Asylum is a protection granted to foreign nationals already in the U.S. or arriving at the border who meet the definition of a “refugee.” A refugee is unable/unwilling to return to their home country due to past persecution or a well-founded fear of being persecuted “on account of race, religion, nationality, membership in a social group, or political opinion.”

**U.S. ASYLUM SYSTEM**

<table>
<thead>
<tr>
<th>HOME COUNTRY</th>
<th>U.S. BORDER</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AFFIRMATIVE ASYLUM PROCESS</strong></td>
<td>FLEES PERSECUTION</td>
</tr>
<tr>
<td>ENTERS WITH A VALID U.S. VISA</td>
<td></td>
</tr>
<tr>
<td><strong>PROCESS FOR “ARRIVING” ASYLUM SEEKERS</strong></td>
<td>FLEES PERSECUTION</td>
</tr>
<tr>
<td>REQUEST ASYLUM at border</td>
<td></td>
</tr>
<tr>
<td><strong>DEFENSIVE ASYLUM PROCESS</strong></td>
<td>DOES NOT OVERSTAYS VISA</td>
</tr>
<tr>
<td>FLEES PERSECUTION</td>
<td></td>
</tr>
</tbody>
</table>

**IMMIGRATION DETENTION**

Credible fear

**INTERVIEW**

Credible fear

**HEARING BEFORE IMMIGRATION JUDGE**

DENIED
Deported
May remain in detention

DENIED: APPEAL
May remain in detention

**ASYLUM APPLICATION**

POSSIBLE PAROLE
Possible with bail

**REferred OR DENIED**

DENIED: ASYLUM GRANTED

ICE ENFORCEMENT ACTION
Possible detention

**ASYLUM GRANTED**