



Claiming Asylum in the United States: **Entering Between Ports of Entry**

Immigration law allows individuals to apply for asylum in the United States who are fleeing their country and seeking protection based on “persecution or a well-founded fear of persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion.” Individuals who are apprehended by CBP between ports of entry can also express fear of returning to their country and seek asylum as a defense against removal. U.S. officials have significant discretionary powers over how to process and whether to prosecute individuals who are apprehended, which can impact when and how individuals make their credible fear claim as they are processed for removal from the United States based on these official decisions.

This chart provides a general overview of the process. Individual cases may vary.

BOX KEY:

- CBP
- USCIS
- Federal Courts
- Immigration Courts
- ★ Additional ICE Involvement

Individual is apprehended *between Ports of Entry* (PoEs)

Government has three main options

1. CBP officer can place the individual in expedited removal and they can be deported without seeing an immigration judge

2. CBP officer refers individual to the U.S. Attorney's Office for criminal charges for attempted illegal entry

Individual goes before a magistrate judge and is convicted of illegal entry

Sentenced to Time in Prison

No Prison Sentence

Does the individual, when interviewed by CBP, express a fear of return to their home country?

No

Yes

Asylum seeker is placed in detention until they receive a credible fear interview to determine if they have an arguable case for asylum

No Credible Fear

Credible Fear

★ Asylum seeker is either kept in detention or paroled until their hearing before an immigration judge, who makes the determination on their asylum claim

Asylum Denied

Asylum Granted

Removal

Person is allowed to remain in the U.S.