

Removal and Asylum

by Jessica Rodriguez, Esq.

Expedited Removal Proceedings:

The Attorney General may remove a non-citizen who arrives at a port of entry with false documents OR no documents, without further hearing or review, UNLESS the individual indicates a fear of persecution, applies for political asylum or alleges that he/she was previously granted an LPR or refugee or asylee status. At the port of entry, the person is referred to an Asylum Officer for a "Credible Fear" interview. This interview is usually conducted at the local CIS Asylum office. If the person is found to have credible fear, then the case is referred to a full hearing before an Immigration Judge. If a person is found by the Asylum officer NOT to have Credible Fear, he/she may request a review by an Immigration Judge.

General Asylum:

A person must file for asylum within one year of entering the United States. After filing the proper asylum forms, the person will be required to attend an Asylum interview with the local CIS Asylum Office. The Asylum officer will question the person on their asylum application. If the Asylum officer believes the person and the documents presented, they can grant political asylum at the Asylum office. If the Asylum officer does not believe the claim, then they will deny the application and give the person the option of renewing the application in front of the Immigration Judge.

The asylum seeker can ask for political asylum and a full hearing will result.

Based on the recent TRAC Immigration Asylum Results study, these figures are deemed to be the most up to date statistics on political asylum in the United States. Results of the study have been startling with wide disparity among the Immigration Judges.

Asylum Denial Rates (FY2000 – FY2005):

All Asylum Seekers	297,240	69% Denied
No Attorney	51,258	93.4% Denied
With Attorney	245,982	64% Denied

Chinese now make up the largest group of asylum seekers with 22.3%. 60% Chinese asylum cases were decided in New York City.

In general, those seeking asylum that have lawyers representing them have a much higher chance of being granted political asylum. However, this is contingent upon the Immigration Judge that hears the case. According to the TRAC report, there are some

Judges in New York City that deny 80% or more of their asylum cases while some other
Judges deny less than 25%.