Credible Fear in the U.S. Immigration System

Overview of Fiscal Year 2006 - Present

May 24, 2018

Falls Church, VA

**Note: The data used to generate this report is from the EOIRDB 'Proceedings Table'*

The number of credible fear applications with the Department of Homeland Security (DHS) was nearly ten times higher in Fiscal Year (FY) 2017 than FY 2010, and there has been a proportional increase in removal case receipts at EOIR.

Credible Fear (CF) Decisions across United States Citizenship and Immigration Services (USCIS)[1] and EOIR[2] Asylum Only (AOC) and Removal (RMV) Receipts

Fiscal Year[4]	USCIS Credible Fear Found					EOIR Receipts		
	No	Yes	Other[3]	Percent CF (No Other)	TOTAL	AOC	RMV[5]	TOTAL
2006	633	3,265	1,123	84%	**5,021**	47	3,652	**3,699**
2007	1,036	3,179	999	75%	**5,214**	11	3,834	**3,845**
2008	887	3,303	904	79%	**5,094**	11	3,634	**3,645**
2009	1,059	3,502	764	77%	**5,325**	12	4,338	**4,350**
2010	1,317	6,583	960	83%	**8,860**	10	7,007	**7,017**
2011	1,029	9,250	940	90%	**11,219**	23	9,937	**9,960**
2012	1,209	11,099	1,454	90%	**13,762**	14	10,339	**10,353**
2013	2,485	30,394	2,850	92%	**35,729**	22	29,784	**29,806**
2014	8,685	34,880	4,430	80%	**47,995**	8	38,665	**38,673**
2015	7,792	34,917	5,654	82%	**48,363**	12	32,877	**32,889**
2016	9,224	72,812	9,933	89%	**91,969**	6	64,208	**64,214**
2017	8,173	59,450	10,467	88%	**78,090**	6	68,538	**68,544**
2018	4,355	38,588	9,630	90%	**52,573**	2	34,047	**34,049**
TOTAL	**47,884**	**311,222**	**50,108**	**87%**	**409,214**	**184**	**310,860**	**311,044**

[1]USCIS provided asylum pre-screening data from FY 2006 through Fiscal Year to Date (FYTD) 2018 ending on April 30, 2018.
[2]EOIR data is through April 30, 2018, as of May 15, 2018.
[3]"Other" includes proceedings closed because the request for an interview was withdrawn, the alien did not appear, a rare language was required, or for other reasons.
[4]"Fiscal Year" is determined by the "clocked-in" date, as recorded by USCIS.
[5] If credible fear is found by USCIS, the respondent is referred to EOIR for removal or asylum only proceedings.

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65 percent of cases that originated from credible fear[1] and are pending in FYTD 2018 do not have an asylum application. Since 2006, 53 percent of respondents with completed cases originating from a credible fear review did not submit an asylum application.

Completed and Pending EOIR Proceedings[2] for Credible Fear Review Proceedings[3]

Fiscal Year[4]	Completions				Pending			
	Without Asylum	With Asylum	Percent Without Asylum	TOTAL	Without Asylum	With Asylum	Percent Without Asylum	TOTAL
2006	1,500	2,250	40%	3,750	18	15	55%	33
2007	1,459	2,252	39%	3,711	49	37	57%	86
2008	1,420	2,332	38%	3,752	93	61	60%	154
2009	1,368	2,490	35%	3,858	129	107	55%	236
2010	2,970	3,470	46%	6,440	668	419	61%	1,087
2011	4,032	3,949	51%	7,981	1,558	1,018	60%	2,576
2012	5,044	3,252	61%	8,296	2,535	1,571	62%	4,106
2013	9,757	6,303	61%	16,060	10,578	6,648	61%	17,226
2014	10,348	7,641	58%	17,989	17,850	11,089	62%	28,939
2015	7,904	8,899	47%	16,803	24,239	14,761	62%	39,000
2016	13,389	11,075	55%	24,464	67,641	40,320	63%	107,961
2017	7,848	5,980	57%	13,828	41,622	24,549	63%	66,171
2018	2,371	973	71%	3,344	7,164	3,878	65%	11,042
TOTAL	**69,410**	**60,866**	**53%**	**130,276**				

[1]USCIS provided asylum pre-screening data from FY 2006 through FYTD 2018 ending on April 30, 2018.
[2]A proceeding is considered completed if the most recent Generation is an immigration judge (IJ) Decision, the Case Type is RMV or AOC, and it is not a Change of Venue or Transfer.
[3]EOIR data is through April 30, 2018, as of May 15, 2018. Data does not include cases vacated by EOIR.
[4]"Fiscal Year" is determined by the "clocked-in" date, as recorded by USCIS.

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For over 70 percent of all asylum proceedings from FY 2006 to FYTD 2018 that originated as credible fear, the respondent was apprehended by Border Patrol.[1]

EOIR Proceedings[2] that Originated as Credible Fear, by Apprehending Agency[3]

Fiscal Year[4]	Completions				Pending				TOTAL: Border Patrol	TOTAL: Other
	Asylum Filed		No Asylum Filed		Asylum Filed		No Asylum Filed			
	Border Patrol	Other	Border Patrol	Other	Border Patrol	Other	Border Patrol	Other		
2006	780	1,470	810	690	9	6	11	7	1,610	2,173
2007	1,250	1,002	944	515	23	14	34	15	2,251	1,546
2008	1,218	1,114	1,027	393	46	15	75	18	2,366	1,540
2009	1,682	808	1,005	363	78	29	90	39	2,855	1,239
2010	2,131	1,339	2,402	568	353	66	564	104	5,450	2,077
2011	2,470	1,479	3,203	829	845	173	1,303	255	7,821	2,736
2012	2,143	1,109	4,069	975	1,246	325	2,030	505	9,488	2,914
2013	3,835	2,468	7,464	2,293	4,847	1,801	7,847	2,731	23,993	9,293
2014	5,463	2,178	8,181	2,167	9,327	1,762	15,028	2,822	37,999	8,929
2015	5,304	3,595	5,310	2,594	11,412	3,349	18,768	5,471	40,794	15,009
2016	6,974	4,101	9,154	4,235	32,042	8,278	53,995	13,646	102,165	30,260
2017	1,893	4,087	4,964	2,884	18,802	5,747	32,247	9,375	57,906	22,093
2018	266	707	1,077	1,294	2,211	1,667	4,003	3,161	7,557	6,829
TOTAL	**35,409**	**25,457**	**49,610**	**19,800**	**81,241**	**23,232**	**135,995**	**38,149**	**302,255**	**106,638**

[1]PASD identified Border Patrol as the apprehending agency by the sub-group "INL" from USCIS's credible fear pre-screening data. This field indicated that the individual was apprehended by Border Patrol and not at a port of entry.
[2]EOIR data is through April 30, 2018, as of May 15, 2018.
[3]This table does not include proceedings vacated by EOIR.
[4]"Fiscal Year" is determined by the "clocked-in" date, as recorded by USCIS.

The number of final orders[1] issued *in absentia* for cases originating as credible fear in FY 2017 is 1,000 percent higher than in FY 2009[2].

In Absentia Orders for EOIR Asylum Proceedings Originating as Credible Fear Proceedings[3]

Fiscal Year[4]	Orders Issued *In Absentia*		
	No Asylum Filed	Asylum Filed	TOTAL
2006	474	99	**573**
2007	499	87	**586**
2008	593	103	**696**
2009	675	111	**786**
2010	1,870	224	**2,094**
2011	2,684	414	**3,098**
2012	3,292	384	**3,676**
2013	5,696	773	**6,469**
2014	5,237	756	**5,993**
2015	3,608	700	**4,308**
2016	7,878	1,121	**8,999**
2017	3,799	239	**4,038**
2018	507	17	**524**
TOTAL	**36,812**	**5,028**	

[1]*Final orders represent proceeding completions.*
[2]*EOIR data is through April 30, 2018, as of May 15, 2018.*
[3]*USCIS provided asylum pre-screening data from FY 2006 through FYTD 2018 ending on April 30, 2018.*
[4]*"Fiscal Year" is determined by the "clocked-in" date as recorded by USCIS.*

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65 percent of cases that originated from credible fear[1] and are pending in FYTD 2018 do not have an asylum application. Since 2006, 53 percent of respondents with completed cases originating from a credible fear review did not submit an asylum application.

Completed and Pending EOIR Proceedings[2] for Credible Fear Review Proceedings[3]

Fiscal Year[4]	Completions				Pending			
	Without Asylum	With Asylum	Percent Without Asylum	TOTAL	Without Asylum	With Asylum	Percent Without Asylum	TOTAL
2006	1,077	616	64%	1,693	18	15	55%	33
2007	1,512	1,346	53%	2,858	49	37	57%	86
2008	1,621	1,648	50%	3,269	93	61	60%	154
2009	1,570	1,686	48%	3,256	129	107	55%	236
2010	1,449	1,592	48%	3,041	668	419	61%	1,087
2011	2,944	2,419	55%	5,363	1,558	1,018	60%	2,576
2012	4,030	2,905	58%	6,935	2,535	1,571	62%	4,106
2013	5,508	3,440	62%	8,948	10,578	6,648	61%	17,226
2014	8,088	5,410	60%	13,498	17,850	11,089	62%	28,939
2015	7,020	5,970	54%	12,990	24,239	14,761	62%	39,000
2016	9,872	7,907	56%	17,779	67,641	40,320	63%	107,961
2017	13,905	13,937	50%	27,842	41,622	24,549	63%	66,171
2018	9,099	12,011	43%	21,110	7,164	3,878	65%	11,042
TOTAL	**67,695**	**60,887**	**53%**	**128,582**				

[1]USCIS provided asylum pre-screening data from FY 2006 through FYTD 2018 ending on April 30, 2018.
[2]A proceeding is considered completed if the most recent Generation is an immigration judge (IJ) Decision, the Case Type is RMV or AOC, and it is not a Change of Venue or Transfer.
[3]EOIR data is through April 30, 2018, as of May 15, 2018. Data does not include cases vacated by EOIR.
[4]"Fiscal Year" for completions is determined by the "completion date", as recorded by EOIR. "Fiscal Year" for pending is determined by the "clocked in" date, as recorded by USCIS.

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For over 70 percent of all asylum proceedings from FY 2006 to FYTD 2018 that originated as credible fear, the respondent was apprehended by Border Patrol.[1]

EOIR Proceedings[2] that Originated as Credible Fear, by Apprehending Agency[3]

Fiscal Year[4]	Completions				Pending				TOTAL: Border Patrol	TOTAL: Other
	Asylum Filed		No Asylum Filed		Asylum Filed		No Asylum Filed			
	Border Patrol	Other	Border Patrol	Other	Border Patrol	Other	Border Patrol	Other		
2006	90	526	444	633	9	6	11	7	554	1,172
2007	387	959	771	741	23	14	34	15	1,215	1,729
2008	648	1,000	989	632	46	15	75	18	1,758	1,665
2009	840	846	1,020	550	78	29	90	39	2,028	1,464
2010	952	640	965	484	353	66	564	104	2,834	1,294
2011	1,376	1,043	2,318	626	845	173	1,303	255	5,842	2,097
2012	1,785	1,120	3,351	679	1,246	325	2,030	505	8,412	2,629
2013	2,117	1,323	4,393	1,115	4,847	1,801	7,847	2,731	19,204	6,970
2014	3,440	1,970	6,391	1,697	9,327	1,762	15,028	2,822	34,186	8,251
2015	3,357	2,613	5,236	1,784	11,412	3,349	18,768	5,471	38,773	13,217
2016	4,507	3,400	7,343	2,529	32,042	8,278	53,995	13,646	97,887	27,853
2017	8,158	5,779	9,836	4,069	18,802	5,747	32,247	9,375	69,043	24,970
2018	7,937	4,074	6,296	2,803	2,211	1,667	4,003	3,161	20,447	11,705
TOTAL	**35,594**	**25,293**	**49,353**	**18,342**	**81,241**	**23,232**	**135,995**	**38,149**	**302,183**	**105,016**

[1]PASD identified Border Patrol as the apprehending agency by the sub-group "INL" from USCIS's credible fear pre-screening data. This field indicated that the individual was apprehended by Border Patrol and not at a port of entry.
[2]EOIR data is through April 30, 2018, as of May 15, 2018.
[3]This table does not include proceedings vacated by EOIR.
[4]"Fiscal Year" for completions is determined by the "completion date", as recorded by EOIR. "Fiscal Year" for pending is determined by the "clocked in" date, as recorded by USCIS.

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The number of final orders[1] issued *in absentia* for cases originating as credible fear in FY 2017 is 1,000 percent higher than in FY 2009[2].

In Absentia Orders for EOIR Asylum Proceedings Originating as Credible Fear Proceedings[3]

Fiscal Year[4]	Orders Issued *In Absentia*		
	No Asylum Filed	Asylum Filed	TOTAL
2006	356	24	**380**
2007	452	58	**510**
2008	534	74	**608**
2009	601	70	**671**
2010	550	58	**608**
2011	1,726	181	**1,907**
2012	2,658	231	**2,889**
2013	3,108	252	**3,360**
2014	3,926	446	**4,372**
2015	3,509	460	**3,969**
2016	5,118	603	**5,721**
2017	8,350	1,250	**9,600**
2018	5,569	1,281	**6,850**
TOTAL	**36,457**	**4,988**	

[1]*Final orders represent proceeding completions.*
[2]*EOIR data is through April 30, 2018, as of May 15, 2018.*
[3]*USCIS provided asylum pre-screening data from FY 2006 through FYTD 2018 ending on April 30, 2018.*
[4]*"Fiscal Year" is determined by the "completion date" date as recorded by EOIR.*

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USCIS Credible Fear Data Request 1[1]: What percentage of adults with positive fear determinations from USCIS are ultimately granted asylum?

IJ Asylum[2] Grant Rate for Adults with Positive USCIS[3] Credible Fear Determination

Fiscal Year[4]	Asylum Decision			Calculated Grant Rates	
	Deny	Grant	Other[5]	Grant Rate (G/DGO)[6]	Grant Rate (G/DG)[7]
2013	2,669	2,314	7,906	18%	46%
2014	3,478	2,435	7,394	18%	41%
2015	4,653	2,543	6,802	18%	35%
2016	6,196	2,515	10,009	13%	29%
2017	3,590	1,252	6,316	11%	26%
2018	641	276	1,041	14%	30%
TOTAL	**21,227**	**11,335**	**39,468**	**16%**	**35%**

[1] USCIS requested three data pulls from EOIR on May 1, 2018.
[2]EOIR data is through April 30, 2018, as of May 15, 2018.
[3]USCIS provided asylum pre-screening data from FY 2006 through FYTD 2018 ending on April 30, 2018.
[4] "Fiscal Year" is determined by the "clocked-in" date, as recorded by USCIS.
[5] "Other" includes proceedings closed because the request for an interview was withdrawn, administrative closure, the alien did not appear, a rare language was required, or for other reasons.
[6]This grant rate is calculated: total grants/sum(Total Grants, Denials, and Other).
[7]This grant rate is calculated: total grants/sum(Total Grants and Denials).

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USCIS Credible Fear Data Request 2: What percentage of adults without positive fear determinations from USCIS are ultimately granted asylum?

IJ Asylum Grant Rate[1] for Adults with Negative USCIS[2] Credible Fear Determination

Fiscal Year[3]	Asylum Decision			Calculated Grant Rates	
	Deny	Grant	Other[4]	Grant Rate (G/DGO)[5]	Grant Rate (G/DG)[6]
2013	24	11	72	10%	31%
2014	128	91	406	15%	42%
2015	148	56	244	13%	27%
2016	155	35	260	8%	18%
2017	145	24	202	6%	14%
2018	19	5	31	9%	21%
TOTAL	**619**	**222**	**1,215**	**11%**	**26%**

[1]EOIR data is through April 30, 2018, as of May 15, 2018.
[2]USCIS provided asylum pre-screening data from FY 2006 through FYTD 2018 ending on April 30, 2018.
[3]"Fiscal Year" is determined by the "clocked-in" date, as recorded by USCIS.
[4]"Other" includes proceedings closed because the request for an interview was withdrawn, administrative closure, the alien did not appear, a rare language was required, or for other reasons.
[5]This grant rate is calculated: total grants/sum(Total Grants, Denials, and Other).
[6]This grant rate is calculated: total grants/sum(Total Grants and Denials).

USCIS Credible Fear Data Request 3: What percentage of Unaccompanied Alien Children (UACs)[1] whose asylum claim is denied by USCIS are subsequently granted asylum by an IJ?[2]

IJ Asylum Grant Rate for UACs Denied Asylum by USCIS

Fiscal Year[3]	Asylum Decision			Calculated Grant Rates	
	Deny	Grant	Other[4]	Grant Rate (G/DGO)[5]	Grant Rate (G/DG)[6]
2013	21	8	160	4.2%	27.6%
2014	78	13	627	1.8%	14.3%
2015	1,048	203	2,608	5.3%	16.2%
2016	516	83	1,799	3.5%	13.9%
2017	126	24	1,521	1.4%	16.0%
2018	17	2	449	0.4%	10.5%
Total	**1,806**	**333**	**7,164**	**3.6%**	**15.6%**

[1]USCIS data containing UAC asylum decisions from FY 2009 through FYTD 2018 ending on April 30, 2018.
[2]EOIR data is through April 30, 2018, as of May 15, 2018. Data only includes asylum proceedings.
[3]"Fiscal Year" is determined by the "date of entry (DOE)", as recorded by USCIS.
[4]"Other" includes proceedings closed because request for an interview was withdrawn, administrative closure, the alien did not appear, a rare language was required, or for other reasons.
[5]This grant rate is calculated: total grants/sum(Total Grants, Denials, and Other).
[6]This grant rate is calculated: total grants/sum(Total Grants and Denials).