



### **Information on for Former Asylee Applicants Who Travel To Native Country**

- What happens if I go back to country of persecution after gaining asylum status in the US?

You are assumed to have abandoned your asylum application unless you show a compelling reason for your return.

- What is a compelling reason to return?

There is no clear answer to this question, but past cases in the US shows that it could be reasons such as “battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien, or serious illness or death of the spouse, child, or parent of the alien, but not including less compelling circumstances beyond the control of the alien.” See, 8 USCS § 1229a (e)(1); also see *Zoghbi v. Gonzales*, 148 Fed. Appx. 596 (9th Cir. 2005).

- If I had a compelling reason, is it for an unlimited time?

The answer to this question is unclear, however, it would be advised not to do so. Long stays or visits could be sufficient reason to reject an asylum application and would probably mean that the reason is not “compelling reason”. See *Tatulyan v. Ashcroft*, 103 Fed. Appx. 338 (10th Cir. 2004).

- What would be the best practice if it was an emergency to leave the U.S. back to the persecuting country?

Reach out to an immigration attorney or to the immigration authority to explain the situation to and try and understand your best options.