

The United States Asylum Program

To: Maine Immigrants' Rights Coalition (MIRC) Members, Partners, and Maine Policymakers

From: Ruben Torres, Advocacy and Policy Manager

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Background:

“Asylum” is an immigration pathway available to individuals who meet the international legal definition of a “refugee.” Established under the Refugee Act of 1980, the United States (U.S.) asylum program was created as a counterpart to the United States Refugee Admissions Program (USRAP). It provides protection to individuals who are already in the U.S. or who arrive at a U.S. port of entry (P.O.E) and demonstrate a credible fear of persecution in their home country. While the USRAP resettles specific vulnerable populations abroad, the asylum program provides protection to those who have already reached U.S. territory or its borders.

Eligibility:

To be eligible for asylum in the U.S., an individual must be physically present in the U.S. or at a P.O.E. and demonstrate that they meet the definition of a refugee. A [refugee](#) is defined as a person who is unable or unwilling to return to their home country, and cannot obtain protection in that country due to past persecution or a well-founded fear of being persecuted in the future on account of race, religion, nationality, membership in a particular social group, or political opinion.¹ An asylum seeker must prove that they face immediate and life-threatening danger in their countries of origin during their credible fear interview, or through evidence presented during immigration court proceedings.

Recent Actions:

Shutdown of Asylum Access: On January 20th, 2025, the Trump Administration issued an executive order (E.O.) that became known as the “[Asylum Ban](#).”² The E.O. suspended asylum access at all southern border ports of entry and canceled approximately 30,000 previously scheduled Customs and Border Protection (CBP) One appointments—scheduled times for asylum seekers to be inspected and screened for entry into the United States.³ The E.O. effectively eliminated the ability to seek asylum at official crossings. Several advocacy groups filed lawsuits challenging the legality of the Trump Administration’s actions on multiple grounds.

The January 20th E.O. directed CBP to “repel, repatriate, and remove” asylum seekers as quickly as possible.⁴ As a result, individuals attempting to enter at official crossings have been denied fear screenings and subjected to significant physical and psychological trauma, including family separation and detention in unsanitary facilities.⁵ Some asylum seekers have also been subject to

¹ “An Overview of U.S. Refugee Law and Policy.” *American Immigration Council*, 2025.

<https://www.americanimmigrationcouncil.org/fact-sheet/overview-us-refugee-law-and-policy/>.

² “Proclamation 10888: Guaranteeing the states protection against invasion (90 Fed. Reg. 8333).” *GovInfo*, 2025.

<https://www.govinfo.gov/app/collection/cfr/>.

³ “Challenging the Shutdown of Asylum Access at Ports of Entry.” *American Immigration Council*, 2025.

<https://www.americanimmigrationcouncil.org/litigation/challenging-shutdown-asylum-access-ports-entry/>.

⁴ “Investigating ICE’s Changes to Parole Policies and Other Implementation of President Trump’s Day One Immigration Actions.” *American Immigration Council*, 2025. <https://www.americanimmigrationcouncil.org/foia-request/investigating-ice-changes-parole-policies-president-trump/>.

⁵ Schmidtke, R., & Schacher, Y. “This is an order from Trump:” Abuse, Expulsions, an Refoulement of People Seeking Asylum”. *Human Rights First, Refugees International*, 2025.

<https://www.refugeesinternational.org/reports-briefs/this-is-an-order-from-trump-abuse-expulsions-and-refoulement-of-people-seeking-asylum/>

third-country removals despite having no prior connections there.⁶ Intensified Immigration and Customs Enforcement (ICE) operations, including arrests and detentions at immigration hearings, have further affected asylum seekers' safety and access to due process, even for those whose cases are already in progress.⁷

In mid 2025, U.S. Citizenship and Immigration Services (USCIS) began sending letters to some asylum seekers with applications in process stating that their asylum cases were dismissed and that they would no longer be protected from deportation.⁸

Additionally, in a Department of Justice (DOJ) memo from May 30, 2025, immigration judges were instructed to allow DHS lawyers to make oral motions to dismiss pending immigration cases to facilitate the rapid arrest and detention of individuals with pending immigration court cases.⁹

On December 2, 2025, USCIS placed an official hold on all asylum applications that were pending a comprehensive review, otherwise known as the Global Asylum Hold Policy.¹⁰

On June 5th, 2026, in the *Dorcas Int'l Institute of Rhode Island, et al v. USCIS* Case, a federal district judge in Rhode Island vacated the Global Asylum Hold Policy. Despite this, the government continued to enforce the policies, so on June 11th, 2026, the U.S. District Court officially stated that the policy was unlawful under the Administrative Procedures Act (APA) and that the policies were no longer in effect.¹¹ USCIS has filed an appeal, but will follow the order pending the decision.

Application Process:

An applicant who is [physically present in the U.S. or arriving at a P.O.E.](#) (has physically crossed the border) may file an Application for Asylum and for Withholding of Removal with USCIS or with an immigration judge, generally within one year of the latest U.S. entry. Previously, the asylum application itself was free of charge. However, there is now an initial [\\$100 fee and a \\$102 yearly fee](#) while the case is pending that will be adjusted according to inflation. An asylum applicant must apply within one year of their most recent arrival in the U.S. and must provide evidence of a "well-founded fear" of persecution on account of race, religion, nationality, membership in a social group, or political opinion.¹² Asylum status is discretionary, meaning even a qualifying applicant can be denied, leaving limited alternatives for seeking safety.¹³

Asylum seekers who arrive at a P.O.E. or are caught near the border without papers are usually placed in expedited removal proceedings.¹⁴ If a person expresses any fear of return, they are entitled to a credible fear interview with a USCIS asylum officer (only after a person is physically present in the U.S./have crossed the border is a person entitled to inspection).¹⁵ This is a preliminary screening to determine if the person has a "significant possibility" of showing persecution or torture in their

⁶ "What Are Third-Country Removals? Understanding Their Use In U.S. Immigration Policy". American Immigration Council, 2025. <https://www.americanimmigrationcouncil.org/fact-sheet/what-are-third-country-removals-factsheet/>.

⁷ "Unlawful ICE Arrests at Immigration Courthouses Prompt Lawsuit by Advocates and Immigrants". National Immigrant Justice Center, 2025. <https://immigrantjustice.org/press-release/unlawful-ice-arrests-at-immigration-courthouses-prompt-lawsuit-by-advocates-and-immigrants/>.

⁸ "Sample Letter dismissing a USCIS Asylum Case". Asylum Seeker Advocacy Project (ASAP), 2025. <https://asaptogether.org/en/uscis-dismissal/>.

⁹ Ainsley, J. "Trump admin tells immigration judges to dismiss cases in tactic to speed up arrests". NBC News, 2025. <https://www.nbcnews.com/politics/national-security/trump-admin-tells-immigration-judges-dismiss-cases-tactic-speed-arrest-rcna212138>.

¹⁰ "Policy Memorandum". U.S. Citizenship and Immigration Services, 2025. <https://www.uscis.gov/sites/default/files/document/policy-alerts/PM-602-0192-PendingApplicationsHighRiskCountries-20251202.pdf>

¹¹ "DORCAS on Appeal: District Court Pauses Its Own Ruling as First Circuit Takes Up the Case". WR Immigration, 2026. <https://wolfsdorf.com/dorcas-on-appeal-district-court-pauses-its-own-ruling-as-first-circuit-takes-up-the-case/>.

¹² "Asylum in the United States". American Immigration Council, 2025. <https://www.americanimmigrationcouncil.org/fact-sheet/asylum-united-states/>.

¹³ American Immigration Council, "Asylum in the United States."

¹⁴ Bush-Joseph, K. "Outmatched: The U.S. Asylum System Faces Record Demands." Migration Policy Institute, 2024. https://www.migrationpolicy.org/sites/default/files/publications/mpi-us-asylum-report-2024_final.pdf.

¹⁵ Bush-Joseph, K. "Outmatched."

home country. If the applicant passes the credible-fear test, they are typically released into the U.S. interior and allowed to file a full asylum application to be heard later. Under the Asylum Processing Rule, those who pass are then sent to a USCIS asylum officer for a non-adversarial “merits” interview within 21–45 days,¹⁶ which is similar to the affirmative process. An asylum officer may then grant asylum to the applicant or deny their claim.¹⁷ If the asylum seeker fails the credible-fear screening, ICE may remove them immediately.¹⁸

Affirmative vs. Defensive Asylum

There are two primary pathways through which an individual may seek asylum in the U.S.: affirmative asylum and defensive asylum.

Affirmative asylum is filed by individuals who are physically present in the U.S. and are *not* already in removal proceedings. An applicant submits Form I-589 to USCIS within one year of their entry, undergoes fingerprinting and security background checks, and is scheduled for a merits interview at one of only 11 USCIS asylum offices nationwide.¹⁹ As a result of the lack of asylum offices, applicants are often required to travel long distances to attend interviews.

At the interview, a USCIS Asylum Officer reviews the applicant’s claim and supporting evidence. If asylum is granted, the applicant is granted asylee status, and the case is resolved without immigration court. If asylum is denied and the applicant has no other lawful status, USCIS refers the case to immigration court, where the applicant is placed into defensive proceedings.

Defensive asylum is sought as a defense against removal in immigration court. This typically occurs when: (a) the asylum seeker was apprehended by U.S. Border Patrol and placed directly into removal proceedings, or (b) an affirmative application was denied, and the case was referred. In this pathway, the applicant files Form I-589 with the Executive Office for Immigration Review (EOIR) and is assigned a case before an immigration judge.

In practice, many asylum seekers who crossed the southern border or entered without inspection were issued notices to appear rather than being detained. The case is then scheduled for court hearings, usually beginning with a master calendar hearing and later a merits hearing, at which the immigration judge determines eligibility for asylum. Immigration court falls under the administrative powers (branch), and as such, the same constitutional protections one expects from the Judicial branch are not afforded to people in immigration court.²⁰

Work Authorization

Federal law allows asylum seekers to request work authorization after their application has been pending for 150 days and can only be permitted once it has been pending for at least 180 days; this is what is known as the asylum work clock. However, in practice, obtaining a work permit often takes significantly longer due to system delays that pause the clock.²¹ For example, if the applicant requests a case transfer, reschedules an interview, fails to appear, or submits extensive evidence just before an interview, the 180-day countdown pauses.

¹⁶ American Immigration Council, “Asylum in the United States.”

¹⁷ American Immigration Council, “Asylum in the United States.”

¹⁸ “Questions and Answers: Credible Fear Screening. U.S. Citizenship and Immigration Services”. U.S. Citizenship and Immigration Services, n.d. <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/questions-and-answers-credible-fear-screening#:~:text=If%20you%20are%20in%20expedited,Executive%20Office%20for%20Immigration%20Review>.

¹⁹ Bush-Joseph, K., “Outmatched.”

²⁰ “Access to Counsel in Immigration Court”. American Immigration Council, 2016.

<https://www.americanimmigrationcouncil.org/report/access-counsel-immigration-for-n-court/>

²¹ “The Abt Settlement Agreement.” U.S. Citizenship and Immigration Services, 2025. <https://www.uscis.gov/archive/the-abt-settlement-agreement>.

It is also worth noting that court-caused delays may delay work permit issuance. These court-caused delays may be due to backlogs, lack of agency staffing, lack of immigration judge teams at the EOIR, funding shortfalls, and the ever-changing policy landscape.²² These clock-stops can extend the wait for employment authorization well beyond 180 days, leaving many asylum seekers and their host communities economically vulnerable while their cases remain pending.²³

Consequences of Application Errors

The applicant must provide a reasonable excuse to reschedule their asylum interview before the originally scheduled date or within 45 days after. USCIS does not define “reasonable excuse,” leaving the definition up to the individual officers. It is important to note that repeated requests may affect whether their excuse is determined to be a good cause. This will be marked as an applicant-caused delay and will remain unresolved until the applicant appears for their rescheduled interview.

If the applicant does not establish good cause, the asylum office will treat the case as a missed interview/failure to appear. If they are in lawful immigration status, the office will dismiss their asylum application 46 days from the date of the missed interview, making the applicant ineligible for employment authorization. If they are not in lawful immigration status, the asylum office will refer the application to an immigration judge 46 days from the missed interview for adjudication in removal proceedings. The applicant will not be eligible for employment authorization unless they establish exceptional circumstances such as, but not limited to, battery/extreme cruelty, serious illness, or death in relation to them, their spouse, their child, or their parent.²⁴

After 45 days have passed since the original interview, it becomes increasingly more difficult to reschedule the asylum interview. The applicant must then establish exceptional circumstances and complete a written explanation about the circumstances that caused a failure to reschedule. These documents must be in English or accompanied by a full English language translation along with a certification by a translator that the translation is accurate and complete. Applicants must attend all scheduled hearings with the immigration court, or risk being removed. Any failure to appear for the asylum interview will also stop an applicant's 180-Day Asylum Clock.²⁵

If an applicant does not pay the Annual Asylum Fee within 30 days, USCIS will reject their pending application. If an applicant does not have legal status, they risk USCIS initiating removal proceedings. Additionally, individuals who were approved to work based on the pending application will lose their work authorization.²⁶

Access to legal counsel is extremely important to ensure the application is filled out completely and thoroughly. Mistakes on an application, such as inconsistent timelines, unverifiable photographs, and disorganized exhibit packets, raise credibility concerns and can cast doubt on an applicant's eligibility.²⁷

²² “Explainer: Asylum Backlogs” National Immigration Forum, 2024. <https://forumtogether.org/article/explainer-asylum-backlogs/>.

²³ “The 180-Day Asylum EAD Clock Notice.” U.S. Citizenship and Immigration Services, 2025. <https://www.uscis.gov/sites/default/files/document/notices/Applicant-Caused-Delays-in-Adjudications-of-Asylum-Applications-and-Impact-on-Employment-Authorization.pdf>.

²⁴ “Establishing Good Cause or Exceptional Circumstances for Rescheduling Affirmative Asylum Interviews.” U.S. Citizenship and Immigration Services, n.d. <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/establishing-good-cause-or-exceptional-circumstances-for-rescheduling-affirmative-asylum-interviews>.

²⁵ Ibid.

²⁶ “DHS Announces Consequences for Unpaid Annual Asylum Fees, Unveils New H.R. 1 Requirements.” U.S. Citizenship and Immigration Services, 2026. <https://www.uscis.gov/newsroom/alerts/dhs-announces-consequences-losefor-unpaid-annual-asylum-fees-unveils-new-hr-1-requirements>.

²⁷ “Top 10 Evidence Mistakes That Can Sink an Asylum Claim, and How to Avoid Them.” Access 61, 2025. <https://access61.org/evidence-mistakes-asylum-claims/>.

Delays, Backlogs, and Litigation

The U.S. asylum system is experiencing severe and persistent backlogs, and nearly every stage of the process can take years. Even after an application is filed, interviews or court hearings may not be scheduled immediately. In FY2024, individuals granted asylum through the immigration court systems waited, on average, more than 1,283 days (~3.5 years) from filing to a decision.²⁸ At the same time, USCIS had well over 1.4 million asylum applications pending at the end of 2024.²⁹

In FY2023, approximately 500,000 individuals applied for either defensive or affirmative asylum, with 14.4% being granted. In FY2024, 900,000 people applied and 12% were granted asylum. Additionally, in FY2025, the EOIR received approximately 850,000 applications and granted 9.9% asylum.³⁰ Generally, the grant rate for asylum seekers' applications has ranged from 16% to 20%; however, in recent years, this percentage has begun to sharply decline. This trend of decreasing approval rates is reflected by the granted January 2026 rate of only 3%.³¹

If an individual can demonstrate, through personal testimony and supplemental supporting evidence, that they meet the legal definition of refugee and are granted asylum, they are protected from removal, may obtain work authorization, may apply for a Social Security number, and may petition to reunite with certain family members. After one year in asylee status and one year as an asylum grantee, an individual may apply for lawful permanent residence (a green card). After holding a green card for at least four years, an individual may apply for U.S. citizenship.

In summary, service providers and community members should understand that the U.S. asylum process is legally complex, extremely slow, and highly uncertain. An asylum seeker's journey involves numerous procedural steps and prolonged waiting periods before any final resolution is reached.

Analysis:

In Maine, asylum seekers represent one of the fastest-growing segments of the immigrant population. While countries of origin vary, many recent arrivals come from Sub-Saharan Africa, including the Democratic Republic of the Congo and Angola. Asylum seekers have helped fill critical labor shortages in health care, food service, manufacturing, and agriculture, while also opening small businesses that contribute to local economic revitalization.³² ³³Nationally, asylum approval rates remain low. In FY2024, the grant rate was 12.0%, in FY2025 it was 9.9%, and with January 2026 data (approval rate of 3%), this rate seems to be continuing to decrease for FY2026 as well.³⁴

Recent federal policy changes, including narrowed eligibility standards, accelerated timelines for defensive cases, and expanded use of expedited removal, have further reduced access to relief. As a result, many Maine families live for years in legal limbo, contributing to their communities while awaiting decisions that may ultimately deny them long-term stability. In a state with an aging

²⁸ American Immigration Council, "Asylum in the United States."

²⁹ Ibid.

³⁰ "Asylum Process in Immigration Courts and Selected Trends." Congress. Gov, 2025.

https://www.congress.gov/crs_external_products/R/HTML/R47504.web.html#_Toc216449078

³¹ Castillo, Andrea. "Asylum approvals plummet as fearful immigrants skip hearings." Los Angeles Times, 2026.

<https://www.latimes.com/politics/story/2026-03-03/asylum-approvals-plummet-as-fearful-immigrants-skip-hearings>

³² "New Report Shows Immigrants in Androscoggin County, Maine Paid Over \$24 Million in Taxes and Held Over \$74 Million in Spending Power in 2019." American Immigration Council, 2024.

<https://www.americanimmigrationcouncil.org/press-release/data-maine-androscoggin-county-immigrants-taxes-spending-power/>.

³³ "New Americans in Androscoggin County." Gateways for Growth, American Immigration Council, & University of Southern Maine. (2024). American Immigration Council, 2024.

https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/new_americans_in_androscoggin_county_2024.pdf.

³⁴ Straut-Eppsteiner, Holly. "Asylum Process in Immigration Courts and Selected Trends." Congress.Gov Library of Congress, 2025.

<https://www.congress.gov/crs-product/R47504>.

workforce and sustained labor shortages, the Asylum Ban threatens to deny Maine's economy the substantial benefits provided by immigrants and asylum seekers.

Social Benefits Eligibility: Asylum seekers are largely excluded from federal cash, nutrition programs, and comprehensive health benefits while their cases are pending. Originally, once asylum was granted, individuals became asylees and were classified as "qualified immigrants" for purposes of federal programs such as Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Supplemental Security Income (SSI), and Children's Health Insurance Program (CHIP). However, under H.R. 1, this eligibility is severely restricted, and asylees now only qualify for SSI and TANF from the list above.³⁵ These programs, such as SNAP, which particularly helps low-income individuals access food, and CHIP, which helps uninsured children and pregnant women who are not able to qualify for Medicaid, are vital resources to many individuals who no longer have access to them.

One inclusive policy that Maine has worked to implement is that pregnant individuals and children under 21 are MaineCare eligible regardless of immigration status.³⁶ Despite this, most adults and the elderly are excluded from coverage. While the passage of L.D. 2051 allows for lawfully present immigrants who would be restricted from Federal SNAP to be eligible for the state-funded SNAP equivalent, this shift transfers the responsibility of care from the federal government to the states.³⁷

Economic Contributions: A 2024 report from the DHHS Office of the Assistant Secretary for Planning and Evaluation (ASPE), "The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005-2019," found that people seeking asylum and refuge in the U.S. pay more in taxes than they receive in public assistance, generating net benefits for employers and the broader economy.³⁸ The report also found that asylum seekers had a positive net fiscal impact on federal, state, and local governments and performed financially on par with native-born U.S. citizens on a per capita basis.⁴⁰ In Maine specifically, asylum seekers have provided a significant pool of labor for employers and opened businesses that contribute to the economy. In Androscoggin County, for example, immigrants have helped strengthen the local job market by preserving and creating 200 local manufacturing jobs.⁴¹

What Asylum Seekers in Maine Can Do Now:

For the moment, U.S. asylum appears to be heavily restricted. **Individuals who are already in the U.S. and those who have a pending Form I-589 are able to continue pursuing their asylum claims.** However, asylum seekers who have been in the U.S. for less than two years and who lose their cases at their final hearings have, in recent months, been more likely to be detained at immigration court proceedings.⁴² Although it is important to note that **asylum seekers who do not fall into these categories may still be detained at their hearings.** This is a highly worrying precedent that has not been seen with past administrations' immigration policies.

³⁵ The Viz Lab. "Are Immigrants Eligible For Government Assistance?" USA Facts, 2025. <https://usafacts.org/articles/immigrant-program-eligibility/>.

³⁶ "Maine Strategies to Medicaid Services and Immigrant Coverage." Healthcare Value Hub.

<https://healthcarevaluehub.org/wp-content/uploads/Maine-Medicaid-Services-and-Immigrant-Coverage.pdf>

³⁷ Pendharkar, Eesha. "Legally present immigrants cut from federal food aid could see relief in Maine program." Maine Morning Star, 2026.

<https://mainemorningstar.com/2026/01/15/legally-present-immigrants-cut-from-federal-food-aid-could-see-relief-in-maine-program/>

³⁸ Myall, J. "People seeking asylum and refuge benefit Maine's economy - lawmakers need to support them." Maine Center for Economic Policy, 2024. <https://www.mcecp.org/blog/people-seeking-asylum-and-refuge-benefit-maines-economy-lawmakers-need-to-support-them/>.

³⁹ Ghertner, Robin, Suzanne Macartney, and Meredith Dost. "The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005-2019." Office of the Assistant Secretary for Planning and Evaluation (ASPE), 2024. <https://aspe.hhs.gov/reports/fiscal-impact-refugees-asylees>.

⁴⁰ Ghertner, *et al.* "The Fiscal Impact."

⁴¹ "New Report Shows Immigrants in Androscoggin County, Maine Paid Over \$24 Million in Taxes and Held Over \$74 Million in Spending Power in 2019." American Immigration Council, 2024.

<https://www.americanimmigrationcouncil.org/press-release/data-maine-androscoggin-county-immigrants-taxes-spending-power/>.

⁴² "11 Things to Know Before Your First Immigration Court Hearing." Asylum Seeker Advocacy Project (ASAP), 2026.

<https://asaptogether.org/en/detained-at-immigration-court/>.

If an individual has already been granted asylum, their asylee status remains valid, and they may apply for lawful permanent residence (green card). However, USCIS has reportedly stopped processing applications for most green cards.⁴³ Individuals who have not yet applied for asylum should consult with a qualified immigration attorney before filing as exposure to the immigration system may carry the risk of detention or removal.

Community Support: It is important to note that there are numerous local nonprofits and volunteers that continue to assist refugees, asylum seekers, and other immigrants in Maine. Some of the resources they provide include job training, English classes, career counseling, scholarships to cover tuition costs, and help with housing navigation. Families with asylum backgrounds rely heavily on these networks for housing stability, health care access, language services, and educational support while federal resettlement programs remain limited.

Policy Recommendations:

The following are policy recommendations intended to restore lawful, humane, and efficient access to asylum in the United States while strengthening the asylum system's legal and administrative capacity. Policy actions like the Dignidad (Dignity) Act⁴⁴ are a step towards strengthening and humanizing the immigration system, but more significant reform will be needed to ensure that immigrants receive the protection they need. The Asylum system could benefit from implementing the following reforms:

I. Restore Legal Access to Asylum

The United States must uphold the principle of liberty and maintain its position as a moral leader in the world. However, in order to sustain an orderly process to effectively determine which individuals need help and who is eligible to obtain it, an organized system must be in place. Otherwise, additional delays and backlogs will continue to erode the system and prevent people from legally utilizing it. As such, the government must:

- Reaffirm asylum access at all U.S. ports of entry.
- End third-country deportations.
- Reinstate credible fear interviews conducted by trained asylum officers with legal access.

II. Modernize the Asylum Process

In order for the Asylum system to effectively help those in need, it is important to refine the areas of the system that were previously in place in order to forge a more efficient path forward. This will allow the U.S. to improve this process and allow for an effective legal pathway for those seeking asylum.

- Hire more asylum officers and judges to reduce the backlog of cases. In late 2025, U.S. immigration courts reported a backlog of over 3.5 million cases (over 50% of which are asylum cases).⁴⁵
- Modernize case management systems to prevent lost filings and delays.
- Set statutory decision timelines (e.g., 180 days).

⁴³ "How are laws changing for asylum seekers?" Asylum Seeker Advocacy Project (ASAP), 2026. <https://asaptogether.org/en/law-changes-jan-2025/>.

⁴⁴ Reichlin-Melnick, Aaron. "Bipartisan Group of Legislators Keep Dream of Immigration Reform Alive with Reintroduced 'DIGNIDAD' Act." American Immigration Council, 2025. <https://www.americanimmigrationcouncil.org/blog/legislators-immigration-reform-reintroduced-dignidad-act/>.

⁴⁵ Lonergan, Sean. "Clearing the Asylum Backlog." The Regulatory Review: A Publication of the Penn Program on Regulation, 2025. <https://www.theregreview.org/2025/11/27/lonergan-clearing-the-asylum-backlog/>.

- Fund NGO-run reception centers as alternatives to detention.
- Open more regional asylum offices, including in high-need states like Maine.

III. Strengthen Legal Protections

A Universal Representation federal program will connect immigrants facing detention or removal with qualified legal counsel, regardless of their income or history. This would strengthen due process, improve court efficiency, and help ensure that cases are decided based on law and facts rather than a person's ability to afford counsel.

- Provide universal legal representation for asylum seekers, especially children and trauma survivors.
- Halt dismissals of pending asylum applications without full adjudication.
- Prohibit ICE detentions at asylum hearings.

IV. Expand Work & Integration Support

The United States should strengthen labor protections for all workers regardless of immigration status, including stronger anti-retaliation protections, wage enforcement, workplace safety protections, and access to remedies when employers use immigration status as a threat. This will allow for improved labor standards and equality in the workplace.

- Reduce EAD (Employment Authorization Document) wait time.
- Automatically renew work permits during pending cases.
- Fund ESL and job training programs.

V. Legislative & Oversight Action

In order to ensure the longevity of this service, the process must be organized and restrict administrative overreach. This will allow for the monitoring of the asylum pathway to keep track of systemic problems and court-caused delays.

- Codify the right to seek asylum in federal law to prevent future bans.
- Sanction executive overreach that violates asylum rights.
- Require quarterly DHS reporting on asylum backlogs and conditions.

VI. Protect Vulnerable Populations

Finally, this work must serve to help vulnerable populations. The safety and well-being of individuals should be a top priority and should not be compromised for those seeking asylum.

- Prohibit detention of children and family separation except in extraordinary circumstances where (a) detention is truly necessary to prevent immediate harm or address a credible safety concern, and (b) where no less restrictive option would be sufficient. The following **shall not** constitute extraordinary circumstances: administrative convenience, resource or capacity constraints, prior unauthorized entry without additional aggravating factors, lack of identity documents, pending immigration proceedings.
- Require individualized custody determinations within 24 hours, with judicial review and written justification for any continued detention.
- Ensure continuity of care for asylum seekers with medical or mental health needs.

VII. Relevant Policy Examples

- H.R. 1325 - Asylum Seeker Work Authorization Act
 - This bill would address the current wait time for asylum seekers obtaining work permits, would remove renewal barriers, would address the prevalent backlog issue, and more.
- Massachusetts S.1127
 - This bill serves as an example of work to restore legal access and strengthen legal protections. This bill establishes a legal defense fund and creates access to equitable representation in immigration proceedings.
- New York S. 4538
 - This bill serves as an example of restoring legal access and strengthening legal protections. It establishes workforce development grants for nonprofits/educational institutions and works to expand immigration legal services and help provide access to legal representation.
- Oregon S.B. 703
 - This bill serves as an example of modernizing this process and restoring legal access. This bill provides grants to nonprofit service providers who help individuals change their immigration status or obtain permanent resident status.
 - Similarly, California A.B. 227 and Illinois H.B. 0204 also provide examples of this type of policy.

TIMELINE - ASYLUM PROGRAM

DATE	POLICY CHANGE	DESCRIPTION
01/20/2025	Executive Orders Restricting Asylum and Humanitarian Protection	Southern Ports of Entry Closed: On the first day of the Trump administration, several executive orders were signed, ending asylum processing at U.S.-Mexico border ports. This removed the primary legal pathway for seeking asylum. CBP One Appointments Canceled: Approximately 30,000 CBP One appointments for inspection were canceled. ⁴⁶
01/21/2025	Expansion of Expedited Removal	DHS expands expedited removal, increasing the number of asylum seekers who are processed and deported without full hearings. ⁴⁷
01/21/2025	“Remain in Mexico” program Reinstated	DHS announces the reinstatement of the Remain in Mexico policy, forcing asylum seekers to wait in Mexican border cities while their asylum case is being processed. ⁴⁸
05/2025	USCIS Sends Case-Closure Notices	USCIS began to send letters to some asylum seekers with applications in process stating that their asylum cases were

⁴⁶ “Challenging the Shutdown of Asylum Access at Ports of Entry.” American Immigration Council, 2025.

<https://www.americanimmigrationcouncil.org/litigation/challenging-shutdown-asylum-access-ports-entry/>.

⁴⁷ “Human Rights First Analysis of the Trump Administration’s Initial Immigration Executive Actions.” Human Right First, 2025.

<https://humanrightsfirst.org/library/human-rights-first-analysis-of-the-trump-administrations-initial-immigration-executive-actions/>.

⁴⁸ Human Right First, “Analysis of the Trump Administration’s Initial Immigration Executive Actions.”

		dismissed and that they would no longer be protected from deportation. ⁴⁹
05/2025-Present	Reports of Increased ICE Referrals and Court Presence	Reports starting in mid-2025 and onward indicate denied asylum cases are increasingly referred directly to ICE for deportation proceedings. ICE presence outside immigration courts has also been reported repeatedly, raising the risk of arrest during hearings. ⁵⁰
05/2025	U.S. District Court Partially Restores Asylum Screening Rights	In “Las Americas Immigrant Advocacy Center v. US Department of Homeland Security,” the U.S. District Court struck down parts of a restrictive asylum rule, allowing some asylum seekers to request credible fear screenings. However, the January 2025 executive orders closing the southern border ports remained in effect, so asylum access at the U.S.-Mexico border stayed largely blocked. ⁵¹
06/04/2025	Travel Ban Issued	A travel ban restricts entry for citizens of 12 countries (with restrictions in place for 7 additional countries). Since southern ports of entry were already closed and northern asylum access was limited by the Safe Third Country Agreement (STCA), this policy added little practical change to asylum access for asylum seekers, which was already effectively blocked. However, asylees petitioning for family members may be impacted (I-730 Asylee Relative Petition). Announced on June 4, 2025, and came into effect on June 9, 2025. ⁵²
07/04/2025	The Budget Reconciliation Act H.R. 1 signed into law	On July 4, 2025, H.R. 1 was signed into law. The federal budget increased tax breaks for higher-income households, reduced funding and eligibility for federal social programs, and added \$170.7 billion in funding for immigration and border-related spending, shaping an enforcement-first policy environment in which asylum adjudication was deprioritized. ⁵³
07/04/2025	H.R.1 – Asylum Fees	H.R. 1 also introduced fees for asylum seekers. Annual Fees: An annual \$100 fee must be paid yearly on pending asylum cases while they remain open. As of October 1, 2025, USCIS started to notify asylum applicants of the \$100 yearly fee. ⁵⁴ A new inflationary rate

⁴⁹ Asylum Seeker Advocacy Project (ASAP), “Sample Letter.”

⁵⁰ Goodman, Joshua, and Tim Sullivan. “They Thought They Were in Court for a Routine Immigration Hearing, but Walked into a Deportation Trap.” PBS News, 2025.

<https://www.pbs.org/newshour/nation/they-thought-they-were-in-court-for-a-routine-immigration-hearing-but-walked-into-a-deportation-trap>.

⁵¹ Gelernt, Lee. “District Court Strikes Down Restrictions in Biden-Era Rule Severely Limiting Asylum.” American Civil Liberties Union (ACLU), 2025. <https://www.aclu.org/press-releases/district-court-strikes-down-restrictions-in-biden-era-rule-severely-limiting-asylum>.

⁵² “Presidential Proclamation implements U.S. travel restrictions for nationals from 19 countries.” Columbia University Immigration Resources, 2025. <https://immigration.columbia.edu/news/presidential-proclamation-implements-us-travel-restrictions-nationals-19-countries>.

⁵³ “What’s in the big beautiful bill? Immigration & Border Security unpacked.” American Immigration Council, 2025.

<https://www.americanimmigrationcouncil.org/fact-sheet/big-beautiful-bill-immigration-border-security/>.

⁵⁴ Taufa, Elizabeth. “HR1 Fees at USCIS and EOIR.” Immigrant Legal Resource Center, 2025.

<https://www.ilrc.org/sites/default/files/2025-09/HR1-EOIR-USCIS-Fees.pdf>

		was announced in January of 2026, now costing \$102.⁵⁵ Initial Application Fees: USCIS announced a \$100 fee for new Form I-589 asylum applications. This is separate from the annual fee. The filing fee went into effect on July 22, 2025.⁵⁶ New rates were announced in 2026; however, the initial application fee was not subject to inflation and remained at \$100.⁵⁷ New Work Permits: Initial work permits for asylum seekers, after July 22, 2025, cost \$550. A new inflationary rate was announced in January of 2026, now costing \$560.⁵⁸ Renewal Work Permits: The fees for asylum seekers to renew their work permits after July 22, 2025, are \$275.⁵⁹ A new inflationary rate was announced in January of 2026, now costing \$280.⁶⁰
08/2025	USCIS Memo on Good Moral Character	In August of 2025, USCIS released a memo announcing changes to the agency's assessment of good moral character (GMC). The memo expressed that the standard for GMC, generally defined through the absence of disqualifying factors, would instead focus on the presence of positive contributions.⁶¹ It writes, "Going forward, USCIS officers must account for an alien's positive attributes and not simply the absence of misconduct."⁶² This shift does not directly impact asylum seekers; however, it does impact those who have been granted asylum and are seeking an adjustment of status after the required waiting period.
10/03/2025	Pretermination for failure to completely file and failure to state a claim increase	MIRC Members report an increase in Judges dismissing cases before they reach the bench, citing a failure to completely file and/or a failure to state a claim.
10/29/2025	End of Automatic Extension for Work Permits	USCIS issued an interim final rule eliminating the automatic extension for work permits. The rule was announced on October 29, 2025, and went into effect on October 30, 2025. ⁶³ Asylum seekers were previously

⁵⁵ "USCIS Announces FY 2026 Inflation Increase for Certain Immigration-Related Fees." U.S. Citizenship and Immigration Services, 2025. <https://www.uscis.gov/newsroom/alerts/uscis-announces-fy-2026-inflation-increase-for-certain-immigration-related-fees>.

⁵⁶ "The Annual Asylum Fee" Asylum Seeker Advocacy Project (ASAP), 2026. <https://asaptogether.org/en/new-fees/#asylum>.

⁵⁷ U.S. Citizenship and Immigration Services, "USCIS Announces FY 2026 Inflation Increase."

⁵⁸ Ibid.

⁵⁹ Asylum Seeker Advocacy Project (ASAP), "The Annual Asylum Fee."

⁶⁰ U.S. Citizenship and Immigration Services, "USCIS Announces FY 2026 Inflation Increase."

⁶¹ Gleason, Peggy. "Naturalization Alert: Memos on Good Moral Character (GMC) and Neighborhood Visits." Immigrant Legal Resource Center, 2025. <https://www.ilrc.org/sites/default/files/2025-08/Naturalization%20Alert%20August%202025.pdf>.

⁶² "USCIS Policy Memorandum on Good Moral Character Evaluation Standard for Naturalization." American Immigration Lawyers Association, 2025. <https://www.aila.org/library/uscis-policy-memorandum-on-good-moral-character-evaluation-standard-for-naturalization>.

⁶³ Orozco, Adriel. "USCIS Ends Automatic Extensions for Most Work Permits, Placing Immigrant Workers and Employers in Limbo." American Immigration Council, 2025. <https://www.americanimmigrationcouncil.org/blog/uscis-ends-automatic-extensions-for-work-permits/>.

		allowed to continue working for up to 180 days past their work permit expiration date while their renewal application was pending.
12/2/2025	USCIS Memo: Hold and Review Pending Asylum & Benefit Applications	USCIS issued a memorandum titled “Hold and Review of all Pending Asylum Applications and all USCIS Benefit Applications Filed by Aliens from High-Risk Countries.” The memo placed a hold on all pending asylum applications (Form I-589) and paused adjudication of various immigration benefit applications (including adjustment of status/green cards) filed by nationals of certain “high-risk” countries. ⁶⁴
12/4/2025	Change to Employment Authorization Work Permits	USCIS reduced the maximum Employment Authorization Document (EAD) validity period from 5 years to 18 months. Existing work permits issued for longer durations will remain valid; however, new work permits will be limited to 18 months, impacting asylum seekers. Announced on December 4, 2025, and went into effect on December 5, 2025. ⁶⁵
12/16/2025	Expanded Travel Ban	On December 16, an expanded travel ban was announced, impacting citizens from 40 countries in total. This has the potential to impact asylees petitioning for family members (I-730 Asylee Relative Petition), and asylees who travel outside of the U.S. (generally not recommended) may face re-entry difficulties or delays due to travel bans. Announced on December 16, 2025, and came into effect on January 1, 2026. ⁶⁶
01/14/2026	Immigrant Visa Processing Pause	The U.S. Department of State paused immigrant visa processing for citizens of 75 countries. This may affect asylees petitioning for family members (I-730 Asylee Relative Petition), because family members may be unable to obtain immigrant visas abroad. Asylees who travel outside of the U.S. (generally not recommended) may also face delays or difficulties returning. Announced on January 14, 2026, and came into effect on January 21, 2026. ⁶⁷
06/25/2026	A noncitizen can only apply for asylum once they cross into the U.S., not when they appear at a port of entry	In a 6-3 decision , the conservative justices agreed with the Trump administration that a noncitizen who is standing in Mexico doesn’t arrive in the U.S. “by attempting, and failing, to set foot in this country.” ⁶⁸ The question the justices considered was whether migrants have to fully cross into the United States in order to have the right to

⁶⁴ Asylum Seeker Advocacy Project (ASAP), “How are laws changing for asylum seekers?”

⁶⁵ Ibid.

⁶⁶ Asylum Seeker Advocacy Project (ASAP), “How are laws changing for asylum seekers?”

⁶⁷ “Suspension of Immigrant Visa Processing for 75 Countries.” Yale University Office of International Students & Scholars, 2026. <https://oiss.yale.edu/news/suspension-of-immigrant-visa-processing-for-75-countries>.

⁶⁸ Mullin, Secretary of Homeland Security, *et al.* V. *Al Otro Lado, et al.* 609 U. S. ____ (2026).

		apply for asylum and be processed, or if they can apply for asylum when they appear at a port of entry while on Mexico's side of the border. ⁶⁹
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⁶⁹ Figueroa, Ariana. "High court to hear case to decide where migrants can apply for asylum." News From The States, 2026. <https://www.newsfromthestates.com/article/high-court-hear-case-decide-where-migrants-can-apply-asylum>.

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