

[Home](#) » [News](#) » [Press Releases](#) » DHS and DOJ Issue Rule to Efficiently and Fairly Process Asylum Claims

# DHS and DOJ Issue Rule to Efficiently and Fairly Process Asylum Claims

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WASHINGTON — Today, the Department of Homeland Security (DHS) and Department of Justice (DOJ) are issuing a rule to improve and expedite processing of asylum claims made by noncitizens subject to expedited removal, ensuring that those who are eligible for asylum are granted relief quickly, and those who are not are promptly removed.

The rule authorizes asylum officers within U.S. Citizenship and Immigration Services (USCIS) to consider the asylum applications of individuals subject to expedited removal who assert a fear of persecution or torture and pass the required credible fear screening. Currently, such cases are decided only by immigration judges within the Justice Department's Executive Office for Immigration Review (EOIR).

Due to existing court backlogs, the process for hearing and deciding these asylum cases currently takes several years on average. When fully implemented, the reforms and new efficiencies will shorten the process to several months for most asylum applicants covered by this rule.

"The current system for handling asylum claims at our borders has long needed repair," said **Secretary Alejandro N. Mayorkas**. "Through this rule, we are building a more functional and sensible asylum system to ensure that individuals who are eligible will receive protection more swiftly, while those who are not eligible will be rapidly removed. We will process claims for asylum or other humanitarian protection in a timely and efficient manner while ensuring due process."

"This rule advances our efforts to ensure that asylum claims are processed fairly, expeditiously, and consistent with due process," said **Attorney General Merrick B. Garland**. "It will help reduce the burden on our immigration courts, protect the rights of those fleeing persecution and violence, and enable immigration judges to issue removal orders when appropriate. We look forward to receiving additional input from stakeholders and the public on this important rule."

Under the rule, individuals who receive a positive credible fear determination will receive a timely interview with an asylum officer to elicit all relevant and useful information about their asylum claim. Following an interview, USCIS will decide whether to grant asylum, and, if necessary, determine the applicant's eligibility for withholding of removal or protection under the Convention Against Torture (CAT).

Any individual who is not granted asylum by USCIS will be referred for a removal proceeding before an immigration judge. The rule establishes streamlined procedures for these removal proceedings, designed to promote efficient resolution of the case.

The rule will not apply to unaccompanied children, and it will only apply to individuals who are placed into expedited removal proceedings on or after its effective date. The rule will be implemented in phases, starting with a limited number of individuals and subsequently expanding as the USCIS Asylum Division receives additional resources and builds capacity.

This rule modifies the notice of proposed rulemaking's (NPRM) proposal in response to public comments received following the NPRM issued by DHS and Justice in August 2021. The [rule](#) will be effective 60 days after publication in the *Federal Register*. The Departments encourage further public comment on the rule during the 60-day comment period for the Departments to consider. Details for submitting public comments are in the rule.

## Keywords

[SECRETARY ALEJANDRO MAYORKAS](#)

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