

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

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

## Is asylum my only option?

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

## Where can I find a lawyer?

For a list of lawyers in your area, call:

- **Immigration Equality**, 212.714.2904
- **American Immigration Lawyers Association**, 800.954.0254

If you cannot afford a lawyer, please call:

- **Lawyers' Committee for Civil Rights**, 415.543.9444 x202
- **National Center for Lesbian Rights**, 415.392.6257 x304 (information only)

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

The **Lawyers' Committee for Civil Rights** of the San Francisco Bay Area, founded in 1968, works to advance, protect and promote the legal rights of communities of color, and low-income persons, immigrants, and refugees. Assisted by hundreds of *pro bono* attorneys, the Lawyers' Committee provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy.

## CONTACT US

### Lawyers' Committee for Civil Rights of the San Francisco Bay Area

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# ASYLUM & SEXUAL ORIENTATION

## What is asylum and how do I apply?

If you apply for “asylum,” you are asking for permission to stay in the United States because it is too dangerous to return to your home country.

You will need to fill out forms from the government, and get documents to support your case. Talk to a lawyer before sending anything to the government or the Immigration Court.

## Who can apply for asylum?

In order to apply for asylum, you must prove the following:

1. That you are afraid to return to your country
- AND
2. The government of your country is trying to harm you or cannot protect you from the people who are threatening you or who have harmed you.
  3. You are in danger due to your political or religious beliefs, your race or nationality, gender, or sexual orientation. If you are in being persecuted for a different reason, speak to an attorney to determine if you can apply for asylum.

There is additional evidence you may need to show. Talk to a lawyer or call us to obtain more information.

You can qualify for asylum if you have been threatened or attacked in your country because you are gay, lesbian, transgender, or bisexual and the police won't protect you.

## How do I get help with asylum?

The Lawyers' Committee offers free legal help and can be reached at 415.543.9444 x200. We are **NOT** the government or Immigration Court. All conversations are **confidential** and cannot be shared with anyone without your permission.

If possible, talk to a lawyer before you make any decisions. If you win asylum, you will be able to stay in the United States, get a work permit, and apply for a green card after one year. You may also be able to bring your children to the United States. But, if you do not win asylum, you might be ordered to return to your country.

For some people, it is better if they do not apply. But, you should make this decision **only after** you have talked to a lawyer.

## What can I do to help my lawyer?

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

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

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

Many immigration “consultants” or “notarios” are NOT experts and may not even be lawyers. Be careful before you pay anyone to help you with your immigration case. Make sure that: 1) the person is a lawyer; 2) the person has a law degree; and 3) the person is an asylum expert.

If you have been harmed by a “notario” or “consultant,” call the Immigrant Legal Resource Center at 415.255.9499 x774.

## When should I apply?

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

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

## What happens after I apply?

You will get a notice from Asylum Office, which will tell you when and where to go for an interview. At the interview, you will meet an Asylum Officer who will listen to your story and ask you questions. In some cases, people get their decision 2 weeks later. The Asylum Office will grant you asylum or it will send your case to an immigration judge to decide.

If your case is sent to a judge by the Asylum Office or if you are already scheduled to appear before an Immigration Judge, make sure to go to court and bring a lawyer, if possible. You will have a chance to tell your story to the judge. If the judge does not grant you asylum, you can still appeal the judge's decision, and you are allowed to stay in the U.S. while you wait for a decision.

## Will I be able to get a work permit?

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

## What should I do if I am arrested by immigration officials?

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

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