

# Asylum: The Criteria, The Cautions, and The Experience

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## I. The Criteria

[The criteria that applies to anyone seeking asylum](#) needs to be clearly understood, from the beginning: A person who is (1) outside of their home country and (2) are unable to return to their home country for a (3) well-founded fear of persecution based on their race, religion, nationality, political opinion, or membership of [a particular social group](#) which does specifically cover the LGBT community. If you have fled your country of origin, truly believe you cannot return for reasons of *well-founded fear* of persecution, inhumane treatment, or other abuses based on your demographics and/ or experiences then you have grounds to apply for asylum.

## II. The Caution

When seriously discussing seeking asylum, as an American, the “safe country” list must be discussed and understood. [The "safe country" list](#) is a literal list that most EU countries use to determine whether or not an applicant for asylum is likely to have grounds for protection based on well-founded fear. And, yes, the United States is on that “safe country” list. The most recent update to that list was issued in September of 2024 and, obviously, there has not been a revisit to the accuracy of that list given how recently it was reassessed, however; the international community is beginning to listen and take steps towards addressing the wave of American refugees and that is *fantastic*. There are organizations and advocates that are calling for, petitioning for, and preparing to litigate rejection appeal hearings to change the policy applying to queer American refugees. There are [multiple procedures or "tracks"](#) that an applicant can find themselves on when seeking asylum; Track 4 is the “regular” —or non-safe country— procedure and Track 2 is the “safe country” procedure. In case of an applicant having sufficient evidence, they can be moved from Track 2 to Track 4. Furthermore, [there are exceptions](#) to the “safe country” application track already in place for unaccompanied minors, families with children, and others who are in “need of special procedural guarantees on account of torture, rape or other serious forms of psychological, physical and sexual violence, for whom adequate support cannot be ensured” (Asylum Information Database, <https://asylumineurope.org/reports/country/netherlands/asylum-procedure/guarantees-vulnerable-groups/special-procedural-guarantees/>). I want to offer one final

piece of encouragement; there are already other countries that are still on the “safe country” list but have exceptions in place for vulnerable demographics and it is very likely that the US will soon be part of that small group of countries. And, finally, you will always have the right to appeal a rejection. And it is often the appeals process that changes the final decision in the affirmative. You will have legal representation provided to you, through every stage. You will have food, toiletries, a roof, bed, and medical care. It is a daunting and frightening process to go through but you are physically *safe*.

### III. The Experience

Given the state of human rights, particularly LGBT and protest/dissent rights, in the US, there are a lot of Americans who do qualify for asylum. Regardless of choosing a more traditional path or choosing to seek asylum, the experience of leaving everything and most everyone (if not truly everyone) you have ever known is indescribable. Many of us that have left the US have been shocked at how “North Korea” the States really are and, frankly, that’s just a part of the deconstruction and destabilization of such a drastic choice. Speaking specifically to the asylum process, it is an odd sort of “purgetory” feeling; “hurry up and wait” for weeks to months. And there is no country in the world free of bureaucratic red tape. This is a hugely difficult and unique undertaking but, speaking for myself: every moment of stress, distress, and not knowing what was next has been worth *the taste* of what life can be like, outside of America. It is arduous and stressful to seek asylum, no one should do so lightly. But it is life changing and it has been, in my experience, for the better.

If you have no sense of safety, if you have no resources to protect yourself or help you survive the coming turmoil and intensifying aggression — from the public and the government — then you should absolutely consider the merit of seeking asylum; if you have nothing to left to turn to in the US, then you have nothing to lose by trying to seek protection and safety elsewhere.

Testem Perhibo, Friends [I Bare Witness]