

.02 Asylee

An asylee noncitizen is granted asylum through an exercise of discretion by the Attorney General, pursuant to Section 208 of INA.

This noncitizen is potentially eligible for benefits for a period of seven years from the date that their status is granted.

NOTE The eligibility period begins from the month asylee status is granted, NOT the month of U.S. entry.

EXCEPTION

A national of Cuba or Haiti who HAS NOT been granted asylee status, but who has an application for asylum pending with USCIS, may qualify as a [Cuban or Haitian entrant](#), or [Cuban or Haitian subject](#). The application for asylum must be pending a final, nonappealable, and legally enforceable order of removal, deportation or exclusion decision. The eight month eligibility period in these situations begins from the individual's date of entry to the U.S. When a Cuban or Haitian asylum applicant is approved for [RCA](#) while seeking asylum, a second eight month eligibility period cannot be received when asylum is granted.

MA EXCEPTION

The seven year period does not apply. There is no maximum time limit.

Applicants are potentially eligible for benefits regardless of any later change in their status. (See [LPR Eligibility](#))

These applicants normally have one of the following USCIS documents:

- [I-94](#), with one of the following:
A stamp showing grant of asylum under Section 208 of the INA
AS1
AS2
AS3
V92
- [I-688B](#) with a provision of law code 274a.12(a)(5).

- I-730 Approval Letter
- [I-766](#) with A5.
- An approval letter from an USCIS asylum office.
- An order from an Immigration Judge granting asylum.
- A written decision from the Board of Immigration Appeals.