




**U.S. Citizenship
and Immigration
Services**

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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: Guidance on Immediate Family Members in Credible Fear

Purpose

The purpose of this memorandum is to issue guidance on who is considered an immediate family member in the credible fear process, credible fear determinations for immediate family members, and linking related family members in the Asylum Pre-Screening System (APSS).

Immediate Family Members

In the credible fear process, immediate family members are the spouse and any unmarried child under 21 years of age who arrive in the United States concurrently with the principal applicant.¹

Credible Fear Determinations for Immediate Family Members

A family member's claim may provide the basis for all the immediate family members' credible fear determinations if the immediate family members: (1) arrived in the United States concurrently; and (2) desire to be processed together.² Even if those two requirements are met, Asylum Offices retain the discretion to process immediate family members together or separately. In addition, immediate family members may opt to present separate credible fear

¹ "The term [terms] "spouse," "wife," or "husband" do not include a spouse, wife or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated." INA § 101(a)(35). It is the applicants' burden to show that they were recognized as legally married in their country of origin in order to be treated as a spouse for purposes of the credible fear determination. The applicants also have the burden to establish that they arrived in the United States concurrently.

² 8 C.F.R. 208.30(b)

claims, even if they do meet the above requirements, and even if they are physically located together.

Immediate family members may be separated after their concurrent arrival in the United States. If immediate family members are in different locations, Asylum Officers do not have an affirmative duty to attempt to locate those family members. However, Asylum Officers may, in their discretion, attempt to locate family members if doing so does not unreasonably delay the credible fear process.

APSS Procedures

Immediate family members should be linked together in APSS whenever one family member's claim provides the basis for all the immediate family members' credible fear determinations. They may be linked in APSS even if they are not physically together. Immediate family members who choose to present their own credible fear claims should not be linked together in APSS because they will receive credible fear determinations based on their individual claims.

The APSS Guide has been updated with detailed instructions on how to link immediate family members in the system.

For questions, please contact Credible Fear Program Manager, HQ Operations Branch.

Attachment

1. APSS Guide (revised June 27, 2014)