VISASERVE
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LAW GROUP, P.C.
Immigration & Nationality Law

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PROTECTING YOUR ASYLUM APPLICATION

Immigration courts are increasingly dismissing asylum applications without a full hearing (known as "pretermission"). This happens when the judge believes that the asylum application is incomplete or does not meet the legal standards for asylum. If a case is dismissed, and the applicant does not have other applications pending with the court, the judge can order their removal.

It is very important to work with an immigration attorney to prepare your application and reduce the likelihood that your case will be dismissed. The following tips may help reduce the risk of pretermission:

1. Complete Every Question on Form I-589:

- Judges may dismiss applications they view as incomplete, even for small omissions.
- Answer all questions directly on the form. Include detailed answers and consider submitting documentary evidence of each claim you make on the form.
- If you do not know something, share an honest explanation (e.g., memory issues, trauma, lack of access to documents). Review the explanation with your attorney.

2. Provide a Clear, Detailed Personal Statement

- A personal statement helps explain your story in your own words. It should be honest, detailed, and easy to follow.
- You may provide a declaration in your best language and attach a complete certified English translation
- You do not need to use legal or complex language. Using your own words is preferable.

3. Submit Supporting Documents as Early as Possible

- Whenever you can, include documents with your application and provide complete certified English translations even if documents are partially in English.
- Documents establishing your identity, evidence of harm, country conditions reports, medical reports, and police reports are examples of evidence that may be included to support your application.

4. Know Your Travel History

- If you have traveled to other countries before arriving in the U.S., you may be asked to explain why you did not seek asylum protection in those countries. This is a common reason for dismissal.

5. Bring All Documents to Every Hearing

- Sometimes, master calendar hearings are treated like mini-trials, and the judge may request to inspect original documents. Having documents available at all court hearings helps protect you and your case
- Bring copies of your completed asylum application, evidence, translations, and court notices to all court hearings. Keep a copy of your documents for your own records.

Important Reminder: You should work with your immigration attorney to follow these proactive steps. Following these steps does *not* guarantee your case will not be dismissed. There have been reports of judges pretermitting asylum cases without hearing any testimony, even when complete applications and evidence were filed with the court.

*This flyer is intended for general information purposes only and does not constitute legal advice. You should not act or rely on any information in this flyer without consulting a competent, licensed immigration attorney. **please contact Nachman, Phulwani, Zimovcak & Batra Law Group, P.C. at 201-670-0006 (x104) or email to info@visaserve.com**.*