

**NOTICE FOR ASYLUM SEEKERS
ABOUT THE FILING DEADLINE FOR ASYLUM APPLICATIONS¹**

If you are an asylum seeker who has filed, or will be filing, an asylum application more than one year after you arrived in the United States, you may benefit from a recent court decision. Under U.S. law, an asylum seeker generally must file an asylum application within one year of arriving in the United States or the application may be denied. Following a recent court decision in *Mendez Rojas v. Johnson*, 305 F. Supp. 3d 1176 (W.D. Wash. Mar. 29, 2018), the parties have entered into a joint stay agreement. Under this agreement, the government has agreed, on an interim basis, to treat pending or newly filed asylum applications by certain asylum applicants as though they were filed within the one-year deadline, if the application is adjudicated while the agreement is in effect. This means that while the agreement is in effect, Asylum Officers, Immigration Judges, and the Board of Immigration Appeals will not refer or deny certain asylum applications because the applicant did not file the application within one year of arriving in the United States. The agreement does not apply to asylum seekers whose asylum application has already received a final denial decision. This agreement will last until further notice.²

TO BENEFIT FROM THIS AGREEMENT, YOU MUST:

1. **Depending on where your application is pending, notify the USCIS asylum office, EOIR immigration judge, or the Board of Immigration Appeals (if your case is before the Board on appeal) that you are a *Mendez Rojas* class member.** For example, you can do this by filing a motion or notice of class membership. Information and samples provided by class counsel are available at: https://www.americanimmigrationcouncil.org/sites/default/files/mendez_rojas_v_johnson_faq.pdf.
2. **Be a member of one of the following classes of individuals:**

<p align="center">Class A.I</p> <p>Individuals who</p> <ol style="list-style-type: none"> 1) have been or will be released from DHS custody after having been found to have a credible fear of persecution within the meaning of 8 U.S.C. § 1225(b)(1)(B)(v); 2) did not receive notice from DHS of the one-year filing deadline for asylum applications; 3) have not filed an asylum application, or filed an asylum application more than one year after their arrival in the United States; and 4) are not in removal proceedings. 	<p align="center">Class B.I</p> <p>Individuals who</p> <ol style="list-style-type: none"> 1) have been or will be detained by DHS upon their arrival into the country; 2) express a fear of return to their home country to a DHS official; 3) have been or will be released from DHS custody without a credible fear determination; 4) are issued a Notice to Appear; 5) did not receive notice from DHS of the one-year filing deadline for asylum applications; 6) have not filed an asylum application, or filed an asylum application more than one year after their arrival in the United States; and 7) are not in removal proceedings.
<p align="center">Class A.II</p> <p>Individuals who</p> <ol style="list-style-type: none"> 1) have been or will be released from DHS custody after having been found to have a credible fear of persecution within the meaning of 8 U.S.C. § 1225(b)(1)(B)(v); 2) did not receive notice from DHS of the one-year filing deadline for asylum applications; 3) have not filed an asylum application, or filed an asylum application more than one year after their arrival in the United States; and 4) are in removal proceedings. 	<p align="center">Class B.II</p> <p>Individuals who</p> <ol style="list-style-type: none"> 1) have been or will be detained by DHS upon their arrival into the country; 2) express a fear of return to their home country to a DHS official; 3) have been or will be released from DHS custody without a credible fear determination; 4) are issued a Notice to Appear; 5) did not receive notice from DHS of the one-year filing deadline for asylum applications; 6) have not filed an asylum application, or filed an asylum application more than one year after their arrival in the United States; and 7) are in removal proceedings.

¹ The information contained in this notice is not a substitute for independent legal advice supplied by a lawyer familiar with a client's case.

² Further questions regarding this notice can be addressed to class counsel from the Northwest Immigrant Rights Project at mendezrojas@nwirp.org.