**Q: Before seeking asylum in the United States, I lived in Brazil. How could that affect my request for asylum?**

**A:** Living in Brazil before coming to the United States does not make you automatically ineligible to receive asylum in the United States. But a person who received an offer of permanent resident status, citizenship, or another type of permanent resettlement in a country where they lived before coming to the United States may be found ineligible to receive asylum. 8 C.F.R. § 208.15. This is known as the “firm resettlement bar.”

**Q: Who bears the burden of proving the firm resettlement bar applies?**

**A:** The government bears the burden of proving that the firm resettlement bar makes you ineligible for asylum. The government attorney may do so by filing a copy of your proof of residency in court, or by arguing that Brazil made you an offer of permanent residency that you could have accepted.

**Q: Did the Brazilian government grant Haitians living there an offer of permanent residence?**

**A:** Yes. On November 11, 2015, Brazilian officials signed an act offering permanent resident visas to almost 44,000 Haitians immigrants living in Brazil. Haitians who entered the country in or after 2010, who crossed the land border in the state of Acre, and who were not deemed to be refugees were eligible to receive permanent residency under this offer.

**Q: If I was offered permanent residence in Brazil, is there any way I am still eligible for asylum?**

**A:** You might still be eligible for asylum if you can prove that one of two exceptions to the firm resettlement bar applies:

1. That you had to enter Brazil to flee persecution in Haiti; that you stayed in Brazil no longer than necessary to arrange onward travel; and that you did not establish significant ties in Brazil; OR
2. Brazil “substantially and consciously” restricted your rights such that you were not really resettled there.

8 C.F.R. § 208.15(a)-(b). To show the second exception, the immigration judge will consider the following factors, among others: living conditions available to you in Brazil; your employment opportunities in Brazil; and the availability of other legal rights, like the right to travel, receive an education, and become a citizen. *Id*. Additionally, the immigration judge will consider if you were subject to persecution or a threat of persecution in Brazil and if the Brazilian government is able and willing to protect you from such persecution.

If the government meets its burden of showing that the firm resettlement bar applies to you, then you bear the burden of showing that you qualify for one of the exceptions.

**Q: Does Brazil restrict the rights of Haitians to whom it offered permanent residence?**

**A:** Maybe. The November 2015 Act purported to give Haitians the same rights as other permanent residents in Brazil. But other evidence suggests that Haitians in Brazil suffered discrimination, violence, and a lack of employment opportunities.

**Q: If I am found ineligible for asylum because Brazil offered me permanent residence, am I eligible for other forms of relief from removal?**

**A:** You may still be eligible for *withholding of removal* or *relief under the Convention Against Torture (CAT).* Withholding of removal is similar to asylum, but requires you to prove you will more likely than not suffer persecution in Haiti on account of a protected ground. 8 U.S.C. § 1231(b)(3). CAT requires you to show it is more likely than not that you will be subject to torture in Haiti by or with the acquiescence of government officials. 8 C.F.R. § 1208.16-18. Please reference other pro se materials for more information on these forms of relief.