FLOW CHART: STEPS IN THE ASYLUM PROCESS

***Every asylum case is unique and follows a different timeline. This timeline is an estimate based on the average asylum case.*

Filed Asylum Application with USCIS (Asylum Office)

Approx. 4 weeks

Interview by Asylum Officer

Approx. 10 days

Asylum Office Issues Decision

Arrest by the Dept. of Homeland Security (at the border or inside the United States).

Asylum Office Grants Asylum. Case is Over. Applicant is an Asylee.

Asylum Office Does Not Grant Asylum. Refers Asylum Application to Immigration Court For De Novo Review.

Dept. of Homeland Security Issues Notice to Appear. Individual is Now in Removal Proceedings and Seeks Asylum Defensively.

Approx. 1 month or more

Master Calendar (status) Hearing

Approx. 3 months – 2 years

Merits Hearing

Decision issued orally at the hearing or in writing 1-6 months later.

Immigration Judge Grants Asylum and DHS Does Not Appeal. Case is Over. Applicant is an Asylee.

Immigration Judge Denies Asylum or Grants Asylum, But DHS Appeals

Appeal must be filed within 30 days of decision.

Appeal to Board of Immigration Appeals

Decision issued approx. 1 year or more later

BIA Grants Appeal. Asylum is granted or case is remanded to Immigration

BIA Denies Asylum

Petition for Review at the 7th Circuit Court of Appeals, if Eligible

7th Circuit Grants Petition, Remands Case to BIA.

7th Circuit Denies Petition. Applicant is Removed.