The mission of the Asylum Program encompasses the management of four main programs:

- Affirmative asylum applications
- Suspension of deportation or cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA 203)
- Credible fear screenings for individuals in expedited removal
- Reasonable fear screenings for certain individuals subject to administrative removal (e.g., aggravated felons and reinstatements.)

Asylum Officers also travel overseas to interview and process refugee applications.
Asylum has eight Field Offices located at the following locations (corresponding circuit ride locations are listed in parentheses):

- Arlington, VA (Atlanta, GA)
- Chicago, IL (Cleveland, OH; Helena, MT; Kansas City, MO; Omaha, NE; St. Paul, MN; St. Louis, MO)
- Houston, TX (Denver, CO; El Paso, TX; Memphis, TN; Salt Lake City, UT)
- Los Angeles (Anaheim), CA (Agana, GU; Honolulu, HI; Phoenix, AZ)
- Miami, FL (Jacksonville, FL; San Juan, PR; St. Thomas, VI)
- Newark, NJ (Boston, MA; Buffalo, NY; Portland, ME; St. Albans, VT)
- New York City (Rosedale), NY
- San Francisco, CA (Portland; OR; Reno; NV; Seattle, WA)
Historical Receipts of New Asylum Filings and Pending Asylum Workload  All Offices

Fiscal Year


Pending
New Receipts
Need new chart
user_template, 2/22/2011
TWO PATHS TO ASYLUM

DEFENSIVE
IJ with EOIR/ DOJ

- Applicant is in removal proceedings via
  - affirmative asylum process,
  - credible fear process, or
  - DHS enforcement action
- Proceedings are adversarial
- Interpreter provided

AFFIRMATIVE
Asylum Officer with USCIS

- Applicant is not in removal proceedings (unless an unaccompanied alien child)
- Non-adversarial interview
- No interpreter provided
- Telephonic interpreter monitor is provided
THE AFFIRMATIVE PROCESS

- Mails application to USCIS Service Center.
- Notice to go to ASC for biometric collection – 14-day window.
- Notice to appear for interview – generally w/in 43 days of filing, unless at circuit ride location.
- Dependents included in the application must appear for the interview.
- Applicant may bring attorney or accredited representative.
- Applicant must bring qualified interpreter if not fluent in English. Interpretation will be monitored.
- Interview is “non-adversarial” – Asylum Officer has affirmative duty to elicit all relevant facts.
DECISION

- Most applicants required to return to Asylum Office 2-weeks after interview to pick-up decision in person.

- Types of Decisions:
  - Asylum granted
  - Notice of Intent to Deny with opportunity to rebut, if in valid status. If rebuttal fails to overcome reasons for denial, application denied; No appeal
  - Referral to Immigration Judge for *de novo* determination
BENEFITS OF ASYLUM

- Can’t be removed unless asylum status terminated
- Authorized to work incident to status
- Can request derivative asylum status for spouse and child
- May apply for unrestricted social security card
- Assistance Services through HHS, Office of Refugee Resettlement
- Employment Assistance
- Can apply for adjustment of status after 1-year
EXPEDITED REMOVAL

- In general, applies to those who:
  - Attempt entry at port of entry by fraud or misrepresentation or without proper documents.
  - Apprehended within 100 air miles of the border and within 14 days following an illegal entry.
  - Arrive by sea without proper documents.

- Expedited removal: May be ordered removed without seeing an immigration judge, unless asks for asylum or expresses a fear of return.
CREDIBLE FEAR SCREENING

- If asylum seeker subject to expedited removal asks for asylum or expresses fear of return, referred to USCIS asylum officer for credible fear screening.

- Asylum Officer will interview asylum seeker in detention center.

- Those who establish a significant possibility of being found eligible for asylum, withholding of removal, or protection under the Convention Against Torture ("credible fear") are placed in removal proceedings before IJ.

- In FY10, the Asylum Division completed over 98 percent of credible fear screenings within 14 days of referral.
REASONABLE FEAR SCREENING

- If alien in reinstatement or administrative removal proceedings expresses a fear of persecution or torture, referred to USCIS Asylum Officer for reasonable fear screening
  - Asylum Officer will interview alien in detention center
  - Those who establish a reasonable fear of persecution or torture (applying the well-founded fear standard used in affirmative asylum adjudications) are referred to an IJ for full consideration of eligibility for withholding of removal or protection under the Convention against Torture
  - The number of aliens referred for reasonable fear screening increased by almost 100% from FY08 to FY09 and again from FY 09 to FY10
FY 2011 GOALS
ASYLUM

- Develop a national training agenda based on results of FY 2010 national training needs survey
- Finalize children’s training module and deploy to the field
- Complete quality review initiative for all Asylum Offices and issue findings
- Conduct a review of existing USCIS Asylum Division employment authorization clock procedures and determine if existing clock information is customer-friendly
FY 2011 GOALS (cont’d)

ASYLUM

- Enhance security check processing by exploring the usage of NCTC security checks, expanding and enhancing biometric information sharing, and pursuing increased systematic information sharing with Canada
- Prepare for implementation of telework policies in Asylum Offices and Headquarters
- Analyze and develop recommendations regarding study to ascertain appropriate productivity rate for officers; adjust productivity targets as necessary