**ASYLUM PROCESS FLOW CHART**

**Affirmative (Asylum Office) Defensive (Immigration Court)**

Unaccompanied children under TVPRA – apprehended by DHS within US or at border

Entered US and never apprehended by DHS

Apprehension after a previous removal order

Apprehension at port of entry or within 14 days of entry/100 miles of border

Apprehended within US

Credible Fear

(Asylum Office with limited IJ review) - favorable decision

Reasonable Fear (Asylum Office with limited IJ review) - favorable decision

Notice to Appear or Notice of Referral issued by DHS and filed with Immigration Court – Removal proceedings initiated

Appeals Process – BIA, Fifth Circuit, Cert to Supreme Court

No

Yes

Merits Hearing (on asylum and/or withholding of removal and Torture Convention relief) and Immigration Judge decision

Additional Master Calendar Hearings (if application not filed or other issues)

Possible Custody Redetermination Hearing (if detained and if requested and available)

Master Calendar Hearing (scheduling and filing of asylum application if not filed affirmatively)

Referral to Immigration Court

No

Affirmative asylum application filed

Asylum interview

Decision by Asylum Office

Yes

Grant of asylum (includes employment authorization eligibility and allows spouse and kids as derivatives)

Application for Lawful Permanent Resident status (green card) one year after asylum grant

Application for citizenship after five years as Lawful Permanent Resident

Reinstatement of Removal

Expedited Removal