



U.S. Citizenship
and Immigration
Services

HQRAIO 120/9.3a

Memorandum

SEP 30 2013

TO: Asylum Office Directors
Asylum Office Deputy Directors
Supervisory Asylum Officers
Asylum Officers
Quality Assurance/Training Asylum Officers

FROM: John Lafferty
Chief, Asylum Division

A handwritten signature in black ink that reads "John Lafferty". The signature is written in a cursive style and is positioned over the printed name and title of the sender.

SUBJECT: Updated Guidance on Language Certification for Asylum Officers

I. Purpose

The purpose of this memorandum is to (1) authorize language-certified Asylum Officers (AO) to conduct credible and reasonable fear interviews in a language other than English, consistent with local office policies; and (2) provide detailed step-by-step procedures for obtaining language certification from the Department of State (DOS).

II. Conducting Credible and Reasonable Fear Interviews in a Foreign Language

Currently, language-certified AOs are authorized to conduct interviews in a foreign language only in affirmative asylum cases. Effective immediately, language-certified AOs may now conduct credible and reasonable fear interviews in a foreign language, consistent with local office policy.

Individuals subject to credible or reasonable fear screening processing are not required to bring an interpreter to the interview. Therefore, the Asylum Office must provide an interpreter for interviews in which the individual cannot communicate effectively in English. At the Asylum Office Director's discretion, in order to facilitate timely processing and completion of interviews or in instances in which a qualified interpreter is unavailable,¹ AOs who meet the certification requirements outlined

¹ This memorandum is intended to supplement not supersede guidance on processing Credible Fear Cases when a Rare Language Interpreter is unavailable. Please see the June 14, 2013 memorandum from Ted H. Kim entitled, "Processing Credible Fear Cases When A Rare Language Interpreter is Unavailable" for processing these cases.

below may conduct these interviews in the individual's language. As with affirmative asylum interviews, the AO must make a clear notation in the interview notes that the interview was conducted in a language other than English and indicate the language used by the AO. If the AO conducts an interview in the applicant's language, the AO has discretion to have an interpreter monitor available to gauge the level of understanding between the AO and applicant.

III. Procedures for Obtaining Language Certification

AOs are authorized to conduct affirmative asylum interviews and credible and reasonable fear screening interviews in a foreign language only if they are certified by DOS in that language.

a. Certification Requirements

The DOS Foreign Service Institute (FSI) administers language proficiency tests for DOS as well as other government agencies. The FSI administers a speaking test and a written test. The score for each test ranges from 0 (no proficiency) to 5 (functionally native proficiency). More information on the scoring scale is available online at <http://www.govtilr.org/>. In order to be certified in a foreign language to conduct asylum interviews or credible/reasonable fear screening interviews, an AO is only required to take the speaking test. The AO must earn a 3 (general professional proficiency) or higher in the speaking test in order to be certified in that foreign language.

b. Applying for Certification

AOs interested in obtaining DOS language certification must fill out an SF-182, Authorization, Agreement and Certification of Training, and send it to the HQASM POC (currently Marianne Hong). The SF-182 must include the following information (other sections do not need to be completed):

- Section A: name, social security number, date of birth, and organization's mailing address.
- Section B: list FSI located at 4000 Arlington Blvd, Arlington, VA 22204 under the training vendor and address field; list the desired language under course title; and note "speaking only" and the date range available for the examination in the training objective field. FSI can administer the test at the FSI office in Arlington, VA, or over the telephone. To request a telephone exam, state so in the training objective field.
- Section C: payment information. *The \$350 cost of the exam will be borne by the local Asylum Office. FSI accepts only federal fiscal data or federal credit card payments.*
- Sections D and E: approvals, including Asylum Office Director or Deputy Director approval.

c. Scheduling a Proficiency Test

The HQASM POC will send the SF-182 to the FSI. The FSI will schedule the test within a few weeks based on its availability and the AO's availability as listed on the SF-182. The FSI will send a scheduling confirmation to the HQASM POC, who will forward the confirmation to the AO and copy the Asylum Office Director and Deputy. The FSI must receive cancellation and scheduling change requests at least two business days before the date of the test. Otherwise, the FSI will bill USCIS for

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the “no show.” Examinees who are more than 15 minutes late to a scheduled testing appointment are also considered a “no show.”

The FSI will send the test results to the HQASM POC within 20 business days of the day the test is administered.

An AO may re-take a language proficiency test by submitting an SF-182 and following the steps listed above. An AO who earns less than a 3 on the speaking test must generally wait one calendar year before re-taking the test for certification. Asylum Office Directors have discretion to allow an Asylum Officer to take the test more than once in a calendar year.

The new guidance regarding language certification for AOs will be incorporated in the next release of the AAPM.

Please direct any questions regarding these procedures to the HQ Asylum Management Branch.