



U.S. Citizenship
and Immigration
Services

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Memorandum

TO: ASYLUM OFFICE DIRECTORS
ASYLUM OFFICE DEPUTY DIRECTORS
SUPERVISORY ASYLUM OFFICERS
QUALITY ASSURANCE/TRAINING ASYLUM OFFICERS
ASYLUM OFFICERS

FROM: Joseph E. Langlois
Chief, Asylum Division

SUBJECT: Updated Information Notification of ICE's Parole Guidelines to arriving aliens found to have a credible fear of persecution or torture and translations

On January 3, 2010, Asylum Offices were instructed to provide "Information about How to Seek Release from Detention: Parole Eligibility and Process for Certain Asylum Applicants" to arriving aliens ("POE cases") found to have a credible fear of persecution or torture. (See Memorandum, *Providing Notification of ICE's Parole Guidelines to arriving aliens found to have a credible fear of persecution or torture*, December 30, 2009.) Since that time, the Information Notification has been amended and updated. Asylum Offices should be using the Information Notification dated March 18, 2011.

At this time, the Information Notification has been translated into 8 languages that have been determined to encompass a large portion of the credible fear applicants in POE cases. Those languages are Amharic, Arabic, Chinese (Mandarin-simplified), Creole, French, Somali, Spanish and Tigrinya. Asylum Offices should immediately begin to provide a copy of the translated information notification to those applicable credible fear applicants. Copies of the updated Information Notification and the translations are attached to this memorandum and also are available on the RAIOVL.

Attachments (9)

**Information about How to Seek Release from Detention:
Parole Eligibility and Process for Certain Asylum Applicants**

USCIS has determined that you have a credible fear of persecution or torture.

- You may be eligible for parole (release from detention) while you await a final determination of your case.
- Your case will be referred to Immigration Court where you will file an application for asylum in front of an Immigration Judge.

The purpose of this notice is to explain how you might be released from detention. This type of release is called parole. Immigration and Customs Enforcement ("ICE") officials are responsible for your custody. They will interview you and decide if you will be released from detention based upon your ability to satisfy the requirements described below. ICE will provide you with an interview notice, a *Parole Advisal and Scheduling Notification* that will tell you when you will be interviewed. If you do not receive this parole interview notice within 5 days, you should contact an ICE official in your detention location.

At your parole interview, you may be represented, at no expense to the government, by an attorney or other individual who is authorized to represent persons before ICE. A list of free legal service providers has been given to you; if you cannot afford an attorney, the organizations on this list may be able to represent you. Even if you cannot find an attorney or representative, ICE will still interview you and consider your case for release from detention.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) may be able to assist you in identifying agencies or persons to provide legal assistance for the parole process or your asylum claim. UNHCR informs us that they accept calls from asylum-seekers between the hours of 1 and 5 p.m. (Eastern Standard Time), Monday, Wednesday and Friday. Contact information for UNHCR is:

United Nations High Commissioner for Refugees
1775 K Street, NW, Suite 300
Washington, DC 20006
(202) 296-5191 (collect calls accepted)
(888)-272-1913 (toll-free number)

Under ICE policy, you may be granted parole if you establish: (1) your identity; (2) that you are likely to appear for all scheduled hearings and enforcement appointments; and (3) that you do not present a security risk to the United States or a danger to the community.

You may establish these three points through oral statements at the interview and/or documents you present before the interview. Before the interview, you should gather documents that will help you at your interview. Helpful documentation may include:

1) Identity: Government issued identity documents such as a passport, national identity card or birth certificate. If you did not arrive with these types of documents, you may want to ask relatives and other people who know you to get these documents for you. If you are unable to get these documents, you

may want to ask relatives and other people who know you to provide you with sworn statements confirming your identity. If ICE took your identity documents from you, the ICE officer should have these documents in your file already and you will not need to provide them. You may want to provide a list of the identification documents that should be in your file in order to be certain they are considered.

2) *Appearance at Hearings and Appointments:* You must show that you will appear for all immigration hearings and appointments, including reporting for removal if you are eventually ordered removed from the United States. In order to show that you will appear for all immigration hearings and appointments, you may want to provide information on your ties to the community. This could include names, addresses and relationship to family and community in the United States including close friends, religious groups and membership in professional societies. These are especially helpful where these individuals have legal immigration status. If there is someone who is willing to let you live with him or her, you may want to provide a letter or sworn declaration from that person and include the person's full name, relationship to you, legal status in the United States, address and any other relevant information.

3) *Security Risk:* ICE will generally assess this criteria based on any evidence of past criminal history. If you have past criminal history, you may want to submit any evidence of rehabilitation you may have or other evidence showing why you do not pose a danger to the community.

If you do not understand English, you may request a qualified interpreter assist you at your parole interview. Please notify ICE that you need an interpreter for your interview as soon as possible. ICE will then provide an interpreter for your parole interview at no cost to you.

Within seven days of your interview, ICE will give you a written decision as to whether you will be released from detention, including any reason for denying release. If you do not receive a decision within seven days, then you should contact ICE officials at your current location. If you are denied release, you may request that ICE review this decision. The request must be made in writing and must be based on changed circumstances or additional information. The additional information or documents should relate to the basis for the denial indicated in ICE's written decision. If there is more than one basis, you may wish to provide additional information or documents related to each basis.

If ICE decides to release you from detention, it is very important that you follow any conditions relating to your parole. These conditions can include the payment of a bond, certain reporting requirements, and/or enrollment in an alternative-to-detention program.

Do you understand everything I have told you today? Your signature below indicates your understanding.

Date: _____ A Number: _____

Language used: _____ Interpreter Service & ID No. _____

Signature of Applicant: _____

cc: A-file and applicant