

**From:** Juliya [REDACTED] <[REDACTED]>  
**To:** jee <jeevacation@gmail.com>  
**Subject:** Fwd: Reschedule Request for Case A 791  
**Date:** Thu, 21 Dec 2017 17:12:58 +0000

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Begin forwarded message:

**From:** "Irene Vaisman" <[REDACTED]>  
**Subject:** RE: Reschedule Request for Case A 791  
**Date:** December 21, 2017 at 12:11:31 EST  
**To:** "Juliya [REDACTED]" <[REDACTED]>  
**Cc:** "arda beskardes" <[REDACTED]>

Well for one it means you don't have to be there next week

As far as the future, they are still treating it as a request to reschedule. Looks like they will not put it in abeyance. So if there is another interview in the near future, you can continue making these requests until basically they are denied. Or you can withdraw your application for asylum. Something you and Arda will need to decide I guess.

At the 19<sup>th</sup> Annual AILA conference last week, the representative from the asylum office did indicate that when a case is withdrawn, they look at all the factors to decide whether to issue an NTA. One of the factors is whether an adjustment was filed. Of course she did not say whether it is a foolproof police or not and it was the NY asylum office not Newark ...

Irene Vaisman, Esq.  
The Vaisman P.C.  
[REDACTED]  
New York, NY 10004  
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**From:** [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** Thursday, December 21, 2017 12:06 PM  
**To:** Irene Vaisman <[REDACTED]>  
**Cc:** arda beskardes <[REDACTED]>  
**Subject:** Re: Reschedule Request for Case A 791

okay..  
what does it mean and what do we do now?

On Dec 21, 2017, at 12:02, Irene Vaisman <[REDACTED]> wrote:

See below email from the asylum office

Irene Vaisman, Esq.  
The Vaisman P.C.  
[REDACTED]  
New York, NY 10004  
[REDACTED] | [www.vaismanpc.com](http://www.vaismanpc.com)

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**From:** [REDACTED]  
**Sent:** Thursday, December 21, 2017 11:57 AM  
**To:** [REDACTED]  
**Subject:** Reschedule Request for Case A 791

### **Rescheduling of Asylum Interview**

Dear [REDACTED]:

This letter refers to your Form I-589, *Application for Asylum and for Withholding of Removal*, filed with U.S. Citizenship and Immigration Services (USCIS).

We received your correspondence dated **12/19/17**, requesting to reschedule your asylum interview on **12/27/17**.

This was your second request to reschedule your asylum interview. Because you established “good cause” for your request to reschedule your asylum interview, we are granting your request and will mail you a new interview appointment notice in the near future.

Repeated requests to reschedule are discouraged. Repeated reschedules place a significant burden on the Asylum Office. **The Asylum Office will not grant future reschedule requests except where you establish “exceptional circumstances,” which is a higher standard than good cause. Any further reschedule request must be accompanied by documentary evidence of the need to reschedule your interview.** If you do not establish exceptional circumstances for your failure to appear at your asylum interview, you may be ineligible for employment authorization. Title 8, Code of Federal Regulations, section 208.7(a)(4).

Exceptional circumstances is defined in the Immigration and Nationality Act (INA), section 240(e)(1) as:

“circumstances (such as battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien, or serious illness or death of the spouse, child, or parent of the alien, but not including less compelling circumstances) beyond the control of the alien.”

Exceptional circumstances are not limited to the express examples provided at INA section 240(e)(1). Asylum officers will examine the facts and circumstances of your case to determine if you have demonstrated exceptional circumstances.

**Employment Authorization:**

If you applied for asylum on or after January 4, 1995, you are subject to a 150-day waiting period before you can apply for employment authorization, and an additional 30 days before employment authorization can be approved, for a total of 180 days. The number of days a completed asylum application is considered pending does not include any delays requested or caused by you while your application is pending with the Asylum Office or with an immigration judge. *See* Title 8, Code of Federal Regulations section 208.7. This time period during which your asylum application must be pending with USCIS and/or the Executive Office for Immigration Review before you may be granted an employment authorization document (EAD) is called the “180-day asylum EAD clock.”

Delays requested or caused by you while your application is pending with the Asylum Office may include:

- a request to transfer your case to a new Asylum Office or interview location, including when the transfer is based on a new address;
- a request to reschedule your interview for a later date;
- failure to appear at your interview or fingerprint appointment;
- failure to provide a competent interpreter at your interview;
- a request to provide additional evidence after your interview; and
- failure to receive and acknowledge your asylum decision in person (if required).

Your request to reschedule your interview is a delay caused by you. We have stopped counting days towards your 180-day asylum EAD clock as a result. Your 180-day asylum EAD clock will resume when you appear for your rescheduled interview.

As of the date of this letter, your asylum application was pending **910** days.

Sincerely,

IA 20

F [REDACTED]  
Director  
NEWARK ASYLUM OFFICE



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