



FACT SHEET

AGENCY: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement

SUBJECT: Eligibility for ORR Benefits and Services – Asylees

ASYLEES

Definition

Asylees are individuals who, on their own, travel to the United States and subsequently apply for/receive a grant of asylum. Asylees do not enter the United States as refugees. They may enter as students, tourists, businessmen, or even in undocumented status. Once in the U.S., or at a land border or port of entry, they apply to the Department of Homeland Security (DHS) for asylum.

To qualify for asylum status, the person must meet the definition of a refugee and meet an application deadline. Asylum status permits the person to remain in the United States. Individuals granted asylum are eligible for ORR assistance and services. (Note that *asylum applicants* are not eligible for ORR assistance and services. The only exception is for certain Cubans and Haitians. See Fact Sheet on Cuban/Haitian Entrants for more information.)

Eligibility

Asylees are eligible for ORR-funded benefits and services beginning on the date of final grant of asylum. Asylees can be granted asylum either by a DHS/U.S. Citizenship and Immigration Services (USCIS) Asylum Office, or by the Immigration Court of the Executive Office of Immigration Review (EOIR) of the U.S. Department of Justice.

Acceptable documents for asylees whose status was granted under §208 of the Immigration and Nationality Act (INA):

Documents/Codes	Comments
I-94 Arrival/departure card referencing §208 of the INA	Notations may include references to employment authorization, indefinite status, and the requirement to obtain permission before leaving the United States.
AS-1 admission code on the I-94	Approved asylee principal
AS-2 admission code on the I-94	Approved spouse of an asylee principal
AS-3 admission code on the I-94	Approved child of an asylee principal
DHS Form I-571	United States Refugee Travel Document ¹

¹ The DHS Form I-571, which is a United States Refugee Travel Document, does not distinguish between refugees and asylees. An individual with a United States Refugee Travel Document may be a refugee or an asylee.

I-766 Employment Authorization Document with the code A05	
Order of an Immigration Judge Granting Asylum under §208 of the INA	An Order of an Immigration Judge will serve as proof of asylee status if the INS has waived the right to appeal the case. See Footnote below for information about cases where DHS reserves the right to appeal. ²
Asylum Approval Letter from a DHS/USCIS Asylum Office	Letter will note that the individual has been granted asylum pursuant to §208 of the INA and may include information concerning refugee and asylee relative petition, work authorization and the refugee travel document.
Written decision from the Board of Immigration Appeals (BIA)	
I-730 Approval Letter	The I-730 Approval Letter may be used as proof of asylee status for derivatives.
Visa 92 (or V-92) on the I-94 Arrival/departure card	May be accompanied by the words "section 208"; Individual is the spouse or minor child of a previously granted asylee.

² If DHS has reserved its right to appeal, an Immigration Judge Order will not serve, on its own, as proof of asylee status. If an asylee brings an Immigration Judge Order that shows DHS has reserved its right to appeal, eligibility workers must wait 30 days from the date on the Immigration Judge Order. On or after the 31 st day, the eligibility worker will need to call the Executive Office for Immigration Review (EOIR) case status line at (800) 898-7180 to find out whether the INS has appealed the case. (The EOIR reports that it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.) If DHS has appealed the case, the individual is not yet an asylee and is not eligible for benefits. If DHS has not appealed the case and 30 days have passed since the date on the Immigration Judge Order, the individual is an asylee and is eligible for ORR assistance and services.