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

Years: 1993 to 2010 (proj.)

YTD

YTD (proj.)
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
- 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.
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 FY09, the Asylum Division completed over 93 percent of credible fear screenings within 14 days of referral.
FY 2010 GOALS

ASYLUM

- Develop a national training agenda based on feedback from adjudicators and supervisors regarding educational needs.
- Adjust Asylum Division staffing based on receipts and changes in Asylum Officer staffing levels.
- Support Transformation and RAIO re-design efforts.
- Establish and implement a country of origin information research and field engagement strategy.
- Implement strategies to progress toward systematic information sharing with Canada.
FY 2010 GOALS (cont’d)

ASYLUM

- Implement new quality assurance framework to ensure that asylum officers’ decisions are reviewed for quality and consistency.
- Contribute to DHS and USCIS efforts to resolve TRIG issues in order to adjudicate remaining caseloads.
- Implementation of study of asylum processing times.
- Achievement of a 6-month real time processing for asylum applications.