

To establish eligibility for asylum, the applicant:

1. Must meet the definition of a refugee*

- Applicant has suffered past persecution or has a well-founded fear of future persecution
- The government was the source of persecution or failed to protect you from persecution by a non-government actor
- Persecution must be on account of at least one of the five categories:

Race

Religion

Nationality

Membership in a Particular Social Group

Political Opinion

2. Must apply within 1 year of being in the United States, unless granted an exception based on certain grounds, including but not limited to:

If "Applicant maintained Temporary Protected Status, lawful immigrant or nonimmigrant status, or was given parole, until a reasonable period before the filing of the asylum application" [8 CFR § 208.4(a)(5)(iv)]

3. Must not be barred from asylum. The asylum bars include:

- Having engaged in terrorist activity;
- Having provided material support for terrorist activity;
- Having persecuted others on account of a protected ground;
- Convictions or commissions of serious crimes;
- Having received residency or citizenship in a third country.

*Definition of a refugee

A refugee is "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion."