



U.S. Citizenship
and Immigration
Services

JUN 11 2014

HQRAIO 120/16

Memorandum

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

FROM: John Lafferty
Chief, Asylum Division 

SUBJECT: Changes to Credible Fear and Reasonable Fear Cases Requiring Quality Assurance Review

Purpose

The Headquarters Asylum Division (HQASM) is implementing changes to the categories of Credible Fear (CF) and Reasonable Fear (RF) cases requiring Quality Assurance (QA) review. HQASM now requires pre-decisional QA review of a random sampling of CF and RF determinations, both positive and negative.

Background

HQASM has undertaken an evaluation of the QA processes throughout the Asylum Division's programs. As part of that evaluation, on January 27, 2014, the Asylum Division revised the categories of affirmative asylum cases that require QA review by HQASM. More recently, we have evaluated the categories of CF and RF cases requiring QA review. HQASM has historically reviewed negative CF and RF determinations. In a Congressionally-mandated February 2005 report on asylum seekers in expedited removal, the U.S. Commission on International Religious Freedom (USCIRF) concluded, "[t]he credible fear process would be much more effective by subjecting negative and positive determinations to similar quality assurance procedures to ensure against bias built into the credible fear decision-making process."¹ The current CF QA procedures are virtually the same as those reviewed by USCIRF. We are now revising our CF and RF QA categories in order to provide a uniform process for review of CF and RF determinations, whether positive or negative.

¹ USCIRF, Report on Asylum Seekers in Expedited Removal, p. 172, at http://www.uscirf.gov/sites/default/files/resources/stories/pdf/asylum_seekers/ERS_RptVolIII.pdf.

These changes to CF and RF QA will give HQASM broader oversight and insight into all CF and RF determinations. This revised QA model will also permit the HQASM QA Branch to develop broad guidance and training based on the trends identified by reviewing CF and RF cases that are representative of the field's caseload. This will help us improve the quality of CF and RF determinations as a program, rather than limiting quality improvement to the individual case in which QA review is conducted.

Implementation

Under the revised QA review model, the Asylum Offices will send a random sampling of CF and RF determinations – both positive and negative – to HQASM for pre-decisional QA review. HQASM has established a statistically valid sample size that facilitates a thorough review of each case and maintains a high confidence level.

In addition to this submission structure, HQASM continues to require pre-decisional QA review for any CF determinations involving high-profile claims or novel legal issues. HQASM is also now requiring that RF determinations involving high-profile claims or novel legal issues be submitted to HQASM for pre-decisional QA review. HQASM continues to accept for pre-decisional QA review any CF or RF case in which the Asylum Office Director seeks such review.

Asylum Offices must receive a final response from HQASM on each case submitted for pre-decisional QA review before the final determination can be served on the alien, including on cases pending QA review prior to implementation of this revised QA review model.

If you have any questions, please contact the Asylum Division Quality Assurance Branch Chief and/or email the Asylum QA – Credible Fear mailbox or Asylum QA – Reasonable Fear mailbox.