

SPECIAL FILING INSTRUCTIONS FOR ABC CLASS MEMBERS

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PART 1. GENERAL.

If you are eligible for benefits under the ABC settlement agreement (American Baptist Churches v. Thornburgh, 760 F. Supp.796 (N.D. Cal. 1991)), these instructions have important information about how you must file asylum and work authorization applications. Read them carefully. They supplement any other INS instructions. Where these instructions differ from other INS instructions, you should follow these instructions.

IF YOU HAVE QUESTIONS OR NEED ADVICE, CALL YOUR LAWYER OR AN ORGANIZATION ON THE ATTACHED LIST.

IF YOU ARE SALVADORAN AND YOU DO NOT HAVE AN ASYLUM APPLICATION ON FILE WITH THE INS OR THE IMMIGRATION JUDGE, YOU MUST FILE A COMPLETE ASYLUM APPLICATION IN ORDER TO KEEP YOUR ABC BENEFITS.

You can get the forms mentioned in these instructions by going to your local INS office and asking for an "ABC packet." You can also get an "ABC packet" in the mail by calling the INS at 1-800-755-0777. The "ABC packet" contains the Form I-589 (Rev. 11-16-94) (Application for Asylum and for Withholding of Deportation); Form I-765 (Rev. 04-25-95) (Application for Employment Authorization); the FD-258 (Fingerprint Card); the I-765 Signature Card; the ABC Change of Address Form (with Spanish translation); these Special Filing Instructions (with Spanish translation); a list of legal services; and an ABC filing chart (with Spanish translation).

PART 2. ELIGIBILITY.

Who is eligible for ABC benefits now?

Almost any SALVADORAN who:

- Was in the United States as of September 19, 1990; and
- Registered for TPS (Temporary Protected Status), or
- Registered for ABC by October 31, 1991.

Almost any GUATEMALAN who:

- Was in the United States as of October 1, 1990, and
- Registered for ABC by December 31, 1991, and
- Filed an asylum application by January 3, 1995.

PART 3. MAINTAINING ELIGIBILITY.

Who must file the asylum application (Form I-589)?

If you are SALVADORAN OR GUATEMALAN and you have an asylum application on file with the INS or the Immigration Judge, you do not need to file a new one to keep your ABC benefits.

If you are SALVADORAN and you do not have an asylum application on file with the INS or the Immigration Judge, **YOU WILL HAVE TO FILE ONE SOON** in order to keep your ABC benefits. The deadline will probably be sometime in late 1995. If you have not already filed, **YOU SHOULD FILE AN ASYLUM APPLICATION AS SOON AS POSSIBLE TO AVOID MISSING THE DEADLINE.** If you registered for TPS and informed the INS of your current address using the ABC Change of Address Form, you should receive a notice by mail informing you of the filing deadline to remain eligible for your ABC rights.

If you are GUATEMALAN and have not yet filed an asylum application with the INS or the Immigration Judge, you have probably lost your ABC benefits and these Special Filing Instructions do not apply to you. You can still file an asylum application, but you will not receive any ABC benefits. You may wish to talk to a lawyer or an organization on the attached list to decide if you are still eligible.

PART 4. ASYLUM APPLICATION PROCEDURES.

How to fill out the asylum application:

Write "ABC" in the top right corner of any asylum application you submit. This will help the INS to know that special rules apply to you.

You may use the old version of the asylum application Form I-589 (Rev. 08-01-91).

You may also use the new version of the asylum application, Form I-589 (Rev. 11-16-94). If you use the new form, some of these instructions do not apply to you. Read the following carefully:

- You may apply for a work permit at the same time that you file your asylum application. There is no waiting period for filing. Special rules apply to your application for work authorization. They are listed in Part 5 below under the heading "HOW TO APPLY FOR EMPLOYMENT AUTHORIZATION."
- When answering question 15 on the new Form I-589 (Rev. 11-16-94), do not write any information about a past asylum decision. Also, do not attach to your application any documents about a past asylum decision.