

# Immigration

- [Borders](#)
  - [Why do States Build Walls\(Study\)\[2015\]](#)
  - [List of Countries with Border-Barriers\(Wiki\)](#)
- [Impacts](#)
  - [Estimated Percentage of Workers Who Were Undocumented Immigrants US\(Statista\)\[2017\]](#)
  - [The Fiscal Burden of Illegal Immigration on US Taxpayers\(FAIR\)\[2017\]](#)
  - [Federal Benefits to Unauthorized Immigrants\(NCSL\)\[2014\]](#)
  - [US Citizen vs Non-US Citizen Crime Stats \[L\] \(USDOJ BJS\)](#)
- [Process](#)
  - [Process for Becoming a Citizen \[L\] \(USCIS\)](#)
  - [Process for Getting a Green Card \[L\] \(USCIS\)](#)
  - [Process for Seeking Asylum \[L\] \(USCIS\)](#)
  - [Seeking Asylum - General Info \[L\] \(WIKI\)](#)

# Borders

# Why do States Build Walls(Study)[2015]

Borders constitute the international system of states. Accordingly, states will, from time to time, take assertive measures to secure the border, with among the most aggressive strategies being the construction of physical barriers, which we refer to as “border walls.” Using original data on man-made border wall construction from 1800 to 2014, we theorize and find that in many cases, wall construction is about economic security. Significant economic disparities between the states will create incentives to illegally transport people or move goods readily available in the poorer country but highly regulated in the richer country. We find that economic disparities have a substantial and significant impact on the presence of a physical wall that is independent of formal border disputes and concerns over instability from civil wars in neighbors. In other words, “prominent examples such as the Maginot Line”, constructed largely out of fear of attack, is an exception, not the exemplar, of the reasons states construct border walls.

<https://journals.sagepub.com/doi/abs/10.1177/0022002715596776>

# List of Countries with Border- Barriers(Wiki)

Note: The table can be sorted alphabetically or chronologically using the [Sort both.gif](#) or type [icon](#) known

Name	Countries affected	Built and maintained by	Date built	Length (km)	Type	Deaths during crossing attempts	References
Argentina-Paraguay	<a href="#">Argentina</a> and <a href="#">Paraguay</a>	Argentina	2014	1.3	Anti-illegal immigration		<a href="#">[4]</a>
Austrian border barrier	<a href="#">Austria</a> , <a href="#">Italy</a> , and <a href="#">Slovenia</a>	Austria	2015	3.7	Anti-illegal immigration		<a href="#">[5]</a>
Belize-Guatemala	<a href="#">Belize</a> and <a href="#">Guatemala</a>	Belize	Proposed, agreed	N/A	Disputed territory and anti-illegal immigration		
Botswana-Zimbabwe	<a href="#">Botswana</a> and <a href="#">Zimbabwe</a>	Botswana	2003	500	Protection of livestock against disease (Botswana), anti-immigration (purported from Zimbabwe officials)	8	<a href="#">[6]</a>
Brunei-Malaysia	<a href="#">Brunei</a> and the city of <a href="#">Limbang</a> , <a href="#">Malaysia</a>	Brunei	2005	20	Anti-illegal immigration		
Bulgaria-Turkey barrier	<a href="#">Bulgaria</a> and <a href="#">Turkey</a>	Bulgaria	2014	30	Anti-illegal immigration		<a href="#">[7]</a>



Name	Countries affected	Built and maintained by	Date built	Length (km)	Type	Deaths during crossing attempts	References
<b>Calais border barrier</b>	<a href="#">United Kingdom</a> and <a href="#">France</a>	<a href="#">United Kingdom</a> and <a href="#">France</a>	2016	1	Anti-illegal immigration		<a href="#">[8]</a>
<b>Ceuta border fence</b>	<a href="#">Spain</a> and <a href="#">Morocco</a>	<a href="#">Spain</a>	2001	8	Anti-illegal immigration	13-18 depending on estimates. <a href="#">[9]</a>	
<b>Costa Rica-Nicaragua</b>	<a href="#">Costa Rica</a> and <a href="#">Nicaragua</a>	<a href="#">Costa Rica</a>	Proposed	N/A	Anti-illegal immigration		
<b>Green Line (Cyprus)</b>	<a href="#">Cyprus</a> and <a href="#">Northern Cyprus</a>	<a href="#">Cyprus</a> and the <a href="#">United Nations</a>	1964	180	Buffer Zone		
<b>Chinese-Korean border fence</b>	<a href="#">China</a> and <a href="#">North Korea</a>	<a href="#">China</a>	2011	1,416	Anti-illegal immigration		<a href="#">[10]</a>
<b>Denmark-Germany border fence</b>	<a href="#">Denmark</a> and <a href="#">Germany</a>	<a href="#">Denmark</a>	2019	70	Wildlife control (official), Anti-immigration (third party claims)		<a href="#">[11]</a> <a href="#">[12]</a> <a href="#">[13]</a>
<b>Dominican-Haiti border fence</b>	<a href="#">Dominican Republic</a> and <a href="#">Haiti</a>	<a href="#">Dominican Republic</a>	Announced 2021	N/A	Anti-illegal immigration and crime		<a href="#">[14]</a>
<b>Egypt-Gaza barrier</b>	<a href="#">Egypt</a> and <a href="#">Gaza Strip</a>	<a href="#">Egypt</a>	1979, subterranean barrier under construction	3.1	Anti-terrorism and anti-illegal immigration		<a href="#">[15]</a>
<b>Estonia-Russia barrier</b>	<a href="#">Estonia</a> and <a href="#">Russia</a>	<a href="#">Estonia</a>	2018	110	Against Russian intrusion, illegal trade and illegal immigration		<a href="#">[16]</a>

Name	Countries affected	Built and maintained by	Date built	Length (km)	Type	Deaths during crossing attempts	References
<b>Greece-Turkey border</b>	<a href="#">Greece</a> and <a href="#">Turkey</a>	Greece	2012, expanded 2021 <a href="#">[17]</a> <a href="#">[18]</a>	200	Anti-illegal immigration		<a href="#">[19]</a> <a href="#">[20]</a> <a href="#">[21]</a> <a href="#">[22]</a>
<b>North Macedonia-Greece barrier</b>	<a href="#">North Macedonia</a> and <a href="#">Greece</a>	North Macedonia	2015	30	Anti-illegal immigration		<a href="#">[23]</a>
<b>Malaysia-Thailand border</b>	<a href="#">Thailand</a> and <a href="#">Malaysia</a>	Thailand	Proposed	650	Anti-terrorism		
<b>Melilla border fence</b>	<a href="#">Spain</a> and <a href="#">Morocco</a>	Spain	1998	11	Anti-illegal immigration		
<b>Hungary-Serbia barrier</b>	<a href="#">Hungary</a> and <a href="#">Serbia</a>	Hungary	2015	175	Anti-illegal immigration		<a href="#">[24]</a> <a href="#">[25]</a> <a href="#">[26]</a> <a href="#">[27]</a> <a href="#">[28]</a>
<b>Hungary-Croatia barrier</b>	<a href="#">Hungary</a> and <a href="#">Croatia</a>	Hungary	2015	41	Anti-illegal immigration		
<b>India-Bangladesh barrier</b>	<a href="#">India</a> and <a href="#">Bangladesh</a>	India	Under construction	3,268	Anti-illegal immigration		
<b>India-Myanmar barrier</b>	<a href="#">India</a> and <a href="#">Myanmar</a>	India	Under construction	1,624	Anti-drug smuggling and anti-terrorism		
<b>India-Pakistan barrier</b>	<a href="#">India</a> and <a href="#">Pakistan</a>	India	2004	550	Anti-terrorism		<a href="#">[29]</a>
<b>Iran-Pakistan barrier</b>	<a href="#">Iran</a> and <a href="#">Pakistan</a>	Iran	Under construction	959	Anti-terrorism and Anti-drug smuggling		<a href="#">[30]</a> <a href="#">[31]</a> <a href="#">[32]</a>

Name	Countries affected	Built and maintained by	Date built	Length (km)	Type	Deaths during crossing attempts	References
Israel-West Bank barrier	<a href="#">Israel</a> and <a href="#">Palestine</a>	Israel	Partially Completed	708	Anti-terrorism (disputed territory)		<a href="#">[33]</a>
Israel-Egypt barrier	<a href="#">Israel</a> and <a href="#">Egypt</a>	Israel	2013	245	Anti-illegal immigration		
Israel-Lebanon barrier	<a href="#">Israel</a> and <a href="#">Lebanon</a>	Israel	2018	11	Conflict zone		
Israel-Gaza barrier	<a href="#">Israel</a> and <a href="#">Gaza Strip</a>	Israel	1994	N/A	Anti-terrorism		
Kazakhstan-Uzbekistan barrier	<a href="#">Kazakhstan</a> and <a href="#">Uzbekistan</a>	Kazakhstan	2006	45	Anti-drug smuggling		
Korean Demilitarized Zone	<a href="#">North Korea</a> and <a href="#">South Korea</a>	<a href="#">North Korea</a> and <a href="#">United Nations Command</a>	1953	248	Conflict zone		
Kruger National Park	<a href="#">South Africa</a> and <a href="#">Mozambique</a>	<a href="#">South Africa</a>	1975	120	Anti-illegal immigration	89 ( <a href="#">Army</a> ), over 200 (Various churches)	
South Africa-Zimbabwe Border	<a href="#">South Africa</a> and <a href="#">Zimbabwe</a>	<a href="#">South Africa</a>	2000s	225	Anti-illegal immigration , anti-drug smuggling, anti-weapon smuggling		<a href="#">[34]</a> <a href="#">[35]</a> <a href="#">[36]</a> <a href="#">[37]</a>
Kuwait-Iraq barrier	<a href="#">Kuwait</a> and <a href="#">Iraq</a>	<a href="#">Kuwait</a>	1991	193	Conflict zone		
Latvia-Russia border fence	<a href="#">Latvia</a> and <a href="#">Russia</a>	<a href="#">Latvia</a>	2015	90	Anti-illegal immigration		<a href="#">[38]</a>

Name	Countries affected	Built and maintained by	Date built	Length (km)	Type	Deaths during crossing attempts	References
Libya-Tunisia barrier	Libya and Tunisia	Tunisia	TBA	460	Anti-terrorism, Anti-illegal immigration		
Lithuania-Kaliningrad border fence	Lithuania and Russia	Lithuania	2017	130	Anti-smuggling, anti-illegal immigration , anti-invasion		[39]
Moroccan Western Sahara Wall	Morocco and Western Sahara	Morocco	1980	2,700	Conflict zone		[40][41]
Norway-Russia border barrier	Norway and Russia	Norway	2016	200	Anti-illegal immigration		[42]
Pakistan-Afghanistan barrier	Pakistan and Afghanistan	Pakistan	ongoing	2,670	Anti-terrorism, anti-illegal immigration , anti drug smuggling		[43][44]
Poland-Belarus barrier	Poland and Belarus	Poland	under construction	186	Anti-illegal immigration	21[45]	[46][47][48][49][50]
Saudi-Yemen barrier	Saudi Arabia and Yemen	Saudi Arabia	2004	75	Anti-illegal immigration		
Saudi-Iraq barrier	Saudi Arabia and Iraq	Saudi Arabia	2014	900	Anti-illegal immigration and conflict zone		[51][52][53]
Slovenia-Croatia barrier	Slovenia and Croatia	Slovenia	2016	220	Anti-illegal immigration		[54][55][56]

Name	Countries affected	Built and maintained by	Date built	Length (km)	Type	Deaths during crossing attempts	References
<b>Serbia-North Macedonia barrier</b>	<a href="#">Serbia</a> and <a href="#">North Macedonia</a>	Serbia	2020	240	Anti-illegal immigration		<a href="#">[57]</a>
<b>Turkey-Syria border barrier</b>	<a href="#">Turkey</a> and <a href="#">Syria</a>	Turkey	2018	828	Anti-terrorism, anti-illegal immigration and smuggling		<a href="#">[58]</a>
<b>Turkey-Iran border barrier</b>	<a href="#">Turkey</a> and <a href="#">Iran</a>	Turkey	2019	144	Anti-terrorism, anti-illegal immigration and smuggling		
<b>Turkmen-Uzbekistan barrier</b>	<a href="#">Turkmenistan</a> and <a href="#">Uzbekistan</a>	Turkmenistan	2001	1,700	Anti-illegal immigration		
<b>Ukraine-Russia barrier</b>	<a href="#">Ukraine</a> and <a href="#">Russia</a>	Ukraine	Under construction	2,000	Anti Weapon Smuggling and Conflict zone		
<b>United Arab Emirates-Oman barrier</b>	<a href="#">United Arab Emirates</a> and <a href="#">Oman</a>	United Arab Emirates	2018	410	Anti-illegal immigration		
<b>Mexico-United States barrier</b>	<a href="#">United States</a> and <a href="#">Mexico</a>	United States	Partially Constructed	1,000	Anti-illegal immigration and smuggling		<a href="#">[59]</a> <a href="#">[60]</a> <a href="#">[61]</a> <a href="#">[62]</a> <a href="#">[63]</a> <a href="#">[64]</a> <a href="#">[65]</a> <a href="#">[66]</a> <a href="#">[67]</a> <a href="#">[68]</a>
<b>Uzbek-Afghanistan barrier</b>	<a href="#">Uzbekistan</a> and <a href="#">Afghanistan</a>	Uzbekistan	2001	209	Anti-illegal immigration		
<b>Uzbek-Kyrgyzstan barrier</b>	<a href="#">Uzbekistan</a> and <a href="#">Kyrgyzstan</a>	Uzbekistan	1999	870	Conflict zone		

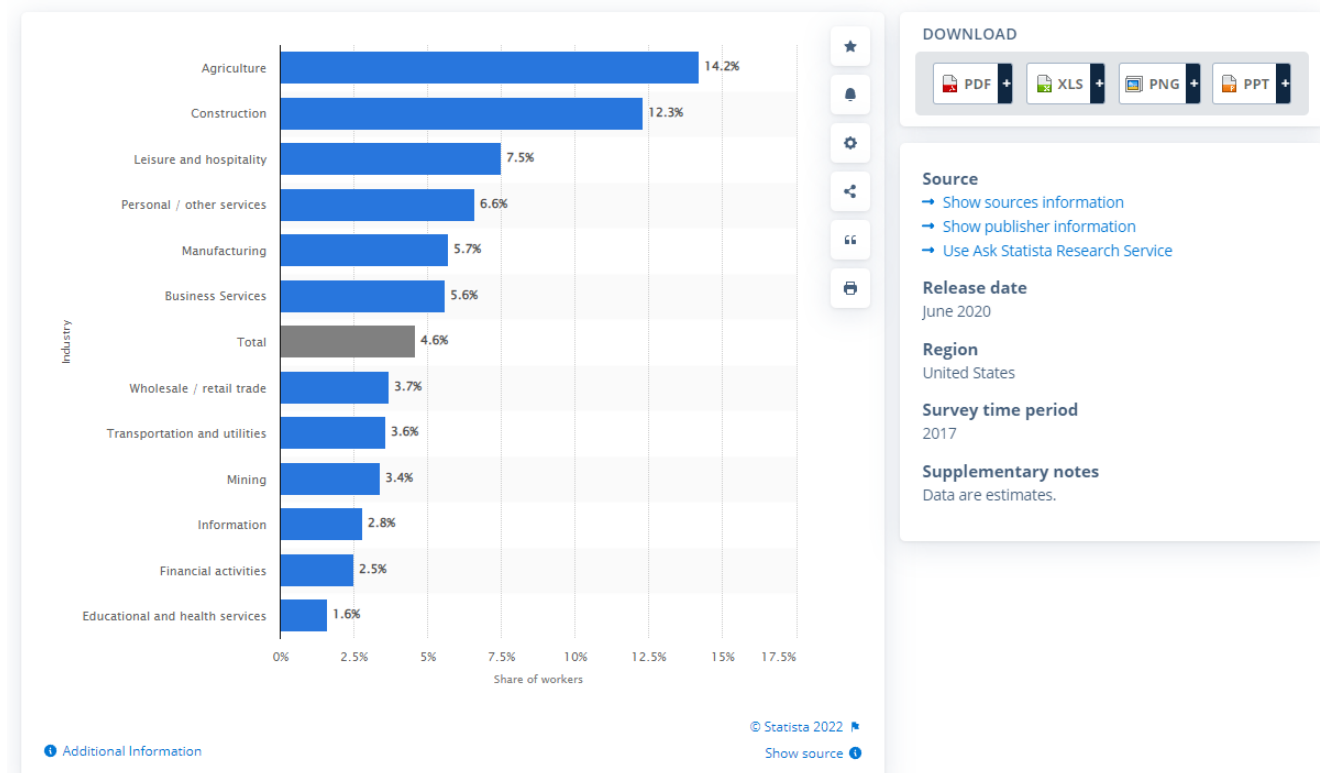
[https://en.wikipedia.org/wiki/Border\\_barrier](https://en.wikipedia.org/wiki/Border_barrier)

# Impacts

# Estimated Percentage of Workers Who Were Undocumented Immigrants US(Statista)[2017]

Economy & Politics > Economy

Estimated percentage of workers who were undocumented immigrants in the United States in 2017, by industry



<https://www.statista.com/statistics/652960/employed-undocumented-immigrants-in-the-us-by-industry/>



# The Fiscal Burden of Illegal Immigration on US Taxpayers(FAIR)[2017]

- In 2017, the total cost of illegal immigration for the United States – at the federal, state, and local levels – was approximately \$116 billion.
- FAIR arrived at this number by subtracting the tax revenue paid by illegal aliens – about \$19 billion – from the total economic impact of illegal migration, \$134.9 billion.
- In 2013, the estimated total cost of illegal migration was approximately \$113 billion. So, in under four years, the cost has risen nearly \$3 billion.
- Evidence shows that the tax payments made by illegal aliens fail to cover the costs of the many services they consume.
- A large percentage of illegal aliens who work in the underground economy frequently avoid paying any income tax at all.
- Many illegal aliens actually receive a net cash profit through refundable tax credit programs.

<https://www.fairus.org/issue/publications-resources/fiscal-burden-illegal-immigration-united-states-taxpayers>

# Federal Benefits to Unauthorized Immigrants(NCSL)[2014]

In general, unauthorized immigrants within the United States **are not eligible for any federal public benefits, except:**

- Emergency medical treatment under Medicaid, if the individual otherwise meets the eligibility requirements and the medical condition is not related to an organ transplant procedure
- Immunizations for immunizable diseases and testing for and treatment of symptoms of communicable diseases (does not include assistance from Medicaid)
- Short-term, non-cash, in-kind emergency disaster relief
- Programs, services, or assistance that deliver in-kind services at the community level, do not have conditions for assistance on the recipients' income or resources, and are necessary for the protection of life and safety
  - Includes access to soup kitchens, crisis counseling and intervention, short-term shelter, mental health services, and child and adult protective services
- To the extent that an immigrant was receiving assistance on 8/22/96, programs for housing, community development, or financial assistance administered by the HUD Secretary, which include:
  - Financial assistance in rural areas to farmers, owners, developers, and the elderly for loan insurance, the purchase of property, housing for trainees, and low rent housing for farm workers under title V of the Housing Act of 1949
  - Loans and grants for water access and waste treatment to alleviate health risks under Section 306C of the Consolidated Farm and Rural Development Act
- Free public education for grades K-12
- Federally subsidized school lunch and school breakfast programs for individuals eligible for free public education under state or local law
- At state option, medical coverage under SCHIP, including prenatal care and delivery services, for unborn children who meet other program eligibility criteria

Note: Exceptions 2 and 3 above only grant access to disaster relief and emergency assistance for the protection of life and safety, and do not extend to non-emergency aid based on each recipient's need.

Unauthorized immigrants are eligible for the following nutrition assistance programs:

- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Child and Adult Care Food Program (CACFP)
- Summer Food Service program
- Special Milk program
- Commodity Supplemental Food Program (CSFP)
- The Emergency Food Assistance Program (TEFAP)
- Food Distribution Program on Indian Reservations (FDPIR)

Note: States may, at their discretion, deny unauthorized immigrants' access to the above programs.

Unauthorized immigrants also appear to be able to receive services provided by federally funded community health centers regardless of immigration status; however, migrant health center services are statutorily prohibited to unauthorized immigrants by Title IV of PRWORA.

Affordable Care Act: Unauthorized immigrants and Deferred Action for Childhood Arrivals (DACA) grantees are not eligible to purchase insurance on the exchanges or receive premium tax credits or lower copayments; they are exempt from the individual mandate.

<https://www.ncsl.org/research/immigration/federal-benefits-to-unauthorized-immigrants.aspx>

# US Citizen vs Non-US Citizen Crime Stats [L] (USDOD BJS)

U.S. Department of Justice  
Office of Justice Programs  
Bureau of Justice Statistics

Revised January 27, 2021



AUGUST 2019, NCJ 253116

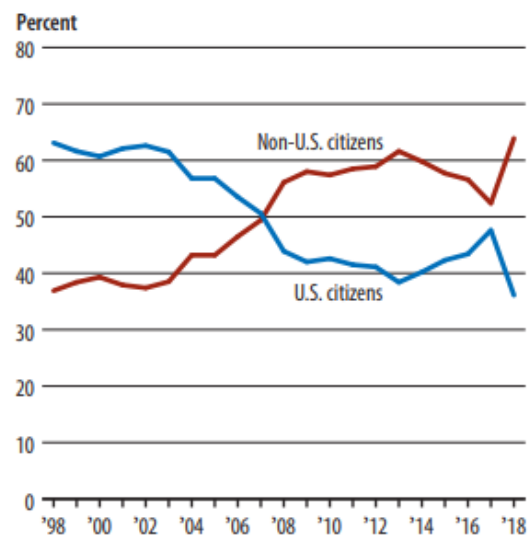
## Immigration, Citizenship, and the Federal Justice System, 1998-2018

Mark Motivans, Ph.D., *BJS Statistician*

**T**his report highlights trends in federal arrests and prosecutions by the country of citizenship of persons processed through the federal criminal justice system. It shows changes from 1998 through 2018. The report provides statistics on law enforcement and prosecutions along the U.S.-Mexico border, as well as in non-border areas. It shows the number of suspects arrested and prosecuted for both immigration and non-immigration offenses, including by their citizenship status. It details activities for all 94 federal judicial districts, while also separately detailing activities for the 5 districts along the U.S.-Mexico border. (See map on page 6.)

The statistical findings in this report are based on data from the Bureau of Justice Statistics' Federal Justice Statistics Program (FJSP). The FJSP receives administrative data from six federal justice agencies: the U.S. Marshals Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, U.S. Sentencing Commission, and Federal Bureau of Prisons. BJS links and standardizes this information to maximize comparability and to facilitate analysis across and within agencies over time.

**FIGURE 1**  
Percent of all federal arrests, by citizenship status, FY 1998-2018



Note: Percentages based on available data. See table 4.  
Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

This enables the production of statistics that are not available elsewhere. See *Methodology* for additional details.

# Process

Process

# Process for Becoming a Citizen [L] (USCIS)



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## 10 Steps to Naturalization

## Understanding the Process of Becoming a U.S. Citizen

In this section, you will find a general description of the naturalization application process. Before you apply, be sure that you meet all [eligibility requirements](#) and check if you qualify for any [exceptions and accommodations](#). USCIS has also developed responses to [commonly asked questions](#) about citizenship and the naturalization process.

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## Step 1. Determine if you are already a U.S. citizen

**What to do:** If you are not a U.S. citizen by birth, or you did not acquire or derive U.S. citizenship from your parent(s) automatically after birth, go to the next step.

## Step 2. Determine if you are eligible to become a U.S. citizen

**What to do:** Review the [naturalization eligibility worksheet \(PDF, 300.55 KB\)](#) to help you decide if you are eligible to apply for naturalization.

## Step 3. Prepare your Form N-400, Application for Naturalization

This form is available to file online. Start by [creating your free online account](#).

**What to do:** Read the instructions to complete [Form N-400](#). Collect the necessary documents to demonstrate your eligibility for naturalization. If you reside outside the United States, get 2 passport-style photos taken. Use the [document checklist \(PDF, 178.19 KB\)](#) to make sure you collect all the required documents.

## Step 4. Submit your Form N-400 and pay your fees

This form is available to file online. You may also pay your fees online.

Once you submit Form N-400, USCIS will send you a receipt notice. You can [check case processing times](#) and your [case status online](#).

## Step 5. Go to your biometrics appointment, if applicable

**What to do:** If you need to take biometrics, USCIS will send you an appointment notice that includes your biometrics appointment date, time, and location. Arrive at the designated location at the scheduled time. Have your biometrics taken.

## Step 6. Complete the interview

Once all the preliminary processes on your case are complete, USCIS will schedule an interview with you to complete the naturalization process. You must report to the USCIS office at the date and time on your appointment notice. Please bring the appointment notice with you.

## Step 7. Receive a decision from USCIS on your Form N-400

USCIS will mail a notice of decision to you. If you filed your N-400 online, you can also access the electronic notice in your account.

- **Granted** - USCIS may approve your Form N-400 if the evidence in your record establishes that you are eligible for naturalization.
- **Continued** - USCIS may continue your application if you need to provide additional evidence/documentation, fail to provide USCIS the correct documents, or fail the English and/or civics test the first time.
- **Denied** - USCIS will deny your Form N-400 if the evidence in your record establishes you are not eligible for naturalization.

## Step 8. Receive a notice to take the Oath of Allegiance

**What to expect:** If USCIS approved your Form N-400 in step 7, you may be able to participate in a [naturalization ceremony](#) on the same day as your interview. If a same day naturalization ceremony is unavailable, USCIS will mail you a notification with the date, time, and location of your scheduled ceremony. If you filed your N-400 online, you can also access the electronic notice in your application.

## Step 9. Take the Oath of Allegiance to the United States

You are not a U.S. citizen until you take the [Oath of Allegiance](#) at a naturalization ceremony.

**What to do:**

- Complete the questionnaire on Form N-445, Notice of Naturalization Oath Ceremony.
- Report for your naturalization ceremony and check in with USCIS. A USCIS officer will review your responses to Form N-445.
- Turn in your Permanent Resident Card (Green Card).
- Take the Oath of Allegiance to become a U.S. citizen.
- Receive your Certificate of Naturalization, review it, and notify USCIS of any errors you see on your certificate before leaving the ceremony site.

## Step 10. Understanding U.S. citizenship

Citizenship is the common thread that connects all Americans. Check out this list of some of the most important [rights and responsibilities](#) that all citizens—both Americans by birth and by choice—should exercise, honor, and respect.

## Additional Resources

- [USCIS Policy Manual: Citizenship and Naturalization](#)
- [10 Steps to Naturalization brochure \(PDF, 790.4 KB\)](#)
- [2008 Civics Test and English Test Study Materials](#)
- [2020 Civics Test and English Test Study Materials](#)
- [Find Help in Your Community](#)
- [Free Naturalization Information Sessions](#)

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<https://www.uscis.gov/citizenship/learn-about-citizenship/10-steps-to-naturalization>



# Process for Getting a Green Card [L] (USCIS)



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[Public Charge](#)  
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## Green Card Processes and Procedures

**ALERT:** There are an exceptionally high number of employment-based visas available this fiscal year (October 2021 through September 2022).

[See more](#)

Each Green Card category have specific steps and procedures to follow. Listed below are some general processes and procedures to help you apply either while in the United States (known as "adjustment of status") or while outside the United States (known as "consular processing").

Page Title	Summary
<a href="#">Green Card Eligibility Categories</a>	Determine if you are eligible for permanent resident status. Review the eligibility requirements needed before applying for your Green Card.
<a href="#">Adjustment of Status</a>	Adjusting your status to a permanent resident is the process immigrants use to get a Green Card while in the United States.
<a href="#">Consular Processing</a>	Consular processing is the method immigrants use to get their Green Card when outside the United States or when ineligible to adjust status in the United States.
<a href="#">Concurrent Filing</a>	When getting a Green Card through employment, family, or as a special immigrant, someone may need to file a petition for you. Concurrent filing is generally when the immigrant petition is filed at the same time you file your application to get a Green Card. Learn what concurrent filing is and what categories are eligible to concurrently file.
<a href="#">Visa Availability and Priority Dates</a>	In general, a visa must be available for you before you can apply for a Green Card. In some categories, visas are always available, while in others, there are a limited number. Priority dates are given to immigrants waiting in line to get an immigrant visa and determine when a visa becomes available. Learn how to tell if a visa is available to you.
<a href="#">Travel Documents</a>	Learn more about if and when you can travel outside the United States after applying for a Green Card or once you have a Green Card. You can also learn how to apply for advance parole, a Refugee Travel Document, and a re-entry permit.
<a href="#">Employment Authorization Document</a>	Learn more about if you are eligible for work authorization in the United States and how to apply for an Employment Authorization Document (EAD).
<a href="#">Immigration Medical Examinations</a>	Most applications for a Green Card require a medical exam. Learn about who must complete a medical exam and the specific forms and procedures that you must follow.
<a href="#">Affidavit of Support</a>	An affidavit of support is a form that a sponsor files on your behalf when you are applying for a Green Card or immigrant visa. It is required for some (but not all) categories of immigrants before they can become a permanent resident of the United States. The purpose of the form is to show you have the financial means to live in the United States without needing welfare or financial benefits from the U.S. government.
<a href="#">Public Charge</a>	To get a Green Card, most immigrants must show that they will not become a public charge. Learn more about <a href="#">public charge</a> .
<a href="#">Child Status Protection Act</a>	Your age can determine whether you are eligible for a Green Card as a "child." The Child Status Protection Act, often referred to as CSPA, allows certain children who have aged out (become 21 years or older) after an immigrant petition has been filed to still be eligible for a Green Card through their parents.
<a href="#">Transfer of Underlying Basis</a>	An adjustment of status applicant occasionally prefers to have their pending application considered under a different immigrant category. For more information about transferring, see the <a href="#">USCIS Policy Manual</a> .  To transfer the basis of your pending adjustment of status application to a different eligibility category, you generally must submit a written request to the USCIS office with jurisdiction over the application. Through September 30, 2022, USCIS has established a new location that should be used for submitting transfer requests between employment-based categories. See <a href="#">Green Card for Employment-Based Immigrants: Transfer of Underlying Basis</a> .

Last Reviewed/Updated: 01/21/2022

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[Return to top](#)[Topics](#) [Forms](#) [Newsroom](#) [Citizenship](#) [Green Card](#) [Laws](#) [Tools](#)U.S. Citizenship  
and Immigration  
Services[Contact USCIS](#)USCIS.gov  
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[Accessibility](#)  
[Budget and Performance](#)  
[DHS Components](#)[Freedom of Information Act](#)  
[No FEAR Act Data](#)  
[Privacy and Legal Disclaimers](#)  
[Site Map](#)[Office of the Inspector General](#)  
[The White House](#)  
[USA.gov](#)

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Process

# Process for Seeking Asylum [L] (USCIS)



Search our Site



Sign In

TopicsFormsNewsroomCitizenshipGreen CardLawsTools

Humanitarian

- Abused Spouses, Children and Parents
- Consideration of Deferred Action for Childhood Arrivals (DACA)
- Deferred Enforced Departure
- Information for Afghan Nationals
- Uniting for Ukraine
- Humanitarian Parole

Refugees and Asylum

- Refugees
- Asylum
- Affirmative Asylum Interview Scheduling
- Asylum Frequently Asked Questions
- Establishing Good Cause or Exceptional Circumstances
- FACT SHEET: Implementation of the Credible Fear and Asylum Processing Interim Final Rule
- Types of Asylum Decisions
- The Affirmative Asylum Process
- Preparing for Your Asylum Interview
- Obtaining Asylum in the United States
- Special Situations
- Temporary Protected Status
- Victims of Human Trafficking and Other Crimes
- Female Genital Mutilation or Cutting (FGM/C)
- Forced Marriage

Home > Humanitarian > Refugees and Asylum > Asylum > Obtaining Asylum in the United States

# Obtaining Asylum in the United States

1

To continue to keep our workforce and applicants safe during the COVID-19 pandemic while maintaining efficiency and access to the asylum process, USCIS announced another extension to the [temporary final rule](#) (TFR) that requires certain asylum applicants to use our contract telephonic interpreters instead of bringing their own interpreters to their affirmative asylum interviews. This rule is in effect through March 16, 2023. For more information, please visit our [TFR webpage](#).

The two ways of obtaining asylum in the United States are through the affirmative process and defensive process.

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Affirmative Asylum Processing with USCIS

To obtain asylum through the affirmative asylum process you must be physically present in the United States. You may apply for asylum regardless of how you arrived in the United States or your current immigration status.

You must apply for asylum within one year of the date of your last arrival in the United States, unless you can show:

- Changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances relating to the delay in filing; and
- You filed within a reasonable amount of time given those circumstances.

You may apply for affirmative asylum by submitting Form I-589, Application for Asylum and for Withholding of Removal, to USCIS.

If your case is not approved and you do not have a legal immigration status, we will issue a Form I-862, Notice to Appear (NTA), and refer your case to an immigration judge at the Executive Office for Immigration Review (EOIR). The immigration judge conducts a "de novo" hearing of the case. This means that the judge conducts a new hearing and issues a decision that is independent of the decision made by USCIS. In certain circumstances, if USCIS does not have jurisdiction over your case, the asylum office will issue a Form I-863, Notice of Referral to Immigration Judge, for an asylum-only hearing. See the section "Defensive Asylum Processing With EOIR" below if this situation applies to you.

If you were previously issued an NTA that was not filed and docketed with the EOIR immigration court, or you previously issued NTA was filed and docketed with EOIR either shortly before (within 21 days) or after you filed your Form I-589 with USCIS, USCIS will refile your NTA (if necessary) and send your Form I-589 to the immigration court for adjudication.

To determine where to file your Form I-589, follow the instructions under the "Where to File" section on our [Form I-589](#) page. For more information, please see [What Happens After You File Your Form I-589 With USCIS](#).

You may live in the United States while your Form I-589 is pending before USCIS. If you are found ineligible, you can remain in the United States while your Form I-589 is pending with the immigration judge. Asylum applicants are not authorized to work unless you meet certain requirements. For more information, please see [Permission to Work in the United States](#). Affirmative asylum applicants are rarely detained by U.S. Immigration and Customs Enforcement (ICE).

Please see the [Affirmative Asylum Process](#) for step-by-step information on applying for asylum through the affirmative asylum process.

Defensive Asylum Processing with EOIR

A defensive application for asylum occurs when you request asylum as a defense against removal from the United States. For asylum processing to be defensive, you must be in removal proceedings in immigration court with the Executive Office for Immigration Review (EOIR).

Individuals are generally placed into defensive asylum processing in one of two ways:

- They are referred to an immigration judge by USCIS after they have been determined to be ineligible for asylum at the end of the affirmative asylum process, or
- They are placed in removal proceedings because they:
  - Were apprehended in the United States or at a U.S. port of entry without proper legal documents or in violation of their immigration status; or
  - Were apprehended by U.S. Customs and Border Protection (CBP) trying to enter the United States without proper documentation, were placed in the expedited removal process, and were found to have a credible fear of persecution or torture by an asylum officer. See [Questions & Answers: Credible Fear Screenings](#) for more information on the credible fear process.

Immigration judges hear defensive asylum cases in adversarial (courtroom-like) proceedings. The judge will hear arguments from both of the following parties:

- You (and your attorney, if represented)
- The U.S. government, which is represented by an attorney from U.S. Immigration and Customs Enforcement (ICE)

The immigration judge then decides whether you are eligible for asylum. If the immigration judge finds you eligible, they will grant asylum. If the immigration judge finds you ineligible for asylum, they will determine whether you are eligible for any other forms of relief from removal. If the immigration judge finds you ineligible for other forms of relief, they will order you to be removed from the United States. Either party can appeal the immigration judge's decision.

See the [Granted a Green Card by an Immigration Judge or Board of Immigration Appeals](#) page for information about the grant of asylum by an immigration judge.

For information about the Executive Office for Immigration Review, including the Immigration Courts and the Board of Immigration Appeals, see [Executive Office for Immigration Review](#). To determine where to file your Form I-589, follow the instructions under the "Where to File" section on our [Form I-589](#) page.

Key Differences Between "Affirmative" and "Defensive" Asylum Process

Key Differences Between "Affirmative" and "Defensive" Asylum Process	
Affirmative	Defensive
Individual has not been placed in removal proceedings before an immigration judge.	Individual has been placed in removal proceedings before an immigration judge.
Individual affirmatively submits Form I-589 to USCIS.	Individual: <ul style="list-style-type: none"><li>Is placed in removal proceedings by an asylum officer;</li><li>Is placed in removal proceedings for immigration violations; or</li><li>Tried to enter the United States without proper documents and was found to have a credible fear of persecution or torture.</li></ul> If the individual was referred by USCIS, the asylum application already filed will carry over to the immigration judge. If the individual did not yet submit an asylum application, they will submit it to the immigration judge.
Individual appears before a USCIS asylum officer for a non-adversarial interview	Individual appears before an immigration judge with the Executive Office for Immigration Review for an adversarial, court-like hearing.
Individual must provide a qualified interpreter for the interview.	The immigration court provides a qualified interpreter for the interview.

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Process

# Seeking Asylum - General Info [L] (WIKI)







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