

**Asylum Quarterly Engagement and Listening Session
Wednesday, February 23, 2022, 2:00 – 3:30 PM, Eastern**

Welcoming remarks

Andrew Davidson, Acting Deputy Associate Director, RAIO

- Good afternoon, everyone, and thank you for joining today's event. And thank you to the USCIS Public Engagement Division for working with us to relaunch these Asylum Quarterly Stakeholder Engagements.
- Before turning things over to the Asylum Division, I wanted to take a few moments to provide an overview of some of USCIS' recent asylum-related work, especially the progress we have made in support of the immigration-related Executive Orders and Proclamations that President Biden issued just over one year ago.
- USCIS' Refugee, Asylum and International Operations Directorate, or RAIO, has had the privilege of being at the forefront of the agency's implementation of many of the directives promulgated by the President in the Executive Orders.
- On the asylum front, we reviewed all current rules, regulations, precedential decisions, and internal guidelines governing the adjudication of asylum claims and determinations of refugee status to evaluate whether the United States provides protection for those fleeing domestic or gang violence fairly, efficiently, and consistent with international standards.
- In conjunction with that comprehensive review, we updated related training materials after Attorney General Garland's decisions vacating the prior Attorney General opinions in *Matter of A-B- I* and *II* and *Matter of L-E-A*.
- Relatedly, we continue to provide support for the promulgation of a joint DHS-DOJ rule that will address the circumstances in which a person should be considered a member of a particular social group.
- In addition, we issued updated guidance in response to the Department of State's suspension and termination of the Asylum Cooperative Agreements (ACAs) with Guatemala, El Salvador, and Honduras and rescinded guidance issued in 2019 regarding the internal relocation analysis asylum officers conduct in affirmative asylum adjudications and credible fear screenings.

- Finally, we continue to focus on rebuilding our nation's asylum and refugee programs under the Biden Administration Blueprint for a Fair, Orderly, and Humane Immigration System and we are fortunate to have such an active and engaged stakeholder community to partner with in these efforts.
- Welcome again, and with that I will turn it over to Ashley Caudill-Mirillo, Acting Chief of the Asylum Division.

Asylum Updates and Responses to selected pre-submitted questions

Ashley Caudill-Mirillo, Acting Chief of the Asylum Division

- Good afternoon, everyone – I am so pleased to be here with all of you today and to be reinstituting the Asylum Division's Quarterly Stakeholder Engagements. I know it has been a long time coming and I thank you all for your patience.
- Let me begin by saying that USCIS, and particularly the Asylum Division, recognizes and appreciates the vital role and contributions that you and your organizations play in advocating for the asylum community.
- My goal with today's event is to kick off our asylum quarterly engagements for 2022 so that we can continue to create a space for dialogue on critical issues affecting those seeking asylum.
- Several of my colleagues have joined me today to share their expertise on various issues as a part of our conversation. I would like to introduce:
 - **Beth Mura**, Operations Branch Chief- RAIO Asylum Division
 - **Amanda Baran**, Chief- OP&S
 - **Kathryn Anderson**, Deputy Chief- OP&S
 - **Rena Cutlip-Mason**, Chief - OP&S Humanitarian Affairs Division
- I appreciate that so many of you submitted questions in advance of our event today. We will do our best to answer as many as possible.
- Before I get into the questions, I would like to share some important personnel announcements. First, Robert Daum is currently serving as the Acting Deputy Chief of the Asylum Division. He is on detail to Asylum Headquarters from his normal position as the Director of the Houston Asylum Office. Irvin Gadson is currently serving as the Acting Director of the Houston Asylum Office. In addition, Susan Raufer, normally the Director of the Newark Asylum Office, is on detail to Asylum Headquarters spearheading our efforts related to asylum applications filed by Afghan

nationals covered by the Continuing Resolution. Mollie Isaacson is currently serving as the Acting Director of the Newark Asylum Office.

- When reviewing your questions some clear themes emerged and they are consistent with what we know as ongoing issues:
 - Backlog reduction and appropriations
 - Staffing and training
 - Interview scheduling
 - The impact of COVID-19
 - Afghan Asylum processing
 - Interpreters
 - Employment Authorization Documents
 - Statistics
- Our updates today will address ongoing work in these areas.
- I'd like to begin today's meeting by touching on some of your pre-submitted questions and sharing more information about our asylum efforts.

Topic 1: Backlog Reduction and Appropriations

- Understandably, we received many questions related to **backlogs and resources** to address them.
- We are **working very hard to address backlogs and case processing times** throughout the Asylum Division.
- We agree the backlogs are currently too big and too long.
- Director Jaddou has committed to use all available policy and operational improvements to reduce both the number of pending cases and overall processing times and has appreciated and welcomes more of your creative ideas for doing so.
- Reducing our processing times is vital to the future of the Asylum Division, so that we can provide timely and effective protection to those in need.
- This cannot be achieved simply by working **“harder or faster.”**

- This **requires meaningful technological changes and streamlining innovations** to our underlying processes to achieve new efficiencies while ensuring the integrity and security of the immigration system.
- Some good news:
 - Following the President's Budget Request in FY 2022 for \$345 million to support, in part, asylum backlog reduction, we received \$250 million from Congress in the **FY 2022 Congressional Continuing Resolution** (Section 132) for application processing, including the reduction of the asylum backlog.
 - **The Continuing Resolution also appropriated an additional \$193 million for Operation Allies Welcome (OAW).**
 - This latter funding will provide the Asylum Division with resources to **expedite the interview and adjudication of asylum applications filed by certain Afghan nationals as required by the Continuing Resolution.**
 - And it will **help pay for costs like payroll, interpreters, background check processing, overtime, and travel** related to OAW interviews and adjudications. This will allow us to expedite OAW asylum applications without taking resources away from our other critical asylum workstreams.
 - We are also exploring whether we can set up **temporary interview sites** to increase concurrent capacity in any high-volume locations.
- As mentioned a moment ago, we received a down-payment on the request in the latest Continuing Resolution and hope that the final legislative package for the rest of FY 2022 funding will include the remaining dollars not yet appropriated.

We're excited that a portion of this funding will be used to hire over 150 Asylum Division staff who will be focused on work related solely to backlog cases or backlog reduction. This represents almost 10% of our overall onboard strength, so this boost will provide much needed support to our adjudications.

- Some of you also expressed concerns about delays in receiving a decision in Affirmative Asylum adjudications after an interview is conducted.
 - Given our historic resource limitations, we see each interview slot as a valuable resource and agree we have a shared interest in seeing cases through to completion after we have conducted an interview.

- We know some cases require additional processing time following an interview because of the need for further internal review of the decision or case, as well as COVID-19 processing challenges. However, we aim for that to be the exception and not the rule.
- For that reason, we instituted a post-interview completion goal to address this issue.
- Currently, the national goal is to issue 70% of decisions within *20 days* of the affirmative asylum interview for cases filed since June 4, 2020. I am glad to report that we did meet this mark in FY21.

Topic 2: Staffing and Training

- Several of you asked about **hiring and training**.
- It is without doubt that backlog reduction is directly linked to staffing.
- This means hiring more asylum officers and support staff.
- As of January 28, 2022, the **Asylum Division was at 76% of authorized staffing, with approximately 460 vacancies**. Notably, the Asylum Division received more than 200 positions over the summer which automatically reduced our onboard staffing percentage - -which had been just over 90% prior to the provision of these positions.
- **And, as I mentioned a minute ago, we are very pleased to share that due to congressional funding, we will be able to increase the number of staff who support the Asylum Division by over 150 positions to address the backlog. The current 76% onboard percentage I noted does not include these positions as there are a few administrative actions that need to be taken first. We expect those actions to be finalized soon so that we can begin to recruit for these positions in the near future.**
- As a result of our current vacancies and future positions, we have been and will continue to work diligently to onboard new staff, as quickly and efficiently as possible.
- We welcome your help to encourage recent graduates and diverse candidates from the private or public sectors to join the USCIS Asylum Corps. We want to work with you on outreach and recruitment strategies to spread the word about open positions in the Asylum Division.

- We are very mindful, however, that our work does not stop when new staff are brought onboard. They must receive the proper training, tools, and ongoing mentorship and support they need to do their jobs. Training all staff, including our new asylum officers is a priority and does take time.
- Our adjudications can be quite complex and sensitive.
- To that end, we have recently revamped our training to include enhanced content, additional practical exercises, and streamlined ramp-ups to better equip our officers to handle our workloads in terms of quality and quantity.
- Due to the COVID-19 pandemic, our officer training shifted to be entirely virtual but the topics of study and the rigor of the officer training remained.
- In addition, we are crossing organizational boundaries and leveraging economies of scale to provide better support for our operational staff. A Section Chief and Supervisory Asylum Officer training pilot was launched at the end of the summer and a training for operational staff will be piloted later this year. We will continue to identify training gaps and evaluate new training opportunities to improve the quality, consistency, and efficiency of our staff.

Topic 3: Affirmative Asylum Interview Scheduling

- Given our backlogs, we received many questions about interview scheduling and when to submit evidence.
- Overall, the Asylum Division schedules interviews in the following priority order:
 - First: Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant's request or the needs of USCIS.
 - Second: Applications that have been pending 21 days or less (since filing).
 - Third: All other pending affirmative asylum applications will be scheduled for interviews starting with newer filings and working back towards older filings.
- Workload priorities, including those related to protection screening for recent arrivals at the border, may affect our ability to schedule all new applications for an interview within 21 days.
 - We have also lost some of our capacity to conduct interviews due to social distancing necessitated by the COVID-19 public health emergency.

- Asylum office directors may consider, on a case-by-case basis, an urgent request to be scheduled for an interview outside of the priority order I mentioned a minute ago.
- In FY 2021, 26% of the interviews conducted were of cases pending for 36 months or more, and 38% of the cases completed were of cases pending for 36 months or more.

Topic 4: COVID-19

- We received a few questions on COVID-19 and how our continued pandemic posture will impact operations.
- COVID-19 health and safety protocols have certainly changed how we are conducting interviews and how our offices operate.
- All asylum offices currently allow for remote appearances by attorneys and accredited representatives who have submitted Form G-28 for asylum and NACARA interviews, and USCIS is providing telephonic interpreters for many languages.
- Instructions and opt-in forms for remote attorney participation in the asylum interview for each office are available on our website.
- Our public engagement team can add that in the chat box.
- Due to the Omicron variant, the asylum offices returned to primarily utilizing video-facilitated interviewing and are using in person interviewing in limited circumstances. We will continue to evaluate our operational posture in conjunction with the agency's subject matter experts based on local COVID transmission rates in the asylum offices to protect the health and safety of our staff and the public.
- I am sure it is not surprising that circuit ride travel was reduced drastically in FY 2021 due to COVID-19 mitigation measures.
- In November 2021, Asylum Headquarters authorized asylum offices to resume circuit rides as mission-essential activities so long as circuit ride travel and interviews follow applicable USCIS requirements, as well as any capacity constraints necessitated by social distancing requirements, and any other federal, state, and/or local COVID-related mandates.
- As a result, asylum offices are planning for the resumption of circuit rides throughout FY 2022.

- The Asylum Division anticipates resuming more circuit ride travel as conditions improve in circuit ride locations.

Topic 5: Afghan Asylum cases

- The Asylum Division and its offices are planning for the potential influx of applications filed by Afghan nationals, including parolees whose applications will require expedited interviews and adjudications pursuant to the Continuing Resolution.
- Continuing Resolution – OAW
 - Under sec. 2502(c), USCIS must conduct the initial asylum interview of certain parolees as defined in sec. 2502(a) not later than 45 days after the filing date and, in the absence of exceptional circumstances, adjudicate the asylum application within 150 days after the filing date.
 - We developed a spend plan for the appropriations to address issues such as estimated interpreter costs, travel costs, overtime, payroll, and temporary facilities, among other issues.
- Afghan nationals who are not covered by the Continuing Resolution may request expeditious processing by the asylum office with jurisdiction over their application. Asylum office directors may consider, on a case-by-case basis, an urgent request to be scheduled for an asylum interview, including when applicants have a family member in danger of harm in the country of claimed persecution.
- Regardless of whether a case filed by an Afghan national is covered by the CR, we are also focused on proactively developing adjudicative resources and tools that will help staff across the agency be better prepared for a potential influx of these cases. This is especially important since the Asylum Division has not received a high volume of asylum applications from Afghan nationals in recent years. Notable examples of these efforts include:
 - The RAIO Research Unit (RU) has launched a centralized Country of Origin (COI) repository accessible to RAIO officers.
 - The Afghanistan COI bank includes information from sources that report on the history, cultural context, timeline of events, and changes occurring in Afghanistan.
 - RAIO RU plans to update the information periodically.
 - Asylum offices and HQ are collaborating on trainings to address adjudication of Afghan cases, and the Asylum Division is collaborating

with the International and Refugee Affairs Division and other RAIO programs to gather resources and provide training materials to prepare the workforce.

Topic 6: Interpreters

- I want to take a moment to address how the Asylum Division works with interpreters.
- The Asylum Division utilizes three contract vendors for its language needs. Two of the vendors have been servicing the Asylum Division for more than 10 years and the third has been supporting the Asylum Division for more than five years.
- These contracts are managed at Asylum Division Headquarters and support over 120 languages combined. Asylum Headquarters regularly reviews unaccommodated languages and other quality control complaints in order to engage with our vendors and the USCIS Office of Contracting to ensure our needs are met.
- Per contractual requirements, the contract interpreters are carefully vetted and tested. They must pass rigorous background checks as well as demonstrate fluency in reading and speaking English as well as the language of interpretation. The contractor must test and certify the proficiency of each interpreter as part of their quality control plan.
- USCIS contractors must provide interpreters capable of accurately interpreting the intended meaning of statements made by the asylum officer, applicant, representative, and witnesses during interviews. Our contracts require the interpreter to provide direct interpretation.
- In situations where the applicant or asylum officer experiences problems with the contract interpreter such as lack of fluency in English or the language of interpretation, inappropriate interjections, or the officer believes that the contract interpreter may be abusing their role, appears biased or prejudicial against the applicant, appears to be breaching confidentiality or otherwise is not acting professionally, the interview is stopped so that the officer may obtain another contract interpreter.

- Asylum Officers are instructed to record any difficulties with the interpreter as previously described in the interview notes and interpreter log. If the performance issue is egregious in nature such that it requires immediate attention, Asylum Officers are instructed to bring the issue to the attention of office management who will share it with the program manager at Asylum HQ, who manages the contracts. All quality concerns raised by Asylum Officers are taken seriously and promptly addressed with the contract vendors. Similarly, if you detect such issues, you are encouraged to bring them to the Asylum Officer's attention and/or an available supervisor or manager ideally before a decision is issued so that we can remedy the situation at the earliest available opportunity.
- The Asylum Division regularly monitors the accommodation rates as well as the number of interpreters available for each language. We work with the vendors to identify languages which are lacking enough interpreters and request that the vendors recruit additional interpreters. As language demands shift, the program managers work with the interpreter services vendors and our USCIS partners to help ensure the expeditious processing of additional interpreter contract staff as they are recruited or to pursue additional language contracts.
- In addition, our contracts provide sign language and/or certified deaf interpretation (CDI) for individuals at interviews upon request. These contracts require the contractors to provide American Sign Language (ASL), other foreign sign language, or a Certified Deaf Interpreter (CDI) as requested.
- The Interpreter Temporary Final Rule ("TFR"), currently in place until March 16, is one of USCIS' efforts to protect the health and safety of its employees and the public. With the Interpreter TFR, DHS aims to continue to mitigate the spread of COVID-19 by seeking to slow the transmission and spread of the disease during asylum interviews before USCIS Asylum Officers.
 - Asylum applicants who are unable to proceed with the interview in English will ordinarily be required to proceed with government-provided telephonic contract interpreters provided the applicants speak one of the 47 languages found on the Required Languages for Interpreter Services Blanket Purchase Agreement/U.S. General Services Administration Language Schedule ("GSA Schedule").
 - If the applicant does not speak or elects to speak a language not on the GSA Schedule, the applicant will be required to bring his or her own interpreter who is fluent in English and the elected language not on the GSA schedule to the interview. Additionally, the current TFR allows, in USCIS'

discretion, an applicant for asylum to provide an interpreter when a USCIS interpreter is unavailable.

- We are currently evaluating whether a further extension of the TFR is necessary. I do not have additional information to provide on that at this time. We would appreciate hearing your feedback on this important issue.
- The next topic is employment authorization so I will pass to Rena Cutlip-Mason with Office of Policy and Strategy, Humanitarian Affairs Division.

Topic 7: Employment Authorization

Update by Rena Cutlip-Mason, Chief, Office of Policy and Strategy, Humanitarian Affairs Division

- Although the Asylum Division does not handle applications for employment authorization documents (EADs), Director Jaddou has noted in recent stakeholder engagements that USCIS is keenly aware that EAD processing times are too long and as an agency we recognize the difficult and uncertain position that it places people and their families in.
- The appropriate parties have been taking both policy and operational actions to address this issue, and they continue to look for and employ all available solutions to reduce EAD processing times.
- As you may know, on Feb. 7, 2022, the U.S. District Court for the District of Columbia in the case, *Asylumworks, et. al. v. Alejandro N. Mayorkas, et. al.*, vacated the June 22, 2020, final rule, [Removal of 30-day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications Rule](#) and the June 26, 2020, final rule, [Asylum Application, Interview, and Employment Authorization for Applicants Rule](#). Effective immediately, USCIS has ceased applying these rules to asylum applicants.
- USCIS will soon share additional information regarding how this order impacts applicants and USCIS processes.
- I will now pass the presentation back to my colleague, Ashley Caudill-Mirillo to continue the Asylum specific updates.

Topic 8: Asylum Statistics

Update by Ashley Caudill-Mirillo, Acting Chief of the Asylum Division

- We have heard your call for more transparency and to regularly provide asylum statistics again. We are currently discussing the best way to operationalize this and aim to begin posting statistics by the end of 2nd Quarter of FY 22 (March 31).
- In anticipation of posting these statistics, I can share with you some overall stats for FY 22 to-date.
- As of November 2021, our receipts increased to over 10,000 per month for the first time since the fall of 2020. As of February 11, we have received over 35,600 affirmative asylum applications. This is a 60% increase from this time last year. The top nationality for most cases filed is Venezuela. Our current pending caseload is over 436,100 applications.
- As of February 11, we have received over 25,000 credible fear (CF) referrals and 1,900 reasonable fear (RF) referrals. The top nationality for referrals for CF is Nicaragua and for RF is Mexico.

Select Pre-submitted Questions and Responses

- Before moving into the listening session part of our event, I would like to answer a couple of specific questions we received in advance.
 - **Question 1:** How many active asylum officers are there onboard currently? Director Jaddou said during the February 2 USCIS engagement that the agency is working to hire 200 additional staff in the asylum division. How many of these 200 staff are going to be asylum officers? How many of these new asylum officers have been hired?
 - **Answer 1:** Asylum offices are currently authorized at a staffing level of 950 asylum officers, and, through funding from the FY 2022 Continuing Resolution, an additional 125 or more asylum officer positions are expected to be approved. As of January 28, 678 of the 950 asylum positions were filled with 272 vacant (71%). As noted earlier, many of those vacancies are the result of new positions the Asylum Division received over the summer. We have a number of selections at various stages of the hiring process as a result of a fall hiring surge. Although we expect our onboard numbers to increase significantly as a result, our onboard percentage may go down in the short term once these new CR backlog positions are added. We are already working with our partners in human resources and background security and integrity to prepare to recruit against the CR backlog positions as soon as they are

available.

- **Question 2:** What were the top five nationalities submitting affirmative asylum applications in FYs 2020 and 2021, and how many applications did each nationality submit?

- **Answer 2:**

	FY20 Filings	# files	% of total
1	Venezuela	22.7K	24%
2	China	9.7K	10%
3	Guatemala	8.4K	6%
4	Honduras	6.0K	6%
5	El Salvador	5.4K	6%
	All Other	41.5K	44%
	FY20 Total	93.6K	100%

	FY21 Filings		
	Top Five countries	# files	% of total
1	Venezuela	9.1K	15%
2	Guatemala	6.6K	10%
3	Haiti	5.0K	8%
4	Honduras	4.4K	7%
5	Colombia	4.1 K	7%
	All Other	33.8K	54%
	FY21 Total	62.8K	100%

- **Question 3:** I understand that the asylum officers get four hours of training, each week, in-house. Is that true? Can you tell me what subjects they were trained on during January 2022?

- **Answer 3:** There is no regulatory requirement that mandates officers receive a predetermined number of hours of training per week. Officers must, however, be provided with ongoing training in the areas relevant to their work as asylum officers. The length of weekly trainings may vary based on the topic. We endeavor to make our weekly trainings as robust as possible. In general, the weekly in-house trainings are likely to be between 1.5-3 hours per week, but officers also have other agency-required trainings they must complete in addition to our weekly in-house. All offices have designated weekly training time built into their schedule each week. Trainings not developed by Asylum Headquarters are created by field Training Officers.
- The Asylum Division established the National Training Curriculum (NTC) in July 2021. The NTC provides field Training Officers with a framework of essential trainings to be delivered throughout the fiscal year. It leverages resources across the Division and promotes consistency and quality by utilizing field working groups to develop trainings for national delivery, along with Headquarters-developed national trainings. By pooling training resources, economies of scale are created and asylum employees in different field offices benefit from consistent training.
- In January, all offices completed the FY22/Q1 NTC Training “Selected APSO and Affirmative COI Trainings,” featuring credible and reasonable fear and affirmative asylum tracks designed by NTC working group participants from two offices in consultation with the RAIO Research Unit, HQ Training and Quality Assurance.
- Beyond the trainings developed and delivered as part of the NTC, offices deliver training on a variety of topics relevant to their local caseloads and operations. During January, these additional trainings spanned topics including Trafficking, Military Service, Time Management, Jurisdiction, Migrant Protection Protocols (MPP), Interpreter Services and Rare Language, credible/reasonable fear, and other COI trainings.
- Future NTC trainings may address general updates on precedent decisions, credibility, and interviewing skills.
- **Question 4:** As reported in your recent report to Congress on the Asylum backlog, in doing **backlog sweeps** for expedited or non-interview

processing of pending cases, are you referring to immigration court all cases who may be subject to the **one-year filing deadline**? Is there a process to identify possible exceptions to the one-year filing deadline in doing these sweeps?

- **Answer 4:** No, the Asylum Division is not conducting sweeps to automatically refer to immigration court all applicants who may be subject to the one-year filing deadline. However, throughout the COVID-19 pandemic, the Asylum Division has continued the pilot of sending “Notice of Evidence of Untimely Filing and Optional Waiver of Asylum Interview” to applicants who have 10 years or more between last entry and filing of the Form I-589. If an applicant wishes to waive the interview and receive a referral to immigration court, they must complete the waiver and return the notice to the Asylum Office.
- Asylum Offices have a dashboard that they use to identify cases in the backlog that may be amenable to expedited or non-interview processing such as: principal applicants who are lawful permanent residents or U.S. citizens, applications where USCIS may lack jurisdiction, or where there’s evidence of possible abandonment of the asylum application.
- We also periodically review the backlog to see if we have new information about public safety or national security issues.
- I’m eager to hear your thoughts on the important work we perform together and your ideas of how we can deepen our partnership.