

FEAR BASED RELIEF BASICS



	Asylum	Withholding of Removal under INA §214(b)(3)	Withholding under the Convention Against Torture	Deferral under the Convention Against Torture
Elements	Fear of persecution (by the government or someone the government cannot or will not control) based on: Race Religion Nationality Political Opinion Particular Social Group	Same as Asylum	Intentional infliction of severe pain (torture) by the government or by someone acting at the acquiescence of the government	Intentional infliction of severe pain (torture) by the government or by someone acting at the acquiescence of the government
Legal Standard	Well-founded fear (10% chance)	More likely than not (51% chance)	More likely than not (51% chance)	More likely than not (51% chance)
Discretionary	Yes	No	No	No
Time Limit for Filing	Within one year (with some exceptions)	None	None	None
Bars	<ul style="list-style-type: none"> ▪ Firmly Resettled in another country prior to coming ▪ Committed a serious nonpolitical crime outside the United States ▪ Was convicted of a Particularly Serious Crime (aggravated felony) ▪ Persecuted others ▪ Provided material support to a terrorist organization (TRIG) 	<ul style="list-style-type: none"> ▪ Was convicted of a Particularly Serious Crime (aggravated felony with 5 year sentence or more) ▪ Persecuted others ▪ Provided material support to a terrorist organization (TRIG) 	<ul style="list-style-type: none"> ▪ Was convicted of a Particularly Serious Crime (aggravated felony with 5 year sentence or more) ▪ Persecuted others ▪ Provided material support to a terrorist organization (TRIG) 	None
Authority to Grant	Asylum office and Immigration Judge	Immigration Judge	Immigration Judge	Immigration Judge
Termination	Can be terminated for fraud or if statutory elements are met and Gov't reopens	Can be terminated for changed country conditions	Can be terminated (requires reopening) if no longer likely to be tortured	Can be terminated more quickly and easily than Withholding under CAT

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Status	Asylee to Green Card (1 year) to Citizen (5 years)	Final order of removal issued	Final order of removal issued	Final order of removal issued
Path to Citizenship	Yes	No	No	No
Ability to Work	Yes (does not need EAD)	Eligible for employment authorization	Eligible for employment authorization	Eligible for employment authorization
Social Security Number	Yes	Yes, but only for work purposes	Yes, but only for work purposes	Yes, but only for work purposes
Public Benefits	Eligible and can receive refugee resettlement benefits	State by state - May qualify for some Medicare/Medicaid assistance; some states will not issue license or ID	State by state - May qualify for some Medicare/Medicaid assistance; some states will not issue license or ID	State by state - May qualify for some Medicare/Medicaid assistance; some states will not issue license or ID
Third Country Detention	N/A	6 months, post grant, can be detained	6 months, post grant, can be detained	6 months, post grant, can be detained
Derivatives	Spouse or child	None	None	None
Travel	Cannot travel to home country, can receive other travel approvals	Travel outside U.S. will terminate relief	Travel outside U.S. will terminate relief	Travel outside U.S. will terminate relief