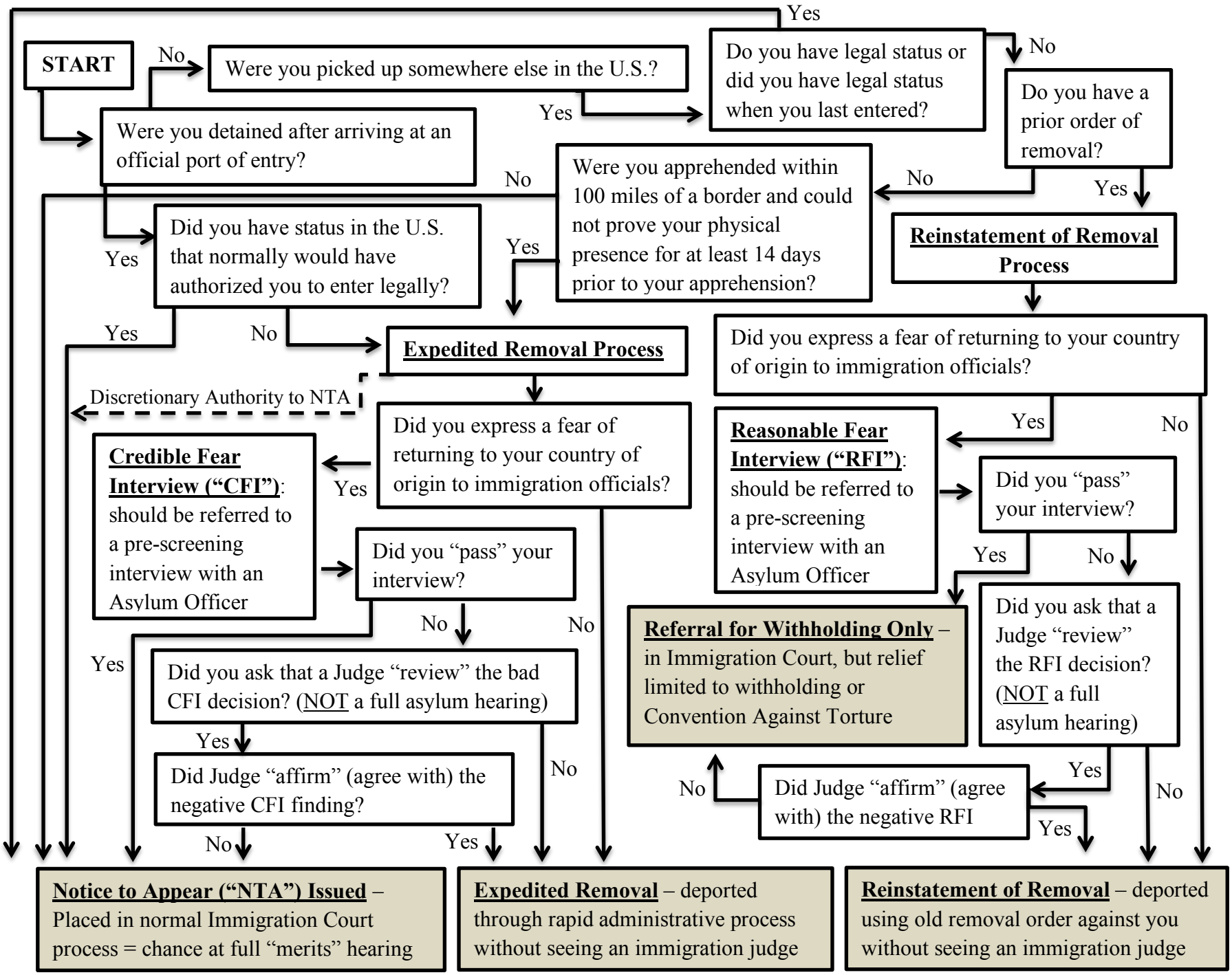
START
Were you picked up somewhere else in the U.S.?
Were you detained after arriving at an official port of entry?
Do you have legal status or did you have legal status when you last entered?
Do you have a prior order of removal?
Were you apprehended within 100 miles of a border and could not prove your physical presence for at least 14 days prior to your apprehension?
Did you have status in the U.S. that normally would have authorized you to enter legally?
Reinstatement of Removal Process
Expedited Removal Process
Discretionary Authority to NTA
Did you express a fear of returning to your country of origin to immigration officials?
Credible Fear Interview ("CFI"): should be referred to a pre-screening interview with an Asylum Officer
Did you "pass" your interview?
Did you ask that a Judge "review" the bad CFI decision? (NOT a full asylum hearing)
Did Judge "affirm" (agree with) the negative CFI finding?
Reasonable Fear Interview ("RFI"): should be referred to a pre-screening interview with an Asylum Officer
Did you "pass" your interview?
Did you ask that a Judge "review" the RFI decision? (NOT a full asylum hearing)
Referral for Withholding Only – in Immigration Court, but relief limited to withholding or Convention Against Torture
Did Judge "affirm" (agree with) the negative RFI
Yes
No
Notice to Appear ("NTA") Issued – Placed in normal Immigration Court process = chance at full "merits" hearing
Expedited Removal – deported through rapid administrative process without seeing an immigration judge
Reinstatement of Removal – deported using old removal order against you without seeing an immigration judge