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# FACT SHEET

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## **Coercive Population Control Asylum** *Conditional Asylees Must Report Current Address*

*This fact sheet discusses coercive population control (CPC) asylum. It is intended for general informational purposes only and is not a substitute for legal advice, nor does it constitute any legal opinion by the Department of Justice. This fact sheet is not fully inclusive; does not address all applicable laws including case interpretation; and may be subject to change as new laws and regulations are enacted.*

In 1996, the definition of refugee in asylum law was changed to include individuals who have been persecuted by undergoing a forced abortion, involuntary sterilization, or other resistance to a CPC program (CPC asylum). When first enacted, the number of individuals who could be granted CPC asylum was limited to 1,000 per fiscal year. As a result, individuals granted CPC asylum beyond the 1,000 cap were granted asylum on a conditional basis. On May 11, 2005, the President signed into law H.R. 1268, the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, Tsunami Relief, 2005." That law eliminated the numerical limit on CPC asylum grants; therefore, individuals with conditional grants of asylum (CPC asylees) no longer have to wait for a number before being processed for asylee status. However, CPC asylees still cannot receive a final grant of asylum until they clear updated background, identity, and security checks.

The Executive Office for Immigration Review (EOIR) periodically provides the Department of Homeland Security (DHS) with an updated list of CPC asylees who were issued conditional grants of asylum by EOIR, but who have not yet cleared the security checks. In these cases, DHS sends scheduling notices for fingerprints to an alien's last known address on file at EOIR. Accordingly, CPC asylees are reminded of their continuing obligation to provide change of address information to both EOIR and DHS. Incorrect or outdated address information jeopardizes their eligibility for full asylum benefits.

### **Persons Who Need to Submit Information**

Conditional asylees (and dependents applying with them) who have:

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- Not received the DHS notices regarding security clearance requirements must report their current address immediately. If they fail to do so and their address on record is not current, they will not receive the scheduling notice. Consequently, when they fail to appear for fingerprinting, their conditional grant of asylum may be considered abandoned.
- Received and complied with recent DHS scheduling notices but have moved since then must report their current address immediately.
- Complied with DHS scheduling notices in the past but have received another notice must follow the instructions on the notice.

Attorneys and authorized representatives who:

- Represent conditional asylees but who have NOT filed either a [Form EOIR-27](#) with the Board of Immigration Appeals or a [Form EOIR-28](#) with the immigration court — whichever last had jurisdiction over the case — must do so immediately.

### **How to File Change of Address Information**

- If an immigration judge issued the conditional grant of asylum: Individuals must submit a completed [Form EOIR-33/IC](#), “Change of Address Form,” and a copy of the immigration judge’s conditional grant of asylum order to the immigration court that last had jurisdiction over their case within 5 days of any change of address.

Also, they must submit to DHS (at the address indicated in the Form AR-11 instructions) a completed [Form AR-11](#), “Alien’s Change of Address Card,” within 10 days of any change of address.

- If the Board of Immigration Appeals issued the conditional grant of asylum: Individuals must submit a completed [Form EOIR-33/BIA](#), “Change of Address Form,” and a copy of the Board of Immigration Appeals’ conditional grant of asylum decision for their case within 5 days of any change of address

Also, they must submit to DHS (at the address indicated in the Form AR-11 instructions) a completed [Form AR-11](#), “Alien’s Change of Address Card,” within 10 days of any change of address.

### **Spouses and Children**

Conditional asylees’ spouses and children who reside in the United States and were properly included in the conditional asylee’s asylum application ([Form I-589](#)) also may be eligible for asylum benefits. To receive asylum benefits as dependents, children must be under 21 years of age or be classified as children under the Child Status Protection Act.

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Individuals with conditional asylum status must await the final grant of asylum and any statutory waiting periods before they may file applications for dependents who are following to join them ([Form I-730](#)) and applications for adjustment of status ([Form I-485](#)).

### **Individuals Granted Asylum**

For individuals who have received final asylum approval notices, the following fact sheets may be helpful: “[Types of Asylum Decisions](#)” and “[Notice to Individuals Granted Immigration Benefits by Immigration Judge or Board of Immigration Appeals](#)” (available on the DHS/U.S. Citizenship and Immigration Services website), and “[Asylee Benefits and Responsibilities](#)” (available on the Department of Health and Human Services, Office of Refugee Resettlement website).

— EOIR —

*EOIR, an agency within the Department of Justice, is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing the fair, expeditious, and uniform interpretation and application of immigration law in all cases.*