



U.S. Citizenship  
and Immigration  
Services

# Questions and Answers

## USCIS Asylum Division Quarterly Stakeholder Meeting

July 26, 2012

20 Massachusetts Avenue, NW

Washington, D.C. 20529

2:30pm to 4:00pm ET

### 1. Announcements.

**Asylum Division Updates.** We are pleased to make the following hiring and personnel announcements: Varsenik Papazian (Miami Asylum Office Director), David Pilotti (HQ Asylum Branch Chief – Management), Charles “Locky” Nimick (returning as HQ Asylum Branch Chief – Training and Quality Assurance (TRAQ)), Lisa Flanagan (Chicago Asylum Office Deputy Director), and Wendy Jauregui (PMF). Three of our HQ Asylum colleagues have left the Asylum Division: Jane Kochman (Quality Assurance), Amanda Atkinson (Training), and Stephanie Potts-Hansen (HQ Asylum Branch Chief - Training and Quality Assurance).

**AOBTC #33:** In June 2012, 49 Asylum Officers graduated from the Asylum Officer Basic Training Course at Landsdowne, VA. We look forward to the launch of the RAIO Combined Training which is scheduled to begin in October 2012.

**Recently Issued Memoranda:** We have provided the Implementation of Reasonable Fear Processing Timelines and APSS Guidance Memorandum. This was issued to the asylum field offices in April 2012.

2. **Statistics.** Please provide statistics from April, May, and June 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.

3. **Credible Fear and Reasonable Fear Delays.** Please provide an explanation for what might be causing delays in the wait times for and adjudication of RFIs and CFIs. In addition, please provide the average wait times for a CFI and an RFI for all CIS jurisdictions.

**Response:** The delays in wait times for credible fear and reasonable fear interviews and adjudications can be partially explained by the high volume of affirmative and credible fear and reasonable fear receipts in the field. We are working to ensure we are staffed at maximum capacity to address the surge in applications and we hope to receive an increase in staff allocation for the next fiscal year if the trends continue. Concerning reasonable fear wait times, we have established reporting measures for the field to notify us of delayed cases (pending over 150 days).

Further, we cleared the backlog of reasonable fear cases at HQ pending review. The Asylum Division goal is to complete 85% of credible fear cases in 14 days. Currently, 82% of our cases are within the 14-day window.

The credible fear process consists of many moving parts and factors that may contribute to delays including, arranging the transit of detainees, medical issues, detention facility logistics, and the intake process to establish jurisdiction. A new issue we have encountered is the release of individuals by Immigration and Customs Enforcement under an Order of Supervision prior to arranging a credible fear interview. We are gathering information about this trend and we welcome any suggestions you may have to address the issue.

The reasonable fear receipts continue to increase at high volumes, and we currently project approximately 5,000 cases. HQ Asylum established reasonable fear timeline targets prior to the dramatic increase in receipts of affirmative, credible fear, and reasonable fear cases. Our offices are working hard to complete the reasonable fear cases as fast as possible; however, competing workload priorities sometimes necessitate a shift in resources. Last year's reasonable fear memorandum to the field established two measures: 1) 85% of cases to be completed within 90 days and 2) 95% of cases to be completed within 150 days. As HQ review is required for certain types of cases, time must be allotted for that process. We are encouraging offices to interview applicants within 45 days. For this fiscal year, 69% of cases were interviewed within 45 days, 66% were completed within 90 days, and 91% were less than 150 days old. Per the memorandum issued to the field, offices are to submit a report for each case over 150 days old. Most often the case involves a medical situation, a transfer to a different detention facility, or interpreter problems. We have requested these reports from the field to assist in resolving any issues that may have led to the delay in processing the case.

The staffing allocation in place includes an expectation of an increase in workloads, and we hope to have a commensurate number of positions available in the coming months to help alleviate the delays. For cases that have been pending longer than six months, please contact the local asylum office first as this is most effective. You may contact our stakeholder liaison, Laura Hamilton, at [Laura.Hamilton@dhs.gov](mailto:Laura.Hamilton@dhs.gov) for assistance after you have contacted the local asylum office.

- 4. Asylum Trends – Women and Children.** Please provide statistics for the following:
- The number of women and children (UAC and accompanied) applying for asylum over the last five fiscal years.
  - For the last 12 months, please provide the breakdown in nationality of women applying for asylum and children (UAC and accompanied) applying for asylum.
  - If there are any noticeable trends in these statistics, please explain what you believe might be the reason behind any of these trends.

**Response:** HQ Asylum pulled statistics on women and children and compared last year's numbers to this fiscal year-to-date. The top ten nationalities for women closely correspond to the top ten nationalities at large, which are listed in the attached statistics. This year there is one anomaly, and that is Iran. For the general population of asylum applicants, Iran is not on the top ten list. For female asylum applicants Iran ranks number nine. For children, the countries that top the list are located in Central America, with the exception of China.

Our main focus is directed toward adjudications, quality assurance, and training and not trend analysis; however, HQ Asylum is interested in understanding the reasons for the dramatic increase in receipts overall. In the last three years, affirmative asylum receipts have increased 60% and 83% of the increase can be attributed to five parts of the world: 36% from China, 26%

from Mexico, 13% from Arab Spring countries (mostly Egypt and Syria), 5% from Guatemala, and 3% from Ecuador. We are especially interested in the reasons behind the increase in applications from Mexican and Ecuadoran nationals.

- 5. HQ Review:** Please provide statistics on the quantity of cases under review at HQ (broken down by category requiring review), the type of cases most frequently seen requiring HQ review, and the average length of time of an HQ review of asylum cases. Please provide an explanation of what reasons might be causing the delay and how these delays might continue.

**Response:** The staffing additions at TRAQ have significantly helped to reduce the backlog of affirmative asylum cases pending HQ review. Approximately 400 cases are currently pending with an estimated 265 cases that are actionable and 17 that are awaiting a third party response. The remainder are on hold pending future TRIG exemptions. There are two ways TRAQ prioritizes cases. First, a 180-day measure takes into account how long a case has been pending with USCIS, not how long the case has been pending at HQ. This may account for some perceived delays. Second, TVPRA-UACs (PRL) cases must be completed before the next EOIR hearing date. This promotes administrative efficiency for USCIS and DOJ.

TRAQ also reviews certain NACARA, credible fear and reasonable fear cases which add to the workload. Currently we have approximately 14 pending reasonable fear cases. Also, we have noted an increase in the cases referred for HQ review under the contiguous territory grant category. These are all Mexican cases and predominantly LGBT claims.

Third party delays may result from State Department review or USCIS OCC review of novel or complex legal issues. Concerning the average processing time for HQ review, it is difficult to provide a number due to the variety of cases and circumstances. We estimate an average processing time of 48 days.

- 6. Affirmative Asylum Interviews – Backlog at New York Asylum Office.** We understand that due to the caseload in the New York Asylum Office, applicants might not be scheduled an interview at their soonest convenience. Under this circumstance, we would like those applicants to be scheduled an interview in the New Jersey Asylum Office if it is feasible. We request those cases which still remain in the asylum office due to a failure to prosecute or some other reasons to be transferred to the Immigration Court as soon as possible.

**Response:** Asylum receipts across the country have risen the past few years, and since 2008 the New York Asylum Office has received the most affirmative applications of all the eight asylum offices. During this time receipts have outpaced capacity, but the New York Asylum Office has recently received several new positions. As we mentioned earlier, 49 new Asylum Officers from various asylum offices around the country graduated from the Asylum Officer Basic Training Course in June 2012. Applicants who have missed the expected adjudication timeframe because of the backlog will be eligible to receive work authorization after 180 days, as long as they remain otherwise eligible.

- 7. Credible Fear Interviews – Houston Asylum Office.** Recently we have seen cases of asylum seekers who were ordered removed under the expedited removal provisions of the INA and were released from DHS custody under an Order of Supervision before having a credible fear interview. We would like to know the appropriate steps to take to arrange a credible fear interview under these circumstances.

**Response:** The Asylum Division's case management system is unable to distinguish detained versus non-detained individuals. The asylum offices must track these cases manually when this situation occurs. Also, the asylum offices often do not receive updated change of address information for non-detained individuals who typically move out of the jurisdiction from where they were apprehended. We are working with ICE to educate them about this problem. Concerning this particular situation in Houston, please contact the Houston Asylum Office and copy the Director if a non-detained individual has not been scheduled for a credible fear interview.

- 8. Reasonable Fear Processing Times.** We would like to request clarification on the following:
- a. How are reasonable fear and credible fear interviews prioritized for processing? Are RFIs on a different and slower schedule than CFIs?
  - b. Is there any update on establishing targets and timeframes for processing RFIs?
  - c. When a detainee is experiencing a lengthy delay and local offices are not responsive, is there a contact, or procedure, for reaching out to headquarters?

**Response:** As we discussed earlier, RFI targets and timeframes have been established. The processing target for RFIs is 90 days and for CFIs is 14 days. The increase in receipts across the board has required a shifting of resources to meet the particular demands of each office. We have seen improvement in the reports submitted by the offices since the targets and reasonable fear timelines were implemented in April. If a detainee is experiencing a lengthy delay, please contact the local asylum office first. For egregious situations, you may contact our stakeholder liaison, Laura Hamilton.

- 9. Asylee Benefit Orientation.** Is HQ Asylum supporting asylee benefit orientations at asylum field offices?

**Response:** The Los Angeles and San Francisco Asylum Offices hold monthly asylee benefit orientations in partnership with the International Rescue Committee (IRC). The asylum offices have reported a high rate of attendance at the orientations. Other asylum offices, including Arlington and New York, are either beginning to provide similar orientations or are exploring the possibility of hosting orientations with the IRC or other partners in the future.

**The next meeting is scheduled for Tuesday, October 30, at 2pm.**