Bars to Asylum Only

- **Previous Denial.** If an asylum application was previously denied by an immigration judge or the Board of Immigration Appeals, the applicant is ineligible unless he or she demonstrates changed country conditions.

- **One-Year Deadline.** The applicant must file for asylum within one year after the date of his or her arrival in the United States, unless he or she demonstrates changed country conditions or extraordinary circumstances to excuse the delay.

- **Firm Resettlement.** Applicants are ineligible if they received an offer of permanent residency, citizenship, or other permanent status in a third country prior to coming to the United States, unless they demonstrate that their rights were restricted in that country or that they passed through that country in their flight from persecution, only remained as long as was necessary to arrange onward travel, and did not establish significant ties to the country.

- **Safe Third Country.** If the applicant can be sent to a safe third country pursuant to a bilateral or multilateral agreement, he or she is ineligible to apply for asylum. To date, no such agreements exist.

- **Aggravated Felony.** An applicant convicted of an aggravated felony is barred from asylum.

Bars to Withholding of Removal and Asylum

- **Particularly Serious Crime.** An applicant convicted of an aggravated felony is deemed to have been convicted of a particularly serious crime for purposes of asylum. If he or she received an aggregate sentence of five years or more for an aggravated felony or felonies, the crime is deemed to be particularly serious for purposes of withholding of removal. Other crimes that are not aggravated felonies will be considered on a case-by-case basis to determine whether they are particularly serious.

- **Serious Nonpolitical Crime.** An applicant is ineligible for asylum and withholding if he or she committed a serious nonpolitical crime outside of the United States.

- **Persecutor of Others.** An applicant is ineligible for asylum or withholding if he or she engaged in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.

- **Danger to the Security of the United States.** An applicant is ineligible for asylum or withholding if he or she is found to be a danger to the security of the United States. An applicant who is found to have engaged in terrorist activity is deemed to be a danger to the security of the United States for purposes of withholding.
Terrorism. An applicant is ineligible for asylum and withholding of deportation if he or she is found to have engaged in terrorist activity. An applicant is barred from asylum for inciting terrorist activity or for being a representative of a terrorist organization. Mere membership, however, is not a bar to asylum or withholding.

Bars to Withholding Only

Participation in Nazi Persecution. An applicant is ineligible for withholding if he or she, under the direction of the Nazi government of Germany persecuted others on account of race, religion, national origin, or political opinion between March 23, 1933, and May 8, 1945.

Participation in Genocide. An applicant is ineligible for withholding of removal if he or she engaged in genocide.

Note that even if a bar mentioned above applies to the applicant, he or she may still be eligible for relief from deportation under the UN Convention Against Torture if he or she is likely to be subjected to torture by the government (or because of the government’s acquiescence) if he or she is returned to his or her home country.