

IMMIGRATION **JUSTICE** CAMPAIGN

ASYLUM ELIGIBILITY IN THE UNITED STATES

1

**MUST EXPRESS SUBJECTIVE FEAR OF RETURN
FEAR MUST BE OBJECTIVELY REASONABLE**

PAST PERSECUTION

- Must be considered cumulatively
- Might be one or two serious incidents, or a series of less severe incidents
- Client will need to explain during the interview – WHO, WHAT, WHEN, WHERE, WHY, AND HOW?

OR

“WELL-FOUNDED FEAR” OF FUTURE PERSECUTION

- These are harder to establish
- Need strong, detailed explanation as to why it would be reasonable to fear persecution
- Always ask to see if there has been past persecution

2

**BY GOVERNMENT OR NON-STATE ACTORS THE GOVERNMENT
IS UNABLE OR UNWILLING TO CONTROL**

GOVERNMENT PERSECUTORS

- Broadly understood – at national, regional, or local level
- If the persecutor is governmental, no need to ask about internal relocation – it is presumed that internal relocation is not safe
- Persecutor must be acting in an official capacity (as opposed to a rogue officer)

OR

NON-GOVERNMENT PERSECUTORS

- May be groups such as guerrilla or rebel groups
- May be individuals including family members
- If the persecutor is non-governmental, ask about whether it would be possible/safe for client to move somewhere else in the country

3

**“ON ACCOUNT OF” AT LEAST ONE OF THE FIVE GROUNDS
(ACTUAL OR IMPUTED)**

- Race (includes ethnic, tribal group)
- Religion (includes lack of religious belief/practice)
- Nationality
- Political opinion (understood broadly)

- Membership in a particular social group (clearly defined group which is recognized as a group in that society; shares common trait(s) they cannot change or should not be expected to change).
- Commonly accepted PSGs include: nuclear families, sexual minorities, members of particular tribes.