

YOUR WORKING CHECKLIST

Defensive asylum: EOIR adjudication and the actual court case

What makes defensive asylum different from an affirmative USCIS application?

Defensive asylum is a request considered in removal proceedings before an immigration judge. USCIS screening and referral records can be part of the history, but the court's proceedings and decisions have their own owner. A positive screening finding is not a final asylum grant.

Check the boxes on screen or by hand. Use the notes area for records to find and questions to ask.

Your preparation checklist

- ☐ Preserve the actual notices and decisions identifying the proceeding.
- ☐ Keep any earlier applications or agency events available.
- ☐ Identify who represents the person and which stage is covered.
- ☐ Preserve factual events without turning a general guide into testimony.

Notes and questions to follow up

Source links and current instructions

Sources checked October 25, 2026. Follow current instructions at the linked institution.

USCIS: Obtaining asylum: process settings, filing rule and exceptions

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/obtaining-asylum-in-the-united-states>

USCIS: I-589: Asylum and Withholding of Removal

<https://www.uscis.gov/i-589>

EOIR / Department of Justice: EOIR Forms & Fees

<https://www.justice.gov/eoir/eoir-forms>

U.S. Department of Justice / EOIR: Learn about legal representation

<https://www.justice.gov/eoir/legal-representation-icor>

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Source links (continued)

Immigrant Insider: Editorial policy and verification status

<https://immigrantinsider.com/editorial-policy/>

Return to the complete guide

<https://immigrantinsider.com/immigration-paths/humanitarian/defensive-asylum/>

General information

This free organizer is not a government form and does not submit an application, establish eligibility, preserve a deadline or replace individual legal advice. Government filing fees and professional services are separate.