

Primary Pathways for Individuals Fleeing Persecution to Enter the United States

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.

If accepted, non-profit agency assists with resettlement.

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.

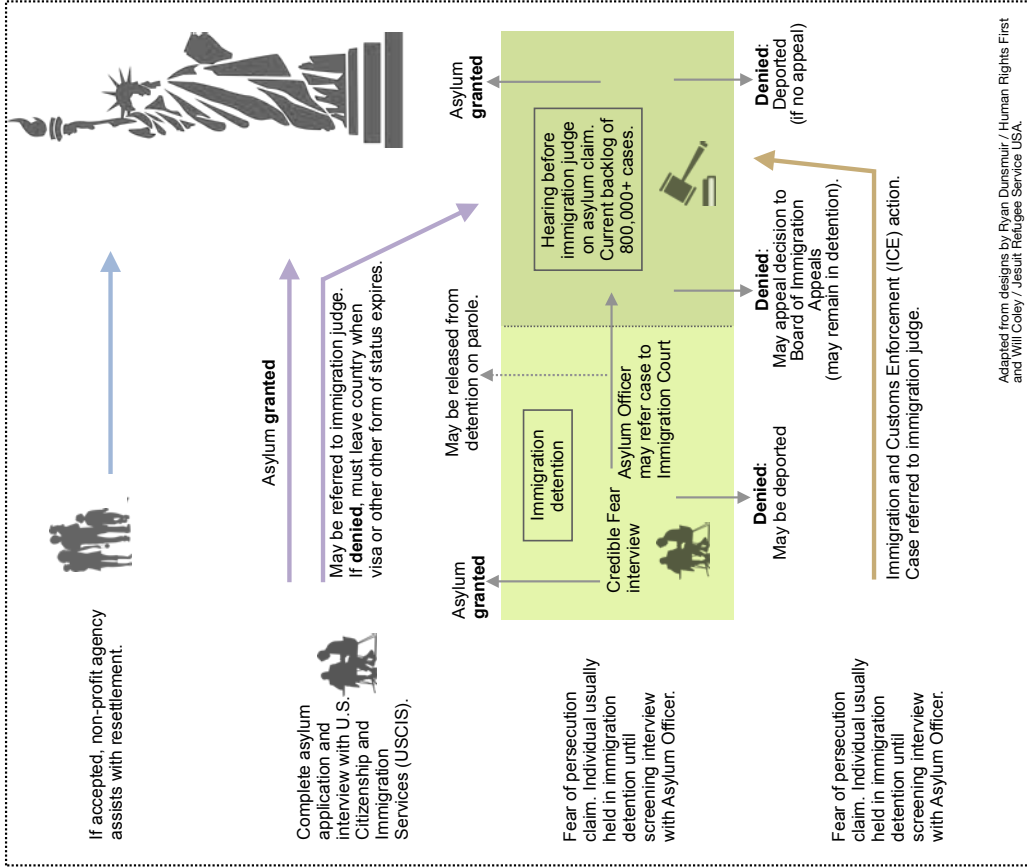
Complete asylum application and interview with U.S. Citizenship and Immigration Services (USCIS).
May be referred to immigration judge. If denied, must leave country when visa or other form of status expires.

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.

Fear of persecution claim. Individual usually held in immigration detention until screening interview with Asylum Officer.

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.

Fear of persecution claim. Individual usually held in immigration detention until screening interview with Asylum Officer.



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