



IMMIGRANT LEGAL ADVOCACY PROJECT

## AM I ELIGIBLE FOR ASYLUM?

### Have I...

Fled my home country and entered the U.S.?	YES / NO
Suffered serious physical or psychological harm in my home country, and/or received threats of harm, or have a genuine fear of future harm?	YES / NO
Suffered harm or fear harm because of my political opinion or religion or race or nationality or membership in a particular social group?	YES / NO
Suffered harm or fear harm caused by the government in my home country or by a person or group the government would or could not control?	YES / NO

→ If you have answered YES to all the questions above, you are likely eligible to apply for asylum within one-year of entering the U.S.

→ If you answered NO to ANY of the questions, then you may not meet the requirements for asylum.

→ If you answered NO to any of the questions but you genuinely fear returning to your home country, talk to an experienced immigration lawyer to discuss what options might be possible for you.

**NEXT:** Even if you answered YES to all of the above questions, it is important to be sure nothing else makes you ineligible for asylum. **Complete the checklist below before continuing.**

**POSSIBLE FACTORS THAT MIGHT MAKE YOU INELIGIBLE FOR ASYLUM:**

**Have I...**

Been in the United States for more than one year after my last entry into the United States and have not yet applied for asylum?	<b>YES / NO</b>
Previously been denied asylum by the U.S. government?	<b>YES / NO</b>
Lived safely and permanently somewhere other than my home country before I entered the United States?	<b>YES / NO</b>
Arrived in the United States by land from Canada at an official entry point?	<b>YES / NO</b>
Committed or been convicted of a crime inside or outside of the United States?	<b>YES / NO</b>
Harmed or participated in harming others?	<b>YES / NO</b>
Engaged in a terrorist activity or something that could be considered a terrorist activity or done anything that would make me a danger to the security of the United States?	<b>YES / NO</b>

**If any of the factors 1-7 apply to you, talk to an experienced immigration lawyer BEFORE you apply for asylum. Even if you answered yes to one of the above factors, you may still be eligible to remain in the U.S.**

## **DISCRETION**

Focus on submitting documents that help an Asylum Officer choose to give you asylum. Even if you meet all of the requirements for asylum discussed above, an Asylum Officer can make the choice to not give you asylum. This is called discretion.

Factors that help an Asylum Officer use discretion to approve your case include:

- Family, business, community, and employment ties to the United States.
- That it would be difficult for you to live or be reunited with your family if you were deported from the US.
- Proof of good character, value, or service to the community, including rehabilitation if a criminal record is present.
- Your age or health.

Factors that may affect an Asylum Officer's decision not to approve your case include:

- Significant violation of U.S. immigration laws.
- Presence of a criminal record, and the type and seriousness of your criminal record.
- Lack of honest answering of questions with the Asylum Officer that may lead to an Asylum Officer not believing you are telling the truth.