

About HIAS

Founded in the 1880s to help resettle Jews fleeing persecution, HIAS is the world's oldest refugee agency. Today, guided by our Jewish values and history, we bring more than 130 years of expertise to our work providing services to all refugees in need of assistance, regardless of their national, ethnic, or religious background.

U.S. Legal Protection Program

In 2016 – 2017, HIAS' U.S. Legal Protection department:

- Served over 300 clients, a majority of whom were asylum seekers (193).
- Represented clients for U-visas, T visas, Special Immigrant Juvenile Status, and adjustment of status cases.
- Served clients from over 50 countries.

Who are asylum seekers?

An asylum seeker is someone who has **fled persecution** in their home country and has applied for protection, but has not yet received any legal recognition or status. An asylum seeker, like a refugee, faces **well-founded fears of persecution based on race, religion, nationality, political opinion, and membership in a particular social group**. Asylum seekers begin the asylum process once they arrive in the United States, whereas refugees are resettled by the U.S. government and arrive in the U.S. with already established refugee status.

As of 2016, the United States is the second-largest recipient of new asylum applications worldwide. A 52% increase over the previous year, over half of the 262,000 applicants were people from [Mexico and Central America](#). In 2015, [40 percent](#) of those who were granted asylum hailed from, China, El Salvador, and Guatemala.

In fiscal year 2015, the United States granted asylum to 26,124 individuals, a [12 percent increase](#) from fiscal year 2014. There were a total of 65,218 asylum cases in immigration courts in fiscal year 2016, representing a [35 percentage increase](#) from fiscal year 2012.

What is the process for seeking asylum in the United States?

Some asylum seekers arrive on a variety of visas and then claim asylum, and others present themselves to authorities at ports of entry, like an airport or the southern border, in order to claim asylum. The process can take anywhere from **2-8 years**, and in 2017, the U.S. immigration court and asylum systems were backlogged with more than [630,000 cases pending](#).

Asylum applicants are also ineligible to work at least for the first five months in the United States, and all **asylum seekers receive no government support**. Once an asylum seeker's case has been pending for 150 days, they can apply for **work authorization**, and the application process takes at least another three months. Once an asylum seeker receives work authorization, they are eligible to apply for a social security number.

An asylum seeker has two routes to request asylum in the United States. **Affirmative asylum** is when an applicant submits a request with a U.S. Citizenship and Immigration Services (USCIS) officer after arriving to the United States, but *only* if the person has never been apprehended by the Department of Homeland Security (DHS) for violations of immigration law. An affirmative application will be adjudicated during an interview with an asylum officer at USCIS.

If an **affirmative application** is not granted by the asylum office, the case is referred to the immigration court for removal proceedings. There, the applicant will have another opportunity to present their case to an immigration judge in adversarial proceedings. **The government does not provide an attorney**, so most applicants represent themselves with very little knowledge of the complexity of immigration laws.

In recent years, noncitizens apprehended near the border or presenting themselves at airports with valid temporary visas are put into **expedited removal**, an accelerated process that allows the Department of Homeland Security (DHS) to perform **rapid deportations without the opportunity to see a judge**. It is at this moment that DHS officials are required to ask if the noncitizen is afraid to return to their country. If the noncitizen says 'yes,' they are supposed to be scheduled for a **credible fear interview** with an asylum officer. If the officer finds that there is a 'significant possibility' that the noncitizen could qualify for asylum, the noncitizen is placed in removal proceedings before the immigration court where, in 3-5 years, the noncitizen will have a trial on the merits of their case. This is called a **defensive asylum application**.

During the adjudication of both **affirmative and defensive asylum applications**, asylum seekers undergo an extensive series of **background checks**, by U.S. security agencies: the FBI, Department of Homeland Security, and the Department of State, among others. These include fingerprinting, travel history, and a review of biographical information. If an individual is found to have: persecuted others, been convicted of a serious crime in the U.S. or abroad, engaged in terrorist activities or supported any terrorist group in any way, or pose any security threats to the United States, they are not eligible for asylum. In addition, even if an asylum seeker qualifies under the law for asylum, they can still be denied under the discretion of the immigration judge.

If an asylum seeker is eventually granted asylee status, they are eligible for assistance from the Office of Refugee Resettlement and may petition for immediate family members abroad or in the United States. Asylees may also be eligible for federal benefits.

After one year, asylees may apply for a green card (lawful permanent resident status). Once that is granted, they must wait four years to apply for citizenship. Neither residency nor citizenship is guaranteed; at either point in the process, the asylee can still face deportation. In other words, the **only safe immigration status is U.S. citizenship**.

Asylum grants in the United States [vary drastically by jurisdiction and judge](#), ranging from a 97% grant rate to a 0% grant rate from 2012-2016.

- **Get Involved** If you would like to volunteer with asylum seekers, please visit our [volunteer webpage](#).
- **Learn more** about HIAS' asylum work here: <https://www.hias.org/tagged/asylum>