Overview of Asylum Processes

Individual has proper documentation or entered without inspection and not apprehended

Affirmative Application
(Interview with an Asylum Officer at USCIS)

Asylum Granted
(if currently in legal status)

Leave country when visa or other form of status expires

Referral to IJ (NTA issued)

Individual does not appeal decision

Asylum Denied

Individual Apprehended by ICE after entry or for an immigration violation. Individual may be detained.

Reasonable Fear Interview
(With an Asylum Officer at USCIS. Could take 3-4 months to receive interview)

No fear found

Individual appeals decision, and case referred to IJ

I J does not find fear

Fear found (NTA issued.)

IJ finds fear (NTA issued)

Master Calendar Hearing before IJ
(Initial pleadings, right to continuance,)

Merits/Individual Hearing before IJ
(Individual submits evidence and provides witnesses in order to show that s/he meets requirements for the relief sought)

Expedited Removal

Fear found

If detained, individual may request bond hearing before IJ to set or lower bond

(Parole Determination: Should be made within 7 days of receiving CFI* decision finding fear)

Individual presents himself at port of entry, or was apprehended within 100 miles of border and within 14 days of arrival, or arrived by sea within last 2 years and has either no or fake documents. Individual detained.

Credible Fear Interview
(With an Asylum Officer at USCIS. Interview should be within 2 weeks of apprehension)

Fear found (NTA issued)

Individual appeals decision, and case referred to IJ

I J finds fear (NTA issued)

IJ does not find fear

I J finds fear

Removal

No fear found

Individual does not appeal decision

Asylum granted and individual appeals to BIA or asylum granted and DHS appeals to BIA
(Appeal must be filed within 30 days of IJ’s decision)

Asylum Denied
(IJ denies relief and individual does not appeal)

Removal

Individual does not appeal decision

See other side