 mi
    total 229 mi

16630 Imperial Valley Dr, Houston, TX 77060
Directions to 16630 Imperial Valley Dr,
Houston, TX 77060
229 mi – about 3 hours 49 mins
Directions from Houston to the asylum office:

From the East and West:

Take the 610 Loop to Interstate 45 North.
Take exit 600 for the Sam Houston Expressway.
Take a right onto Sam Houston Expressway.
Travel about 1 mile east to Imperial Valley Drive.
Drive under the Beltway.
Take a right on the street immediately north of the Crowne Plaza Hotel.

From the North and South:

Take Interstate 45.
Exit on Sam Houston Freeway.

Take a left onto the Sam Houston Expressway about 1.5 miles east to Imperial Valley Drive, under Beltway 8, which is about one block on the right immediately behind the Crowne Plaza hotel.