



U.S. Citizenship
and Immigration
Services

Questions and Answers

USCIS Asylum Division Quarterly Stakeholder Meeting

May 8, 2012

20 Massachusetts Avenue, NW

Washington, D.C. 20529

2:30pm to 4:00pm ET

1. Announcements.

Asylum Division Updates. We are pleased to announce four new hires at Asylum HQ: Lakshmi Kilaru, Joi Robinson, Anjali Zielinski, and Corey Cappelloni. They have all joined our Training and Quality Assurance (TRAQ) branch to assist with HQ review of cases. We also have a new Deputy Director at the New York Asylum Office, Ashley Caudill-Mirillo. On a sad note, the Asylum Division suffered an unexpected loss at the end of January when our Management Branch Chief, Elizabeth Lee, passed away suddenly.

Refugee, Asylum and International Operations (RAIO) Deputy Update: After 21 years with Asylum and most recently serving as the Asylum Division Chief, Joe Langlois is now the RAIO Deputy Associate Director. Deputy Chief Ted Kim will serve as the Acting Chief until a replacement is named.

AOBTC #33 Update: Due to unforeseen circumstances, the planned RAIO Combined Basic Training in March was postponed. In its place, the Asylum Officer Basic Training Course is currently in session at Landsdowne, VA. Fifty new Asylum Officers are taking part in the six-week residential training. The newly trained officers will improve the processing times at asylum offices, in particular those that have been experiencing high volumes of receipts.

2. Statistics. Please provide statistics from January, February and March 2012 on Affirmative Asylum workload; NACARA workload; Credible and Reasonable Fear workload; Iraq, Afghanistan and Libya receipts; and Unaccompanied Alien Children (UAC).

Response: The requested statistics are attached. Affirmative asylum receipts maintain their high volume and we expect approximately 40,000 receipts this year. This is an increase from the past two years and has led us to hire new staff. The credible and reasonable fear numbers continue to be at high levels. Although the reasonable fear receipts slowed slightly in the past few months, the numbers are still very high and we expect over 4,400 receipts for the year.

3. HQ Review.

a. What is the current average processing time for Headquarters review of cases (we are specifically interested in gender-based domestic violence cases referred to HQ)?

Response: The staffing additions at TRAQ have significantly helped to reduce our backlog of cases requiring HQ review. We are now fully staffed in the TRAQ branch. There are currently less than 40 actionable cases pending HQ review that are more than 180 days old. Concerning the average processing time for HQ review, we prioritize review according to the asylum application's filing date (oldest to youngest), minus any stoppages caused by the applicant, not the date HQ receives the case from the field.

b. What is the most appropriate means for attorneys to check in with the asylum office where cases have been pending at HQ for more than 6 months?

Response: Each asylum office has multiple means of receiving and responding to inquiries. We strongly recommend that you contact the local asylum office first as this is most effective.

c. We have a particular concern regarding long delays on HQ review of cases referred involving unaccompanied children at the Houston office. Can you please share the current average processing time for cases for unaccompanied minors? We've found that unfortunately average asylum case review before USCIS is quite long (versus the 6 month statutory limit on USCIS's adjudication of Special Immigrant Juvenile Status cases).

Response: As indicated earlier, we have reduced our HQ backlog and now have less than 40 actionable cases pending longer than 180 days.

4. **Passport Documentation.** Is there a uniform practice on whether each page of an applicant's passport is required? Some Asylum Officers and their supervisors accept only the pages with any stamps/content and others require each page. Is there a uniform rule for derivative passports?

Response: The Form I-589 instructions state that three copies of all passports (cover to cover) in the applicant's possession must be submitted for the primary applicant and each family member included in the application. This is what officers should expect to see and what we advise submitting with all I-589 applications.

5. **UAC/Asylum Clock.** We would like to continue the conversation begun at the November 2011 Asylum Division Stakeholder meeting concerning unaccompanied juveniles and the asylum clock. In particular, we'd like to discuss the circumstances when neither the applicant nor the asylum office is responsible for a delay in the affirmative asylum application process and the clock is stopped. For example, when an unaccompanied alien child (UAC) is transferred to another part of the country, either to be released from ORR custody and reunified, or to be held in a different ORR facility, the child's case is transferred to the asylum office in the new location; it is our understanding that in this case, the asylum clock would be stopped, even though it is ORR and ICE making the decisions regarding transfer or reunification as required by law, not the applicant. This is a concern because EADs are not only important for children who need to work, they also often serve as the only form of identification for many of these children. As the transfer of the case to another asylum office is not the choice of the applicant, and the placement of a child with a sponsor if appropriate is not only required but beneficial to all, we believe the clock should not be stopped when a UAC is reunified and requires a transfer of jurisdiction.

We would welcome additional conversation on this matter, including discussion of any guidance or policy that may already exist. In addition, considering that other advocates and practitioners may also be interested in this subject, we would look forward to an opportunity for an additional meeting specific to this issue.

Response: We recognize and appreciate that this population of asylum applicants is of particular concern. We would like to clarify our existing policy. When the Office of Refugee Resettlement (ORR) transfers an applicant to another ORR facility in a different asylum office jurisdiction, we have issued guidance to the asylum offices to keep the clock running. In our case management system, the clock stops automatically when a change of address between jurisdictions is entered. In these cases, the office must forward the case to HQ for a manual override to allow the clock to continue running. Since we asked the asylum offices to track these incidents, we have not had any reported cases. Please notify HQ if you have encountered a case that would be subject to this guidance. If you have a case in which the applicant is in ORR custody and you believe the clock stopped incorrectly, please notify your local asylum office.

We would also like to know the specific fact patterns and scope of the problem to better understand the situation. Please send specific cases to Asylum HQ, Attention: Laura Hamilton. Pending clock litigation and rule-making concerning UACs may limit the Asylum Division's ability to remedy these concerns. If you are interested in attending a separate meeting devoted to the UAC/Asylum Clock discussion, contact Laura Hamilton and the Office of Public Engagement.

- 6. Asylum Division Organizational Chart.** Please provide an organizational chart for the USCIS Asylum Division. Please also provide the name of each asylum office director, as well as the current contact information (address, telephone number, etc.) for each office.

Response: An organizational chart of the Asylum Division and a contact list for the asylum offices are attached.

- 7. I-589 Form.**

a. My question is related to an item on the I-589. Specifically, Question 3A on the I-589. Question 3A reads as follows: *Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media? If "Yes" describe the level of participation, any leadership position and length of time?*

In question 3A what does ethnic group actually mean? It does not mean ethnicity, correct? I have always assumed that the inclusion of "ethnic group" was meant to refer to a student group or a political group, or any other group that is comprised of one ethnicity (e.g. Zulu students association) therefore making it an ethnic based student group or ethnic based political group. So, if a person has suffered persecution on account of race/ethnicity and does not belong to any political groups or associations etc., should that applicant check "Yes" for Question 3A because he is of a particular ethnicity? I have seen other attorneys whose clients have faced persecution on account of their ethnicity check "Yes" on behalf of the client for Question 3A. But, the follow-up question, in 3A, about level of participation and leadership positions held are incongruous with how one describes ethnicity.

Response: There are multiple means of providing information about an ethnicity claim on the I-589 including indicating the ethnic group on page 1 or checking race on page 5. Question 3A speaks more to an organization that is based on ethnicity. Asylum Officers should take any information on the I-589 into account as part of the testimony and are also trained to elicit all additional testimony that may be relevant during the interview.

b. Are there planned revisions to the I-589 form?

Response: There are a set of revisions currently under review by EOIR for the Form I-589 and instructions. We welcome suggestions on the Form I-589 at any time.

8. Asylee Verification. Some asylees are unable to obtain benefits after being granted asylum due to a lack of grant date information in the SAVE database.

Response: Please forward specific scenarios to the following Customer Service and Public Engagement Directorate mailbox: USCIS-IGAOutreach@dhs.gov. The Asylum Division will contact SAVE to address this problem.

9. Translated Notices. Are Asylum Offices providing translated notices?

Response: Yes. Asylum HQ issued procedures to the field regarding translated notices in 2008. We will verify whether these procedures are being followed. We are also in the process of updating the form generation component of our case management system for automatic generation of the translated notices.

10. Interview Notes. Are applicants and representatives allowed to access interview notes?

Response: Not at this time. Some confusion on this policy may have stemmed from an interim memo that USCIS issued citing revisions to the Adjudicators Field Manual (AFM), which referred to the possibility of representatives requesting interview notes from officers. However, the AFM does not apply to Asylum Officers. The Affirmative Asylum Procedures Manual (AAPM) and the Asylum Officer Basic Training Course Lesson Plan: “Interviewing II Note-Taking” provide guidance to Asylum Officers. The Lesson Plan points to the Freedom of Information Act (FOIA) process as a means for applicants or representatives to request certain documents from the A-file. Currently, however, the FOIA Office does not release Asylum Officer notes.

The next meeting is scheduled for Tuesday, July 24, at 2pm.