



U.S. Citizenship
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Services

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Memorandum

TO: Asylum Office Directors
Asylum Office Deputy Directors
Supervisory Asylum Pre-Screening Officers
Asylum Pre-Screening Officers
Quality Assurance/Training Asylum Officers

FROM: Ted H. Kim
Acting Chief, Asylum Division

SUBJECT: Expansion and Extension of Credible Fear Determination Checklist Pilot

I. Purpose

This memorandum expands the pilot program for the use of the credible fear determination checklist in place of the brief written assessment required by the December 23, 2008 memorandum from Joseph E. Langlois entitled, "Revised Credible Fear Quality Assurance Review Categories and Procedures" ("the 2008 Langlois Memo"). As set forth in the January 14, 2013 memorandum from Ted H. Kim entitled, "Implementation of Credible Fear Determination Checklist Pilot" ("the Checklist Pilot Memo"), a credible fear determination checklist has been required for credible fear cases arising out of the jurisdiction of ZHN. The checklist pilot is now expanded to include all credible fear cases regardless of jurisdiction and is extended to be effective through September 30, 2013.

II. Background

The initial checklist pilot was launched on January 14, 2013 for ZHN credible fear case processing, both locally and remotely. Based on the experience garnered with the pilot program to date and its proven efficiencies, and in light of the continuing surge of credible fear referrals, the checklist pilot is being expanded to all credible fear cases.

III. Implementation

This expanded pilot program requires that all APSOs processing credible fear cases utilize the attached credible fear determination checklist in place of a brief written assessment.

The attached credible fear determination checklist is a revision that has been modified to more closely follow the step-by-step credible fear analysis as set forth in the relevant lesson plans. It also provides further opportunities and physical space for APSOs to include required explanations. Finally, this refined and streamlined revision includes more clear and concise instructions.

The credible fear determination checklist sets forth and documents each step in the credible fear analysis that forms the basis of the APSO's credible fear determination made on Form I-870. In doing so, the checklist clearly states the applicable legal standard—"significant possibility"—that applies to credible fear determinations, and delineates between the analysis underpinning claims predicated on persecution versus torture.

Specifically, the credible fear determination checklist requires that an APSO first analyze any and all harm suffered or feared (and to identify whether an applicant has testified to either past or future harm in the country of return, who is the alleged perpetrator of such past harm or feared harm, and whether a nexus exists to a protected ground). This is followed by a step-by-step analysis of whether the facts of the claim warrant a finding of past or well-founded fear of persecution or torture. At various points within the step-by-step analysis, the APSO is required to record a succinct explanation of his or her determination. The checklist also allows for additional exploration of credibility issues that may arise during interviews. Finally, current procedures require APSOs to review a summary of material facts with each applicant at the conclusion of a credible fear interview. The checklist pilot requires that this factual summary be codified at the end of the interview notes.

Training on the credible fear determination checklist has or will be provided to each Asylum Office's SAPSOs, QATs, and APSOs. Upon receiving the training, each Asylum Office may thereafter conduct internal checklist training for APSOs as appropriate. While this memorandum requires all Asylum Offices to utilize the checklist with prospective credible fear referrals, cases that have already received a determination and/or interview as of the release of this memorandum do not require use of the checklist after the fact. Each Asylum Office may transition into using the checklist without interrupting their current work flow. The expanded pilot program's progress will be monitored and additional training provided as necessary.

Questions regarding this pilot program should be directed through the proper chain of command to the HQ Asylum Division (Training and Quality) Chief.

Attachment (1): Credible Fear Determination Checklist (version 3.0)