

**EXECUTIVE SUMMARY OF CHANGES
TO THE CREDIBLE FEAR LESSON PLAN
FEBRUARY 2017**

CREDIBLE FEAR (CF) LESSON PLAN (LP) – dated 02/13/17

- **Cubans** – Section II, Background; pp. 6-12
 - Updates the discussion and citations to include the recent Federal Register publications of the final rule and notice to make Cubans subject to expedited removal (ER).
 - Similarly removes Cubans from the list of aliens exempt from ER.
- **Parole post-CF positive** – Section II, Background; pp. 6-12
 - Removes the discussion of ICE’s exercise of discretion to parole aliens out of detention following a positive CF determination.
- **Reasonable doubt** – Section V, Burden of Proof and Standard of Proof; p. 17
 - Removes the guidance that “[w]hen there is reasonable doubt regarding the outcome of a credible fear determination, the applicant likely merits a positive credible fear determination,” and replaces it with noting that reasonable doubt regarding the outcome may be considered in light of credible fear as a screening standard.
- **Credibility** – Section VI, Credibility; pp. 18-23, 47
 - Removes the “significant possibility” language from the discussion of the applicant establishing identity and credibility.
 - Adds additional references from the RAIO Credibility LP on the REAL ID Act credibility standard of the “totality of the circumstances and all relevant factors” and the applicant’s need to provide detail.
 - Provides additional discussion of evaluating an applicant’s prior statements to CBP.
 - Removes “relevant to the claim” language from the discussion on considering and assessing credibility.
- **Removal to a country other than of citizenship** – Section VII, Establishing a Credible Fear of Persecution; p. 34
 - Modifies the discussion to state that a claim of CF with respect to another country other than the country of citizenship or the country of removal should be memorialized in the file in order to ensure that the fear is explored in the future should DHS ever contemplate removing the person to that country. This supersedes the prior discussion stating that applicants who were firmly resettled in another country should be referred to an IJ for a full hearing if they have a positive CF claim from that country of firm resettlement.
- **Country of proposed removal** – Section VII, Establishing a Credible Fear of Persecution; p. 34
 - Modifies the discussion to state that the asylum officer should determine if the applicant has a CF “with respect to any country of proposed removal,” deleting the prior language of determining if the applicant has a CF “in any country to which the applicant might be returned.”

- **Convention Against Torture (CAT) internal relocation** – Section VIII, Establishing a Credible Fear of Torture; p. 41
 - Updates the burden of proof discussion for CF of torture, in order to take into account a Ninth Circuit decision holding that unlike other CAT elements for which the applicant bears the burden, the applicant and the government share the burden with regard to CAT internal relocation.