

USCIS ASYLUM DIVISION STAKEHOLDER MEETING

June 8, 2010

20 Massachusetts Avenue, NW

White Oak Conference Room

2:00 – 4:00 pm

Agenda Items

1. Asylum Division Updates

2. Requested Statistics

- a. Most recent statistics on Credible Fear Interviews (CFIs) and completions since the last meeting (March 2, 2010)
 - i. Since the last meeting, the overall CFI passage rate and by asylum office.
 - ii. The number of those referred for a CFI as a result of internal pickups due to the expansion of the expedited removal program.
 - iii. Top 5 nationalities of those referred for CFIs since the last meeting.
- b. The same statistics for Reasonable Fear Interviews (RFIs).
- c. Timeframe for completion of CFIs and RFIs in the last quarter and a breakdown of what those timeframes are indicating (referral to interview v. interview to decision v. referral to decision, etc.).
- d. Please provide:
 - i. Statistics on Afghan and Iraqi adjudications for the last 3 months.
 - ii. Charts for the last 10 years on Iraqi and Afghan cases bringing it up to date for this fiscal or calendar year.

3. Question. Please outline the proper procedure and timeframes for requesting and adjudicating reasonable fear interviews. Clients in some locations report waiting an average of four to five months for a reasonable fear interview.

4. Question. How widespread is the use of telephone and video credible fear interviews? Is USCIS taking measures to ensure that the interviews are conducted in person whenever possible?

5. Question. Does USCIS have a notification prepared on reasonable fear rights and procedures that ICE and CBP use? What type of training to ICE and CBP is provided, if any?

6. Question. LIRS would like to convey our appreciation to the Asylum Office for your support for NGO programs to provide representation to asylum-seekers to their credible or reasonable fear interviews. Several NGOs around the country are seeking to replicate the program successfully established by the Capital Area Immigrants' Rights Coalition. These NGOs have contacted Asylum Offices in Newark and Miami, and plan to make contact with the Los Angeles Asylum Office as well, and in some cases, NGO partners

have reported that it is difficult to reach Asylum Office personnel to discuss these efforts. Who in the Asylum Office Headquarters should serve as our point of contact for questions or concerns about implementing the CFI/RFI representation programs locally?

7. **Question.** Asylum applicants continue to experience significant difficulties in establishing eligibility for employment authorization, despite the relatively clear procedures set forth in the regulations at 8 C.F.R. Section 208.7 and 1208.7. Because the majority of asylum applications are disposed of by the asylum office within 180 days of filing, most EAD eligibility issues for asylum seekers arise in the context of removal proceedings rather than the affirmative asylum procedure. While the manner in which clock decisions are addressed in immigration court is properly within the province of EOIR, EOIR's policy determinations about an applicant's employment eligibility should be aligned with and take the lead from USCIS Asylum HQ positions.

Eligibility for employment authorization for asylum seekers is an issue that is properly the province of USCIS, and not EOIR, whose sole function is to keep track of the number of days an asylum application is pending. Because it is not always clear that the USCIS and EOIR stop and start the employment authorization clock according to the same underlying positions on eligibility for employment, the need for additional guidance from USCIS on this issue is critical. We believe EOIR would welcome input and guidance from the Asylum division within RAIO on this issue.

To that end, we are seeking your participation in inter-agency discussions, involving EOIR and Asylum HQ, with a view to resolving the recurring and significant problems with the asylum clock.

8. **Question.** A pro bono attorney in Los Angeles filed an I-589 with the Nebraska Service Center pursuant to the TVPRA provisions for unaccompanied children (UAC). Subsequently, the attorney filed an I-360 seeking to have the client classified as a Special Immigrant Juvenile. When the attorney inquired about the status of the I-360, CIS responded with a letter that the I-360 was being held in abeyance until the I-589 interview took place. A copy of the letter is attached. The attorney believes it is in her client's best interest to pursue SIJS as the primary form of relief. However, she has been told that she must now withdraw the I-589 (using the attached form) and thus presumably lose any protections that attached to her initial filing in order to have the I-360 adjudicated first.

Is this reflective of a new local (LA office) or nationwide policy of CIS? Is CIS always putting SIJS petitions "in abeyance" pending asylum interviews, or is it simply that the "first filed" application or petition gets precedence? If the former, are the I-360s being held in abeyance pending the I-589 interview or I-589 adjudication? Can a system be set up to allow attorneys or elect to hold the I-589s in abeyance rather than the I-360s?

9. Under the administration's policy of transparency, please consider releasing the Asylum Officer's Memo, or Referral Memo, under the Freedom of Information Act (FOIA).