

## What is Asylum?

- It is a legal mechanism to **fight deportation**.
- If you are afraid to return to your country because someone is likely to hurt or mistreat you there, perhaps you can ask for Asylum.
- If you are granted Asylum, you will have the option to become a legal permanent resident of the United States one year after your approval.

### What are the **REQUIREMENTS** for Asylum?

- **A well-founded fear** that you will suffer persecution if you return to your country. Your fear cannot be a general fear of harm, but rather, you will have to show that a reasonable likelihood of suffering exists. That probability needs to be at least 10%.
  - This can be established by showing that you have been persecuted in the past.
- **Persecution** (past or future) may include serious physical, sexual, emotional, or economic abuse, death threats, and/or kidnapping. However, the suffering or harm experienced must amount to more than mere harassment.
- **The government or someone the government cannot or will not control** is persecuting you.
  - The government is the police, the army, or any official who is harming you in their official capacity.
  - If your persecutor is a private individual or group (for example, your spouse, gangs, cartels), you will have to demonstrate that the government cannot or will not protect you from them.
- **“On Account Of:”** There needs to exist a nexus or connection between the persecution and at least one of the protected categories.
- **Protected categories:** The persecution you suffered in the past and/or that you will suffer in the future must be motivated by one of these protected categories:
  - **Race or Nationality**
  - **Religion**
  - **Political Opinion**
  - **Membership to a particular social group:** It consists of members that share a common characteristic they cannot change. The group must also be particular and your society must view it as distinct (for example, family, sexual orientation, women who cannot flee their home).
- **Inability to Relocate:** You must explain why it is not safe for you to move anywhere else or even if it would be safe, that it would not be reasonable for you to relocate within your country of origin (for example, war or gang violence in other parts of your country, you will not have family to care for your children).

### What possible **BARRIERS** exist to qualify for Asylum?

- Having more than one year in the United States without applying for asylum.
- Aggravated felonies that include, but are not limited to, murder, drug offenses, or rape.
- A prior deportation.

### What can I do if my court date is after my first year in the United States?

- You can submit your I-589 form at the 15th floor filing window.

### What can I do if I have been in the United States for more than a year?

- You must explain why extraordinary circumstances prevented you from filing your I-589. Examples of those circumstances can include bad legal advice, being a minor, incarceration, and ongoing abuse. You may also explain that changed circumstances exist (for example, the reappearance of abuser, changed country conditions, new threats from your persecutor).