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DOJ/EOIR

RIN: 1125-AA76

Publication ID: Fall 2015

Title: Exception to the Persecution Bar for Asylum, Refugee, and Temporary Protected Status, and Withholding of Removal
Abstract:

This joint rule proposes amendments to Department of Homeland Security (DHS) and Department of Justice (DOJ) regulations to describe the circumstances under which an applicant will continue to be eligible for asylum, refugee, or temporary protected status, special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act, and withholding of removal, even if DHS or DOJ has determined that the applicant's actions contributed, in some way, to the persecution of others. The purpose of this rule is to resolve ambiguity in the statutory language precluding eligibility for asylum, refugee, and temporary protected status of an applicant who ordered, incited, assisted, or otherwise participated in the persecution of others. The proposed amendment would provide a limited exception for actions taken by the applicant under duress and clarify the required levels of the applicant's knowledge of the persecution.

Agency: Department of Justice(DOJ)**Priority:** Other Significant**RIN Status:** Previously published in the Unified Agenda**Agenda Stage of Rulemaking:** Proposed Rule Stage**Major:** No**Unfunded Mandates:** No**EO 13771 Designation:** uncollected**CFR Citation:** [8 CFR 1](#) [8 CFR 207](#) [8 CFR 240](#) [8 CFR 244](#) [8 CFR 1001](#) [8 CFR 1208](#) [8 CFR 1240](#)**Legal Authority:** [8 U.S.C. 1101](#) [8 U.S.C. 1103](#) [8 U.S.C. 1158](#) [8 U.S.C. 1226](#) [Pub. L. 107-26](#) [Pub. L. 110-229](#)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	10/00/2016	
NPRM Comment Period End	12/00/2016	

Additional Information: Joint rule with the Department of Homeland Security (RIN: 1615-AB89)**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Small Entities Affected:** No**Federalism:** No**Included in the Regulatory Plan:** No**Public Comment URL:** www.regulations.gov**RIN Data Printed in the FR:** No**Related Agencies:** Joint: DHS/USCIS;**Agency Contact:**

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