

Exceptions to Circumvention of Lawful Pathways Rule

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The rule makes the right to seek asylum conditioned upon being denied asylum in a country the individual traveled through on his or her way to the United States, assuming the country is a signatory to the 1951 Refugee Convention or the 1967 Protocol Relating to the Status of Refugees. This presumption of ineligibility is rebuttable if a noncitizen:

- Received prior authorization to present at the border pursuant to DHS approved procedures to use the CBP One application;
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To rebut the presumption of asylum ineligibility on the basis of a technical CBP One application failure or because of an imminent threat, the asylum seeker must demonstrate a preponderance of evidence. This places a significant

burden on asylum seekers who in many cases will not have access to counsel.

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