

## ASYLUM

Asylum is a form of protection given to individuals fleeing persecution who arrive at or are currently in the United States. Similar to a **refugee**, a person seeking asylum (an **asylum seeker**) is eligible for protection if they can show they are outside of their home country, and are unable to return to or find protection in their country, because of past persecution or a well-founded fear of persecution on account of their race, religion, nationality, political opinion, or membership in a particular social group.

The difference between a refugee and an asylee is that a refugee is granted refugee status while outside the U.S., while an asylum seeker is granted asylee status *after* entering the U.S. or while seeking admission at the border. The U.S. has obligations under international law to offer protection to refugees and asylum seekers, and is prohibited from returning them to a country in which they would be in danger of persecution.

## HOW DO I APPLY FOR ASYLUM?

There are two ways an asylum seeker can apply for asylum in the United States:

- **Affirmative Applications** - Individuals who are inside the United States can apply "affirmatively" to the U.S. Citizenship and Immigration Services ("USCIS").
- **Defensive Applications** - Individuals who are currently in detention or removal proceedings, including those who arrive at the border, may apply "defensively" before an immigration judge and the Executive Office of Immigration Review ("EOIR").

## QUALIFICATIONS FOR ASYLUM

In order to qualify for asylum, you must be able to show:

- Past persecution (must be severe harm but does not have to be physical harm)
- A "well founded fear" of future persecution (fear that you will be harmed if you are returned to your home country)
- Because of at least one of the following:
  - Race
  - Religion
  - Nationality
  - Political Opinion (actual or imputed)
  - Membership in a Particular Social Group (like gender, sexual orientation, family, etc.)
- Committed by 1) the government or 2) someone or a group the government is unable or unwilling to control.

## BARS TO ASYLUM

Below are some reasons someone may be disqualified from receiving asylum:

- If you failed to apply within one year of entering the U.S. (unless you have a "changed circumstance" or an "extraordinary circumstance" that excuses your delay in filing your application);
- If you "resettled" in a third country before arriving to the U.S.;
- If you were a persecutor (harmed others), if you are a danger to the U.S., or if you committed terrorism or a serious crime (in or outside the U.S.).

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