U.S. Citizenship and Immigration Services

Questions and Answers

USCIS Asylum Division Quarterly Stakeholder Meeting
November 30, 2011
111 Massachusetts Avenue, NW
Washington, D.C. 20529
2:00pm to 4:00pm ET

1. **Announcements.**

   Asylum Division Updates: We are pleased to announce ten new hires at Asylum HQ to address the HQ review delays and operational needs due to an increase in applications. Stephanie Potts is our new Training and Quality Assurance (TRAQ) Chief, Rhonda Roberts is the Training Chief, six additional officers will review cases for legal sufficiency, and two officers have joined the Operations team. Further, we received permission to hire 41 people to join asylum. It is the first time in approximately seven years we will increase the number of people working for asylum; this is due to the increase in receipts. We will add 22 new Asylum Officers to interview and adjudicate cases. The Houston and New York asylum offices will see the largest increase, followed by Los Angeles.

   Recently Issued Memorandum: A recently issued memorandum, "Proposed Reasonable Fear Performance Goals," September 28, 2011, is attached. Please refer to the Reasonable Fear agenda item below for more details.

   20th Anniversary Celebration: This year marks the 20th anniversary of the Asylum Program. The Asylum HQ ceremony included presentations by David Martin, Distinguished Professor of International Law at the University of Virginia, and Doris Meissner, Senior Fellow and Director at the Migration Policy Institute. All eight asylum offices will also hold commemorative events that will emphasize the partnerships with the NGOs and advocates and allow us to celebrate our collective achievements together. A list of the events was distributed at the meeting. You may contact your local asylum office for date and time specifics.

2. **Statistics.** Please provide statistics from July to October 2011 on Affirmative Asylum workload; NACARA workload; Credible and Reasonable Fear workload; Iraq, Afghanistan and Libyan receipts; and Unaccompanied Alien Children (UAC).

   Response: The requested statistics are attached. Affirmative asylum receipts have been increasing. FY 2009 to FY 2011 saw an increase in filings by 42%; nearly 16% from FY 2009 to FY 2010 and 23% from FY 2010 to FY 2011. The nationalities of the applicants have not changed. Credible fear receipts increased more than 100% between FY 2009 and FY 2011. Reasonable fear receipts represent the highest increase in terms of percentage with an increase of

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nearly 200% from FY 2009 to FY 2011. We do not know the reason for the overall increase in receipts. The NACARA and UAC receipts are at a manageable and steady level.

3. **Additional Statistics.** Please provide a breakdown of the number of affirmative filings by asylum office over the last fiscal year and note any particular trends; a breakdown by asylum office of grants and denials for applicants who were represented versus unrepresented; and updated statistics for the breakdown of Credible Fear Interviews (CFIs) conducted in person, by telephone, and/or televideo.

   Response: The requested statistics are attached. No particular trends have been noted in affirmative asylum filings. It may be difficult to draw conclusions from the statistics reporting the rate of grants and non-grants for applicants who are represented versus those who are unrepresented due to the various forms of representation, i.e. pro-bono counsel, large law firms, private practitioners, etc. The non-grants measured in the attached statistics include no shows and administrative closures.

   We also caution against drawing conclusions from the CFI statistics. In the event a phone CFI leads to a possible negative finding, the officer must conduct an in person or televideo interview. The attached statistics may also reflect entry errors when the officers recorded the CF finding in APSS. Asylum HQ is in the process of revising procedures to assist officers in entering the correct data.

4. **Update on National Customer Service Plan.** Please provide updates on the national customer service policy that you are developing.

   Response: We have reviewed and incorporated comments from stakeholders and the asylum offices into our national customer service procedures. In addition to establishing a dedicated email address and telephone number, responding to written and SRMT inquiries, and establishing walk-in hours, we also created standardized templates for written responses, information on confidentiality, and instructions on how to communicate the plan to the public. We are in the final stages of review and we will post the finalized information on USCIS.gov.

5. **Update on the Asylum Clock.** Please provide updates on the asylum clock and Employment Authorization Document (EAD) regulations.

   Response: Asylum HQ has developed improved asylum clock procedures to address reschedules and instances when an applicant fails to appear for an interview due to extraordinary circumstances. We have also drafted additional decision letters.

   The Asylum Clock Procedures are in the final stages of review. We received and incorporated the stakeholder suggestions. The finalized procedures will be available on www.USCIS.gov once issued.

6. **HQ Review.** Many NGO and private practitioners have noted long delays in processing of cases sent to headquarters for additional review. Is there a particular reason for the delays and can you estimate how long these delays might continue?

   Response: Some cases are unavoidably delayed because we are awaiting guidance on certain issues or required action from other agencies. An additional reason for delays at headquarters is a staffing shortage. We have utilized short term detailees to assist with the backlog at Asylum HQ and we have hired new staff. We expect to be fully staffed by January. Asylum HQ has now almost eliminated the cases we had control over.

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7. **Cover Letters.** Our firm has used cover letters to introduce an affirmative asylum claim to the regional asylum office in affirmative cases, to identify the contents of the package, to request scheduling preferences (bundling, date conflicts, etc.), and to illuminate the statutory and case law basis for the applicant's claim. We were surprised to learn at a series of affirmative asylum interviews that the NSC does not forward our firm's tailored cover letters with the I-589 packages to the regional asylum office. Is there a reason for this exclusion? Is there a regulation or AFM basis for discarding the cover letter or is this a discretionary tool?

   Response: Asylum HQ consulted with Service Center Operations (SCOPS) to determine whether or not attorney cover letters are discarded. SCOPS has both a national I-589 Standard Operating Procedure (SOP) as well as I-589 SOPs for each Service Center. None of the service centers discard the cover letters. They place them in the A-file with the supporting documents or evidence submitted. The cases are scheduled automatically by a case management system and interview notices are mailed before the offices receive the A-file. A scheduling request noted on the cover letter would not alter the interview scheduling process. Rescheduling requests must be submitted to the specific asylum office with jurisdiction over the case.

8. **Asylee Grant Letter**. The asylee grant letter issued by the Arlington asylum office states that the Application to Register Permanent Residence or Adjust Status should be mailed to the Nebraska Service Center. The correct mailing address is either the Dallas or Phoenix Lockbox depending on where the applicant resides. Can you please change the template?

   Response: The Customer Service Directorate is conducting an agency-wide review of all notices. Asylum HQ is also reviewing asylum-specific notices including a revision of EAD clock language. The Office of Information Technology will update RFGM and asylum templates once the CSD review is complete. The correct address for the I-485 Permanent Residence applications may be found on the I-485 Application and the USCIS website.

9. **Asylum Clock and Juveniles.** We understand from a recent Ombudsman's Public Teleconference on Unaccompanied Children that if an Unaccompanied Alien Child (UAC) is reunified with a caretaker and subsequently requires a change of venue to another asylum office, this change of venue would constitute a delay by the applicant and would stop the asylum clock. Please provide the justification for this policy. When ORR reunifies a child with a sponsor and releases them to the care of an adult in a different jurisdiction, is this considered a voluntary delay by the minor? If so, why?

   Response: Generally, change of venue by the applicant is considered applicant caused delay. Asylum HQ welcomes recommendations from stakeholders to address concerns while also providing for consistency.

10. **Reasonable Fear Interviews.** We have heard from local service providers that several detainees are experiencing lengthy wait times before receiving Reasonable Fear interviews. We have specific examples of this where women have waited over five months for an RFI at Eloy Detention Center, but have heard reports from elsewhere in the country as well. Please provide an explanation for what might cause delays of this nature. In addition, please provide the average wait times for a Reasonable Fear interview in all CIS jurisdictions.

    Response: We recognize that delays were occurring with reasonable fear cases. We conducted a study with the asylum offices regarding the causes of delays and what actions the Asylum Division can take to resolve the delays. Asylum HQ subsequently established guidelines regarding timeliness and performance goals which can be found in the attached memorandum,

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"Proposed Reasonable Fear Performance Goals," September 28, 2011. The performance goals target an 85% completion rate within 90 days of referral and a 95% completion rate within 150 days of referral. Some of the reasons for delays include factors beyond the control of the Asylum Division including transit of detainees, medical issues, and budget constraints.

Concerning the average wait time for reasonable fear interviews, in FY 2010 and 2011, 99% of interviews were conducted within five months of the asylum office assuming jurisdiction. Please contact the local asylum office first and then Asylum HQ if applicants experience lengthy wait times.

11. **Update on Translated Documents.** At a stakeholder meeting in September 2007, it was announced that the I-589 instructions, pick-up notices, information sheets, referral sheets, denial notices, and grant notices would be translated into the top 10 languages spoken/read by asylum applicants. Please provide an update as to the status of this effort. If it was completed, how are applicants being made aware of their availability and how are the translations being made available to applicants?

    Response: Asylum HQ issued procedures in September 2008 outlining how offices should be using the translated documents. The documents are information sheets and are not personalized for each applicant. Offices should provide the documents automatically but if not, you may prompt the office to do so. We understand it would be helpful to provide a translation of the I-589 instructions. However, this is a more complicated process requiring collaboration with EOIR and continuous translation updates.

12. **Customer Service.** The asylum office in Anaheim, CA, is no longer answering questions by phone concerning asylum cases including questions like if the case is still open or if the client needs to reopen the case to be able to apply for NACARA. The office wants the alien to come in person or submit a written response by fax. Written questions are taking months to be answered for simple questions that could be resolved by phone. Is there a possibility for the asylum office to release basic information by phone after routine questions are asked by the officer to identify the applicant?

    Response: The national customer service plan will provide guidelines for standardized responses and methods of inquiry. Asylum offices must strive to both protect confidentiality and provide customer service. Asylum office personnel are instructed to provide responses by mail if the identity of the caller cannot be verified. Each asylum office may establish office-specific standards for verifying the identity of individuals over the phone.

The next meeting is scheduled for Thursday, January 26.

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Public Engagement
Washington, DC 20529-2000

Meeting Invitation

Asylum Division Quarterly Stakeholder Meeting

Wednesday, November 30, 2011 @ 2:00 pm (EST)
Conference Room 8008
111 Massachusetts Ave, NW
Washington, DC 20529

The USCIS Asylum Division will host their quarterly stakeholder meeting on November 30, 2011 at 2:00 pm (EST) in Conference Room 8008 at 111 Massachusetts Ave. NW, Washington, DC. The purpose of this engagement is for individual participants to ask questions and raise issues regarding asylum operations.

To Submit Suggested Agenda Items or Questions

If you would like to submit suggested agenda items or questions, please email them to Liz Hahn at Elizabeth.M.Hahn@uscis.dhs.gov **no later than close of business on Friday, November 11, 2011**.

To Participate in the Session

Interested parties may participate in this event in person. If you wish to attend, please respond to this invitation by contacting Liz Hahn at Elizabeth.M.Hahn@uscis.dhs.gov **no later than close of business on Friday, November 25, 2011.** Please include your full name and the organization you represent, if any, in the body of the email. Also, be sure to bring photo identification and plan to arrive at least 15 minutes early to allow extra time to complete the security process.

We look forward to engaging with you!

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Office of Public Engagement
Washington, DC 20529-2000

Meeting Invitation

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Asylum Division Quarterly Stakeholder Meeting

Tuesday, October 25, 2011 @ 2:00 pm (EST)
White Oak Conference Room
20 Massachusetts Ave, NW
Washington, DC 20529

The USCIS Asylum Division will host their quarterly stakeholder meeting on October 25, 2011 at 2:00 pm (EST) in the White Oak Conference Room at 20 Massachusetts Ave. NW, Washington, DC. The purpose of this engagement is for individual participants to ask questions and raise issues regarding asylum operations.

To Submit Suggested Agenda Items or Questions

If you would like to submit suggested agenda items or questions, please email them to Liz Hahn at Elizabeth.M.Hahn@uscis.dhs.gov **no later than close of business on Monday, October 10, 2011**.

To Participate in the Session

Interested parties may participate in this event in person. If you wish to attend, please respond to this invitation by contacting Liz Hahn at Elizabeth.M.Hahn@uscis.dhs.gov **no later than close of business on Friday, October 21, 2011.** Please include your full name and the organization you represent, if any, in the body of the email. Also, be sure to bring photo identification and plan to arrive at least 15 minutes early to allow extra time to complete the security process.

We look forward to engaging with you!

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