



**U.S. Citizenship
and Immigration
Services**

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USCIS Issues New Instructions for Filing Asylum Applications with USCIS After EOIR Dismissal or Termination of Removal Proceedings

U.S. Citizenship and Immigration Services (USCIS) is issuing new instructions for asylum applications submitted by individuals whose removal proceedings were dismissed or terminated by the Executive Office for Immigration Review (EOIR).

Effective Oct. 16, 2023, if EOIR dismissed or terminated your removal proceedings and you choose to pursue a claim for asylum, you must submit a current version of [Form I-589, Application for Asylum and for Withholding of Removal](#), to the USCIS lockbox that has jurisdiction over your place of residence. If you had a pending asylum application when EOIR dismissed or terminated your removal proceedings, you should include in your submission any additional or updated information regarding your claim for asylum. We also recommend that you submit proof demonstrating that:

- EOIR dismissed or terminated your removal proceedings, such as a copy of the EOIR Order of Dismissal or Termination; and
- You had a Form I-589 pending with EOIR when your removal proceedings were dismissed or terminated.

If the evidence establishes that you filed Form I-589 before the date when EOIR dismissed or terminated your removal proceedings, we will issue a receipt notice with your original Form I-589 filing date. This is the date we will use for purposes of the one-year filing deadline, employment authorization eligibility based on a pending asylum application, asylum interview scheduling priority, and age determinations for child dependent applicants. If you did not file Form I-589 before the date when EOIR dismissed or terminated your removal proceedings, we will issue a receipt notice with your current Form I-589 filing date.

If you originally filed an asylum application with USCIS (known as an affirmative asylum application), and we referred, forwarded, or transferred your asylum application to immigration court where it remained pending until the removal proceedings were dismissed or terminated, we intend to issue a new discretionary Notice to Appear to send your application back to EOIR if you file a new asylum application.

To avoid processing delays, carefully review the “Where to File” and “Special Instructions” sections of our [Form I-589](#) webpage before submitting your application. Use our [Filing Instructions Tool](#) to find out whether you are eligible to file Form I-589 with USCIS either by paper or online. Visit our [Form I-765](#)

webpage for information about Employment Authorization Documents for applicants with a pending application for asylum or withholding of deportation or removal under 8 CFR 274a.12(c)(8).

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