Application for Asylum: Implications for ISP Students

The F-1 (or M-1) visa status is not changed when a student applies for asylum. But there is clearly a conflict, because the F-1 visa requires that the holder maintain a residence abroad that he or she has no intention of abandoning. Asylum, on the other hand, means that the applicant wishes to remain in the US and abandon residence abroad because of fear of persecution on grounds of race, religion, nationality, membership in a particular social group, or political opinion (USCIS-Asylum).

Nevertheless, if an F-1 (or M-1) student maintains status by being enrolled in a full-time program of studies, that status will not be affected by applying for asylum—despite the obvious tension between F-1 status and asylum status. The student must, in any case, stay enrolled to comply with F-1 non-immigrant visa requirements.

ISP Policy Regarding Students Who Apply for Asylum

For The Iraqi Student Project more is involved than an “obvious tension” between F-1 status and asylum status. Application for asylum by an ISP student is directly contrary to a core element in the ISP mission, since to apply for asylum indicates that the ISP student fears he or she cannot return to Iraq without being placed in danger.

ISP affords an opportunity to pursue undergraduate studies to Iraqi students who could not, for various reasons, continue in Iraq's universities and who could not afford undergraduate education elsewhere. Because ISP can do so little, the project focuses on those who can and will return to help rebuild Iraq. If ISP simply took Iraqi students away from Iraq, the project would be a contributor to what is called “the brain drain.” Thus ISP has stated from its inception that the F-1 visa status, including the intention to return to Iraq, is vital to the ISP mission.

Although application for asylum does not void F-1 (or M-1) non-immigrant status, the granting of asylum does. In either case, asylum is in direct opposition to a fundamental reason for the existence of ISP, and the student who applies for asylum will no longer be sustained in a relationship with ISP.