



U.S. Citizenship
and Immigration
Services

Questions and Answers

USCIS Asylum Division Quarterly Stakeholder Meeting

July 19, 2011

20 Massachusetts Avenue, NW

Washington, D.C. 20529

2:00pm to 4:00pm ET

1. Announcements.

Recently Issued Memorandum: A recently issued memorandum, “Updated Information Notification of ICE’s Parole Guidelines to Arriving Aliens Found to Have a Credible Fear of Persecution or Torture and Translations,” June 9, 2011, is attached.

Updated Information Guide for Prospective Asylum Applicants: The information guide has been re-formatted and updated with new photographs. The content has not changed. The guide is translated into 10 languages and available on www.uscis.gov. Please let us know if you identify any translation errors.

20th Anniversary Events: This year marks the 20th anniversary of the Asylum Program. We will be celebrating our anniversary at the upcoming AOBTC, which will be held from July 26 to August 31. This AOBTC is planned to be the last Asylum Officer training course conducted by the Asylum Division. In the future, the RAIO Directorate will assume the training responsibilities and will offer combined protection training for all RAIO officers. Guest speakers from the NGO community, UNHCR, and academia will be assisting with instruction and speaking about their experiences with the program over the past 20 years.

The asylum offices will also hold commemorative events that will emphasize the partnerships with the NGOs and advocates and allow us to celebrate our collective achievements together. You should hear from them regarding their upcoming events.

Customer Satisfaction Survey: The RAIO Directorate will be conducting a survey to gauge customer satisfaction in each the RAIO programs. The survey will be piloted in the Asylum Division and will focus on the asylum interview experience (i.e., wait times, interaction with the front desk staff on the interview day, and interview). The survey will be offered in each of the eight asylum offices and will be voluntary, anonymous, and only for applicants over age 18. The survey and the details of its administration have not yet been finalized but the offices will inform you when they begin administering it. The results will be publicized.

- 2. Statistics.** Please provide statistics from April to June 2011 on Affirmative Asylum workload; NACARA workload; Credible and Reasonable Fear workload; Iraq, Afghanistan and Libyan receipts; and Unaccompanied Alien Children (UAC).

Response: The requested statistics are attached. Affirmative asylum receipts have been increasing. At the beginning of the year we projected 28,000 affirmative receipts. However, we are now projecting over 33,000, which is about a 15% increase from our original estimate and from the number of filings we received last year. We have not received this many filings since FY 2007. Credible fear receipts are also increasing; we project that we will receive over 10,000 cases this year, which represents a 20% increase from our initial projection. We have not received this many cases since 2001. We receive a smaller number of reasonable fear cases but reasonable fear receipts represent the highest increase in terms of percentage. We expect to receive over 3,000 receipts this year, which is 40% higher than we originally projected. We expect to receive fewer than 2,000 NACARA receipts this year. The number of asylum applications filed by nationals of Libya is also increasing. We have not seen a change in UAC receipts.

- 3. Update on National Customer Service Plan.** Please provide updates on the national customer service policy that you are developing.

Response: At our January meeting, stakeholders recommended that Asylum HQ consider instructing all asylum offices to provide names, telephone numbers, and email addresses for all staff and contact personnel, and also to designate a contact in Asylum HQ for cases transferred to headquarters. We developed a national, standardized customer service policy and presented the draft procedures at the April stakeholder meeting. In addition to the minimum requirements of establishing a dedicated email address, telephone number, responding to written inquiries, establishing walk-in hours, and responding to SRMT inquiries, we also created standardized templates for written responses, information on confidentiality, and instructions on how to communicate the plan to the public. The asylum offices are reviewing the draft procedures and we hope to issue final guidance by the end of the fiscal year. We also are developing new guidance regarding asylum office use of SRMT.

- 4. Reschedule Requests.** Is it possible to have a designated contact at each office for requests to reschedule? Some offices have them and some do not. We also suggest Asylum develop a written response when an applicant makes a reschedule request.

Response: Thank you for your suggestions. We will look into them. In conjunction with reviewing the procedures for failure to appear and reschedule requests, we have developed a "Denial of Asylum Interview Reschedule Request" notice as well as provided written instructions to notify the applicant of rescheduled interviews.

- 5. Update on the Asylum Clock.** Please provide updates on the asylum clock and Employment Authorization Document (EAD) regulations.

Response: At our meeting in April, we proposed to extend the period of time that applicants may request rescheduling after the missed interview to when the asylum office issues a decision from 15 to 30 or 45 days. Since that meeting, we have begun the process of reviewing our Affirmative Asylum Procedures Manual (AAPM) and template letters to update them with the proposed time extension and also to identify areas where we can be more transparent regarding the clock.

The clock and EAD points of contact for each asylum office and HQ are available on www.uscis.gov in two locations: in the April 2011 meeting Q&A under the “Notes from Previous Engagements” link under the Outreach tab and by clicking on “Asylum Employment Authorization and Clock Contacts” on the Asylum page under the “More Information” heading to the right. We will update the contact lists periodically. You will also be able to reach the POCs by calling the asylum office and asking to be transferred to the clock or EAD POC.

- 6. Asylum clock follow-up.** Will you be issuing guidance to EOIR about how to handle the clock? For example, will you inform EOIR that the clock does not permanently stop? What happens to the clock for UACs?

Response: We do not issue guidance to EOIR. However, we have been holding discussions with them with regards to the clock.

The Asylum Division does not differentiate between temporary and permanent clock stoppages. With regard to no-shows, we are considering lengthening the time that applicants may request rescheduling after the missed interview before they must establish exceptional circumstances for not appearing at the interview. We are also proposing to add language to the referral notice that states that the asylum clock has stopped for failure to appear at the asylum interview and if applicants have exceptional circumstances, or did not receive proper notice, they should notify the asylum office. If we find exceptional circumstances under the proposed procedures, a copy of the decision will be forwarded to the applicant’s A-file and the applicant may present the decision to the ICE attorney to request a joint motion to terminate proceedings and return the case to USCIS. The asylum clock would be restarted when the applicant appears for the rescheduled interview with USCIS.

We are currently working with EOIR to develop a process flow chart for UACs and the clock. However, because there are many ways UACs can come before the Asylum Division and many different times at which they can submit their asylum applications, there are many different clock permutations. We will work on developing guidance. Please send us any cases you have and we will use them to develop the guidance.

- 7. Nunc Pro Tunc.** Both the Texas Service Center and the Nebraska Service Center have taken the same position that if an asylee principal becomes a US citizen before their asylee derivative spouse or unmarried child obtain their green cards, the derivative will have to go through a NPT procedure. The logic is that the principal no longer continues to be an asylee once they naturalize. This approach is not indicated in the AAPM – only death of principal, divorce of principal and derivative spouse, or marriage of derivative children warrants the NPT procedure. We do not believe this position (on naturalization of the principal) is warranted, and believe that the Asylum Division has an interest in resolving this issue.

Response: Under INA 209(b), an asylee must continue to be a refugee or a spouse/child of a refugee in order to adjust status. Once the principal asylee naturalizes, he or she is no longer a considered a refugee so the spouse/child no longer has that relationship. It is due to these circumstances that we pursued the availability of NPT to ensure that dependent asylees are able to adjust status. We will update the AAPM to include your scenario.

Additional Response from ORR: Similarly, ORR benefits and services are not available to any asylee once he or she naturalizes because he or she is no longer considered to be an asylee.

- 8. Leading Questions.** Considering that the interview is to be non-adversarial, is it ever appropriate for asylum officers to ask, continuously or not, leading questions at interview? When are leading questions permitted?

Response: Our AOBTC Lesson Plan “Interview Part 3: Eliciting Testimony” contains our instructions to Asylum Officers on how to elicit testimony. “In general...the use of leading questions during nonadversarial asylum interviews must be avoided, because applicants are far more likely to fully disclose claims if they are not asked leading questions. However, under some circumstances, leading questions can speed up the interview process in an appropriate manner, particularly when reviewing the I-589. For example, “Do you still live at...?” is faster than “Where do you live?” (unless the AO has questions about the address). The AOBTC Lesson Plans are available on www.uscis.gov. Please let us know if you believe Asylum Officers are using leading questions improperly and we will follow up with that office.

The next meeting is tentatively scheduled for Tuesday, October 25.