



U.S. Citizenship and Immigration Services

Agenda

USCIS Asylum Division Quarterly Stakeholder Meeting

Tuesday, May 2, 2017

Tomich Center

111 Massachusetts Avenue, NW

Washington, D.C. 20001

2:00 pm – 4:00 pm EST

I. Welcome and Introductions

II. Asylum Division Updates

- a. Cheri Ho, Deputy Director of ZSF, will be departing on April 21, 2017, to join the Office of Chief Counsel (OCC).
- b. The previous RAIO-CT and ADOTC classes enrolled 24 and 25 students, respectively. The current classes have 48 students enrolled.
- c. Regularly Provided Statistics (posted on USCIS.Gov)
Affirmative Asylum Statistics (January 2017 – March 2017)
NACARA Statistics (June 1999 – March 2017)
Credible Fear and Reasonable Fear Statistics and Nationality Reports (January 2017 – March 2017)
Unaccompanied Alien Children Statistics (January 2017 – March 2017)

As a reminder, we publish the regularly-provided statistics on the USCIS.gov website before the quarterly engagement so you can review them prior to the meeting and print a copy if you so choose.

III. Executive Orders: Unaccompanied Children (UAC)

- a. Does the 2013 USCIS guidance on UAC designations remain in force? If not, what new policies and procedures are in effect with respect to UAC asylum applications?

From: Diane Eikenberry, Associate Director of Policy; National Immigrant Justice Center; A HEARTLAND ALLIANCE Program; Washington, DC Office Phone: (202) 879 4310; Email: deikenberry@heartlandalliance.org

- b. Are the procedures for determining initial jurisdiction over UAC cases found in this Q&A still in effect? U.S. Citizenship and Immigration Service, Questions and Answers, *Updated*

Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children (June 10, 2013).

From: Blaine Bookey; Co-Legal Director; Center for Gender & Refugee Studies; University of California Hastings College of the Law; 200 McAllister Street; San Francisco, CA 94102; Phone: (415) 565 4877; Email: bookeybl@uchastings.edu

Response to both: The May 2013 USCIS memo, *Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children*, and the June 2013 Q&A's are still in effect. The memo has not been rescinded nor replaced with new procedures for determining initial jurisdiction.

- c. Under what circumstances will USCIS share information related to smuggling concerns about asylum applicant caregivers or family members with ICE? How does USCIS address or intend to address the chilling effect on asylum applicants seeking lawful protection if they fear their caregivers will be prosecuted and removed from the home?

From: Diane Eikenberry, Associate Director of Policy; National Immigrant Justice Center; A HEARTLAND ALLIANCE Program; Washington, DC Office Phone: (202) 879 4310; Email: deikenberry@heartlandalliance.org

Response: Asylum officers continue to be instructed to elicit testimony on all relevant eligibility requirements. Asylum interview notes are part of the record in the A-File. If the application is not approved, the asylum office transfers the file to ICE OPLA for removal proceedings.

IV. **Backlogs and Delays in Processing Time**

- a. I would like to know the average length of time it takes to get the asylum application and approval completed. What are the approval and reject frequencies?

From: Joel Oyeyemi; Member; Down Syndrome Association of Houston; Cell: (832) 965 4095; Email: toluleke@yahoo.com

Response: The length of time for completing an affirmative asylum application depends on various factors, including but not limited to:

- The date the application was filed;
- The caseload of the asylum office with jurisdiction over the application; and
- Whether the applicant is interviewed at a local asylum office or at a circuit ride interview location.

Please see the [Affirmative Asylum Scheduling Bulletin | USCIS Affirmative Asylum Scheduling Bulletin](#) for more information about interview priorities on uscis.gov/asylum. For cases completed in FY 2016, the approval rate was 41%. For FY 2017 through the 2nd quarter, the approval rate is 40%.

- b. Can children, with BI visas and who are below 15 years old, stay with either parent that has asylum status?

From: Joel Oyeyemi; Member; Down Syndrome Association of Houston; Cell: (832) 965 4095; Email: toluleke@yahoo.com

Response: Yes.

- c. To whom should I direct questions about an asylum filing that are not answered by the I-589 instructions or asylum officer training manual (besides the general Houston AO email address)? Those guys typically take a couple of weeks to respond.

Response: If you cannot find an answer to your question on USCIS.gov/asylum, direct your questions to the office with jurisdiction over the application. Each asylum office profile on uscis.gov includes contact information with the public phone number, email address, and walk-in hours.

- d. How do asylum offices determine which decisions to mail? Is this just based on geographical distance or are there other factors?

Response: Generally, applicants who are not in lawful status at the time of the interview must return to the asylum office to receive their decisions, while applicants who are in lawful status are not required to do so. Each asylum office may use other factors to determine whether an applicant must return to pick up his or her decision. *The Affirmative Asylum Procedures Manual* does not outline particular requirements or factors to take into account when determining whether to mail the decision or require pick-up.

- e. What is the latest status of the backlogs? Has any progress been made in the last few months or is the backlog still continuing to grow?

From: Christine Cooney Mansour; Legal Director; Human Rights Initiative of North Texas; 2801 Swiss Avenue; Dallas, TX 75204; Phone: Direct: 214-273-4340; Email: cmansour@hrionline.org; website: www.hrionline.org

Response: Yes, the backlog continues to grow. From the statistics posted on the website, you can see that the asylum offices continued to interview and adjudicate more affirmative asylum cases. In February and March, the number of credible fear cases declined slightly during the same time period. The offices conducted over 1,000 additional affirmative asylum interviews in March 2017 than in February 2017. However, we received and reopened more than 16,500 asylum applications in March, which was a 40% increase over February. These are historic receipt levels that we haven't seen since the mid-1990s.

- f. I am just wondering how case adjudication is going now – e.g., are they moving any more quickly through the system and the rate of approvals v. denials?

From: Patricia S. Maloof, Ph.D.; Program Director, Migration and Refugee Services; Catholic Charities of the Diocese of Arlington; 0 North Glebe Road; Arlington, Virginia 22203; Telephone: 703-841-3879; Email: PMaloof@ccda.net

Response: See response to question IV(e) above.

V. Executive Orders: General

- a. How have the administrative executive orders affected asylum applications and processing times?

From: Eddie Meyer | Legislative Assistant; The Honorable Juan Vargas | CA-51; Email: eddie.meyer@mail.house.gov

Response: See the [Executive Orders on Protecting the Homeland](#) page on DHS's website for information outlining the impact of the executive orders.

- b. Does the agency have any estimates of how much longer the additional screening of refugees will add to current waiting times?

From: Joseph P. Whalen, Independent EB-5 Consultant, Advocate, Trainer & Advisor; Address: 238 Ontario St., Apt. No. 6; Buffalo, NY 14207; Phone: (716) 604-4233, (cell) or (716) 768-6506, (land-line); E-mail: joseph.whalen774@gmail.com

Response: See the Executive Orders on Protecting the Homeland page on DHS's website for information outlining the impact of the executive orders.

- c. Is there anything in particular that stakeholders who work with the affected populations can do to help USCIS-RAIO with the new and expanded processes?

From: Joseph P. Whalen, Independent EB-5 Consultant, Advocate, Trainer & Advisor; Address: 238 Ontario St., Apt. No. 6; Buffalo, NY 14207; Phone: (716) 604-4233 (cell) or (716) 768-6506 (land-line); E-mail: joseph.whalen774@gmail.com

Response: See the [Executive Orders on Protecting the Homeland](#) page on DHS's website for information outlining the impact of the executive orders.

VI. Recommended Approvals

- a. We are seeing an increasing number of cases with Recommended Approvals that remain in limbo for months because of pending background checks. Can USCIS provide any information as to why these numbers appear to be increasing for individuals with no criminal background and with very clear proof of identity?

What is the best way to follow up with HQ if the asylum office is unresponsive regarding the delay?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: 202.888.7609, Email: hashc@humanrightsfirst.org

Response: We are not aware of any trend of individuals without criminal backgrounds or issues of identity who are waiting longer for decisions. If you have individual cases, the best place to raise this issue is with the local office. If you believe the local office has failed to respond, please send your requests to headquarters.

VII. Receipts and Receipt Revisions by Stakeholders

- a. Within what period of time should an applicant (or her counsel) expect to receive a receipt notice for an I-589 filing at the Nebraska Service Center; and if the receipt is not received within that time, what steps can be taken to identify and resolve the problem?

From: Wendy Wylegala, Deputy Director for Legal Technical Assistance; Kids in Need of Defense (KIND); c/o Lowenstein Sandler LLP; Address: 1251 Ave. of the Americas, New York, NY 10020; Phone: (862) 926-2069; Email: wwylegala@supportkind.org

Response: You should receive an acknowledgement of receipt notice within 30 days of acceptance of the application at the service center. If you do not receive a receipt within 30 days, you may contact the service center.

- b. Would headquarters please consider revising the receipt for affirmative asylum applications in the following ways?

The quality and resolution of the receipt is extremely poor, making it hard to read, hard to copy or use as evidence of pending asylum claim. With the lengthy delays in resolution of their asylum claims, applicants have to rely on that imperfect evidence for a very long period. The uncertainties caused by removal enforcement underscores the need to have legible and clear evidence from the agency stating that may remain in the U.S. until a decision is made.

The receipt names the principal only. Dependents have no document in their name to show the agency states they may remain in the U.S. until a decision is made.

The current receipt identifies the agency as 'BCIS' which has long been changed to USCIS. Would headquarters please consider revising the receipt for affirmative asylum applications?

From: Lucy Avedissian, Attorney at Law; Commissioner, Immigration and Nationality Law; Advisory Commission, State Bar of California, Certified Specialist, Immigration and Nationality Law; Board of Legal Specialization, State Bar of California; Law Office of Lucy Avedissian | 766 E. Colorado Blvd., Suite 204 | Pasadena, CA 91101; T. 626.792.0800 | F. 626.639.6656, lucy@immigrationlawoffice.com; www.immigrationlawoffice.com

Response: Thank you for the suggestions. We are working with OIT to improve the RAPS generated notices, including the acknowledgement of receipt. Unfortunately, we are unable to add additional information, such as dependents, to the receipt notice until we change to a

new method and format for the notices. We have initiated plans to modernize our case management systems with OIT.

VIII. **Executive Orders: FDNS and Detention Centers**

- a. Section I of the February 20, 2017 DHS memorandum, "[Implementing the President's Border Security and Immigration Enforcement Improvements Policies](#)" (hereinafter "DHS border memo") directs the Department to "increase the number of asylum officers and Fraud Detection and National Security (FDNS) Directorate officers assigned to detention facilities located at or near the border with Mexico to properly and efficiently adjudicate credible fear and reasonable fear claims and to counter asylum-related fraud."

Please provide a list of the detention centers where asylum officers have been assigned to conduct CFIs and RFIs. Please include the number of asylum officers assigned to each facility.

Are asylum officers permanently assigned to the designated detention facilities? If not, please provide the length of time that these officers are assigned to a designated detention facility.

From: Laura A. Lynch, Esq.; Senior Liaison Associate; American Immigration Lawyers Association; Phone: 202.507.7627, Email: llynch@aila.org

Response: The total number of officers assigned to a facility and the number of officers assigned to a specific facility, fluctuate due to receipts. On average, approximately 40 officers are detailed to 10 detention facilities for in-person processing on any given week. The deployments are occurring at Cibola (New Mexico), Eloy (Arizona), Florence (Arizona), Adelanto (California), Otay Mesa (California), Imperial Regional Detention Facility (IRDF) (California), Pearsall (Texas), Polk (Texas), Dilley (Texas), and Karnes (Texas).

Officers are assigned to these locations on a rotating basis. While detail lengths vary, the minimum assignment is 2 weeks.

- b. Section I of the [DHS Border Memo](#) states that the department will "increase the operational capacity of the Fraud Detection and National Security (FDNS) Directorate and continue to strengthen its operations..." to support the refugee and asylum offices to detect and prevent fraud.

Have FDNS officers been assigned to detention centers? If so, please provide a list of the detention centers where FDNS officers have been assigned. Please include the number of FDNS officers assigned to each facility.

Please describe how these FDNS officers collaborate with asylum officers to detect fraud.

From: Laura A. Lynch, Esq.; Senior Liaison Associate; American Immigration Lawyers Association; Phone: 202.507.7627, Email: llynch@aila.org

Response: Asylum Office FDNS immigration officers have historically played a role in all asylum case types where appropriate. We are exploring options for FDNS IO assignment to detention facilities.

IX. Staffing and Hiring

- a. Is there any update regarding the Asylum Division's exemption from the federal hiring freeze? Are you currently onboarding new staff to grow the asylum officer corps to the 600 currently budgeted positions? Can you provide an update on the number of RAIO officers be deployed to address the affirmative asylum application backlog?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: On April 12, 2017, OMB issued its [Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce](#) and lifted the hiring freeze. The Asylum Division continues to onboard asylum officers.

The number of asylum officers assigned to the affirmative asylum workload varies based on the incoming credible fear receipts. The number of affirmative asylum interviews scheduled per week has increased by 146% as compared to the beginning of FY 17 and 86% as compared to the end of Quarter 1.

- b. Can you provide any updates regarding the hiring of permanent staff at the family detention facilities? How many officers do you expect to keep in those facilities once fully staffed?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: We have no update at this time. There are presently no officers on board who are permanently assigned to these facilities.

- c. How many asylum officers do you currently have on staff? Can you provide any updates on adding additional office space to house additional officers?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: As of April 18, 2017, we had 515 asylum officers onboard. The Asylum Division has no update at this time regarding the acquisition of additional interviewing space.

- d. How many refugee resettlement details do you expect to have filled with asylum officers in FY 2017? How many total asylum officers will be lost to the refugee corps in 2017?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: Approximately 42 asylum officers were deployed on refugee circuit rides in Quarter I and early Quarter 2.

- e. Has the hiring freeze affected USCIS in staffing up, as that was their plan to deal with the backlog of asylum cases?

From: Eddie Meyer | Legislative Assistant; The Honorable Juan Vargas | CA-51; Email: eddie.meyer@mail.house.gov

Response: See response to Question IX(a), above.

- f. What is the status of hiring new asylum officers and their workload (i.e., time in the office and on circuit rides vs. being tasked overseas)? I'm particularly interested in the answer to the 2nd question in light of any policy changes that are implemented in the incoming administration.

From: Casie Iwata, MSW, LGSW, Social Worker/Mental Health Case Manager, Direct: 612.436.4843, Fax: 612.436.2604

Response: Please see previous responses.

X. Executive Orders: Credible Fear and Reasonable Fear

- a. The "Border Security and Immigration Enforcement Improvements" order instructs the DHS Secretary to "immediately assign asylum officers to immigration detention facilities" to conduct credible fear and reasonable fear determination (see Sec. 5(b)). What actions are your divisions taking, or planning to take, to address this section of the order? Do you foresee any other major changes in light of the executive orders?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: The total number of officers assigned to a facility and the number of officers assigned to a specific facility, fluctuate due to receipts. On average, approximately 40 officers are detailed to 10 detention facilities for in-person processing on any given week. The deployments are occurring at Cibola (New Mexico), Eloy (Arizona), Florence (Arizona), Adelanto (California), Otay Mesa (California), Imperial Regional Detention Facility (IRDF) (California), Pearsall (Texas), Polk (Texas), Dilley (Texas), and Karnes (Texas).

- b. Please describe the updated *Credible Fear Lesson Plan* released in Mid-February. Have all officers now been trained on the new lesson plan? How are the changes impacting interview outcomes? The heightened standard set out in the lesson plans appears to resemble a full asylum assessment as opposed to a screening standard. Please describe how the CFI standard remains in line with statutory standards and how it has not been converted into a full asylum assessment?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: All staff members have been trained on the revised lesson plan. We do not have anything to add beyond what is stated in the “Q&A: DHS Implementation of the Executive Order on Border Security and Immigration Enforcement” on the DHS website. The documents are available online.

- c. Please explain any instructions given to asylum officers regarding their consideration of the Form I-867 in credibility assessments during credible and reasonable fear interviews. Are asylum officers instructed to make credibility determinations based on what is reported by CBP agents on that form?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: The lesson plans speak for themselves on this issue. We have nothing further to add at this time. The documents referenced are online.

- d. Language relating to parole appears to have been deleted from the asylum officer training lesson plan on credible fear. Is that correct? Why was this done and what information are you currently sharing with asylum seekers related to parole?

From: Cori Hash; Managing Attorney, Refugee Representation; Human Rights First
American ideals, Universal values; Phone: (202).888.7609 Email: hashc@humanrightsfirst.org

Response: The asylum offices continue to follow the 2011 procedures and provide individuals who are apprehended at a port of entry and are found to have a credible fear of persecution or torture with the “Information about How to Seek Release from Detention: Parole Eligibility and Process for Certain Asylum Applicants.” It was removed from the lesson plan because it is unrelated to the screening determination.

- e. Please share statistics on the total number of CFIs and RFIs conducted this quarter and the previous quarter, including the numbers of approvals and denials.

From: Diane Eikenberry, Associate Director of Policy; National Immigrant Justice Center; A HEARTLAND ALLIANCE Program; Washington, DC Office Phone: (202) 879 4310; Email: deikenberry@heartlandalliance.org

Response: Please see the statistics posted on the uscis.gov website prior to this engagement.

- f. USCIS revised its *Credible Fear of Persecution and Torture Determinations and Reasonable Fear of Persecution and Torture Determinations* on February 13, 2017. These new lesson plans are

effective as of February 27, 2017. Has any additional guidance been issued to the field concerning CFI's and RFI's?

From: Laura A. Lynch, Esq.; Senior Liaison Associate; [American Immigration Lawyers Association](#); Phone: 202.507.7627, Email: llynch@aila.org

Response: The Asylum Division has not issued any additional guidance of this nature.

XI. Changes of Address

- a. How does an asylum applicant update his/her address in a pending case? I updated an applicants' address using AR-11 and mailed the address update to the local asylum office, however, no one (attorney, clients, myself) received a confirmation that the address was updated.

From: Tatiana Allan, Esq.; EDELSTAR PLLC; Email: edelstar@edelstarlaw.com;
Address: 7708 Lisle Avenue; Falls Church, VA 22043; Tel.: (703) 965-3939

Response: The asylum office updates RAPS after receiving a change of address from an applicant or attorney. It is not an Asylum Division policy to notify the applicant and/or representative after a change of address is recorded.

- b. How do I update attorney's information in the pending case? The attorney's firm address changed. What form should I use to update this information?

From: Tatiana Allan, Esq.; EDELSTAR PLLC; Email: edelstar@edelstarlaw.com;
Address: 7708 Lisle Avenue; Falls Church, VA 22043; Tel.: (703) 965-3939

Response: The method for updating this information depends on local asylum office policy and the number of pending cases you represent at each particular asylum office. Please contact the local asylum office with jurisdiction over your cases.

- c. During the previous stakeholder meeting, a question was raised about updating addresses through the online system. A follow up comment raised the issue that the current online system sometimes does not accept I-589 receipt numbers, therefore requiring individuals to mail the confirmation directly to the asylum office. Has this problem been addressed? On the date of the submission of this question, I am still receiving the error: "Enter a valid receipt number" when I attempt to tie the address change to an asylum application currently in progress. That being said, I have never been successful in updating an address with a receipt number issued from the Chicago Asylum Office.

From: Clairissa Scheiderer, Attorney; Freedom House Detroit; Address: 2630 W. Lafayette Blvd., Detroit, MI 48216; Phone: (313) 964-4320 ext. 16; Email: cscheiderer@freedomhousedetroit.org.

Response: Thank you for notifying us of this problem. We have been working with the owners of the myUSCIS system to make the changes necessary to allow changes of address for pending asylum applications based on the receipt number. The update was completed in May 2017.

- d. Earlier this year, one of my clients was issued an interview re-schedule notice for a second asylum interview. Other attorneys have also received similar notices. While I understand that in the past, a second interview is necessary in some limited cases, has there been any change in policy to utilize second or even third interviews more frequently? Further, in a case where an individual moves to a different jurisdiction and a second interview is deemed necessary, where would the interview take place and would a completely new interview *de novo* ever be necessary?

From: Clairissa Scheiderer, Attorney; Freedom House Detroit; Address: 2630 W. Lafayette Blvd., Detroit, MI 48216; Phone: (313) 964-4320 ext. 16; Email: cscheiderer@freedomhousedetroit.org.

Response: There have been no changes to policy regarding additional asylum interviews. The need for multiple interviews is determined on a case-by-case basis. Generally, if an applicant moves to a new jurisdiction and an additional interview is necessary prior to a final decision, the interview would occur in the new jurisdiction. It is up to the adjudicating office to determine whether a *de novo* interview would be necessary.

- e. What happens if an asylum seeker changes his or her residence address to another state? How would your waiting time for the USCIS asylum interview be affected? (Example: An asylum applicant moves from North Carolina to Massachusetts)

From: Jose Noguera; Email: josenogueraquintero@gmail.com

Response: If an applicant moves to a new state, the date of interview will depend on:

- The new jurisdiction's backlog;
- The filing date (month and year) the office is currently interviewing; and
- The applicant's filing date.

XII. Expedited Procedures for Asylum Applications

- a. Is there a way for an applicant's attorney to advocate for an expedited decision following an asylum interview, for example, in the case where a client's family is in danger as they wait for the decision? How might an applicant find out how long a decision might take if they have been waiting for a year or longer for an interview decision?

From: Casie Iwata, MSW, LGSW, Social Worker/Mental Health Case Manager,
Direct: 612.436.4843, Fax: 612.436.2604

Response: Asylum office directors have the discretion to consider applicants' requests for urgent post-interview processing on a case-by-case basis. Please submit your request to the asylum office with jurisdiction over your case.

- b. Can a streamlined process be created where asylum applicants and their lawyers can be put on a short-notice (standby) and/or expedited list for interviews? Currently, asylum officers in the Lyndhurst Asylum Office state that lawyers must email requests.

From: Brock Bevan, Esq; Attorney; Law Office of Marcia Binder Ibrahim; Address: 222 S. Broad Street, Lansdale, PA 19446; Phone: (215) 362-2478; Email: bbevan@good-lawyer.com

Response: It is up to each asylum office to determine how they will accept expedite requests or stand-by requests.

- c. Are statistics collected regarding expedited interview requests? If so, do you have numbers on how many are submitted, denied, and granted?

From: Clairissa Scheiderer, Attorney; Freedom House Detroit; Address: 2630 W. Lafayette Blvd., Detroit, MI 48216; Phone: (313) 964-4320 ext. 16 ; Email: cscheiderer@freedomhousedetroit.org.

Response: We do not collect statistics on expedited interview requests. However, offices do not approve a set number of expedite requests per month.

XIII. **Attorney List per Section 208(d) and Attorney's Role in the Interview**

- a. Section 208(d) states at the time of filing an application for asylum, the Attorney General shall provide the alien a list of persons (updated at least quarterly) who have indicated their availability to represent aliens in asylum proceedings on a *pro bono* basis.

Where may we find a copy of this list? Is it also published on www.uscis.gov? Can you direct us to it, please?

From: Howard Hom; Attorney; CA State Bar No. 071256; Email: Howard@shusterman.com

Response: The Department of Justice, Executive Office of Immigration Review maintains the [list of free or low cost legal services providers](#) on its website. USCIS provides links to this website and other information about legal services on our [Find Legal Services | USCISFind Legal Services](#) web page.

- b. Are asylum officers being properly trained and informed about the non-adversarial role of an attorney in asylum interviews? Some officers in Arlington Asylum Office stated that they were specifically advised that attorneys are not allowed to speak at all until the end of the interview. Some officers make attorneys sit in the corner behind the monitors "so that the

attorney stays silent” and insist that attorney cannot say a word, even if it relates to procedural questions.

The Asylum Officer Basic Training Course, Interviewing Part I: Overview, page 19, states: “In certain instances, it may be appropriate for the representative to comment during the course of the interview to avoid confusion or misunderstandings. Such comments may be helpful and should not be discouraged.”

The officers need to be reminded about this and not feel that attorneys are their adversaries during the interview process.

From: Ismail T. Shahtakhtinski, Esq; Attorney & Counselor at Law; I.S. Law Firm, PLLC; 3930 Walnut Street, Suite 200; Fairfax, Virginia 22030; Phone: (703) 527-1779; Email: ismail@islawfirm.com

Response: Thank you for providing this information. We will pass your concerns to the Arlington Asylum Office.

XIV. **Fingerprint Notification Form**

- a. What is the normal processing time for mailing out the fingerprint notification after the Form I-589, Application for Asylum, has been received? If the fingerprint notification is not received for more than one month from the date of filing Form I-589, what office should we contact?

From: Ardian Gjoka, Esquire; GJOKA LAW FIRM, PLLC; 8613 Old Kings Rd S #601; Jacksonville, FL 32217; Phone: 9043518749; Fax: 9048001102; Web: www.ag-legal.com; Email: ag@ag-legal.com

Response: We have expanded the time period after filing for ASC appointment notice generation so that the notice does not arrive after the appointment date. You should receive the ASC appointment notice within 6 weeks of receiving the Acknowledgement of Receipt. If you haven't received the ASC notice within 6 weeks, you should contact the asylum office with jurisdiction over your case.

XV. **Asylee Benefits**

- a. The asylum approval letter sent out to applicants granting asylum is, we assume, a standardized letter that every asylum office uses. That letter includes a section on Assistance and Services through the Office of Refugee Resettlement, as follows:

You and any of your derivative family members listed above may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers various programs run by state and private, non-profit agencies throughout the United States. These programs include cash and medical assistance, employment preparation and job placement, and English language training. Many of these programs have

time-limited eligibility periods that begin from the date you were granted asylum. Therefore, to take advantage of these programs, you must contact ORR as soon as possible after receipt of this letter. For more information about these programs and where to go for assistance and services in your state, visit the ORR website at www.acf.hhs.gov/programs/orr.

Question: Since many refugee resettlement agencies are seeing a lull in refugee admissions, they are reaching out to asylees to provide needed services. However, some programs – such as the Match Grant program – require “signing up” within 31 days of the date asylum was granted. Could the asylum approval letter be changed to reflect this urgency? In addition, some state programs fund immigration services, such as I-485 and citizenship assistance.

Proposed wording of two sentences is, as follows:

These programs may include cash and medical assistance, employment preparation and job placement, immigration assistance, and English language training. Many of these programs have time-limited eligibility periods that begin from the date you were granted asylum – and some programs require enrollment within 31 days of the grant of asylum.

From: NANCY HALE - attorney / Director, Refugee Immigration Project; Jacksonville (FL) Area Legal Aid; Email; Nancy.Hale@jaxlegalaid.org

Response: You are correct - the language in the approval letter is standard for all offices and asylees. We will consider adding your proposed language reflecting the urgency of contacting agencies for benefits.

XVI. Circuit Ride Interviews

- a. Is there a best practice or standard procedure to ensure that second or supplemental evidentiary filings are connected with a client’s I-589 file while the case is pending with a local asylum office? Living in a city where we only have asylum interviews via circuit rides once or twice per year, it is common to find at the interview that the second filing did not make it to the client’s file and is therefore missing at the interview.

From: Sarah A. Bertozzi; Managing Attorney; Journey’s End Refugee Services; 2495 Main Street, Suite 317, Buffalo, NY 14214; Phone: (716) 882-4963 x 203; Email: sbertozzi@jersbuffalo.org

Response: Check with the asylum office with jurisdiction over your case for local procedures for submitting supplemental documentation. Generally, you should submit the supplemental documents before or immediately after you receive the interview notice. If you cannot submit the supplemental documents until close to the interview date, bring extra copies for the interviewing officer.

XVII. Freedom of Information Act Requests

- a. If an applicant or representative files a FOIA request with the asylum office, what materials would typically be released in response to the request; and are there any materials prepared by the office in connection with the individual case that would typically not be released?

From: Wendy Wylegala, Deputy Director for Legal Technical Assistance; Kids in Need of Defense (KIND); c/o Lowenstein Sandler LLP; Address: 1251 Ave. of the Americas, New York, NY 10020; Phone: (862) 926-2069; Email: wwylegala@supportkind.org

Response: The asylum offices do not process FOIA requests for A-File information. The National Records Center processes all FOIA and Privacy Act (PA) requests for A-File information. If the NRC receives a FOIA or PA request for a file at an asylum office, the file is sent to the NRC for processing.

XVIII. Asylum Case Review

- a. Why are certain asylum decisions reviewed by headquarters? Are there any policies or procedures documenting that process? When a case is under review at headquarters, generally how long does headquarters take to review the matter? Are there any advocacy attorneys we can engage at the headquarters level to (1) check case status and/or (2) encourage prompt resolution/review of the matter? Is there anyone we may contact at HQ?

From: Lauren M. Bennett, LATHAM & WATKINS LLP, 555 Eleventh Street, NW, Suite 1000, Washington, D.C. 20004-1304, Direct Dial: +1.202.637.3395

Response: The types of cases reviewed by HQ changes over time depending on trends and evolving legal/policy concerns. HQ Asylum reviews cases involving a variety of eligibility issues and fact patterns, including those that may be likely to be publicized or involve national security issues. The amount of time it takes for HQ to review a case depends on:

- The number of submissions received;
- The number of staff available to review;
- The complexity of the case; and
- Whether the program must consult with a third party.

Send requests to expedite review of a case to the local office, including any related evidence to support this request.

- b. At this time, which categories of cases are routinely sent by the asylum offices to headquarters for review before a decision is issued?

From: Wendy Wylegala, Deputy Director for Legal Technical Assistance; Kids in Need of Defense (KIND); c/o Lowenstein Sandler LLP; Address: 1251 Ave. of the Americas, New York, NY 10020; Phone: (862) 926-2069; Email: wwylegala@supportkind.org

Response: Cases that come to HQ for review include those that are likely to be publicized or that are otherwise high profile, as well as cases that may involve national security issues.

XIX. Dependents

- a. Considering the timeframe for an application to be schedule for an interview, what will happen if a person gets married while his/her asylum application is still pending? Will he/she be able to apply for AOS under the family based petition?

Response: An individual's asylum application remains pending until final decision or the applicant withdraws the asylum application. Becoming a lawful permanent resident does not preclude someone from continuing to pursue an asylum application. Having a pending asylum application also does not preclude someone from applying for adjustment of status based on an eligibility requirement other than asylum status, such as a family-based petition.

- b. What will happen if the asylum applicant has a pending AOS (family based), but at the same time he/she gets an approval notice on his/her asylum application? Under which category will he/she be able to get the AOS?

From: Abg (Ven) Léminyer Daniel Zapata Uribe; Immigration Document (FIU Certified); former student of FIU - Legal Studies Institute (LSI) former student of FIU - Legal Studies Institute (LSI); email: izapata@zapatauribe.com

Response: Case-specific factors, such as the timing of the filing, the basis for the adjustment of status and whether a visa is available, affect which category an individual will adjust status under in the situation described above. An individual granted asylum (asylee) cannot immediately adjust status based on the asylum approval. An asylee must wait one year before he/she can adjust status based on the asylum approval.

- c. If a married couple divorces while an asylum case is pending (pre-interview) and the spouse who was formerly included as a derivative in the ex's application files an independent application, are there any steps that can be taken to honor the date the previous application was filed and preserve the asylum clock? In other words:

A married couple (A & B) has a pending asylum case where A is the principal applicant and B is included as a derivative family member. A & B are in divorce proceedings and B files an independent I-589 application. Based on the FI/FO adjudication process, will B's interview date/asylum clock be based on the date of the new asylum receipt or is there anything that can be done to preserve the earlier date associated with A's case?

From: Amy Pedagno, Esq.; Just Law International, PC; 9689-C Main Street, Fairfax, Virginia 22031; Phone: 703.503.0791; Email: justlawintl.com

Response: See *The Affirmative Asylum Procedures Manual (AAPM)* Section III.E.6.b, “Loss of derivative status by marriage, divorce or death of principal applicant.” The spouse who wishes to become a principal applicant (B) must file a new asylum application with the local office with jurisdiction over the applicant’s residence. Generally, the new principal (B) will retain the old filing date if B files with the asylum office before the asylum office removes B from the original application at the request of the former spouse.

XX. Training Lesson Plans

- a. What is the status of revising the agency’s website, as reported at the last meeting, to reflect the most up to date RAIO Combined Training structure and lesson plans?

From: Blaine Bookey; Co-Legal Director; Center for Gender & Refugee Studies; University of California Hastings College of the Law; 200 McAllister Street; San Francisco, CA 94102; Phone: (415) 565 4877; Email: bookeybl@uchastings.edu

Response: Most training materials are not available on the USCIS website. Given the interest in our training materials and regular submission of FOIA requests seeking these materials, we are working with the FOIA office to determine which materials are appropriate to post.