

§ 207.8

274a.12(a), for evidence of employment authorization.

(g) *Denials.* If the spouse or child of a refugee is found to be ineligible for derivative status, a written notice explaining the basis for denial shall be forwarded to the principal refugee. There shall be no appeal from this decision. However, the denial shall be without prejudice to the consideration of a new petition or motion to reopen the refugee or asylee relative petition proceeding, if the refugee establishes eligibility for the accompanying or following-to-join benefits contained in this part.

[63 FR 3795, Jan. 27, 1998, as amended at 76 FR 53783, Aug. 29, 2011; 76 FR 73436, Nov. 29, 2011]

§ 207.8 Physical presence in the United States.

For the purpose of adjustment of status under section 209(a)(1) of the Act, the required one year physical presence of the applicant in the United States is computed from the date the applicant entered the United States as a refugee.

[46 FR 45118, Sept. 10, 1981. Redesignated at 63 FR 3795, Jan. 27, 1998]

§ 207.9 Termination of refugee status.

The refugee status of any alien (and of the spouse or child of the alien) admitted to the United States under section 207 of the Act will be terminated by USCIS if the alien was not a refugee within the meaning of section 101(a)(42) of the Act at the time of admission. USCIS will notify the alien in writing of its intent to terminate the alien's refugee status. The alien will have 30 days from the date notice is served upon him or her in accordance with 8 CFR 103.8, to present written or oral evidence to show why the alien's refugee status should not be terminated. There is no appeal under this chapter I from the termination of refugee status by USCIS. Upon termination of refugee status, USCIS will process the alien under sections 235, 240, and 241 of the Act.

[76 FR 53784, Aug. 29, 2011]

8 CFR Ch. I (1–1–13 Edition)

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL

Subpart A—Asylum and Withholding of Removal

- Sec.
- 208.1 General.
 - 208.2 Jurisdiction.
 - 208.3 Form of application.
 - 208.4 Filing the application.
 - 208.5 Special duties toward aliens in custody of DHS.
 - 208.6 Disclosure to third parties.
 - 208.7 Employment authorization.
 - 208.8 Limitations on travel outside the United States.
 - 208.9 Procedure for interview before an asylum officer.
 - 208.10 Failure to appear at an interview before an asylum officer or failure to follow requirements for fingerprint processing.
 - 208.11 Comments from the Department of State.
 - 208.12 Reliance on information compiled by other sources.
 - 208.13 Establishing asylum eligibility.
 - 208.14 Approval, denial, referral, or dismissal of application.
 - 208.15 Definition of “firm resettlement.”
 - 208.16 Withholding of removal under section 241(b)(3)(B) of the Act and withholding of removal under the Convention Against Torture.
 - 208.17 Deferral of removal under the Convention Against Torture.
 - 208.18 Implementation of the Convention Against Torture.
 - 208.19 Decisions.
 - 208.20 Determining if an asylum application is frivolous.
 - 208.21 Admission of the asylee's spouse and children.
 - 208.22 Effect on exclusion, deportation, and removal proceedings.
 - 208.23 Restoration of status.
 - 208.24 Termination of asylum or withholding of removal or deportation.
 - 208.25–208.29 [Reserved]

Subpart B—Credible Fear of Persecution

- 208.30 Credible fear determinations involving stowaways and applicants for admission found inadmissible pursuant to section 212(a)(6)(C) or 212(a)(7) of the Act.
- 208.31 Reasonable fear of persecution or torture determinations involving aliens ordered removed under section 238(b) of the Act and aliens whose removal is reinstated under section 241(a)(5) of the Act.

AUTHORITY: 8 U.S.C. 1101, 1103, 1158, 1226, 1252, 1282; Title VII of Public Law 110–229; 8 CFR part 2.