Each year people come to the United States seeking protection because they have suffered persecution or have a well-founded fear that they will suffer persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. Under the law, they may seek refugee or asylum status.

**Pathway 1 – Refugee Resettlement Process**
Applies for refugee status outside the United States.

**Pathway 2 – Affirmative Asylum Process**
Enters U.S. on valid visa (e.g., student, tourist, work visa) and requests asylum within one year of arrival.

**Pathway 3 – Affirmative Asylum Process**
Arrives at point of entry (border checkpoint, port, airport) and requests asylum or enters country without inspection (not at official border checkpoint, port or airport), surrenders to Border Patrol or other official, and requests asylum.

**Pathway 4 – Defensive Asylum Process**
Located within U.S. without legal status – e.g., overstayed visa, entered without inspection, or apprehended while attempting to enter the U.S. without proper documentation. Individual now faces deportation and files asylum claim.

### Primary Pathways for Individuals Fleeing Persecution to Enter the United States

- **Pathway 1 – Refugee Resettlement Process**
  - Applies for refugee status outside the United States.
  - Complete asylum application and interview with U.S. Citizenship and Immigration Services (USCIS).
  - Asylum granted: Fear of persecution claim. Individual usually held in immigration detention until screening interview with Asylum Officer.
  - May be referred to immigration judge. If denied, must leave country when visa or other form of status expires.

- **Pathway 2 – Affirmative Asylum Process**
  - Enters U.S. on valid visa and requests asylum within one year of arrival.
  - Complete asylum application and interview with USCIS.
  - Asylum granted: May be released from detention on parole.

- **Pathway 3 – Affirmative Asylum Process**
  - Arrives at point of entry (border checkpoint, port, airport) and requests asylum.
  - Asylum granted: Hearing before immigration judge on asylum claim. Current backlog of 800,000+ cases.

- **Pathway 4 – Defensive Asylum Process**
  - Located within U.S. without legal status.

Adapted from designs by Ryan Dunsmuir / Human Rights First and Will Coley / Jesuit Refugee Service USA.