



De Maio Law Publishes Guide to the Asylum Process in Miami

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De Maio Law, PLLC has published a guide explaining how the asylum process works in the United States, written for individuals in South Florida who are considering an application or are already in removal proceedings.

The guide begins with the legal standard, since it is the point most often misunderstood. Asylum is available to people who have suffered persecution, or have a well-founded fear of future persecution, on account of one of five protected grounds: race, religion, nationality, political opinion, or membership in a particular social group. Fear of generalized violence, crime, or economic hardship in a home country, however serious, does not by itself meet that standard. Whether a specific set of facts connects to a protected ground is frequently the central question in a case.

Timing receives its own section. An asylum application must generally be filed within one year of the applicant's last arrival in the United States. Exceptions exist for changed circumstances affecting eligibility and for extraordinary circumstances that prevented timely filing, but they are narrow and must be documented. People who have been in the country for close to a year without filing should not assume an

exception will apply.

The guide explains the difference between the two routes a case can take. An affirmative application is filed with U.S. Citizenship and Immigration Services by someone who is not in removal proceedings, and it leads to an interview at an asylum office. A defensive application is made before an immigration judge by someone already in removal proceedings. Miami has both an asylum office and immigration courts, and the procedures, timelines, and evidentiary expectations differ between them.

Evidence and credibility are covered in detail. Asylum cases often turn on whether the applicant's account is consistent across the written application, supporting declarations, and testimony. Discrepancies in dates, names, or sequences of events, even small ones, can be treated as credibility problems. The guide addresses gathering identity documents, witness statements, medical or police records where they exist, and reports on conditions in the home country.

It also describes the bars that can prevent a grant of asylum, including firm resettlement in another country and certain criminal history, and explains related forms of protection, withholding of removal and protection under the Convention Against Torture, which carry a higher burden of proof but are not subject to the one-year deadline.

A section on work authorization explains that asylum applicants may become eligible to apply for employment authorization after a waiting period, and that the rules governing eligibility, fees, and timing have changed several times in recent years. Applicants are advised to confirm current requirements before relying on any published timeline.

The guide includes a warning about notario fraud, which remains a documented problem in South Florida. In many Latin American countries, a notario público is a licensed legal professional, but in the United States, a notary public has no authority to give legal advice or represent anyone in immigration matters. Individuals should work only with a licensed attorney or a representative accredited by the Department of Justice, and anyone evaluating an asylum lawyer in Miami can confirm an attorney's license status through The Florida Bar.

Immigration law and agency policy change frequently, and the guide notes where procedures have shifted and where readers should check for updates. It is general information and is not legal advice. Every case depends on its specific facts, and reading the guide does not create an attorney-client relationship.

Individuals who want to discuss their situation with an asylum lawyer in Miami, or who want to read the guide,

can find it and consultation information on the De Maio Law, PLLC website.

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