

Gossett, Christopher R

From: Gossett, Christopher R
Sent: Monday, October 06, 2014 3:58 PM
To: Rellis, Jennifer L
Subject: FW: ZHN Local Quality Assurance Pilot Program
Attachments: ZHN Quality Assurance Program Cover Sheet.docx

FYI

From: Lynn, Mallory L
Sent: Tuesday, September 30, 2014 10:04 AM
To: Gossett, Christopher R
Subject: FW: ZHN Local Quality Assurance Pilot Program

FYI – there's this. It's in addition to the 1 case to HQ by 9 am local time M, Tu, Th, Fri.

Thanks!

Mallory

From: Donis, Antonio
Sent: Tuesday, September 23, 2014 2:13 PM
To: Lynn, Mallory L
Subject: FW: ZHN Local Quality Assurance Pilot Program

From: Ahmed, Syed H (Harun)
Sent: Monday, September 15, 2014 2:47 PM
To: #ZHN-SAO Only; Littlepage, Ryan L; Donis, Antonio; Greene, Shevon; Lynn, Mallory L
Cc: Penel, Renata Q
Subject: ZHN Local Quality Assurance Pilot Program

Effective immediately:

Programs for Credible Fear Pre-Screening, Reasonable Fear Pre-Screening, and Affirmative Asylum will be subject to in-house quality assurance review. Following supervisory review, but before a decision is served, several cases from each program will be reviewed by ZHN Training Officers.

Action Items:

During each week, we ask that **each SAO submit 2 cases** for quality assurance review prior to service of a decision. These cases should not include cases already requiring Headquarters QA review.

SAOs should submit: **one positive determination or grant of asylum; and one negative determination or referral/denial.**

PROCEDURES:

For Staff onsite at ZHN:

Attach a ZHN Quality Assurance Program to the front of the physical file, and fill in the date of submission to a TO, A#, AO name, and SAO name. Place the physical case file at a designated location in Renata's office. Cases will be returned to you, once they have been reviewed.

For CF Tiger Teams:

Scan all case documents and email the case to QA.ZHN@uscis.dhs.gov. Please let us know if the scanning becomes too much, and we can adapt.

Credible Fear Timeline:

Please submit Credible Fear cases for review Wednesday through Friday. Credible Fear cases will be returned to the supervisor by COB one day after submission. Please consider this turnaround time when selecting cases for review. We ask that each supervisor submit only one CF case in a given day.

If you have questions or concerns, please let Renata and me know.

Harun Ahmed,
Training Officer, Houston Asylum Office
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
syed.h.ahmed@uscis.dhs.gov

ZHN Quality Assurance Program

Date of Submission:	
A#:	
AO:	
SAO:	
Due Date:	

Circle one:

QA Concurrence – Proceed with processing

- OR -

Revisions Required

Date Resubmitted:

Notes:

(b)(6)

Castaldi, Amarilde F (Francesca)

From: Curphey, Patrick R
Sent: Wednesday, July 02, 2014 4:05 PM
To: Castaldi, Amarilde F
Subject: RE: internet / network

Follow Up Flag: Follow up
Flag Status: Flagged

The guest rooms have wireless for a small fee (I haven't tried it yet tbh). There is free internet in the student center.

We have been able to connect to the network here. We have had a lot of laptop issues (I'll try to detail later) but mine has worked fine and other people with VPN. There are no desktop computers though so support staff should come with their own too and I think it would be good for everyone to come to have a working printer and VPN token if possible.

Also I remember you asking earlier about referrals from ICE. The ICE agents have been walking over copies of the all the referral paperwork with the orientation documents so everything is ready to go at input/intake.

From: Castaldi, Amarilde F
Sent: Wednesday, July 02, 2014 4:33 PM
To: Curphey, Patrick R
Subject: internet / network

Is there access to the internet / network? I seem to remember someone saying that ICE had provided a wireless router. Also, what type of connectivity do we have at the dorms? Thanks.

A. Francesca Castaldi
Supervisory Asylum Officer
DHS | USCIS | Houston Asylum Office
16630 Imperial Valley Dr., Suite 200
Houston, TX 77018
281.931.2129 direct

281.931.1309 fax

Castaldi, Amarilde F (Francesca)

From: Castaldi, Amarilde F
Sent: Monday, July 07, 2014 11:24 AM
To: Orendach, Janette
Subject: Re: Question regarding work

I've heard the same with an ETA of the end of the week, possibly. We'll know more today.

From: Orendach, Janette
Sent: Monday, July 07, 2014 11:10 AM Eastern Standard Time
To: Castaldi, Amarilde F
Subject: RE: Question regarding work

We were just told wiring is being completed for the phones. Also someone came to make a list of needed supplies and said they will be bringing PCs, printers, and scanners, but we were not given ETAs on any of it.

From: Castaldi, Amarilde F
Sent: Monday, July 07, 2014 9:02 AM
To: Orendach, Janette
Subject: Re: Question regarding work

Thank you for the update.

From: Orendach, Janette
Sent: Monday, July 07, 2014 10:49 AM Eastern Standard Time
To: Castaldi, Amarilde F
Subject: RE: Question regarding work

We have not heard anything more on phones since Thursday when Patrick told us they were working on them. Trial attorneys from ICE have been given one of our rooms and they have desktops set-up, but they are using their cell phones.

From: Castaldi, Amarilde F
Sent: Monday, July 07, 2014 8:40 AM
To: Orendach, Janette
Subject: Re: Question regarding work

OK. I can't assign you anything from here. Just sit tight and we'll get things going again once we are all together. BTW, you mentioned no phones, any word on the iPhones from ICE?

From: Orendach, Janette
Sent: Monday, July 07, 2014 10:34 AM Eastern Standard Time
To: Castaldi, Amarilde F
Subject: RE: Question regarding work

There was nothing assigned to US. We finished Thursday what was asked. We have no printers to do security checks. There are services which need to be completed, but we have no phones.

From: Castaldi, Amarilde F
Sent: Monday, July 07, 2014 8:34 AM

Castaldi, Amarilde F (Francesca)

From: Castaldi, Amarilde F
Sent: Wednesday, July 09, 2014 9:50 AM
To: Storch, Susan B
Subject: RE: Delays with Spanish Interpreters for both LB & LL

Understood. You are not the only one. Keep trying. And let us know how it goes.

From: Storch, Susan B
Sent: Wednesday, July 09, 2014 9:46 AM
To: Castaldi, Amarilde F
Subject: Delays with Spanish Interpreters for both LB & LL

FYI --- I have been on hold for almost 10 mins.

Sue -

ZNK - 201.508.6176

Cell



(b)(6)

Donis, Antonio

From: Donis, Antonio
Sent: Thursday, August 21, 2014 4:45 PM
To: Hook, Garland R; Orendach, Janette; Gonzalez, Martha; Zee, Dong; Reza, Naushad; Bradford, Laura M; Larson, Kimberly B; Littlepage, Ryan L
Cc: Littlepage, Ryan L; Hemming, Bryan D; Daum, Robert L
Subject: Memo from DHS Secretary
Attachments: S1 Memo Illegal migration RGV 08.11.14.pdf

Hey team,

Attached is a memo from Secretary Johnson outlining our department's efforts along the southern border.

Thanks for everything you are doing to support this vastly important mission.

Antonio__

Jowett, Haley L

From: Lafferty, John L
Sent: Tuesday, September 02, 2014 5:55 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Stone, Mary M; Tanner, Rebecca S; Roberts, Rhonda J; Pilotti, David A
Subject: Reminder - Consultant's Role in the CF process
Attachments: Role of Consultant.pdf

Directors/Deputies,

I am attaching a copy of a memo from Joseph Langlois, issued soon after the start of credible fear screening back in 1997, which outlines the proper role of consultants in the CF process. The instructions provided in this memo remain in force. Please share this memo with your supervisors, trainers and officers, and take appropriate steps to ensure that they continue to follow the instructions contained in the memo.

Please let me know if you have any questions.

John

Memorandum



HQASM 120/16.12 - P

Subject: Role of Consultants in the Credible Fear Interview	Date: [signed November 14, 1997]
---	--

To:
All Asylum Directors
All Supervisory Asylum Officers
All Asylum Officers

From:
Office of International Affairs
Asylum Division
[Joseph E. Langlois /s/ - see page 2]

The purpose of this memo is to provide additional guidance on the role of consultants during the credible fear interview in the context of expedited removal. We are developing further guidance on working with consultants and representatives, including guidance on the documents that may be released to them. That guidance will follow shortly.

The INS encourages the use of consultants by persons who are subject to expedited removal and have been referred for a credible fear interview. Consultation generally facilitates the credible fear process and helps to ensure that asylum seeker's claims are fully elicited. The role of the consultant in the credible fear interview is basically the same as the role of the representative in the affirmative asylum interview. While the asylum officer maintains control of the interview, the consultant and the asylum officer should share a cooperative role in developing and clarifying the merits of the applicant's claim. The consultant should generally be given the opportunity to make a statement at the end of the interview and to ask the applicant additional questions.

Pursuant to 8 C.F.R. § 208.30, applicants in the credible fear process are entitled to consultation with a person or persons of their choosing:

The alien may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, and may present other evidence, if available. Such consultation shall be at no expense to the Government and shall not unreasonably delay the process. Any person or persons with whom the alien chooses to consult may be present at the interview and may be permitted, in the discretion of the asylum officer, to present a statement at the end of the interview. The asylum officer, in his or her discretion, may place reasonable limits on the number of such persons who may be present at the interview and on the length of statement or statements made. 8 C.F.R. §208.30(b)

"Consultant" is not defined in the INA or the regulations. The consultant may be a paid attorney, a *pro bono* attorney, a staff member at a non-government organization, a friend, a relative, or any other person

of the alien's choosing. The alien may have more than one consultant at the interview. However, the asylum officer may reasonably limit the number of consultants present during an interview based on available space considerations and to prevent disruption of the interview.

As noted above, the regulations governing the expedited removal process provide that, *in the asylum officer's discretion*, the consultant may make a statement or comment at the end of the interview. Therefore, the asylum officer has discretion to prevent the consultant from making a statement or comment. However, the asylum officer must have solid reasons to exercise discretion to disallow a consultant from making a statement or comment. Only in extremely unusual circumstances should the asylum officer exercise discretion to prevent the consultant from making a statement or comment.

Generally, the consultant should be allowed to make a closing statement, comment on the evidence presented, and/or ask the asylum seeker additional questions. This should be explained to the consultant and the applicant at the beginning of the interview. The asylum officer may place reasonable limits on the amount of time allotted to the consultant, if it appears that the consultant is using the time in an unhelpful or disruptive manner. It is appropriate for the consultant to clarify issues or statements that were made during the interview, to summarize the case and to make arguments regarding the merits of the case, and to ask additional relevant questions that have not been asked by the asylum officer. It is not appropriate for the consultant to reconduct the interview. The asylum officer must record the consultant's statements in the Q & A's, if the statements are material or relevant to the claim. In some cases, the asylum officer may find it necessary to ask the applicant additional follow-up questions based on issues or information presented by the consultant at the end of the interview. This should also be recorded in the Q & A's.

In most cases, the consultant should hold comments or questions until the end of the interview. In certain instances, however, it will be appropriate for the consultant to comment during the course of the interview to avoid confusion or misunderstandings. Such comments may be helpful and should not be discouraged. At the same time, it is important that the asylum officer retain control of the interview. If the consultant repeatedly interrupts or otherwise disrupts the interview, the asylum officer should ask the consultant to refrain from interrupting the interview and explain that the consultant will be given an opportunity at the end of the interview to ask questions and make comments. Absent unusual circumstances (for example when the asylum seeker has a mental disability), the consultant should not be permitted to answer for the applicant.

There may be times when the asylum officer needs to discuss certain issues with the consultant (e.g., the consultant's role). The asylum officer should ensure that what is discussed is translated to the applicant so that the applicant is aware of all that transpires during the interview.

As noted above, further guidance on this issue will be forthcoming. Please direct any questions you have regarding the role of the consultant during the expedited removal process to Charlie Fillinger or Lorraine Eide.

Joseph E. Langlois /s/
Deputy Director

(b)(5)

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, September 24, 2014 9:26 AM
To: Roeschke, Joseph E; Beighley, Tracy L; Lawton, Vanessa G
Cc: Kilaru, Lakshmi S
Subject: attorneys

Importance: High

(b)(6)

Hi team,

As you all know, it is the applicant's decision whether or not to proceed with a consultant, who may be an attorney. There were some issues with the [redacted] this morning. Please let me know immediately if you have a case in which they have previously submitted a G-28 but then tell us they are not ready, as we have been providing them with notice of the interview 2 days in advance.

Also, we are continuing to see cases in which the [redacted] attorney who filed a G-28 is no longer here in Artesia. In those cases, you should inquire with the applicant if they would like a consultant or attorney and if so, whom. (Well, that should happen in all cases.) When this happens [redacted] has been sending other volunteer attorneys, who have provided a new G-28 at the time of the interview. If this occurs, please confirm with the applicant that this is the person they would like to have in the interview. For example, if you go over to get the attorney and a different attorney responds that this is his/her case, just be sure that this is the person the applicant wants. It's always the applicant's choice.

Again, please continue to keep me apprised of any issues you have with any attorneys.

Thanks,

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, September 24, 2014 8:04 AM
To: Kilaru, Lakshmi S
Subject: RE: everything work out okay?

I spoke with Christina Brown. Thanks for letting me know!

From: Kilaru, Lakshmi S
Sent: Wednesday, September 24, 2014 9:03 AM
To: Lynn, Mallory L
Subject: RE: everything work out okay?

Yeah Vanessa and I spoke to the applicant and she wanted another attorney so we took her back there after she requested to be switched out with whoever asked for her. Vanessa ended up taking the case cause I swapped out with her one of her afternoon ones. Sorry about the hassle.

From: Lynn, Mallory L
Sent: Wednesday, September 24, 2014 9:02 AM
To: Kilaru, Lakshmi S
Subject: everything work out okay?

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, September 26, 2014 9:39 AM
To: Kilaru, Lakshmi S
Subject: RE: What is the email address for the artesia mail?

Artesia.asylum@uscis.dhs.gov

From: Kilaru, Lakshmi S
Sent: Friday, September 26, 2014 10:35 AM
To: Lynn, Mallory L
Subject: What is the email address for the artesia mail?

An attorney faxed a G-28 to the deportation officer but it's nto routed to the file, can he email it?

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, September 30, 2014 1:58 PM
To: Baker, Dana S
Subject: RE: Free attorneys on site

I believe they send a request and the attorneys put them on a list to call out for the following day.

From: Baker, Dana S
Sent: Tuesday, September 30, 2014 2:55 PM
To: Lynn, Mallory L
Subject: Free attorneys on site

How do residents get access to the pro bono attys on site? Do they need an appointment? Do they ask an officer to take them to the Law Library and see if anyone is available, at any point during the day?

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Thursday, October 30, 2014 12:13 PM
To: (b) (6), (b) (7)(C)
Cc: Kellis, Jennifer L; Gordon, Jonathan
Subject: [REDACTED]

Hi (b) (6)

I think this family is on your docket. I just wanted to let you know that during a credible fear interview, this applicant told the asylum officer that [REDACTED]

Thanks,
Mallory

(b)(6) (b)(5)

(b)(5)

(b)(6)

Lynn, Mallory L

From: (b) (6), (b) (7)(C) @ice.dhs.gov>
Sent: Wednesday, October 29, 2014 8:13 AM
To: Lynn, Mallory L
Cc: Nelson, Tami J
Subject: RE: [REDACTED]

Mallory,

Thanks for the notification. I will follow up on this.

(b) (6), (b) (7)(C)
Deportation Officer
Artesia Family Residential Center
Cell 520- (b) (6), (b) (7)(C)

"This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. The content of this email is not to be disseminated without ICE/ERO consent. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited."

From: Lynn, Mallory L
Sent: Wednesday, October 29, 2014 8:53 AM
To: (b) (6), (b) (7)(C)
Cc: Reins, Jennifer L
Subject: [REDACTED]

Hi (b) (6), (b) (7)(C) I just wanted to give you a heads up about this case. This resident indicated to the asylum officer that

[REDACTED]

Thanks,
Mallory

(b)(5) (b)(6)

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Thursday, August 07, 2014 2:42 PM
To: Hook, Garland R
Subject: RE: dissolution

[Redacted]

From: Hook, Garland R
Sent: Thursday, August 07, 2014 3:34 PM
To: Lynn, Mallory L
Subject: RE: dissolution

YES

From: Lynn, Mallory L
Sent: Thursday, August 07, 2014 3:34 PM
To: Hook, Garland R
Subject: RE: dissolution

These are [Redacted]

From: Hook, Garland R
Sent: Thursday, August 07, 2014 3:28 PM
To: Lynn, Mallory L
Subject: dissolution

[Redacted]

From: Lynn, Mallory L
Sent: Thursday, August 07, 2014 2:32 PM
To: Hook, Garland R
Subject: NTAs

Hey Reagan, please make sure the NTAs have the address. Thanks!

Donis, Antonio

From: Donis, Antonio
Sent: Wednesday, September 17, 2014 1:40 PM
To: Perez, Susan A; Johnson, Robert L; Beighley, Tracy L; Roeschke, Joseph E; Kilaru, Lakshmi S; Schell, Claire S; Cardona, Rene
Cc: Littlepage, Ryan L; Daum, Robert L; Hemming, Bryan D
Subject: Great Example of Attorney Reschedule

Hey team,

Attached is a great example of how to handle attorney reschedules at ZART.

Q. You have the right to have an attorney or consultant. Would you like to stop this interview so that you can have time to find an attorney or consultant?

A. No

Q. Do you know that attorneys are here for you, and they don't charge you anything?

A. Yes.

Q. Do you know that attorneys in the law library are there for you?

A. That I did not know.

Q. Do you want to go to the law library and talk to an attorney and we will continue your case? If you choose get an attorney it will not affect your case at all.

A. It won't then I would like to look for an attorney.

Q. Like I stated before they are free, and this will not affect your case at all.

A. Ok.

Not only did the officer let the resident know that there are free attorneys onsite (without specifying a particular attorney or group) but he also assured the resident that there were no consequences to briefly continuing her case.

Great job Robert!

Antonio__

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Hemming, Bryan D

From: Ooi, Maura M
Sent: Wednesday, August 20, 2014 4:50 PM
To: Hemming, Bryan D; Littlepage, Ryan L; Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L
Subject: RE: G-28s, MTRs, and Credible Fear

(b)(5)

Hi Bryan and Ryan –

Thank you for providing additional details on this issue.

Let us know if you have any questions.

Thanks,
Maura

Maura Ooi
Associate Counsel
Refugee and Asylum Law Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
(p) 202.272.8160
Maura.M.Ooi@uscis.dhs.gov

From: Hemming, Bryan D
Sent: Monday, August 18, 2014 2:11 PM

To: Littlepage, Ryan L; Ooi, Maura M; Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L
Subject: RE: G-28s, MTRs, and Credible Fear

(b)(5)

(b)(6)

This one does have a signed G-28.
Thanks,

From: Littlepage, Ryan L
Sent: Monday, August 18, 2014 12:57 PM
To: Hemming, Bryan D; Ooi, Maura M; Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L
Subject: RE: G-28s, MTRs, and Credible Fear

[Redacted]

From: Hemming, Bryan D
Sent: Monday, August 18, 2014 11:42 AM
To: Ooi, Maura M; Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L; Littlepage, Ryan L
Subject: RE: G-28s, MTRs, and Credible Fear

I believe so. Ryan, can you confirm?
Thanks,

From: Ooi, Maura M
Sent: Monday, August 18, 2014 12:42 PM
To: Hemming, Bryan D; Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L; Littlepage, Ryan L
Subject: RE: G-28s, MTRs, and Credible Fear

[Redacted]

From: Hemming, Bryan D
Sent: Monday, August 18, 2014 1:38 PM
To: Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L; Ooi, Maura M; Littlepage, Ryan L
Subject: RE: G-28s, MTRs, and Credible Fear

[Redacted]

From: Hammill, Hunter A
Sent: Monday, August 18, 2014 12:36 PM

To: Hemming, Bryan D
Cc: Donis, Antonio; Daum, Robert L; Ooi, Maura M
Subject: RE: G-28s, MTRs, and Credible Fear

(b)(5)

[Redacted]

From: Hammill, Hunter A
Sent: Monday, August 18, 2014 1:31 PM
To: Hemming, Bryan D
Cc: Donis, Antonio; Daum, Robert L
Subject: RE: G-28s, MTRs, and Credible Fear

[Redacted]

From: Hemming, Bryan D
Sent: Monday, August 18, 2014 1:17 PM
To: Hammill, Hunter A
Cc: Donis, Antonio; Daum, Robert L
Subject: G-28s, MTRs, and Credible Fear

Hi Hunter:

We've got a question concerning G-28s in Credible Fear. In a nutshell (question posed by Antonio in Artesia):

[Redacted]

We appreciate any guidance OCC can provide.

Thanks,
Bryan

Jowett, Haley L (b)(5)

From: Littlepage, Ryan L
Sent: Wednesday, August 20, 2014 10:44 AM
To: Hemming, Bryan D
Subject: RE: Attorney Laptops

[Redacted]

From: Hemming, Bryan D
Sent: Tuesday, August 19, 2014 3:43 PM
To: Littlepage, Ryan L
Subject: Re: Attorney Laptops

[Redacted]

Sent by Blackberry

From: Littlepage, Ryan L
Sent: Tuesday, August 19, 2014 03:57 PM
To: Hemming, Bryan D
Subject: Attorney Laptops

Bryan,

[Redacted]

Ryan

(b)(5)

Jowett, Haley L

From: Littlepage, Ryan L
Sent: Wednesday, September 03, 2014 2:38 PM
To: Daum, Robert L
Cc: Donis, Antonio; Hemming, Bryan D
Subject: RE: Thursday

[Redacted]

From: Daum, Robert L
Sent: Wednesday, September 03, 2014 12:56 PM
To: Littlepage, Ryan L
Cc: Donis, Antonio; Hemming, Bryan D
Subject: FW: Thursday

Ryan:

[Redacted]

Thanks.

From: Stone, Mary M
Sent: Wednesday, September 03, 2014 11:18 AM
To: Daum, Robert L; Hemming, Bryan D; Littlepage, Ryan L; Donis, Antonio; McDonnell, Audrey V
Cc: Saunier, Jon-Paul
Subject: FW: Thursday

Hi Houston,

Should we schedule a quick call to discuss these questions – call or writing – which would be easier? Let me know what works, I'm just trying to pull everything together for John now. The briefing is tomorrow – 10a. MM

Mary Margaret Stone
Chief of Operations, Asylum Division
Refugee, Asylum and International Operations Directorate
US Citizenship and Immigration Services
Department of Homeland Security
Tel: 202.272.1651

From: Stone, Mary M
Sent: Tuesday, September 02, 2014 11:53 PM
To: Lafferty, John L; Daum, Robert L; Hemming, Bryan D; Donis, Antonio; Littlepage, Ryan L; McDonnell, Audrey V
Cc: Kim, Ted H; Tanner, Rebecca S; Mura, Elizabeth E
Subject: RE: Thursday

ZHN,

[Redacted]

DHS-027-0000041

(b)(5)

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, September 29, 2014 2:49 PM
To: Lawton, Vanessa G
Subject: the interpreters/law students

I talked to the ZHN leadership about these consultants – they pointed out that if there is an interpretation issue during the interview, it's better that they let us know then rather than later. Also, if they object to the adequacy of the interpretation, we can also always get a new interpreter on the phone.

Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 5:21 PM
To: (b) (6), (b) (7)(C)
Subject: RE: contract interpreter services

No comprende

(b)(5)

From: (b) (6), (b) (7)(C) [redacted]@ice.dhs.gov
Sent: Monday, November 03, 2014 6:19 PM
To: Lynn, Mallory L
Subject: RE: contract interpreter services

[redacted]

(b) (6), (b) (7)(C)
AOIC-Removal Management
Artesia Family Residential Center
520-483-(b) (6), (b) (7)(C)

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 6:18 PM
To: (b) (6), (b) (7)(C)
Subject: RE: contract interpreter services

[redacted]

From: (b) (6), (b) (7)(C) [redacted]@ice.dhs.gov
Sent: Monday, November 03, 2014 6:17 PM
To: Lynn, Mallory L
Subject: RE: contract interpreter services

[redacted]

(b) (6), (b) (7)(C)
AOIC-Removal Management
Artesia Family Residential Center
520-(b) (6), (b) (7)(C)

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 6:15 PM
To: (b) (6), (b) (7)(C)
Subject: RE: contract interpreter services

For rare languages? Like indigenous Guatemalans?

From: (b) (6), (b) (7)(C) [redacted]@ice.dhs.gov
Sent: Monday, November 03, 2014 6:15 PM

To: Lynn, Mallory L
Subject: RE: contract interpreter services

About any language barrier, they're asking.

(b) (6), (b) (7)(C)

AOIC-Removal Management
Artesia Family Residential Center
520-483-^{(b) (6), (b) (7)(C)}

(b)(5)

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 6:03 PM
To: (b) (6), (b) (7)(C)
Subject: contract interpreter services



Donis, Antonio

From: Donis, Antonio
Sent: Thursday, September 04, 2014 8:24 PM (b)(6)
To: Daum, Robert L; Hemming, Bryan D.
Cc: Littlepage, Ryan L
Subject: Acateka Interview

Rob and Bryan,

We've arranged an acateka interpreter for that case on Monday at 9:00am.

We will let you know the outcome of that re-interview before rendering a decision.

Have a good night,

Antonio__

Jowett, Haley L

From: Littlepage, Ryan L
Sent: Thursday, August 21, 2014 11:08 AM
To: [REDACTED]
Subject: RE: Question about random dialects

Here's the correct address for Houston – Houston.asylum@uscis.dhs.gov

I'll stop by to discuss this and the scheduling issue with you in about an hour.

Ryan

From: [REDACTED]
Sent: Thursday, August 21, 2014 10:05 AM
To: Houston.asylum@dhs.gov; Littlepage, Ryan L
Subject: Fwd: Question about random dialects

RE: ARTESIA

----- Forwarded message -----

(b)(6)

From: [REDACTED]
Date: Thu, Aug 21, 2014 at 11:39 AM
Subject: Question about random dialects
To: ryan.l.littlepage@uscis.dhs.gov

Good morning, Ryan -

We have a question about some of the random languages (dialects) that we are seeing here.

Chuj is a Mayan dialect spoken by about 50,000 people in Chiapas, Mexico and Huehuetenango, Guatemala.

Q'anjob'al (or Kanjobal) is spoken by about 78,000 people in Huehuetenango

Akatek (also called Acatan or Acateco) is spoken by about 58,000 people in Chiapas MX and Huehuetenango Guatemala.

Mam is spoken by about 480,000 in Quetzaltenango, Huehuetenango, San Marcos, Retalhuleu.

K'iche' (or Quiche) is spoken by over 1 million people in El Quiche, Quetzaltenango, Huehuetenango, Suchitepéquez, Totonicapán and Solola.

[REDACTED]

Please let me know your thoughts.

(b)(5)

[REDACTED]

(b)(6)

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Saturday, August 09, 2014 6:56 AM
To: Zee, Dong; Reza, Naushad; Gonzalez, Martha; Orendach, Janette; Hook, Garland R
Cc: Littlepage, Ryan L; Donis, Antonio
Subject: updating APSS

Team: when updating APSS, please be sure to input any additional necessary information in PREC. If PREC is not properly updated, you cannot update INTC. You may need to add arrival date and you should add religion, if any, once you find out at the interview. I'm seeing cases where most of the info in APSS is correct for PA, but dependent is missing INTC although it has been ADEC'd.

I know not everyone is used to having to add so much information into APSS and we really appreciate your willingness to get things done ZART-style ☺

Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, August 08, 2014 12:06 PM
To: Reza, Naushad; Hook, Garland R; Zee, Dong; Gonzalez, Martha; Orendach, Janette
Subject: ZART

Hey guys, the district office code is ART. ZART isn't *official* official.

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Thursday, August 07, 2014 9:44 AM
To: Reza, Naushad; Hook, Garland R; Orendach, Janette; Zee, Dong; Gonzalez, Martha
Cc: Donis, Antonio; Littlepage, Ryan L
Subject: RE: updating APSS

Also, if the arrival date is not entered into PREC for PA and dependents, I believe INTC may not work right – please watch for that. Like even if you get it in for the PA, INTC on dependents may not work right. Please add the additional info on the PREC screen if you need to in order to INTC. Thanks!

From: Lynn, Mallory L
Sent: Thursday, August 07, 2014 10:38 AM
To: Reza, Naushad; Hook, Garland R; Orendach, Janette; Zee, Dong; Gonzalez, Martha
Cc: Donis, Antonio; Littlepage, Ryan L
Subject: updating APSS

Hey guys – please be sure to update APSS fully (including INTC & ADEC) for both applicants and dependents.

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, August 06, 2014 4:18 PM
To: Donis, Antonio
Subject: MTR question (b)(5)

8 CFR 1208.30(g)(2)(iv)(A): If the immigration judge concurs with the determination of the asylum officer that the alien does not have a credible fear of persecution or torture, the case shall be returned to the Service for removal of the alien. The immigration judge's decision is final and may not be appealed. The Service, however, may reconsider a negative credible fear finding that has been concurred upon by an immigration judge after providing notice of its reconsideration to the immigration judge.

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, August 05, 2014 9:45 AM
To: Reza, Naushad; Gonzalez, Martha
Subject: FW: Changing Dependent to principal

From: Guerrero, Ramon A
Sent: Tuesday, July 29, 2014 9:12 AM
To: Donis, Antonio; Lynn, Mallory L
Cc: Agullar, Rafael; Burnett, Yolanda M; Hook, Garland R; Stawar, Andrew X; Hensleigh, Chris J; Zee, Dong; Orendach, Janette
Subject: Changing Dependent to principal

1. In APPS go to PREC input dependent's A# first
2. Tab over to where it says PRIN on top right corner, enter the dependent A# again and press enter
3. Now go to the original principal (Mother) A# and tab over to where it says PRIN and enter the dependent A# (Child) and now they should be switched

These Are the Instructions for switching principals in APPS

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, August 05, 2014 8:47 AM
To: Gonzalez, Martha; Zee, Dong
Subject: FW: Essential Qs @ ZART
Attachments: Essential Questions to Ask in Every ZART Interview.docx

Guys – these are draft Qs we have developed for ZART (these particularly relate to CF). Thanks!

(b)(5)

Essential Questions to Ask in Every ZART Interview



Lynn, Mallory L

From: Donis, Antonio
Sent: Sunday, August 03, 2014 10:03 AM
To: Lynn, Mallory L (b)(5)
Subject: RE: Essential Qs @ ZART
Attachments: Essential Questions to Ask in Every ZART Interview.docx



From: Lynn, Mallory L
Sent: Sunday, August 03, 2014 12:00 PM
To: Donis, Antonio
Subject: Essential Qs @ ZART.

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, September 23, 2014 9:51 AM
To: Donis, Antonio (b)(5)
Subject: new essential Q



Or something like that in order to get at DV claims specifically. What are your thoughts?

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, October 15, 2014 7:40 AM
To: Cindrich, Amanda K; Butler, Erin M; Sung, Virginia K; Lluch, Martín G; Kim, Peter S
Subject: NTA with Dropboxes
Attachments: NTA with Dropboxes.docx

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: A XXX XXX XXX

In the Matter of:

Respondent: _____ currently residing at: _____
AFRC, 1300 West Richey Ave., Artesia, NM 88210

(Number, street, city and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below. The Department of Homeland Security alleges that you:
 - 1) You are not a citizen or national of the United States.
 - 2) You are a native of El Salvador and citizen of El Salvador.
 - 3) You entered the United States at or near Hidalgo, TX on 6/25/2014.
 - 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.
 - 5) You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Act, as amended, as immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Artesia Immigration Court, 1300 West Richey Ave., Bldg. 169, Artesia, NM 88210

(Complete Address of Immigration Court, including Room Number, if any)

on To Be Determined at To Be Determined to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Supervisory Asylum Officer
(Signature and Title of Issuing Officer)

Date: _____ Artesia, NM
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Allen Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____ (Signature of Respondent)

(Signature and Title of Immigration Officer) Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on _____, in the following manner and in compliance with section 239(a)(1) of the Act.

- In person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served) _____
(Signature and Title of Officer)

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, October 15, 2014 7:48 AM
To: Lluch, Martin G; Kim, Peter S; Sung, Virginia K; Butler, Erin M; Cindrich, Amanda K
Cc: Rellis, Jennifer L; Guerrero, Ramon A
Subject: G-28s

Hi team:

Please be sure that any G-28s are on top on the left side of the file. You can leave your notes, NTAs, 870, etc. loose, but the G-28 should always be clipped on the top left so it is easy to tell if an applicant is represented.

Thanks,
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, October 17, 2014 12:22 PM
To: Sung, Virginia K; Kim, Peter S; Breznai, Matthew J; Gordon, Jonathan
Cc: Rellis, Jennifer L
Subject: RE: orientation

Also, if the applicant indicates she has not been properly oriented, we can offer a reschedule after a re-orientation if the applicant needs more time to prepare.

Thanks,
Mallory

From: Lynn, Mallory L
Sent: Friday, October 17, 2014 1:19 PM
To: Sung, Virginia K; Kim, Peter S; Breznai, Matthew J; Gordon, Jonathan
Cc: Rellis, Jennifer L
Subject: orientation

Hi team:

Please be sure that you confirm the applicant has been properly oriented for CF (did they receive M-444) and if they do not understand, please re-orient them.

Thanks,

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Thursday, October 23, 2014 1:32 PM
To: Sung, Virginia K; Kim, Peter S; Breznai, Matthew J; Gordon, Jonathan
Cc: Rellis, Jennifer L
Subject: (b)(5) bars Qs



Thanks,
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, October 27, 2014 10:21 AM
To: Breznai, Matthew J; Gordon, Jonathan; Adams, Joyce V; Weintraub, Phillip H; Celentano, Peter S
Cc: Rellis, Jennifer L
Subject: reschedules & work schedules

Importance: High

Hi team:

Just a couple of things:

- First, please ensure that you obtain a clear attorney waiver in your notes when an applicant chooses to proceed without her/their representative. Confirm 2 or 3 times that they understand their right to have a consultant or attorney present but that they wish to proceed today by themselves. Please be sure that your notes clearly reflect this Q&A exchange (as opposed to showing a summary).
- Secondly, please let me know ASAP if you are willing to work on a modified later work schedule, such as 9-6 or 8-5. We have an immediate need to schedule more interviews in the afternoons and this is one option to accomplish this. We may also be able to offer morning OT. Alternatively, please let me know if you would like to continue a 7 am start time but take on an extra PM interview as needed on OT. Hard stop at ZART remains at 7 PM.
- Finally, please do not hesitate to get a supervisor any time you need us. Jennifer and I are here to help. Please continue consulting us if you have problems getting your interview started due to the attorneys or for any other reason.

Thanks for all of your hard work and your willingness to do family processing here in Artesia. This is a challenging assignment and we appreciate your willingness to come here despite the difficulties of the work and the relatively austere living conditions. I think it is important work and I think everyone here can learn something – about family processing, legal issues, eliciting testimony, remaining cool under pressure, etc. We appreciate your commitment to family processing and to tackling these tough issues every day.

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, October 28, 2014 4:32 PM
To: Gordon, Jonathan; Adams, Joyce V; Breznai, Matthew J; Weintraub, Phillip H; Celentano, Peter S
Cc: Rellis, Jennifer L
Subject: attorneys

Hi team:

As a general rule, I give 2 days' notice to attorneys of scheduled CF interviews. I print the email and include it in the file at the time of scheduling if I see the G-28. If there is a G-28 in one of your cases but no scheduling email, please let me know prior to calling the applicant for the interview – the case will most likely be rescheduled.

Thanks,
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 6:39 AM
To: Hook, Gariand R
Subject: FW: Artesia Forms
Attachments: Artesia CF Interview Template.doc; I-870 CF Master Template (Kilaru)(ZART).docx; Memo to Flip Dependent to Principal.doc; NTA I-862 Template.doc

From: Rellis, Jennifer L
Sent: Tuesday, October 28, 2014 12:01 PM
To: Celentano, Peter S; Weintraub, Phillip H; Adams, Joyce V
Cc: Lynn, Mallory L
Subject: Artesia Forms

As we discussed, here are some of the forms you need. I will send the M-444 language later.

Thanks,
Jennifer

Jennifer Rellis
Supervisory Asylum Officer – detailed to Artesia, NM

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

PHONE INTERVIEW INITIATED: Interpreter#

Artesia Suggested CF Interview Template:

INSTRUCTIONS TO ASYLUM OFFICER: Questions highlighted in red must be asked during the interview. Other questions are suggestions. Red text indicates instructions to the Asylum Officer

CREDIBLE FEAR NOTES

Applicant's name: LN, First

Applicant/Interpreter Monitor Oaths administered

Paragraph 1.28, Form I-870 read to the applicant

DATE: Click here to enter a date.

COUNTRY:

ASYLUM OFFICER: _____, ZHN

INTERVIEW INITIATED: XX:XX MST

INTERPRETER: Language: Spanish Lionbridge # XXXXXX

Call Interpreter

Hello interpreter. This is a credible fear interview. Please have form I-870 available for reference. I'm going to place you under oath.

Administered Interpreter Oath

Officer	Interpreter
Do you affirm that you will truthfully, literally and fully interpret the questions asked by the asylum officer and the answers given by the applicant; that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted; and that you will immediately notify the officer in this case if you become aware of your inability to interpret in a neutral manner on account of a bias for or against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?	Yes
Do you affirm that you understand that the matters discussed during this interview are confidential?	Yes

INTERPRETER: Interpreter, please introduce yourself to the applicant.

Introduction: Hello. My name is Officer ___ and I will be conducting your interview today through an interpreter. We are having this interview today because you have expressed a fear of returning to your country and today we will discuss what those fears may be.

Q: What is your best language?

A:

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q: Do you speak any other languages?

A:

Q: Would you like to proceed today in the ***** language?

A:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Interview notes should indicate whether attorney was present in person or telephonically and name of attorney.]

[REDACTED]

Q: Does this health issue affect your memory?

A:

Q: Have you informed the facility of these health issues?

A:

Q: Will your/your child's condition affect your ability to talk to me today?

A:

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

[REDACTED]

IF APPLICANT WANTS TO PROCEED WITHOUT CHILD IN THE ROOM:

[APSO should escort all residents/attorney to the child supervision area and wait until the child is situated in the room. Interview notes should reflect that child was taken to the supervision room and not present for the interview. As necessary (depending on the age and knowledge of the child), APSO should take testimony from the children later on in the interview after the mother finishes her substantive testimony.]

[REDACTED]

Q. Now the interpreter will now explain to you the purpose of this interview.

Interpreter read Section 1.28 (Form I-870) to applicant
Interpreter, please read Paragraph 1.28 to the Applicant.

[REDACTED]

[REDACTED]

Applicant received and signed M-444 before interview

[Confirm that the applicant received and understood the M-444 before commencing the interview.]

Complete interpreter information

Administered Applicant Oath

Before we begin, I need to place you under oath. Please raise your right hand.
Do you swear to tell the truth, the whole truth and nothing but the truth?

A.

Thank you, you may place your hand down. The interpreter has been sworn in by me earlier and s/he has promise to keep everything we discuss today confidential. Please speak loudly and clearly into the phone and please speak in short sentences. I'm just going to start by asking some questions about your background information.

NOTE: THE FOLLOWING NOTES ARE NOT A VERBATIM TRANSCRIPT OF THIS INTERVIEW. THESE NOTES ARE RECORDED TO ASSIST THE INDIVIDUAL OFFICER IN MAKING A CREDIBLE FEAR DETERMINATION AND THE SUPERVISORY ASYLUM OFFICER IN REVIEWING THE DETERMINATION. THERE MAY BE AREAS OF THE INDIVIDUAL'S CLAIM THAT WERE NOT EXPLORED OR DOCUMENTED FOR PURPOSES OF THIS THRESHOLD SCREENING.

Q. Do you still fear return to your country?

A.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q. Records indicate you entered the United States on *****, through ***** is that correct?

A.

Q. When was the first time you entered the United States?

A.

Q. Did you ever reside in the US or were you ever here for short periods of time?

A.

Q. Do you remember approximately how many times you have come to the US before?

A.

Q. Did you ever apply for any legal status in the United States before, such as TPS or for asylum?

A.

Q. Where are your parents?

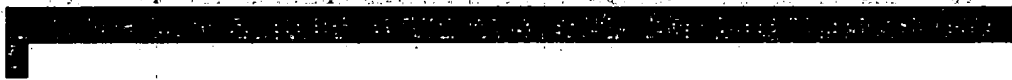
A.

Q. Have they ever been to the US?

A.

Q. Have your parents ever applied for asylum in the US before?

A.



[If applicant identifies other family members, obtain names, dates of births, and A# of the family member.]

Q. What is your full name?

A.

Q. Have you ever been known by any other names or aliases?

A.

Q. Where were you born?

A.

Q. What is your date of birth?

A.

Q. Have you used any other dates of birth?

A.

Q. Are you a citizen of _____?

A.

Q. Are you a citizen of any other country?

A.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q. Have you lived in any other countries?

A.

Q. Do you speak any other languages besides Spanish?

A.

Q. Do you identify as Hispanic, Indigenous, Mixed, white, black, etc.?

A.

Q. Do you have a religion; if so, what is it?

A.

Q. When did you enter the US?

A:

Q. Is this the first time you tried to enter into the United States?

A:

Q: Do you remember when you were apprehended by immigration officials?

A:

Q. Where did you enter the US?

A.

Q. Are you married, single, living with a partner? (Full name, citizenship, and location please)

A.

Q. Do you have any children? (Names, date of birth, and locations please).

A.

Q. What type of work did you do in your country?

A.

Q. Do you have any family, friends, or relatives in the US with whom would stay, if released? (Name / Address / Relationship / Telephone / Status?)

A.

Q. How are you being treated at the detention facility?

A.

CREDIBLE FEAR INTERVIEW - CLAIM

We are about to begin discussing the substance of your claim for asylum. It is in your best interest to keep your responses short with plenty of pauses so that the interpreter can accurately translate your responses. If what you say is too long for the interpreter to interpret, s/he will stop you. Please listen to my questions carefully and answer directly.



A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

■
[During any part of the testimony that becomes graphic or sensitive APSO should ask the applicant: Would you be more comfortable talking to me with your children in another room?]

PERSECUTION

Q. Have you ever been threatened or harmed in your country? Yes or No?

A.

Q. Who threatened/harmed you?

A.

Q. Has anyone else threatened/harmed you for any reason?

A.

Q. How were you threatened/harmed? (in person, over the telephone, through a letter, etc)?

A.

Q. Why were you threatened/harmed?

A.

Q. What exactly did they say to you?

A.

Q. Did they say anything else to you?

A.

Q. Why do you think they chose you?

A.

Q. Are there any specific reasons that they chose you?

A.

Q. Does [persecutor] do [harm] to other people like you/in your area?

A.

Q. Did you report the incident(s) to the police? If no, why did you not report to the police?

A.

Q. What happened at the police station?

A.

Q. How did the police respond to you?

A.

WELL-FOUNDED FEAR

Q. What do you think will happen to you if you return to your country?

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

A.

Q. Who would harm you?

A.

Q. Why would [persecutor] still want to harm you?

A.

Q. Does [persecutor] want to harm you for any other reasons?

A.

Q. Could the police or government protect you from the people you fear?

A.

Q. Could you live in a different part of your country and be safe?

A.

Q. If not, why not?

A.

CHILDREN'S CLAIMS

Q. Have your children ever been threatened or harmed by anyone in the past?

A.

Q. Would anyone harm your children if you returned to your country?

A.

[APSO must explore and elicit children's full asylum claim, particularly if the mother's claim appears to be negative. In order to flip the case, APSO must establish all elements of persecution or CAT claim for the child on the record. APSO can elicit the child's claim from the mother and/or take testimony from the child as appropriate.]

OTHER NEXUSES

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your religion in your country?

A.

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your race/skin color in your country?

A.

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your nationality, in your country?

A.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your political opinion in your country?

A.

Q. Is there any characteristic you have or anything about you that would make people in your society want to harm you? Is there any characteristic you have that people in your area would not approve of?

A.

Q. Do you fear being threatened or harmed for any other reasons if you were to return?

A.

CAT

Q. Have you ever experienced any mistreatment in the past by government officials, the police or persons associated with the government?

A.

Q. Do you fear the authorities or police in your country?

A.

Q. Torture means that someone is trying to cause severe intentional physical harm or severe intentional mental suffering? Do you fear torture from any public official/police/government in your country?

A.

Q. Have you ever been tortured by anyone for any reason?

A.

Q. Is there any connection between the people you fear in your country and the government of your country?

A.

Q. What makes you think that?

A.

Q. Are there any specific reasons that make you believe the people you fear are associated with the government or authorities?

A.

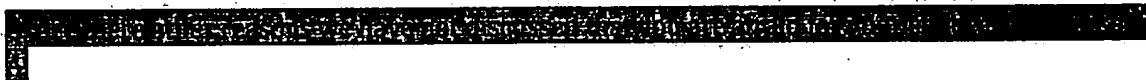
Q. Do you think [persecutor] would be able to harm you with the consent or permission of the police?

A.

Q. If the [insert country] authorities were standing there next to you while the people you fear were threatening/harming you, would the authorities help you?

A.

CONCLUSION



A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM



BARS

Q. Have you or your children ever harmed anyone for any reason?

A.

Q. Have you or your children ever committed a crime in any country?

A.

Q. Have you or your children ever been convicted of a crime in any country?

A.

Q. Have you or your children ever committed an armed act or an act that could be considered a terrorist act?

A.

Q. Have you or your children ever been a member of an armed group or a group that could be considered a terrorist group?

A.

Q. Have you or your children ever provided any type of support, like food, housing, money, weapons transportation, to a person or group who commits armed acts?

A.

RUNWAY

Q. Records indicate that on XX/XX/XX, you told the Immigration Officers that your purpose of entering the US was _____. Is this correct?

A.

Q. Why didn't you tell the Immigration Officers that you were afraid to return to your country?

A.

LAST CHECK FOR UNDERSTANDING

Q: Did you understand the questions that I asked?

A:

Q: Did you understand your interpreter?

A:

Q: Interpreter, did you understand the applicant?

A:

REVIEW OF SUMMARY OF TESTIMONY

APSO SUMMARIZED THE CASE TO THE APPLICANT AS REQUIRED BY SECTION 3.3, FORM I-870

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Summary of testimony

Q: Is this summary correct?

A:

Q: Are there any changes or additions you would like to make?

A:

Q: Is there anything else that is important to your claim that we have not yet discussed?

A:

[If attorney is present, APSO should give the attorney an opportunity to ask questions of the applicant or to make a closing statement. Attorney's Q&A and/or statement should be recorded in the notes.]

INTERVIEW CLOSING

Interpreter Please Read Section 3.2 (I-870) to applicant

Q: Do you understand what was read to you?

A:

Q: Do you have any comments or questions?

A:

That concludes the interview today.

INTERVIEW CONCLUDED: XX:XX MST

ART	ZHN 280	000	LN
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
Kilaru	Lakshmi	Country	
Asylum Officer's Last Name	Asylum Officer's First Name	Alien's Nationality	

All statements in italics must be read to the applicant

SECTION I:

INTERVIEW PREPARATION

- 1.1 Click here to enter a date.
Date of arrival [MM/DD/YY]
- 1.2 San Ysidro, CA
Port of arrival
- 1.3 Click here to enter a date.
Date of detention [MM/DD/YY]
- 1.4 Artesia Family Detention Center
Place of detention
- 1.5 Click here to enter a date.
Date of AO orientation [MM/DD/YY]
- 1.6 Lack of Resources
If orientation more than one week from date of detention, explain delay
- 1.7 Click here to enter a date.
Date of interview [MM/DD/YY]
- 1.8 ZHN-INP
Interview site
- 1.9 Applicant received and signed Form M-444 and relevant *pro bono* list on _____
Click here to enter a date.
Date signed [MM/DD/YY]
- 1.10 Does applicant have consultant(s)? Yes No
- 1.11 If yes, consultant(s) name, address, telephone number and relationship to applicant
None
- 1.12 Persons present at the interview (check which apply)
- 1.13 Consultant(s)
- 1.14 Other(s), list: Lionbridge Interpreter
- 1.15 No one other than applicant and asylum officer
- 1.16 Language used by applicant in interview: Choose an item.
- 1.17 Lionbridge # 260 Yes No 1:08 AM 1:08 AM
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.18 _____ Yes No _____
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.19 _____ Yes No _____
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.20 Interpreter was not changed during the interview
- 1.21 Interpreter was changed during the interview for the following reason(s):
- 1.22 Applicant requested a female interpreter replace a male interpreter, or vice versa
- 1.23 Applicant found interpreter was not competent
- 1.24 Applicant found interpreter was not neutral
- 1.25 Officer found interpreter was not competent
- 1.26 Officer found interpreter was not neutral
- 1.27 Bad telephone connection
- 1.28 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

SECTION II: BIOGRAPHIC INFORMATION

2.1 LN

Last Name/ Family Name [ALL CAPS]

2.2 Click here to enter text. 2.3

First Name Middle Name

2.4 Click here to enter text. 2.5 Gender Male Female

Date of birth [MM/DD/YY]

2.6

Other names and dates of birth used

2.7 Mexico 2.8 Mexico

Country of birth Country (countries) of citizenship (list all)

2.9 Apatzingan, Michoacan, Mexico

Address prior to coming to the U.S. (List Address, City/Town, Province, State, Department and Country).

2.10 Choose an item. 2.11 Choose an item. 2.12 Choose an item.
Applicant's race or ethnicity Applicant's religion All languages spoken by applicant

2.13 Marital status: Single Married Legally separated Divorced Widowed

2.14 Did spouse arrive with applicant? Yes No

2.15 Is spouse included in applicant's claim? Yes No

2.16 If currently married (including common law marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

Choose an item.

2.17 Children: Yes No

2.18 List any children (Use the continuation section to list any additional children):

Date of birth (MM/DD/YY)	Name	Citizenship	Present location (if w/PA, list A-Numbers)	Did child arrive with PA?	Is child included in PA's claim?
Choose an item.	Click here to enter text.	Choose an item.	Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Alien's File Number: XXX XXX XXX

Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists? If YES, answer questions 2.20 and 2.21 and explain below. Yes No

None

2.20 Has applicant notified the facility of medical condition? Yes No

2.21 Does applicant claim that the medical condition relates to torture? Yes No

2.22 Does the applicant have a relative, sponsor or other community ties, including spouse or child already listed above? Yes No

2.23 If YES, provide information on relative or sponsor (use continuation section, if necessary):

Click here to enter text. Choose an item.

Name Relationship

Click here to enter text. Click here to enter text.

Address Telephone Number

Citizen Legal Permanent Resident Other

SECTION III:

CREDIBLE FEAR INTERVIEW

The following notes are not a verbatim transcript of this interview.

These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination.

There may be areas of the individual's claim that were not explored or documented for purposes of this threshold screening.

The asylum officer must elicit sufficient information related to both credible fear of persecution and credible fear of torture to determine whether the applicant meets the threshold screening. Even if the asylum officer determines in the course of the interview that the applicant has a credible fear of persecution, the asylum officer must still elicit any additional information relevant to a fear of torture. Asylum officers are to ask the following questions and may use the continuation sheet if additional space is required. If the applicant replies YES to any question, the asylum officer must ask follow-up questions to elicit sufficient details about the claim in order to make a credible fear determination.

3.1 Have you or any member of your family ever been mistreated or threatened by anyone in any country to which you may be returned?

Yes No See Q&A Testimony

b. Do you have any reason to fear harm from anyone in any country to which you may be returned?

Yes No

See Q&A Testimony

Alien's File Number: XXX XXX XXX

c. If YES to questions a and/or b, was it or is it because of any of the following reasons? (Check each of the following boxes that apply).

Race Religion Nationality Membership in a particular social group Political Opinion

3.2 At the conclusion of the interview, the asylum officer must read the following to applicant:

If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. The Field Office Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. *If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?*

No Questions

3.3 At the conclusion of the interview, the asylum officer must read a summary of the claim, consisting of the responses to Questions 3.1 a-c and information recorded in the Additional Information/Continuation section, to applicant.

****Typed Question and Answer (Q&A) interview notes and a summary and analysis of the claim must be attached to this form for all negative credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear.

SECTION IV:

CREDIBLE FEAR FINDINGS

A. Credible Fear Determination:

Credibility

4.1 There is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.

4.2 Applicant found not credible because (check boxes 4.3-4.5, which apply):

4.3 Testimony was internally inconsistent on material issues.

4.4 Testimony lacked sufficient detail on material issues.

4.5 Testimony was not consistent with country conditions on material issues.

Nexus

4.6 Race 4.7 Religion 4.8 Nationality 4.9 Membership in a Particular Social Group

(Define the social group):

4.10 Political Opinion 4.11 Coercive Family Planning [CFP] 4.12 No Nexus

Credible Fear Finding

4.13 Credible fear of persecution established.

OR

4.14 Credible fear of torture established.

OR

4.15 Credible fear of persecution NOT established and there is not a significant possibility that the applicant could establish eligibility for withholding of removal or deferral of removal under the Convention against Torture.

B. Possible Bars:

- 4.16 Applicant could be subject to a bar(s) to asylum or withholding of removal (check the box(es) that applies and explain on the continuation sheet):
- 4.17 Particularly Serious Crime 4.18 Security Risk 4.19 Aggravated Felon
- 4.20 Persecutor 4.21 Terrorist 4.22 Firmly Resettled
- 4.23 Serious Non-Political Crime Outside the United States
- 4.24 Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal.

C. Identity:

- 4.25 Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.26 Applicant's own credible statements. (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty).
- 4.27 Passport which appears to be authentic.
- 4.28 Other evidence presented by applicant or in applicant's file (List): _____
- 4.29 Applicant's identity was not determined with a reasonable degree of certainty. (Explain on the continuation sheet.)

SECTION V: ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES

5.1 <u>Lakshmi Kilaru ZHN 280</u> Asylum officer name and ID CODE (print)	5.2 _____ Asylum officer's signature	5.3 ____/____/____ Decision date
5.4 _____ Supervisory asylum officer name	5.5 _____ Supervisor's signature	5.6 ____/____/____ Date supervisor approved decision

**ADDITIONAL INFORMATION/CONTINUATION
Q&A Testimony and Credible Fear Determination Worksheet**



U.S. Citizenship
and Immigration
Services

(b)(6)

MEMORANDUM

TO: FILE
FROM: ZHN 286
RE: [REDACTED]

The principal applicant in this case is [REDACTED] mother,
[REDACTED] is considered a dependent on this case.

(b)(6)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No

In the Matter of

Respondent:

c/o

currently residing at:

(Number, street, city and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of Honduras and a citizen of Honduras
- 3) You entered the United States at or near Hildago, TX on 10/11/2014
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.
- 5) You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act(Act), as amended, as immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 (f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Artesia Immigration Court, 1300 W. Richey Ave., Bldg. 169, Artesia NM, 88210

(Complete Address of Immigration Court, including Room Number, if any)

on To Be Determined at To Be Determined to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: _____

Artesia, NM

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the Immigration Judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the Department of Homeland Security immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act (the Act).

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office of Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on _____ in the following manner and in compliance with section 239(a)(1) of the Act.

in person by certified mail, returned receipt # _____ requested by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

(Signature and Title of officer)

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 1:55 PM
To: Fairbank, Christina; Weintraub, Phillip H; Adams, Joyce V; Hook, Garland R
Cc: Parent, Jessica L
Subject: Notes

Hi team: just a quick word about notes. Please be sure that the highlighting in your notes templates is removed, as it is difficult to read, particularly since we make copies and serve those on the applicants. Also, just another reminder to be sure that anything that did not take place in the interview (such as instructions to the APSO in the template) should not appear in the version you print for the working folder.

Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 2:23 PM
To: Fairbank, Christina; Weintraub, Phillip H; Adams, Joyce V; Hook, Garland R
Cc: Parent, Jessica L
Subject: RE: Notes

One more follow up – on the I-870, please state with specificity the identity of the consultant (e.g., please don't just write "Artesia Legal Defense Team" – please use the name on the G-28/person who appeared at the interview). Also, if there is a G-28, it must be clipped on the top left in the blue folder. This ensures that we properly notice the attorney in the future. The G-28 should never be underneath other documents or buried in the paperwork.

Also, the asylum office code on the I-870 is just ZHN – no need to put your ZHN#.

Thanks again for all of your hard work!

Mallory

From: Lynn, Mallory L
Sent: Monday, November 03, 2014 2:55 PM
To: Fairbank, Christina; Weintraub, Phillip H; Adams, Joyce V; Hook, Garland R
Cc: Parent, Jessica L
Subject: Notes

Hi team: just a quick word about notes. Please be sure that the highlighting in your notes templates is removed, as it is difficult to read, particularly since we make copies and serve those on the applicants. Also, just another reminder to be sure that anything that did not take place in the interview (such as instructions to the APSO in the template) should not appear in the version you print for the working folder.

Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, November 04, 2014 6:41 AM
To: Fairbank, Christina
Cc: Parent, Jessica L
Subject: suggested Artesia Forms
Attachments: Artesia CF Interview Template.doc; I-870 CF Master Template (Kilaru)(ZART).doc;
Memo to Flip Dependent to Principal.doc; NTA I-862 Template.doc

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, November 04, 2014 10:49 AM
To: Adams, Joyce V; Weintraub, Phillip H; Hook, Garland R; Fairbank, Christina
Cc: Parent, Jessica L
Subject: 48 hour waiver

Hi team – we are expecting more new arrivals soon – please always be sure to get a 48 hour waiver if necessary.

Thanks,
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Thursday, November 06, 2014 4:04 PM
To: Christina Brown
Cc: Tremont, Robert L
Subject: orientation

Hi Christina,

Yes, ICE is still doing the orientation/service of the M-444. I just confirmed with them.

Please send me those A#s when you get a chance! We are meticulously careful, but I will follow up on it to be sure. Also, I followed up with HQ, including the data request.

Feel better!

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, November 07, 2014 4:06 PM
To: Adams, Joyce V; Fairbank, Christina; Hook, Garland R
Cc: Parent, Jessica L
Subject: attorney waivers

Hi team: please be very careful to document applicants' decisions to proceed without an attorney. It's okay to have them confirm a couple of times to be sure they're confident in their decision. -Mallory

Jowett, Haley L

From: Stone, Mary M
Sent: Thursday, June 26, 2014 10:56 AM
To: Hemming, Bryan D; Kim, Ted H; Gadson, Irvin C
Cc: Mura, Elizabeth E
Subject: RE: Artesia contacts

AFRC

I just pulled up the tables...looks like they've added it. It says, "Artesia Family Residential Unit" – the very first code!

Mary Margaret Stone
Chief of Operations, Asylum Division
Refugee, Asylum and International Operations Directorate
US Citizenship and Immigration Services
Department of Homeland Security
Tel: 202.272.1651

From: Hemming, Bryan D
Sent: Thursday, June 26, 2014 7:37 AM
To: Kim, Ted H; Gadson, Irvin C
Cc: Stone, Mary M
Subject: RE: Artesia contacts

Hi all:

Audrey just asked about APSS codes for Artesia. Do we have those yet?

Thanks,
Bryan

From: Kim, Ted H
Sent: Monday, June 23, 2014 4:31 PM
To: Hemming, Bryan D; Gadson, Irvin C
Cc: Stone, Mary M
Subject: Artesia contacts

I've been given the following POCs for on-the-ground coordination in Artesia:

--To coordinate interview offices, please contact:

Laura Hernández-Winkelmann
Special Assistant
Office of the Deputy Executive Associate Director
Enforcement & Removal Operations
(6) 202 732 2520

(b)(6)

--To coordinate lodging at the facility for our own folks, please contact Ángel Cata (his email is listed in Outlook).

Please let me know if you run into any obstacles.

Thanks,
Ted

Ted Kim
Deputy Chief, Asylum Division
U.S. Citizenship & Immigration Services
Department of Homeland Security

Jowett, Haley L

From: Gadson, Irvin C
Sent: Friday, June 27, 2014 12:36 PM
To: (b)(6) Kim, Ted H; Hemming, Bryan D
Cc: Stone, Mary M; Lafferty, John L
Subject: RE: NFTS Code + CODEL issue

Thanks for the information Ted. Our local records managers advise that they are only able to create NFTS codes for ZHN location(s). We can reach out to USCIS-ELP records to see if they can assist. Thanks

Respectfully,

Irvin Gadson | Chief of Staff | USCIS | Department of Homeland Security | ✉: 16630 Imperial Valley Drive, Suite 200, Houston, TX 77060 | ☎: (281) 931-2139 Fax: (281) 931-4181

From: Kim, Ted H
Sent: Friday, June 27, 2014 12:20 PM
To: Gadson, Irvin C; Hemming, Bryan D
Cc: Stone, Mary M; Lafferty, John L
Subject: RE: NFTS Code + CODEL issue

Thanks, Irvin, for looking into the NFTS code.



Let's discuss more on today's call. We may need to push it back to 5:30, as we have an NGO meeting at 4, which may go long.

Thanks,
Ted

From: Gadson, Irvin C
Sent: Friday, June 27, 2014 12:33 PM
To: Kim, Ted H; Hemming, Bryan D
Cc: Stone, Mary M
Subject: RE: NFTS Code

Ted,

We will see if our local records managers can create one. We will keep you posted.



Respectfully,

From: Kim, Ted H
Sent: Friday, June 27, 2014 11:27 AM
To: Gadson, Irvin C; Hemming, Bryan D
Cc: Stone, Mary M
Subject: FW: NFTS Code

Irvin/Bryan: Is this something you can assist with? Thanks, Ted

From: (b) (6), (b) (7)(C) [redacted]@ice.dhs.gov
Sent: Friday, June 27, 2014 12:25 PM
To: Kim, Ted H
Cc: (b) (6), (b) (7)(C) [redacted]
Subject: RE: NFTS Code

Hi Ted

Just following up on this message.

Thank you very much.

(b) (6), (b) (7)(C) [redacted]

From: (b) (6), (b) (7)(C) [redacted]
Sent: Thursday, June 26, 2014 7:48 PM
To: Kim, Ted H
Cc: (b) (6), (b) (7)(C) [redacted]
Subject: NFTS Code

Hi Ted

Mr. Phil Miller asked that I reach out to you for your assistance. El Paso ERO is having problems with obtaining NFTS codes for the Artesia Family Residential Center (AFRC) location from local CIS. Can you please assist in getting this resolved?

Many thanks

(b) (6), (b) (7)(C) [redacted]
Special Assistant
Field Operations
202 (b) (6), (b) (7)(C) [redacted]

Donis, Antonio

From: Donis, Antonio
Sent: Saturday, July 19, 2014 4:26 PM
To: Hook, Garland R; Orendach, Janette; Zee, Dong; Stawar, Andrew X; Hensleigh, Chris J
Cc: Castaldi, Amarilde F; Guerrero, Ramon A; Aguilar, Rafael
Subject: Common I-870 Mistakes

Hey team,

I added a few bullets to the list below and am resending for everyone's awareness.

Thanks for your time and help,

Antonio__

From: Donis, Antonio
Sent: Tuesday, July 15, 2014 9:31 AM
To: Clements, Cory S; Hook, Garland R; Gordon, Jonathan; Orendach, Janette; Zee, Dong
Cc: Castaldi, Amarilde F; Hassan, Alice M; Guerrero, Ramon A
Subject: Common I-870 Mistakes

Hey team,

Below are some common mistakes Francesca and I are seeing on the **Credible Fear Worksheet (I-870)**.

Please take a moment to review and incorporate these changes into future submissions.

- **ART is the District Office Code in the Header on Page 1.**
- **Please write "lack of resources" in Section 1.6 if the CF orientation took place more than one week from the date of detention and there is no other reason for the delay.**
- **Please include any family members who were present during a CF interview in Section 1.12. You can either write in the family member's names or "applicant's child". Both methods are acceptable.**
- **Please include the interpreter service and interpreter ID number in Section 1.17 but do not include the words "in person" or "telephonic". That information is confusing and extraneous.**
- **Please indicate that the Interpreter was changed in Section 1.21 if an applicant was interviewed more than once. Then write "re-interview" where it asks for a reason.**
- **Please write "See Q&A" not "See Q&A and Checklist" in Section 3.1 as we do not issue CF checklists to applicants, attorneys, and the court.**
- **Please specify the Social Group that the applicant belongs to if you check the PSG box in Section 4.9.**
- **Don't forget to include your name, ZHN #, signature, and date at the end of the worksheet.**

Thanks for your time and keep up the good work!

ZART



DAILY OPERATIONS HANDBOOK

Contributors:

Antonio Donis, Reagan Hook, Ja Nette Orendach, Ramon Guerrero, Dong Zee, Mallory Lynn, Yolanda Burnett, Rafael Aguilar, Drew Stawar, Chris Hensleigh, Reza Naushad Ryan Littlepage, Martha Gonzalez, Laura Bradford, Kimberly Larson, Mimi Chang, Kara Hill, Susan Perez, Lakshmi Kilaru, Tracy Beighley, Eli Roeschke, Claire Schell, Rene Cardona, Chris Gossett

TABLE OF CONTENTS

Chapter	Page
INTRODUCTION	
1 HOURS AND OVERTIME (OT)	5
2 FILE RECEIPT AND CREATION OF A WORKING FILE (W-FILE)	6
2.1 Receiving the Referral Paperwork	6
2.2 Creating the Working File (W-file)	6
2.3 PRECing the Case	6
2.3.1 Notes on PRECing	7
2.4 Creating the Cover Sheet	7
3 INTERVIEW PREPARATION FOR APSOS	7
3.1 AM and PM Interviews	7
3.2 Prepping the W-file	7
3.3 Security Checks	8
4 THE INTERVIEW	8
4.1 Retrieving the Resident and the Attorney	8
4.2 Child Supervision	8
4.3 Attorney Reschedule Policy	8
4.4 Essential Questions to Ask in Every ZART Interview	9
4.4.1 CF Interviews – ZART Essential Questions	9
4.4.2 RF Interviews – ZART Essential Questions	10
4.5 Working with Consultants (attorneys)	11
4.5.1 Resident's Right to Seek Consultation	11
4.5.2 Role of the Consultant	11
4.6 Separated Family Members/Families Disbursed to Various Facilities	12
4.7 Children with Well-Founded Fear (WFF), Family-Based PSGs and Similarly-Situated Individuals, and Government Unable or Unwilling to Protect Children	12
4.8 The Follow-up Interview	12
4.9 Rare Languages	12

4.10 Plain Language	12
5 THE WRITE-UP	12
5.1 NTA Information	13
5.2 Credible Fear Checklist	13
6 ENTERING THE DECISION INTO APSS	13
6.1 INTC Screen	13
6.2 ADEC Screen	13
6.3 Entering a Re-Interview into APSS	13
6.3.1 Entering New Information	13
6.3.2 INTC	14
6.3.3 CSTA	14
6.3.4 ADEC	14
7 DECISION SERVICE	14
7.1 AM and PM Services	14
7.2 Preparing the Service Packets	14
7.2.1 Resident/Attorney/APSO Copies	15
7.2.2 ICE copies	15
7.3 Serving the Decision	16
7.4 After the Service	16
7.5 Completing the File	16
8 MISCELLANEOUS INFORMATION	17
8.1 Ordering Supplies	17
Appendix A: Overtime Slip Houston Asylum Office 45 Act Bill	18
Appendix B: PREC Screen Example	19
Appendix C: Gaining Access	20
Appendix D: G-872A	21
Appendix E: USCIS Rules of Behavior	24
Appendix F: Switching Principals in APSS	30

Appendix G: Detained Family Cover Sheet	31
Appendix H: How-To Guide: Completing the Credible/Reasonable Fear Background & Identity and Security Checklist and Flowchart	32
Appendix I: Childcare Recommendations	35
Appendix J: Memorandum on the Role of Consultants	36
Appendix K: Issues Related to Family Processing	38
Appendix L: Follow-Up Interviews	40
Appendix M: Decision Change Memo	43
Appendix N: Rare Languages	44
Appendix O: Decision Service Scripts	48
Appendix P: Memorandum to “Flip” Dependent to Principal	52

INTRODUCTION

Thank you for volunteering to support the Asylum Division's family processing efforts at the Artesia Residential Family Center (ARFC). The ARFC has been set up along the corner of the FLETC campus in Artesia, NM.

FLETC Artesia is located in southeastern New Mexico, midway between Roswell and Carlsbad on the grounds of a former private college purchased in 1989. It is one of three residential family centers in the United States and can house up to 672 mothers and children.

FLETC Artesia trains law enforcement personnel from over 90 federal and state agencies, with as many as 1,000 students per day. The Federal Air Marshals train at FLETC Artesia, as do many CBP officers. The Bureau of Indian Affairs Indian Police Academy is headquartered here, as is the BIA Memorial to fallen BIA and tribal officers.

The Artesia asylum office (or ZART for short) is co-located in a series shared trailers with ICE ERO and OPLA, making intra-agency communication fast and friendly. ICE and USCIS employees are detailed for up to 90 days and are lodged in FLETC dormitories with shared bathrooms.

Other FLETC amenities include:

- Mess Hall – huge dining hall offering basic cafeteria food, large salad bar, inexpensive government-subsidized prices
- Physical Techniques Building – 108,000 square feet of the most serious workout facilities you will ever see, including gymnasium, cardio room, weight rooms, mat rooms, a huge indoor lap pool, and outdoor running tracks. Facilities are generally available before and after normal business hours but are subject to officer training. You may be required to use FLETC gym uniforms, and use of the pool requires signing out a key and swimming with a buddy as there is no lifeguard.
- Post office, bank, laundry, convenience store, and gift shop

1 HOURS AND OVERTIME (OT)

Working hours are 7:00 a.m. – 4:00 p.m. with a one-hour lunch break.

Office working hours “soft stop” at 4:00 p.m.; however, Overtime (OT) may be available. Check with your Supervisor to see if there are OT hours available no later than 4:00 p.m. OT is allocated on a day-to-day basis and must be approved by your Supervisor before you work extra time or enter it onto your timesheet. (b)(7)(e)

If OT is available, complete the “OT Slip Houston Asylum Office 45 Act Bill” (Appendix A). The OT Code String for Artesia is

Office working hours “hard stop” at 7:00 p.m. All work, including interviews, must stop at this time. You may continue unfinished interviews another day, as necessary.

2 FILE RECEIPT AND CREATION OF A WORKING FILE (W-FILE)

2.1 Receiving the Referral Packet

CIS receives credible and reasonable fear referral packets from ICE. These packets are placed in the ICE Referrals box, located in building 131.

2.2 Creating the Working File (W-file)

The support staff creates a Working File (W-File) for each individual on a case. The W-File consists of the below forms on the left side of the file in the following order:

LEFT SIDE-- CREDIBLE FEAR

- G-28 (if any)
- I-213
- I-860 (must include apprehension location and arrival date)
- I-867 A/B
- M-444
- List of Free and Low Cost Legal Service Providers

LEFT SIDE-- REASONABLE FEAR

- G-28 (if any)
- I-213
- I-871 (double-check jurisdiction)
- I-867 A/B
- M-488
- List of free and Low Cost Legal Service Providers

The W-File will consist of the below forms on the right side of the file in the following order:

RIGHT SIDE-- CREDIBLE AND REASONABLE FEAR

- The Credible Fear/Reasonable Fear Background Identity and Security Checklist (generally printed on yellow paper)
- US Visit print-out of resident data
- EARM page (printed from the EARM tab that reads *Person*)

2.3 PRECing the Case

(b)(7)(e)



Common Encounter location codes (ENCOUNTER LOC) for Artesia include:

- Hidalgo, TX: HID
- El Paso, TX: ELP
- Progreso, TX: PGR
- La Joya, TX: MCI

(b)(5)

(b)(7)(e)

2.3.1 Notes on PRECing

Cases are clocked in the same day that they are received, as long as it is a business day and the packet is placed in the box by Close of Business (i.e. 4:00 pm).

Things to Avoid When PRECing

2.4 Creating the Cover Sheet

Staple a “Detained Family” cover sheet (**Appendix G**) on the outside of the Principal’s W-file and fill in the following information: PREC Date, Due Date, Principal A# and Last Name, Dependent(s) A#, and Last Name, and the attorney’s information, if applicable.

Place the W-file into the “To be scheduled” box located in Building 131.

3 INTERVIEW PREPARATION FOR APSOS

3.1 AM and PM Interviews

Cases are divided into AM and PM interviews to better facilitate locating and transporting residents around the Artesia Family Residence Center.

- AM interviewees are staged in the dayroom between 7:00 a.m. – 7:30 a.m.
- PM interviewees are staged in the dayroom between 12:00 p.m. – 12:30 p.m.

3.2 Prepping the W-File

Always read through the I-860 or I-871 to determine if a case is POE or INL (note: ZART does not use a color coding system like many other offices). Also read through the I-867A/B and the I-213 to ascertain other relevant information prior to the interview.

3.3 Security Checks

Refer to **Appendix H**: “How-To Guide: Completing the Credible/Reasonable Fear Background Identity and Security Checklist and Flowchart.”

4 THE INTERVIEW

4.1 Retrieving the Resident and their Attorney/Consultant

Residents are normally staged in the Dayroom or, if the Resident has an attorney, he or she may be in the Law Library or Visitation area. If there is a G-28 on file, check for the attorney in the Law Library/Visitation areas first and let him or her know you are about to begin the interview.

Attorneys are juggling a lot of cases and sometimes pass cases off to one another. Be prepared for delays as they may need a little time with their client prior to the interview. This practice is discouraged; however, depending on the circumstances the SAPSO or Team Lead may authorize a short delay.

RESIDENTS AND ATTORNEYS MUST BE ESCORTED AT ALL TIMES. When escorting Residents to your office, let the ICE officer in the dayroom know who you are, whom you are escorting, and why (e.g., “I am taking Ms. Lynn and her child/children for their asylum interview”).

4.2 Child Supervision

Each mother must be asked whether they want their children present for the interview. Please record the answer to this question in your notes and escort the mother and child to the child supervision room. See “Childcare Recommendations” (**Appendix I**).

LAP CHILDREN MUST REMAIN IN THE INTERVIEW. ICE will not assume responsibility for supervising very young children. In these cases, the children must remain with the mother during the interview.

DO NOT LEAVE ANY RESIDENT OR ATTORNEY ALONE IN YOUR OFFICE. If a situation arises where a Resident must be alone in your office (e.g., if the Resident needs to nurse an infant child and would like privacy), first seek guidance from your SAPSO.

4.3 Attorney Reschedule Policy

If a Resident’s attorney is not present for the interview, explain to the Resident that he or she may proceed with the interview without an attorney if he or she would like to do so. If the Resident insists on the attorney being present for the interview, inform him or her that the interview will be rescheduled.

If the resident arrives at the interview without an attorney, but would like more time to find one, inform the resident that the interview will be rescheduled and that he or she has 48 hours to find an attorney. You may also let them know that there are free attorneys on site, but do not specify who those attorneys are or which organizations they represent.

DECISION SERVICES WILL NOT BE RESCHEDULED FOR ATTORNEYS.

4.4 Essential Questions to ask in Every ZART Interview

In addition to the regular CF/RF interview questions, also ask the following “Essential Questions”:

4.4.1 CF Interviews

Introduction/After Reading 1.28:

1. Do you have any questions about what was just read to you? Would you like me to explain it in a different way?
2. Do you have an attorney or consultant?
 - *If NO:* An attorney is not required for this interview, but it is your right to have an attorney or consultant present if you would like one. Would you like to have your interview today by yourself, or would you like to reschedule so that you can have more time to find an attorney?
 - *If reschedule:* We will reschedule your interview in two days. Here is a list of free legal service providers that may be able to help you. Please be sure to start looking so that you will be ready next time.
 - *If YES:* Contact attorney.
 - *If attorney is unavailable:* Would you like to have your interview today without your attorney, or would you like to reschedule?
 - *If reschedule:* (obtain attorney contact information if no G-28) Okay, we will reschedule your interview.
3. **Any** of you can talk to me today about a fear you have. Do you understand? (Record answers for all family members old enough to communicate with APSO.)
4. Are you comfortable proceeding with your child(ren) here in the room?
5. Do you or any of your children have any health problems?
 - *If YES:* Have you let the facility know? Will you/your child’s condition affect your ability to talk to me today?
6. Which family member(s) arrived with you (including those housed elsewhere)?

Substance of Claim:

7. *During any part of the testimony that becomes graphic or sensitive:* Would you be more comfortable talking to me with your child(ren) in another room?
8. Have you ever been threatened or harmed, or do you fear being harmed or threatened, by a family member or someone you have had a relationship with?
9. Are there other reasons we have not discussed that you are afraid for your child(ren) or yourself?
10. Is there anything else **any of you** would like to add? (This question must be posed to children old enough to communicate with APSO. Record all answers.)

Summary of Testimony/Conclusion:

11. Always read the Summary of Testimony back to the resident.
12. Always ask, "Is this correct?"

4.4.2 RF Interviews

Introduction/After Reading 1.28:

1. Do you have any questions about what was just read to you? Would you like me to explain it in a different way?
2. Do you have an attorney?
 - *If NO:* An attorney is not required for this interview, but it is your right to have an attorney present if you would like one. Would you like to have your interview today by yourself, or would you like to reschedule so that you can have more time to find an attorney?
 - *If reschedule:* We will reschedule your interview in two days. Here is a list of free legal service providers that may be able to help you. Please be sure to start looking so that you will be ready next time.
 - *If YES:* Contact attorney.
 - *If attorney is unavailable:* Would you like to have your interview today without your attorney, or would you like to reschedule?
 - *If reschedule:* (obtain attorney contact information if no G-28) Okay, we will reschedule your interview.
3. Are you comfortable proceeding with your child(ren) here in the room?
4. Do you or any of your children have any health problems?

- *If YES:* Have you let the facility know? Will you/your child's condition affect your ability to talk to me today?

Substance of Claim:

5. *During any part of the testimony that becomes graphic or sensitive:* Would you be more comfortable talking to me with your child(ren) in another room?
6. Have you ever been threatened or harmed, or do you fear being harmed or threatened, by a family member or someone you have had a relationship with?
7. Are there other reasons we have not discussed that you are afraid for your child(ren) or yourself?

Summary of Testimony/Conclusion:

8. Always read the Summary of Testimony back to the resident.
9. Always ask, "Is this correct?"

4.5 Working with Consultants (Attorneys) During the Interview

4.5.1 Resident's Right to Seek Consultation

The Resident has a right to seek consultation pursuant to 8 CFR§208.30(d)(4):

"The alien may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, and may present other evidence, if available. Such consultation shall be at no expense to the Government and shall not unreasonably delay the process. Any person or persons with whom the alien chooses to consult may be present at the interview and may be permitted, in the discretion of the asylum officer, to present a statement at the end of the interview. The asylum officer, in his or her discretion, may place reasonable limits on the number of persons who may be present at the interview and on the length of the statement." *See CF Lesson Plan (Rev. 02/28/2014); 8 CFR§208.30(d)(4).*

4.5.2 Role of the Consultant

The role of a consultant is similar to the role of an attorney or representative in an affirmative asylum interview. An APSO must explain the consultant's role to the consultant and the Resident at the beginning of the interview. A consultant may make a statement, comment on the evidence, or ask the Resident additional relevant questions that the APSO did not ask, at the end of the interview. To avoid misunderstandings, it sometimes will be appropriate for a consultant to make comments during, instead of at the end, of the interview. Only in unusual circumstances, such as mental disability, will a consultant be permitted to answer on behalf of the Resident. A consultant who repeatedly interrupts or otherwise disrupts an interview must be asked to refrain from doing so and be reminded that he or she will have an opportunity at the end of the interview to make comments. An APSO may ask a consultant who continuously fails to abide by the rules of the interview to leave the interview. Should this occur, the APSO will proceed with the

interview. The APSO must clearly outline in the interview notes what transpired during the interview that prompted the consultant's dismissal from the interview. *See Appendix J.*

4.6 Separated Family Members/Families Disbursed to Various Facilities

During the interview, ask the Resident with whom he or she arrived with to see if there are any family members missing. If it is determined that a missing family member was taken to another facility, get the family member's full name, DOB, COB, DOE, and A# (if available).

Explain to the Resident that if it is possible to locate the missing family member, there are two options available: a) the missing family member can choose to be a Dependent on the Resident's claim *or* b) the Resident can choose to be a Dependent on the missing family member's claim.

After the interview, the supervisors and support staff will use PCQS, CIS, and Enforce/EARM to try to locate the missing family member. If successful, reasonable attempts will be made to ask separated family members whether they would like to be included on their spouses claim. This will usually be done prior to decision service.

4.7 Children with Well-Founded Fear (WFF), Family-Based PSGs and Similarly-Situated Individuals, and Government Unable or Unwilling to Protect Children

For direction on the situations listed above, see "Issues Related to Family Processing" (Appendix K).

4.8 The Follow-Up Interview (Re-Interview)

For information on Follow-Up Interviews, see the "ZART Follow-Up Interview Guide" (Appendix L). *See also Appendix M.*

4.9 Rare Languages

Rare languages commonly encountered among Artesia Residents include Mam, Maya Kanjobal (a.k.a., Konjuval; Q'anob'al), Acateca (a.k.a., Acateco), and K'iche (a.k.a., Quiche). For information on conducting an interview in a rare language, see the "ZART Rare Languages Guide" (Appendix N).

4.10 Plain Language

ZART APSOs should always interview in plain language. Rephrase questions as necessary to ensure understanding. Avoid questions such as, "Are you a member of a particular social group?" or "Will the government consent or acquiesce to this harm?" Consult the Eliciting Testimony Lesson Plan for further guidance.

5 THE WRITE-UP

5.1 NTA Information

On the Notice to Appear (NTA), note that **all residents are residing at:** AFRC 1300 W. Richey Ave, Artesia, NM 88210.

All residents appear at: Artesia Immigration Court, 1300 W. Richey Ave, Bldg. 169, Artesia, NM 88210

5.2 Completing the Credible Fear Checklist

Where an applicant has multiple claims, number each claim on the checklist. Fully analyze each claim and refer to the numbers in each section for clarity.

Negative determinations must include reasoning for both the principal applicant as well as any dependents' potential claims. Analyze potential persecution and torture claims for all applicants. If a dependent child becomes the principal applicant, include a "flip" memo (**Appendix P**).

Conversely, when making a positive determination, there is no need to analyze family members' claims, regardless if the principal applicant is an adult or a child. If a child has requested to have his or her case separated from the parent's case, discuss the cases with the SAPSO or Team Lead prior to the interview.

6 ENTERING THE DECISION INTO APSS

Artesia APSOs must complete the INTC and ADEC screens. Most of the information needed to complete these screens comes from the I-870.

6.1 INTC Screen

The RECORD NOTES screen is accessed by key F9 under the INTC screen. Enter new APSO, SAPSO and other relevant information for the re-interview. Press ENTER, then type Y in Record Notes field and hit ENTER again. Return to INTC screen by pressing F10. View notes under CSTA screen (F11).

6.2 ADEC Screen

Keep the original interview date along with original APSO and SAPSO. Enter any necessary changes to the decision field and update *Date* field. Remove the old *Decision Served Date* and *Date Forwarded to DO* field, and press ENTER.

6.3 Entering Re-Interviews into APSS

Re-interview information **MUST** be recorded in the RECORD NOTES screen of APSS.

6.3.1 Entering New Information

Go to the ADEC screen and enter any changes to Decision field. Update the *Date* field with the new decision date. Remove the old *Decision Served Date* field and *Date Forwarded to DO* field. Hit ENTER.

Note that if the *Case Delay* field is required, enter the reason code as follows: I—Re-interview; O—Other; A—Attorney; R—Lack of Resources.

6.3.2 INTC

The original interview record must remain in the INTC screen. Any re-interview information is recorded in the RECORD NOTES screen. Go to the INTC screen and press F9. Enter the re-interview information:

ZHN xxx RE-INTERVIEWED RESIDENT ON xx/xx/xxxx AND MADE A POSITIVE (OR NEGATIVE) DETERMINATION ON xx/xx/xxxx. ZHN xxx SUBMITTED THE CASE TO ZHN xxx ON xx/xx/xxxx.

When you have finished inputting the re-interview information, press ENTER. They type “Y” into the *Record Notes* field.

6.3.3 CSTA

Notes can only be viewed from the CSTA screen. To view your NOTE, go to the CSTA screen and press F11.

6.3.4 ADEC

The ADEC screen is linked to the INTC screen by the interview date, so the original interview date on the ADEC screen cannot be changed. The original APSO and SAPSO will also display on the ADEC screen, because this information is linked to the original interview date. New APSO/SAPSO information must be entered into RECORD NOTES.

7 DECISION SERVICE

7.1 AM and PM Services

Cases are divided into AM and PM services to better facilitate locating and transporting residents at the Artesia Family Residence Center.

(b)(7)(e)

- AM services are staged in the dayroom between 7:00 a.m. – 7:30 a.m.
- PM services are staged in the dayroom between 12:00 p.m. – 12:30 p.m.



7.2 Preparing the Service Packets

Decision Service Packets are prepared by the CIS support staff. CIS support staff will prepare 4 copies of the Service Packet: 1 for ICE, 1 for APSO (W-file copy), 1 for the Resident, and 1 for the Attorney (if present).

BEFORE MAKING COPIES, REMOVE THE CREDIBLE FEAR CHECKLIST. THE CREDIBLE FEAR CHECKLIST IS AN INTERNAL DOCUMENT STILL THAT MUST NOT BE GIVEN TO ANYONE OUTSIDE OF USCIS.

7.2.1 Resident/Attorney/APSO Copies

Prepare the Resident, Attorney and File copies in the following order from top to bottom (you will be making a total of 3 copies of the ORIGINAL packet):

PRINCIPAL RESIDENT'S PACKET (and Attorney, if present):

- I-862 (positive) or I-869/I-863 (negative)
- I-870/Interview Notes; I-899
- I-860/I-871
- I-867 A/B
- M-444/M-488
- Denver EOIR-33
- List of Free Legal Service Providers (to sign at service)

DEPENDENT RESIDENT'S PACKET (and Attorney, if present):

- I-862 (positive) or I-869/I-863 (negative)
- I-860
- I-867 A/B
- M-444/M-488
- List of Free Legal Service Providers (to sign at service)
- Denver EOIR-33
- **EXCEPTION:** If a derivative child is the new Principal Resident, include the I-870/Interview Notes and flip memo in ALL the dependents' packets.

7.2.2 ICE Copies

Prepare the ICE copies in the following order from top to bottom:

ICE PACKET:

ICE will always receive the ORIGINAL NTAs for both the Resident and Dependents, signed in BLUE ink by the SAPSO.

- I-862 (positive) or I-869/I-863 (negative)
- I-870/Interview Notes; I-899
- I-860/I-871
- I-867 A/B
- M-444/M-488
- List of Free Legal Service Providers (to sign at service)
- A copy of the Security Checklist
- A copy of the CSTA screen

- DO NOT GIVE THE CREDIBLE FEAR CHECKLIST TO ICE.

7.2.2.1.1 EOIR Copies

ICE scans and emails the USCIS service packet to the court administrator, who then docketed each case in accordance with DOJ guidelines. There is no need to create a separate packet for the court.

7.3 Serving the Decision

Locate the Resident and the attorney (*See* 4.1, *supra*, Retrieving the Resident and Attorney). Utilize the phone service (e.g., Lionbridge or Language Line) to call the appropriate language interpreter. Be sure to ask the interpreter if he or she has form I-862 (if positive) or I-863 (if negative) available in front of him or her for translation purposes. For a script of how to serve a decision, see “Final Decision Service Scripts” (**Appendix O**). Make sure the Resident signs all 4 copies of the packet [I-862 (positive)/I-863 (negative) and the List of Free and Low-Cost Legal Service Providers].

7.4 After the Service

Once the service is complete and the Resident and Attorney have been escorted back, go to the ADEC screen for the Primary Resident and enter the *Service Date* and *Date to DO* with the date that the Resident was served. Then enter the same information for all Dependent Residents in the ADEC screen. If the decision was negative, update whether an IJ review was requested with the same date. If the case was flipped, ensure that the Principal Resident is listed correctly for each Resident.

The following documents should be given to ICE:

- The ORIGINAL packet for the Principal and all Dependents
- A copy of the Security Checklist
- A copy of any HIT/TECS Resolution Memos
- A copy of any G-28s in the file
- Any additional paperwork that has been specified by the Supervisor as necessary

7.5 Completing the File

Before placing the W-file into the cabinets, make sure the following paperwork is in the correct order, from top to bottom:

LEFT SIDE

- G-28 (if present)
- Service Packet
- I-213
- I-860/ I-871
- I-867 A/B
- M-444/ M-488
- List of free and low-cost Legal Service Providers
- EARM page (printed from the EARM tab that reads *Person*)

RIGHT SIDE

- Security Checklist
- CBP or ICE HIT/TECHS Resolution Memos (if present)
- US Visit
- Credible Fear Checklist
- Miscellaneous notes, emails etc.

W-Files are stored according to their PREC date (since this date seldom changes).

8 MISCELLANEOUS INFORMATION

8.1 Ordering Supplies

The following supplies should always be made available to the Residents and their dependents in your office during the interview: diapers, wipes, toys, non-toxic crayons. The ICE personnel in building 131B should be able to provide you with these items as the need arises. For diaper changes, please return the family to the dayroom, where ICE staff has set up a changing table.

Additionally, you should keep your office well-stocked with pens, paper, printer toner, etc. If you need to order office supplies, let the SAPSOs know and they will email #ZHN-Admin with the request. Kirk Bell will usually be the one responding to this email. Give Kirk the required quantities and adjustments will be made as necessary. You can also request authorization for a local purchase (e.g., Office Depot, located in Roswell, NM).

APPENDIX A: OVERTIME SLIP HOUSTON ASYLUM OFFICE 45 ACT BILL

**OVERTIME SLIP
HOUSTON ASYLUM
45 ACT BILL**

Entered by: _____
Total Time Entered: _____

Date overtime pre-approved: _____

Hours approved: _____

NAME: _____

Date overtime performed: _____

<u>MORNING</u>	<u>AFTERNOON</u>
Start Time: _____	Start Time: _____
Finish Time: _____	Finish Time: _____
Total Time: _____	Total Time: _____

Assignments:

Employee Signature/Date

Morning OT Supervisor Signature/Date

Afternoon OT Supervisor Signature/Date

APPENDIX B: PREC SCREEN EXAMPLE

APXCAS01 PRELIMINARY CASE RECORD ENTRY (PREC) 00/00/00
CCO: ZHN TIMESTAMP

LAST NAME: LAST NAME A-NUMBER: (WILL AUTO-FILL)
FIRST NAME: FIRST NAME MIDDLE: MIDDLE NAME PRIN A-NUMBER:
AKA (LAST): DETENTION FAC: AFRC DATE: SEE I-860/871
AKA (FIRST): ENCOUNTER LOC: SEE I-860/871 CLK-IN DT: TODAY'S DATE

SEX: F/M COB: SEE I-860/871 DOB (MM/DD/YYYY): SEE EARM SHEET
RELIG: UNKNO PROVINCE: --- CITZ 1: SAME AS COB CITZ 2:

LANGUAGE (S): SP INTERPRETER REQUIRED (Y/N): Y
ARRIVAL DATE: POE: UNK SPECIAL GROUP: INL

CHOOSE RF OR CF CREDIBLE FEAR (X) -OR- REASONABLE FEAR (X)
EXPEDITED REMOVAL: DEPORTATION: - REINSTATEMENT:
EXCLUSION: STOWAWAY: - ADMIN REMOVAL:

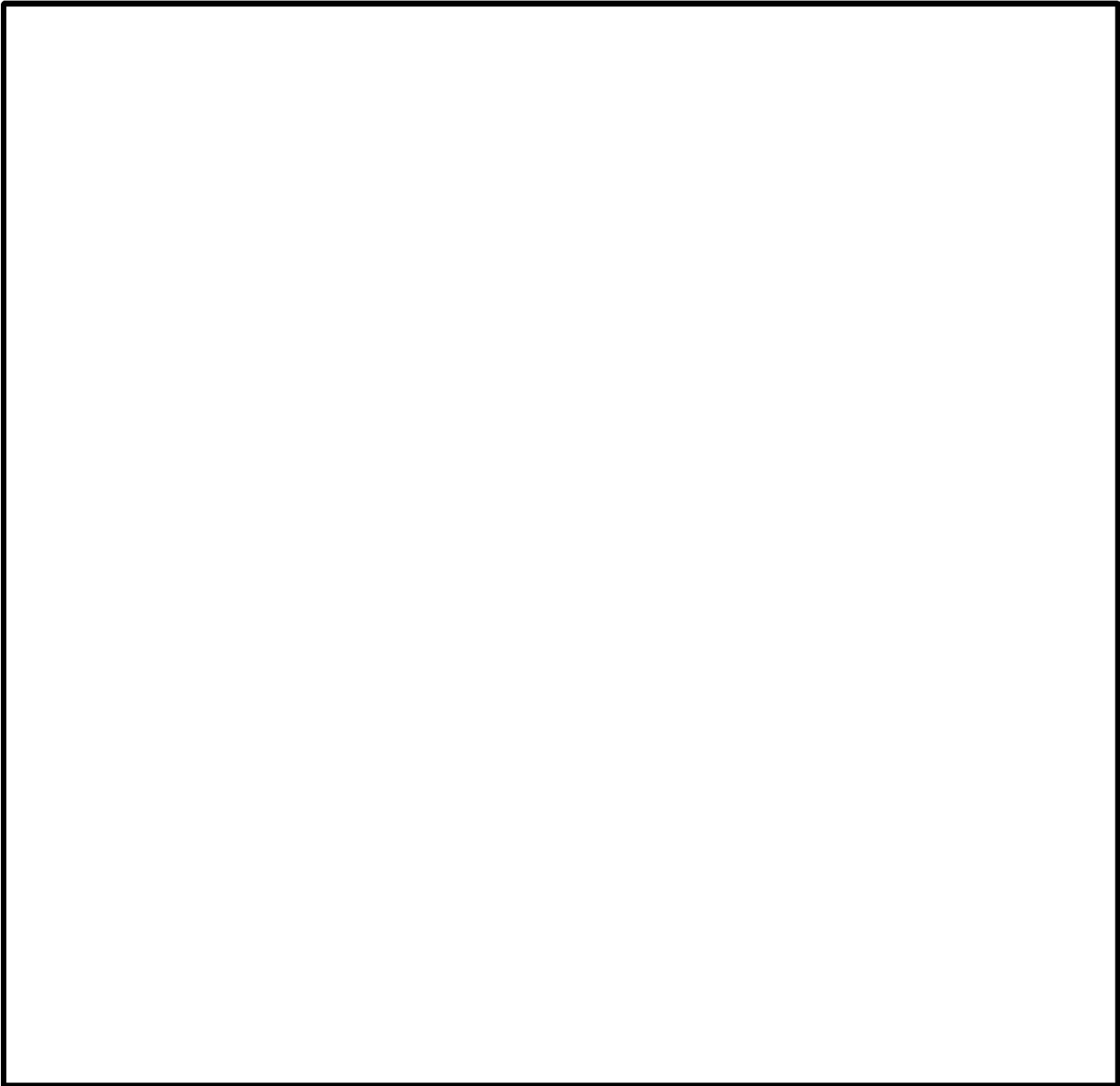
INTERVIEW LOC: ART

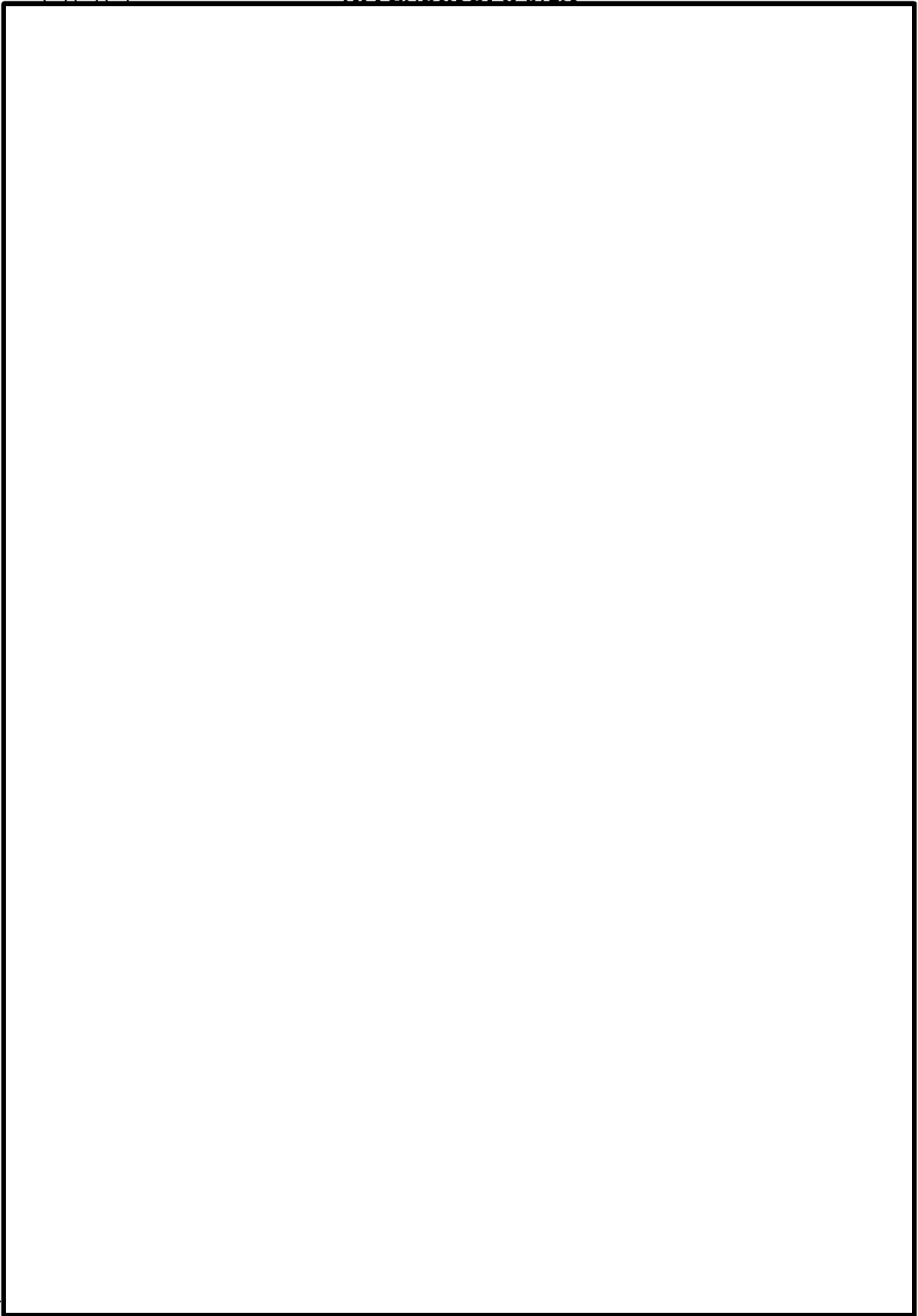
COMMAND: PREC A-NUMBER:

(b)(7)(e)

APPENDIX C: GAINING ACCESS

In order to perform your duties at ZART, you will need to gain access to numerous programs, including:

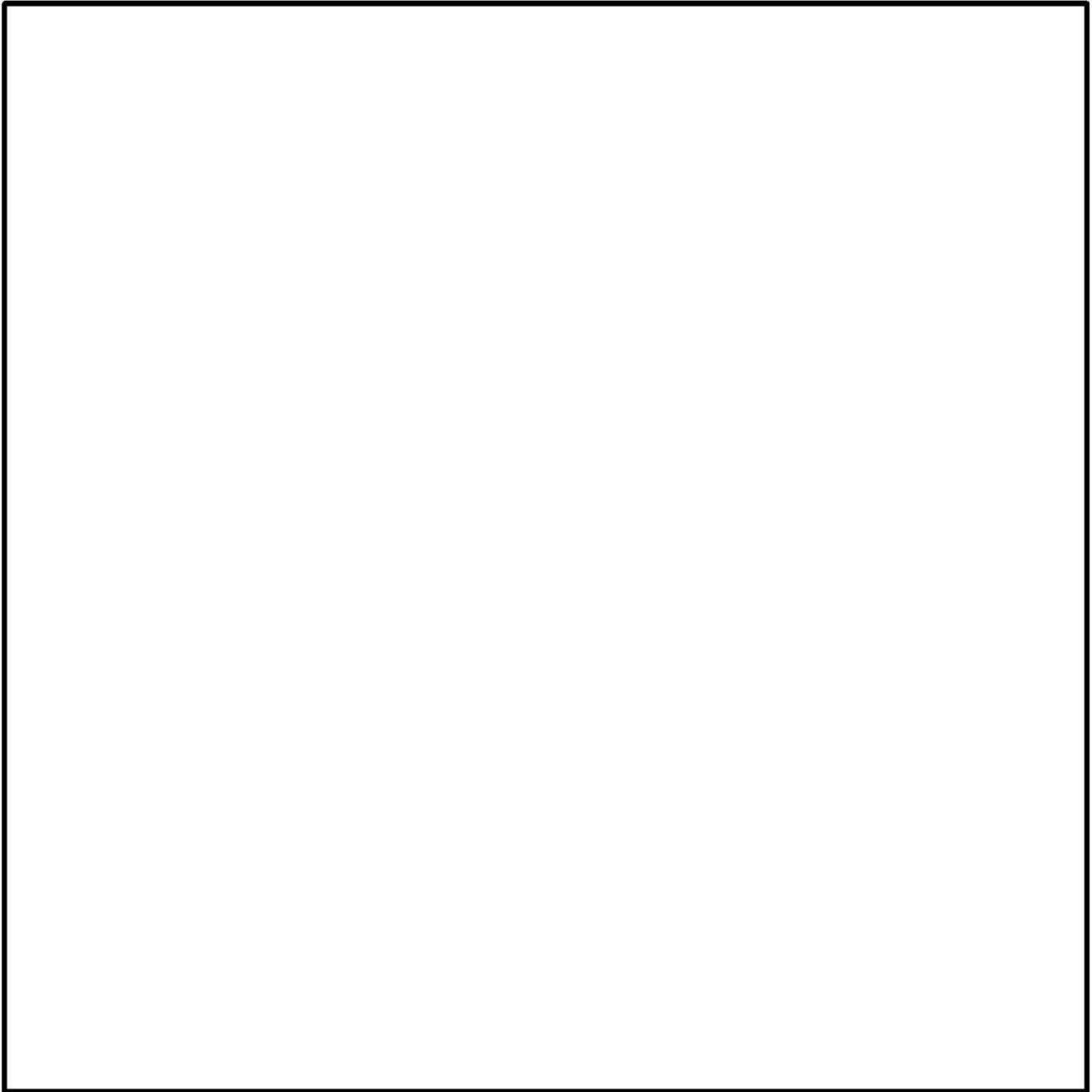




(b)(7)(e)

REQUEST FOR PICS MAINFRAME APPLICATIONS

THIS FORM IS TO BE USED TO REQUEST ACCESS TO PICS MAINFRAME CIS AND END USER APPLICATIONS ACCESSED THROUGH CA TELEVIEW/NATIONAL SYSTEMS.



APPENDIX A

CIS

- **91 SEARCH**
 1. 9100 SEARCH MENU
 2. 9101 ID NUMBER
 3. 9102 SOUNDS LIKE NAME
 4. 9103 EXACT NAME
 5. 9104 AKA (ALIAS) NAME
- **92 DATA DISPLAY**
 1. 9200 DATA DISPLAY MENU
 2. 9201 PERSONAL DESCRIPTION DATA
 3. 9202 AKA NAMES
 4. 9211 DISPLAY DATA FROM ASIS
 5. 9212 DISPLAY DATA FROM DACS
 6. 9213 DISPLAY DATA FROM LCTS
 7. 9214 DISPLAY DATA FROM NACS
 8. 9215 DISPLAY DATA FROM STSC
 9. 9221 STATUS HISTORY DATA
 10. 9222 ARR/BC CARD DATA (ADIT)
 11. 9224 DATA RELEASE HISTORY LIST
 12. 9225 DATA RELEASE AGENCY LIST
- **93 ADD TRANS**
 1. 9300 ADD TRANSACTIONS MENU
 2. 9303 ALIAS NAME
 3. 9311 NATZ STUB
 4. 9312 DERIVATIVE CITIZENSHIP
 5. 9313 FIRST ENTRY CITIZEN CHIL
 6. 9314 EXPATRIATION
 7. 9315 REPATRIATION
 8. 9321 APPL CREWMAN LANDING PMT
 9. 9322 DENIAL CREWMAN LAND PMT
 10. 9323 STOWAWAYS
 11. 9324 CREWMAN DESERTS IN CANADA
 12. 9331 BORDER CROSSING CARD
 13. 9332 DENIAL OF BCC
 14. 9341 APPREHENSION
 15. 9342 CRIMINAL IMM NARC SUBV
 16. 9343 DEPORTATION
 17. 9344 FAILURE TO DEPART
 18. 9345 PROSECUTION
- **94 RECORD MAINTENANCE 9100 SEARCH MENU**
 1. 9400 RECORD MAINTENANCE MENU
 2. 9401 A-FILE CONSOLIDATIONS
 3. 9402 INDICATE DUPL RECORDS
 4. 9412 ALIAS MAINTENANCE
 5. 9426 CARD HISTORY UPDATE
 6. 9431 MODIFY DATA FROM ASIS
 7. 9432 MODFIY DATA FROM DACS
 8. 9433 MODIFY DATA FROM LCTS
 9. 9434 MODIFY DATA FROM NACS
- **95 A-FILE TRANSFER**
 1. 9500 A-FILE TRANSFER SUBS MENU
 2. 9501 FILE TRANSFER REQUEST
 3. 9502 FILE TRANSFER INDICATION
 4. 9503 FILE TRANSFER CONFIRM
 5. 9504 FILE TRANSFER DISPLAY
 6. 9507 FILE TRANS TO/FR FR

End User

- APSS - Asylum Prescreening System
- AR-11 - AR11 Portion of NIIS
- CLAIMS - Computer Linked Application Information Management System
- FOIA - Freedom of Information Act
- IRAPS -
- PAS - Performance Analysis System
- RAPS - Refugee Asylum Parole System
- RNACS - Redesigned Naturalization Application Casework System
- TOPS - Table of Organization Position System
- MFAS - Marriage Fraud Application System
- NACS1 -
- XROP -
- ROPES - Remote On-line Printing Executive System

USCIS FORM G-872A (8/18/09)

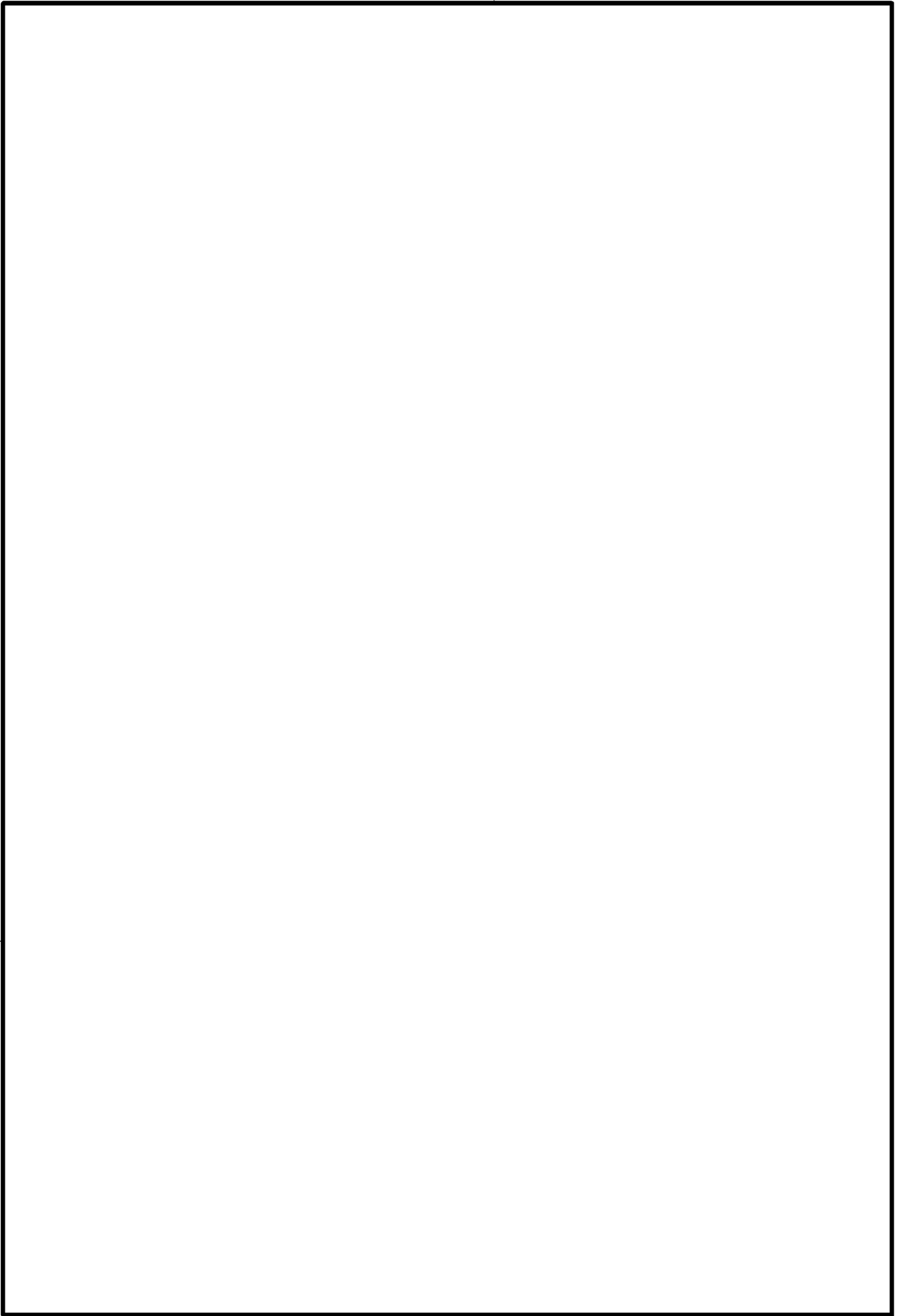
APPENDIX E: USCIS RULES OF BEHAVIOR

(b)(5)

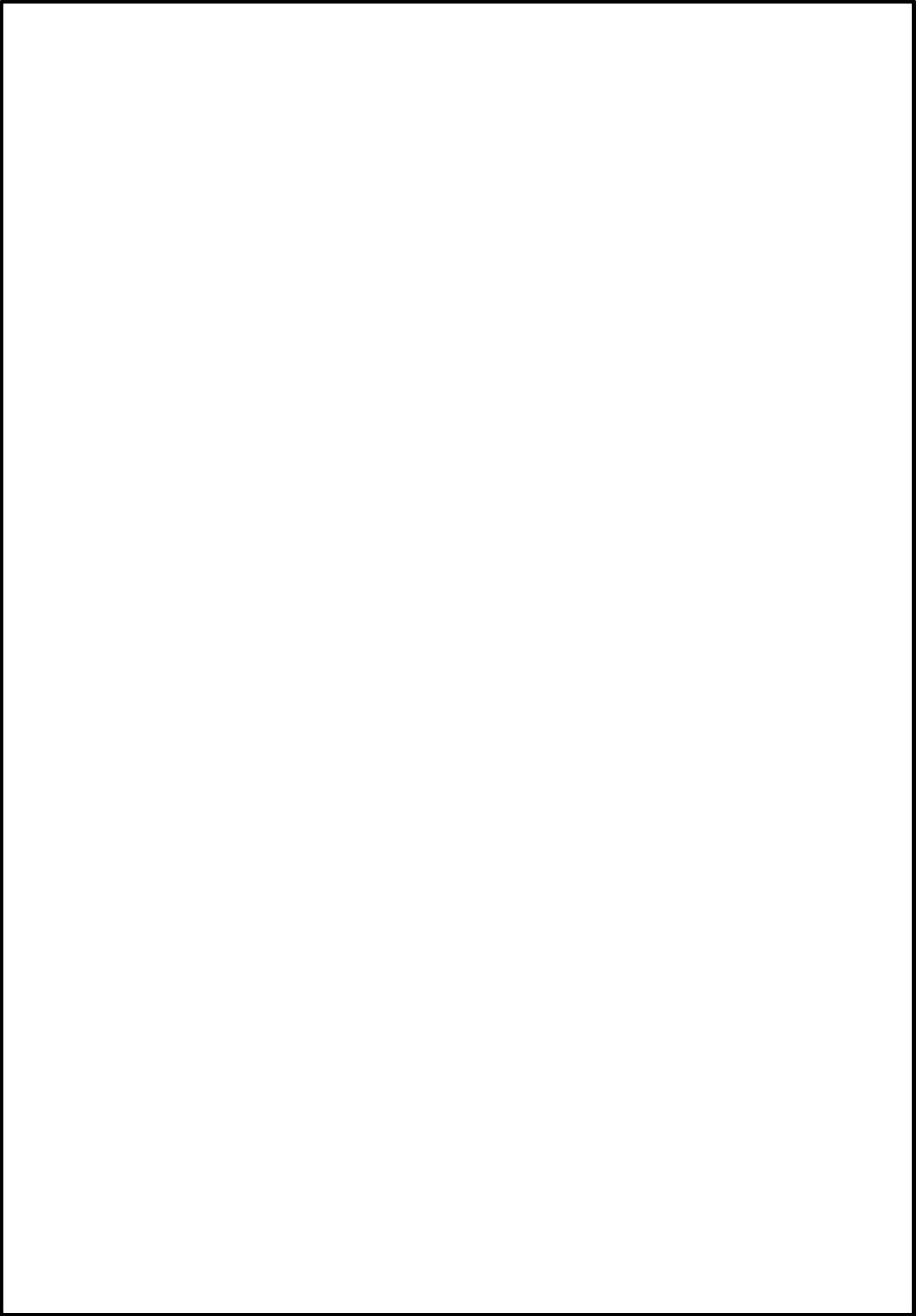
**U.S. Citizenship and Immigration Services
USCIS Rules of Behavior**



(b)(5)



(b)(5)



(b)(5)



(b)(5)





Acknowledgment Statement

I acknowledge that I have read the rules of behavior, I understand them, and I will comply with them. I understand that my refusing to sign this agreement renders me ineligible for network access. I understand that failure to comply with these rules may result in oral admonishment, letter of reprimand, short-term suspension, removal or suspension of duties and/or removal of access to GFE.

Instructions: Initial the bottom of each page and fill out the fields below. Then, scan the entire form and submit it to Keep a copy of the ROB for reference and provide a copy to your Human Resource representative and your supervisor or COTR. A copy of the ROB and the signed Acknowledgement Statement must be included in your official employee record.

Name: _____
First, Middle Initial, Last

Phone Number: _____

E-mail Address: _____

USCIS Office: _____

Supervisor's Name: _____

Signature **Date**

APPENDIX F: SWITCHING PRINCIPALS IN APSS

In order to switch a Principal to a Dependent in APSS, complete the following steps:

1. In APSS, go the PREC screen and input the Dependent's A#; hit ENTER.
2. Tab over to PRIN A-NUMBER on the top-right corner of the screen and enter the Dependent's A# again; hit ENTER.
3. Go to the PREC screen of the original Principal (e.g., Mother), tab over to PRIN A-NUMBER and enter the Dependent's (e.g., Child) A#; hit ENTER.

APPENDIX G: DETAINED FAMILY COVER SHEET

DETAINED FAMILY

PREC Date: _____ Due Date: _____

Interview Date: _____

Principal A# and Last Name: _____

Dependent(s) A# and Last Name: _____

Remarks: _____

Attorney or Consultant: _____

DECISION Pos Neg Clos

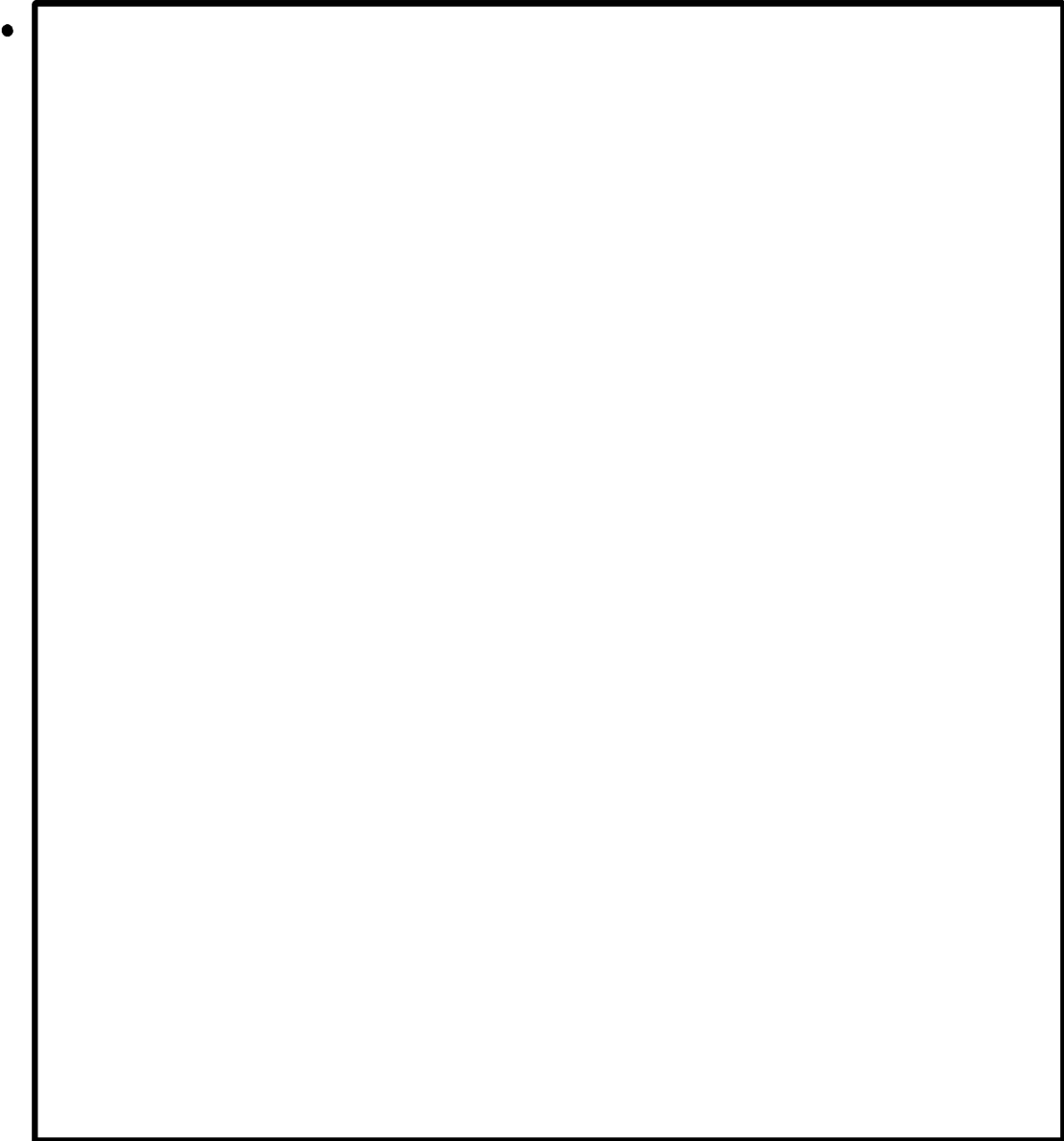
Things to look out for: _____

DO NOT REMOVE THIS COVERSHEET

APPENDIX H: HOW-TO GUIDE: COMPLETING THE CREDIBLE/REASONABLE FEAR BACKGROUND IDENTITY AND SECURITY CHECKLIST AND FLOWCHART

HOW- TO GUIDE: COMPLETING THE CREDIBLE FEAR/ REASONABLE FEAR BACKGROUND IDENTITY AND SECURITY CHECKLIST

1. Fill out the top of the Checklist, including any aliases or alternate names/DOBs located in the file and/or provided by the Resident. (Do not fill out “Date of Decision Service” or “Results Pending at Time of Decision Service.”)
2. IBIS Checks (or see Flowchart below)



(b)(7)(e)

FBI Fingerprints



(b)(7)(e)



FBI Name Check



US Visit

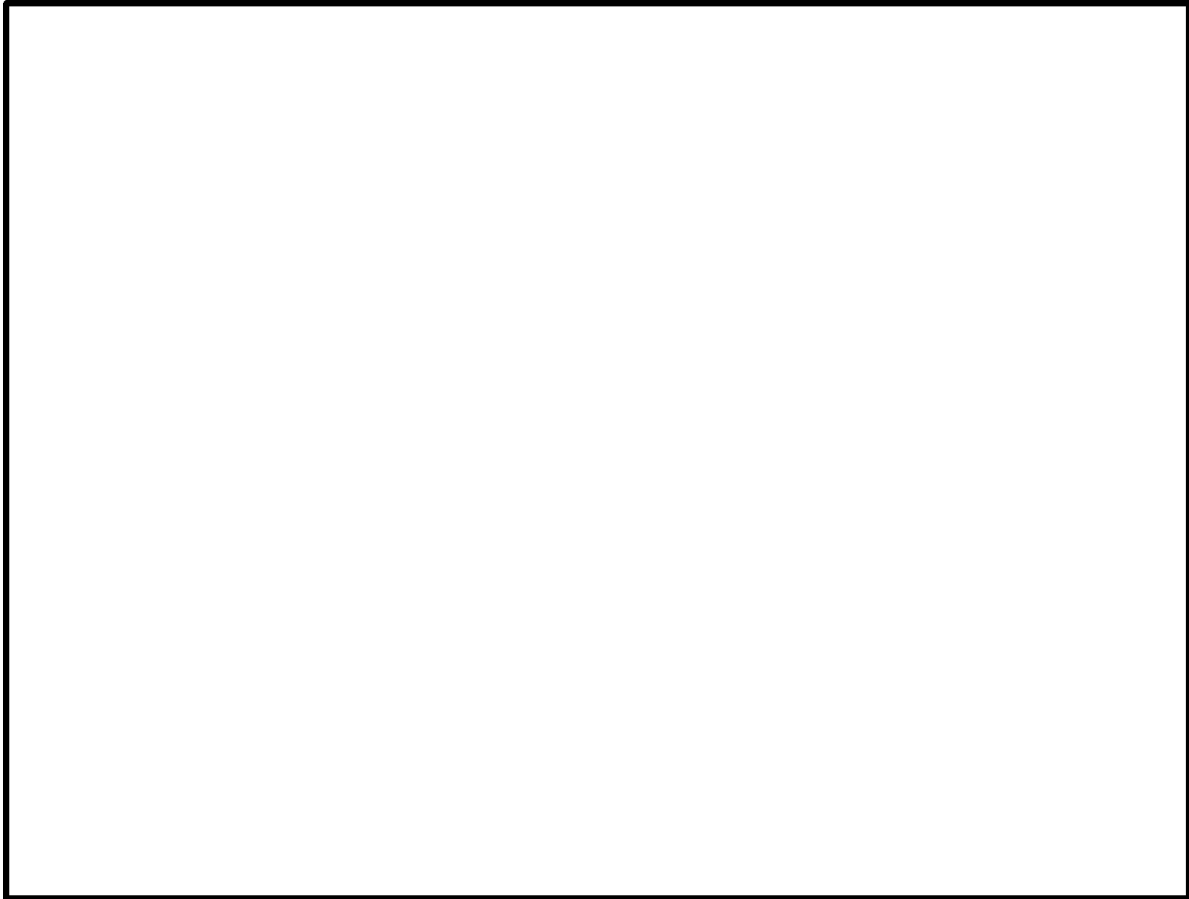
Look at the US Visit print-outs in the file.



- Initial and Date in the left-hand boxes next to each check completed, and at the bottom of the Checklist.

(b)(7)(e)

Credible Fear/ Reasonable Fear Background Identity and Security Checklist
Flowchart for IBIS Checks



APPENDIX I: CHILD SUPERVISION RECOMMENDATIONS

1. It can be time-consuming to walk the Resident to your office and then to the child supervision room and then back to the office for the interview; however, the reasons for doing so include:
 - The Resident may not want her child(ren) separated from her during the interview, so this should always be the Resident's choice and on the record.
 - If the child is older, you need to ask child if he or she would like to be part of mother's claim before dismissing him or her.
 - At this time, a SAPSO or the Team Lead will stay in the child supervision area with the child(ren) and an ICE staff member. Therefore, you must speak to the SAPSO/Team Lead prior to dropping off the child(ren).

Suggestions on What to Tell the Mother (Resident)

1. You have indicated you would like to interview without your child present.
2. Your child will be watched by government employees in an area specifically for children.
3. We will go get your child as soon as the interview is finished.
4. I will give contact information to the government employee so we can be reached if needed

Child Supervision Drop-off

1. Sign-in
 - Child's name
 - Time-in/Time-out
 - AO's Name
 - Building#, Office#
 - Email/phone/extension in case something happens
2. Take a few minutes to make sure mother and child are comfortable (show kid toys etc.)

APPENDIX J: MEMORANDUM ON THE ROLE OF CONSULTANTS

Memorandum



HQASM 120/16.12 - P

Subject: Role of Consultants in the Credible Fear Interview	Date: [signed November 14, 1997]
---	--

To:
All Asylum Directors
All Supervisory Asylum Officers
All Asylum Officers

From:
Office of International Affairs
Asylum Division
[Joseph E. Langlois /s/ - see page 2]

The purpose of this memo is to provide additional guidance on the role of consultants during the credible fear interview in the context of expedited removal. We are developing further guidance on working with consultants and representatives, including guidance on the documents that may be released to them. That guidance will follow shortly.

The INS encourages the use of consultants by persons who are subject to expedited removal and have been referred for a credible fear interview. Consultation generally facilitates the credible fear process and helps to ensure that asylum seeker's claims are fully elicited. The role of the consultant in the credible fear interview is basically the same as the role of the representative in the affirmative asylum interview. While the asylum officer maintains control of the interview, the consultant and the asylum officer should share a cooperative role in developing and clarifying the merits of the applicant's claim. The consultant should generally be given the opportunity to make a statement at the end of the interview and to ask the applicant additional questions.

Pursuant to 8 C.F.R. § 208.30, applicants in the credible fear process are entitled to consultation with a person or persons of their choosing:

The alien may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, and may present other evidence, if available. Such consultation shall be at no expense to the Government and shall not unreasonably delay the process. Any person or persons with whom the alien chooses to consult may be present at the interview and may be permitted, in the discretion of the asylum officer, to present a statement at the end of the interview. The asylum officer, in his or her discretion, may place reasonable limits on the number of such persons who may be present at the interview and on the length of statement or statements made. 8 C.F.R. §208.30(b)

"Consultant" is not defined in the INA or the regulations. The consultant may be a paid attorney, a *pro bono* attorney, a staff member at a non-government organization, a friend, a relative, or any other person

of the alien's choosing. The alien may have more than one consultant at the interview. However, the asylum officer may reasonably limit the number of consultants present during an interview based on available space considerations and to prevent disruption of the interview.

As noted above, the regulations governing the expedited removal process provide that, *in the asylum officer's discretion*, the consultant may make a statement or comment at the end of the interview. Therefore, the asylum officer has discretion to prevent the consultant from making a statement or comment. However, the asylum officer must have solid reasons to exercise discretion to disallow a consultant from making a statement or comment. Only in extremely unusual circumstances should the asylum officer exercise discretion to prevent the consultant from making a statement or comment.

Generally, the consultant should be allowed to make a closing statement, comment on the evidence presented, and/or ask the asylum seeker additional questions. This should be explained to the consultant and the applicant at the beginning of the interview. The asylum officer may place reasonable limits on the amount of time allotted to the consultant, if it appears that the consultant is using the time in an unhelpful or disruptive manner. It is appropriate for the consultant to clarify issues or statements that were made during the interview, to summarize the case and to make arguments regarding the merits of the case, and to ask additional relevant questions that have not been asked by the asylum officer. It is not appropriate for the consultant to reconduct the interview. The asylum officer must record the consultant's statements in the Q & A's, if the statements are material or relevant to the claim. In some cases, the asylum officer may find it necessary to ask the applicant additional follow-up questions based on issues or information presented by the consultant at the end of the interview. This should also be recorded in the Q & A's.

In most cases, the consultant should hold comments or questions until the end of the interview. In certain instances, however, it will be appropriate for the consultant to comment during the course of the interview to avoid confusion or misunderstandings. Such comments may be helpful and should not be discouraged. At the same time, it is important that the asylum officer retain control of the interview. If the consultant repeatedly interrupts or otherwise disrupts the interview, the asylum officer should ask the consultant to refrain from interrupting the interview and explain that the consultant will be given an opportunity at the end of the interview to ask questions and make comments. Absent unusual circumstances (for example when the asylum seeker has a mental disability), the consultant should not be permitted to answer for the applicant.

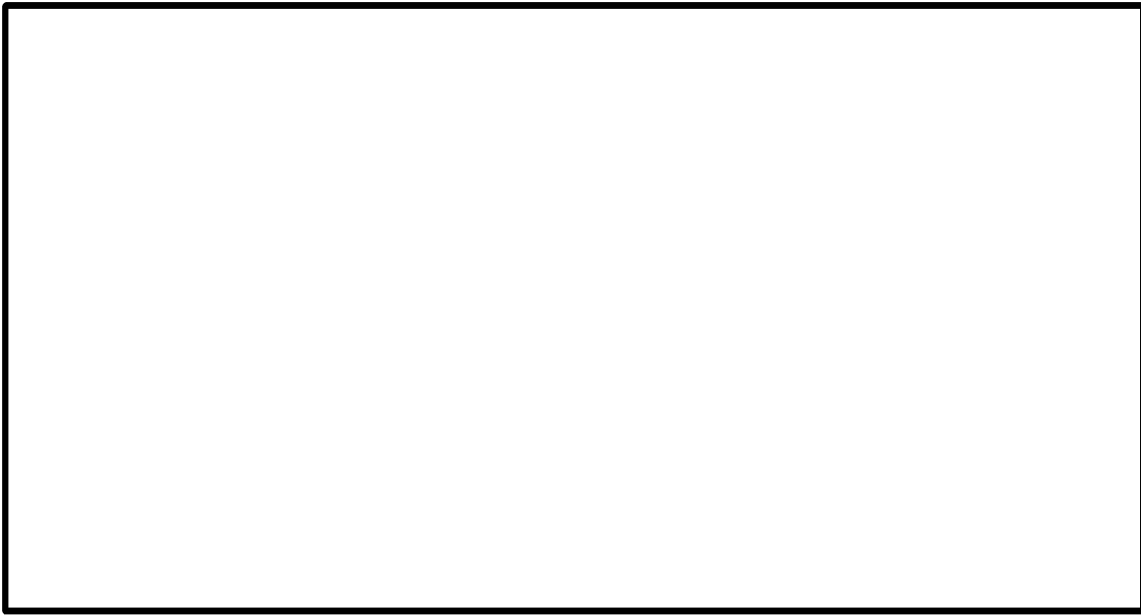
There may be times when the asylum officer needs to discuss certain issues with the consultant (e.g., the consultant's role). The asylum officer should ensure that what is discussed is translated to the applicant so that the applicant is aware of all that transpires during the interview.

As noted above, further guidance on this issue will be forthcoming. Please direct any questions you have regarding the role of the consultant during the expedited removal process to Charlie Fillinger or Lorraine Eide.

Joseph E. Langlois /s/
Deputy Director

APPENDIX K: ISSUES RELATED TO FAMILY PROCESSING

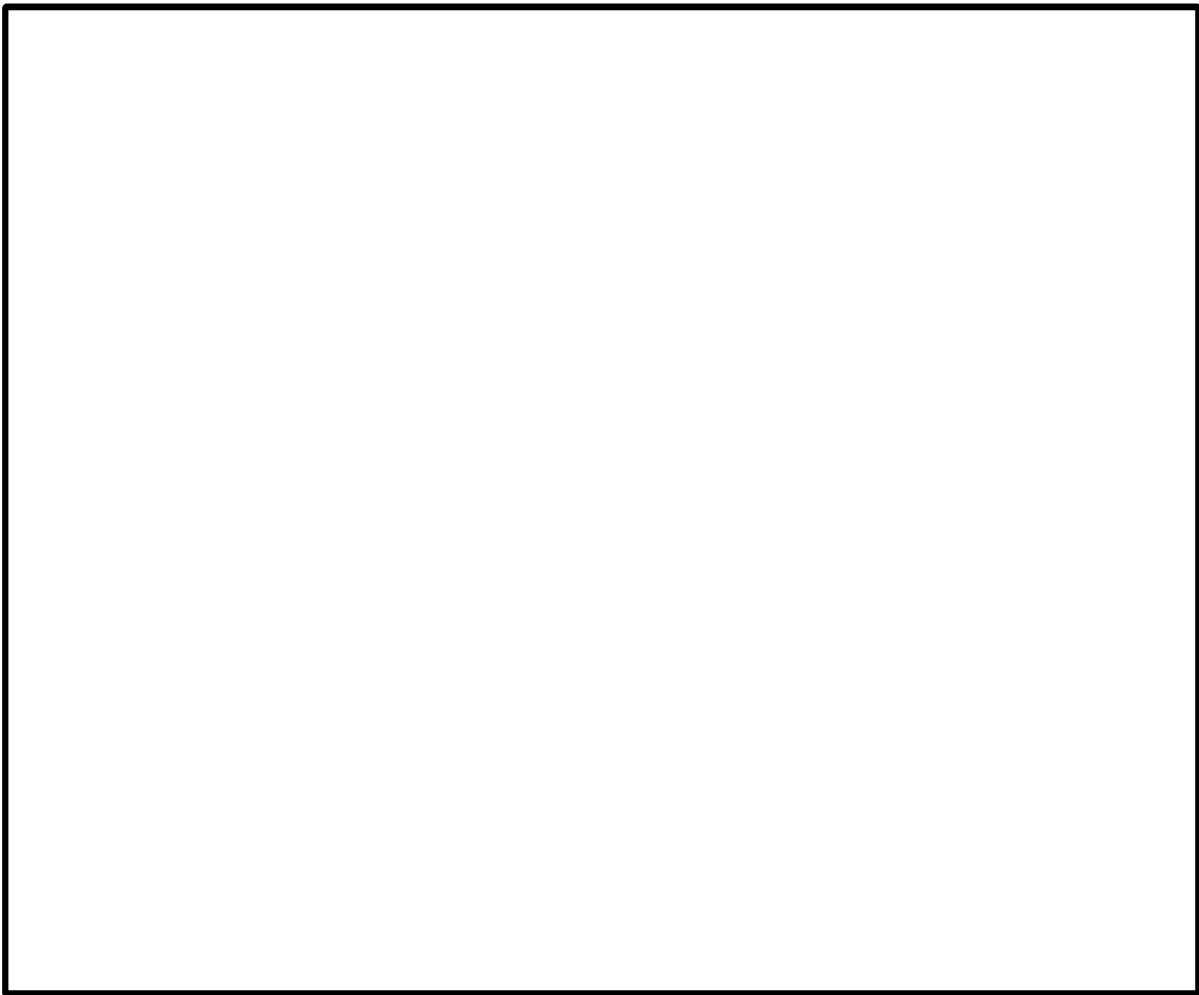
Children with WFF

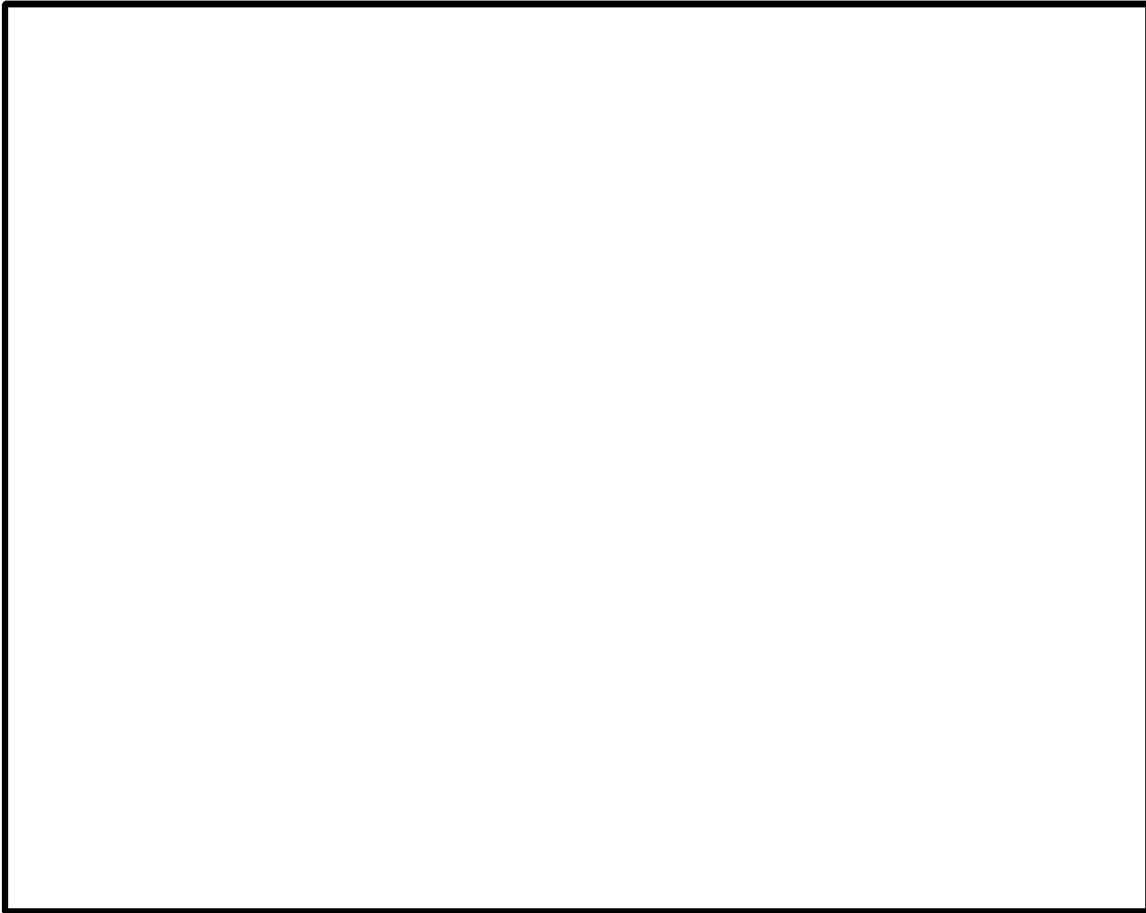


e

(b)(7)(e)

Family-Based PSGs and Similarly-Situated Individuals





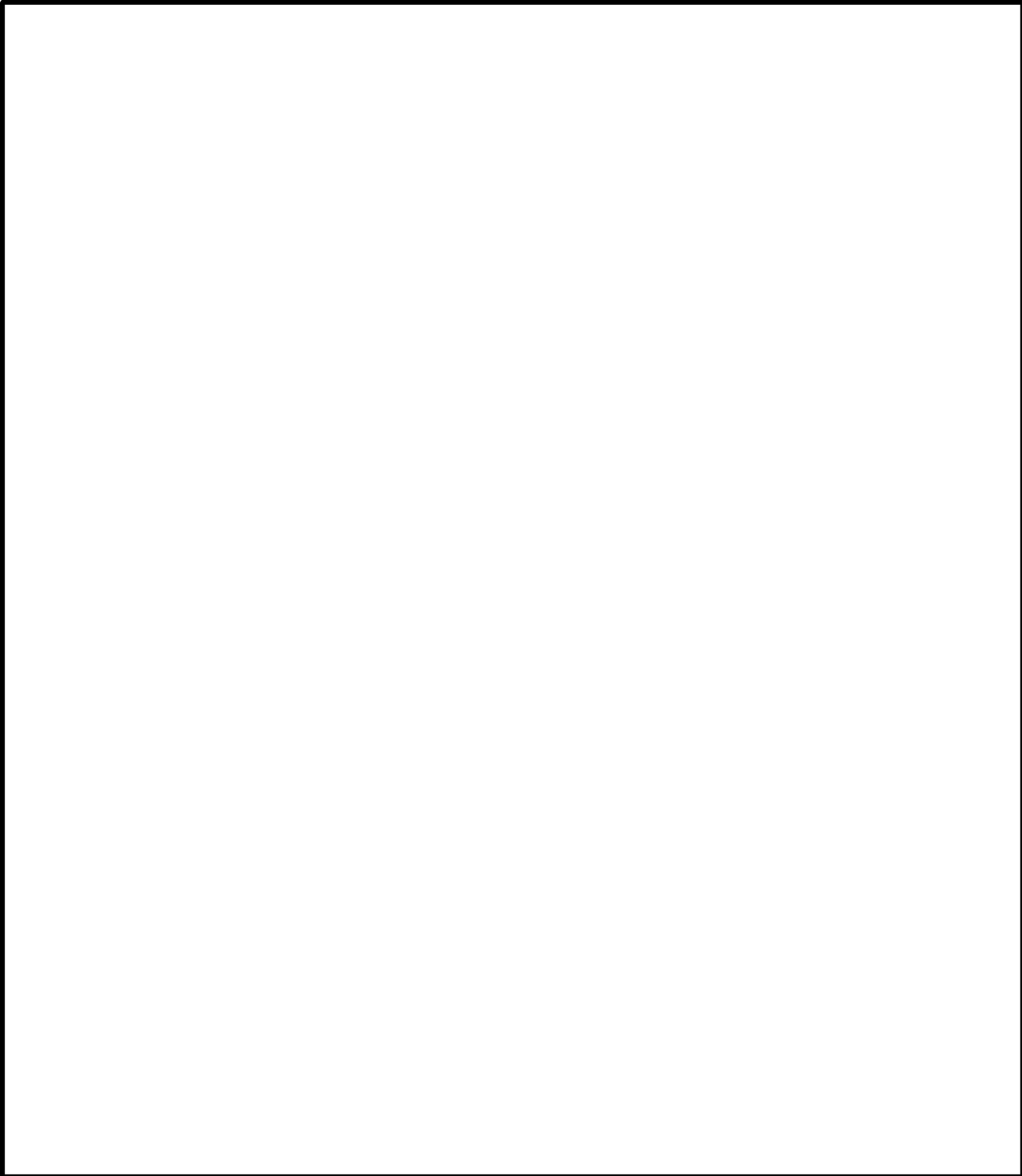
indicating otherwise

(b)(7)(e)

APPENDIX L: FOLLOW-UP INTERVIEW GUIDE

Purpose

Given the increasing frequency of follow-up interviews at ZART, this guide has been created to serve as a living document with suggestions, recommendations, and best practices for conducting follow-up interviews. It is essential to remember that procedures at ZART must be fluid in order to adapt to the numerous changes and challenges that confront us on a daily basis. Therefore, an officer should use his or her best judgment and consult with supervisors in any novel or challenging situations.



anything to use or any additional text.

(b)(7)(e)

4
5
6
7

Interview

Read back summary of testimony, from the previous interview – please write the summary from the first interview verbatim in the notes for the follow-up interview.

Ask the resident if they remember testifying to that?

Ask the resident if they remember agreeing that that was an accurate summary of their case?

Ask resident and each dependent if there is anything they would like to add to the summary. Record each answer.

I will now ask you some additional questions that I have. Please remember that I am focusing on information that was not already discussed in the first interview. At the end of my questions I will give you a chance to address anything that I might have missed. At that time your attorney will also ask you a few of his/her own questions or make a statement concerning your case on your behalf.

Conduct follow-up interview

Ask resident if they would like to add anything.

Ask attorney if they would like to add anything.

Create summary of old and new testimony and read it back to resident.

Read to them modified Paragraph 3.2: If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. If you are found not to have a credible fear of persecution or torture and you do not request review, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?

Conclude interview.

Post-Interview:

1. **Create new I-870** that reflects information from initial interview as well as the any new information from follow-up interview.
 - a. Include the multiple interview dates, interpreters, and other pertinent information
2. **Create new Assessment Checklist** that reflects any new or additional analysis of the claim.
3. **Create new charging documents** if necessary (keep all previous documentation – even those from a negative determination – in the file).
4. **Update APSS** with new information.
5. **Submit case to SAPSO** for review. (b)(7)(e)

Useful tips

1.

2.

3.

APPENDIX M: DECISION CHANGE MEMORANDUM

Filing Change to Determination Paperwork

When there has been a change to a decision on a case, complete the following steps:

1. **Physical File:** If there has been a change to the decision on a case, complete and print out a Memorandum of Decision Change (see example below). Place the Memo on top of the previous decision documents—always transfer the original charging documents to the new decision packet. Strike each page of the old decision documents and put your ZHN number and date across the strike. Staple together the Memo and all documents pertaining to the previous decision and file UNDER the new decision documents.
2. **In APSS:** Under the PREC screen, hit F9 for NOTES and copy paste the exact Memo wording into the NOTES box. Hit ENTER.

MEMORANDUM OF DECISION CHANGE

TO: FILE
FROM: ZHN XXX
RE: Axxx xxx xxx & Axxx xxx xxx

Resident received a NEGATIVE credible fear determination on xx/xx/xx. However, after conducting a re-interview on xx/xx/xx, the initial determination was changed to a POSITIVE. Documents pertaining to the original credible fear determination were CANCELLED and the new determination was served upon the resident and forwarded to ICE.

APPENDIX N: GUIDE FOR RARE LANGUAGES

The Importance of Effective Communication

The interview is crucial in the refugee determination process and serves the main purpose of gathering information relating to the Resident's eligibility for refugee status and admissibility to the United States. *See* LP- Introduction to Non-adversarial Interview at 2. Refugee and asylum officers have an affirmative duty to elicit all relevant and useful information to determine an Resident's eligibility for a benefit sought. *See* 8 C.F.R. § 208.9(b); UNHCR Handbook, paras. 196 and 205(b)(i). Some residents do not speak Spanish as a first language and have limited education. A reasonable effort should be made to find an interpreter for the Resident's native language if he or she is unable to provide sufficient detailed testimony in Spanish. *See* LP- Interviewing Working with Interpreters, Asylum Supplement B.

1. Some of the indigenous languages encountered at ZART are:
 - Mam (Guatemala)
 - Maya Kanjobal (a.k.a. Konjuval; a.k.a. Q'anob'al) (Guatemala)
 - Acateca (a.k.a. Acateco) (Guatemala)
 - K'iche (a.k.a. Quiche) (Guatemala)
2. Interpreter Services: Lionbridge has resources for the above languages but due to high demand, an appointment must be made in advance. Normally, you will not have advance knowledge of the need for a rare language interpreter. Call Lionbridge when you realize a rare-language interpreter is needed—on a rare occasion, you may be able to obtain an interpreter. Even though Language Line does not have resources for these languages at the time of writing, you are still required to call and get it on the record that no resources exist for that language.

Determining the Best Language for the Resident:

Try to determine early in the interview if the Resident might need a rare-language interpreter. After Paragraph 1.28 is read to the Resident, ask the resident if he or she understood and if he or she needs it explained in simpler language. Communicate with the interpreter: let him or her know that you need feedback about the Resident's Spanish-language ability.

Example 1

Q. What languages do you speak fluently?

A. Spanish, Mam.

Q. Do you feel comfortable doing this interview in Spanish?

A. Yes.

Q. May I ask how many years of education have you completed?

A. 9.

Q. Will you let me know if you do not understanding something?

A. Ok.

Q. (AO to Interpreter): Interpreter, I will need to rely on your judgment about the resident's Spanish ability. Please let me know if you feel she does not understand.

A. (interpreter to AO): Okay.

Here the Resident has indicated willingness to proceed in Spanish. The Resident has completed enough schooling to indicate that he or she is probably proficient in Spanish, but perhaps not familiar with sophisticated terminology. You proceed with interview, advising the interpreter that he or she should let you know if the Resident seems to have difficulties understanding. Inform the interpreter that he or she can adjust the vocabulary to suit the Resident's education level. If communication difficulties occur later in the interview, you have the authority to determine that the Resident cannot adequately express his or her claim and re-schedule with a Mam interpreter. Ask the Resident throughout the interview if he or she understands the interpreter.

Example 2

Q. What languages do you speak?

A. Spanish, Mam. But Spanish not so good.

Q. do you feel comfortable doing this interview in Spanish?

A. I don't know.

Q. May I ask how many years of education have you completed?

A. Only 2 years.

Q. Ok, I will try to find a Mam interpreter.

A. Ok .

(You disconnect from the Spanish interpreter, call Lionbridge, dial 0 for the operator, and request a Mam interpreter. If no Mam resources are available for the rest of the day, call Language Line. If no Mam resources are available, call Lionbridge and request a Spanish interpreter.)

Q. There is no Mam interpreter available today. I will have to make an appointment for a Mam interpreter. So, I will reschedule this interview. I hope we can continue this interview in a few days.

(After returning the Resident to the Day Room, call the Lionbridge operator to schedule an appointment for a Mam interpreter. Advise SAPSO/Team Lead as soon as possible of the scheduled appointment time for the case.)

Proceeding in Spanish: Things to Look Out for During the Interview

If while conducting the interview, you notice the following cues, do not let it continue without addressing it according to the examples below:

1. The Resident's answers seem unrelated to the question asked;
2. The interpreter has to repeat/clarify questions frequently; and/or
3. The interpreter and Resident talking between themselves without interpretation.

Example 1

Q. (AO to interpreter): Interpreter, I need to know how the Resident is answering my questions. What did he or she say? (The interpretation provided by the interpreter is puzzling in that it seems unrelated to your question.)

Q. (AO to interpreter) Do you feel it is a simple misunderstanding? Or, do you feel the Resident's Spanish ability is not good enough for this kind of interview?
Based on interpreter's response, you can either proceed with interview or re-schedule with a rare language interpreter.

Be aware that the occurrences above can also signify an incompetent Spanish interpreter. We do not want to use ineffective interpreters: If you decide that an interpreter is not effective, you can dismiss him or her.

Example

Q. (AO to interpreter): I'm sorry, interpreter, but I have to disconnect now because I feel that you and the Resident cannot communicate effectively. (Hang up.)

Call Lionbridge and ask for another interpreter. You should also tell the Lionbridge operator that the prior interpreter was not competent.

How to Make an Appointment for a Rare Language Interpreter

1. Call Lionbridge, dial 0 for operator, tell the operator the language you need and ask for the soonest available times. Select a time within regular working hours (preferably, the first interview of the day: 8:00 a.m. MTN or 10:00 a.m. EST).
2. Some indigenous languages will require a "Spanish Relay" if the indigenous language interpreter is not fluent in English. This means questions will be interpreted from English-Spanish, then Spanish-indigenous language. This is time consuming. Notify your supervisor that your scheduled interpreter will require a Spanish relay; your supervisor may wish you to close the case rather than spend a long time interviewing a single case. (Cancel the appointment if this is the case).

If you proceed with the Spanish relay, you will make two entries in your interpreter log: one for the indigenous language interpreter, and one for the Spanish interpreter. **Start on time**—if you set the appointment for 8:00 a.m., they start billing us at 8:00 a.m.

What to Do if There Is No Interpreter Available in the Near Future

Sometimes the Lionbridge operator will inform you that there are no available resources for the "foreseeable future." If an interpreter will not be available within 48 hours, NTA the principal Resident and any dependent(s) and close the case (see instructions below). Then, write a Memo to File (see example below). See Ted H. Kim, "Processing Credible Fear Cases When a Rare Language Interpreter is Unavailable," HQRAIO 120/9.15A (June 14, 2013).

What to Do if the Indigenous Language Interpreter Cannot Understand the Resident

There can be regional variations/dialects in the Central American languages. If the interpreter is unable to communicate with the Resident for such reasons, stop the interview. Explain to the

Resident that he or she will have an opportunity to present his or her case in immigration court, but the interview cannot continue because we are not able to understand him or her. Close the case and issue an NTA.

How to Close a Case for Rare Language

In APSS, go to the 'clos' screen. Close the case; enter the date. Enter code 'TL' (rare language) and hit F9. Write a memo summarizing why you are closing the case. For example, "The Resident is not able to continue interview in Spanish, interpreter service not available within reasonable time, resident will be given an NTA in order to avoid undue delay." Hit ENTER to save the memo to APSS. Write a Memo to File explaining why you have closed the case (see example below). (There is no need to include the I-870 or checklist—just include the Memo to File, notes, and NTA.) * **DO NOT** check the box on the I-862: "This notice is being given after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture."

Sample Memo

MEMORANDUM OF RARE LANGUAGE

TO: FILE
FROM: AO AWESOME ZHN 007
RE: A 2XXXXXXXX;2XXXXXXXX
DATE: --/-- /--

The resident in this case, a native and citizen of Guatemala, speaks [language]. The resident is not able to complete her Credible Fear interview with available language services. The primary language service, Lionbridge, was contacted but informed the asylum officer that they did not have an available resource for [language] at the time of interview. The Lionbridge operator informed the officer that due to high demand, a [language] interpreter would not be available in the foreseeable future. The secondary language service, Language Line, indicated that they likewise did not have a resource for [language]. The resident affirmed that she was comfortable using Spanish but demonstrated a lack of comprehension during the interview. It was determined that the resident was unable to express herself sufficiently in Spanish and that the interview should be terminated. As a result, an NTA will be issued in this case, so as to avoid an undue delay in the processing of the case and to afford the resident all possible avenues to have her claim of fear heard.

APPENDIX O: DECISION SERVICE SCRIPTS

DECISION SERVICE

Consultants and Attorneys During the Decision Service

The manner of decision service is determined by whether the Resident is represented.

2. At the beginning of the service, ask the Resident, "Do you have an attorney or consultant that you want present for your service?"
 - If **NO**: Proceed with decision
 - If **YES**: Contact attorney or consultant according to instruction 2
3. If a G-28 Is in the File:
 - Proceed to the attorney trailer to notify the attorney that the decision service will take place.
 - If the Resident's Attorney is Not Present:
 - If someone else from the same law firm or legal defense team (e.g., AILA – Artesia Legal Defense Team) wants to be present for the service, you can allow him or her to accompany you to the interview. However, because of attorney-client privilege, do not give out the name of the resident, although it is currently permissible to tell the last 3 digits of the A# if asked by someone who is part of the same law firm or legal defense team.
 - If there is a G-28 in the file, you can conference the attorney in by pressing "Conf" and then "Join" on the telephone.
4. If someone who is not listed on the Resident's G-28 is in the room, introduce the person to the Resident at the beginning of the interview (e.g., "This is [NAME], who is also part of the same group that represents you"), and ask the Resident, "[NAME] would like to sit here for your decision service. Is that okay with you?"
5. Call Lionbridge (or Language Line if there is an unreasonable delay to reach Lionbridge) to have an interpreter interpret the Decision Service

Preparing the Packets Before Service Follow instructions in Section 7.2 of ZART Daily Operations SOP. Note: **The Credible Fear Determination Checklist is an internal document that remains in the USCIS working file. It should never be served on the resident or given to ICE.**

Positive Decision

3. Communicating with the Interpreter:
 - "Interpreter, today is a decision service. Do you have the I-862 available?"

- “Interpreter, can you please introduce yourself to the resident and make sure that you can understand each other?”

4. Communicating with the Resident:

- “My name is _____; I am a clerk from the Artesia asylum office. I am here today to give you your decision regarding your credible fear claim.”
- “I will now read you the decision” (*Read the following checked boxes on the I-862*)
- “USCIS has found that there is a significant possibility that you might qualify for refugee status. This is a good thing because now you will have the opportunity to tell your story before an immigration judge.”
- *Read the information of the PA, the checked charge, and the numbered charges:*
 “You, NAME, are an alien present in the United States who has not been admitted or paroled. You are not a citizen or national of the United States. You are a native of COUNTRY and a citizen of COUNTRY. You entered the United States at or near POE on DATE. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document. You were not then admitted or paroled after inspection by an immigration officer. On the basis of the foregoing, it is charged that you are subject to removal from the United States”
- “Therefore, you have been ordered to report for a hearing at a time and date here at the Artesia Immigration Court.”
- *Explain “Notice to Respondent” on second page of NTA.*
 - “Do you understand what I told you?”
 - “Do you need me to explain this to you in plain language?”
- “You will have at least 10 days to prepare for your hearing. However, you can ask to have a quicker hearing if you want. This is your choice. What do you want to do?”
 - If resident requests prompt hearing, resident signs/dates in the Prompt Hearing box, and you also sign in the Prompt Hearing box.
 - If resident does not want a prompt hearing, do not sign the box.
- Have the Resident sign the NTA (I-862) and the List of Legal Resources for herself and for any dependents.
- “I am giving you a copy of the I-860, a copy of the I-862, the I-870, and the Asylum Officer’s notes.”
- “Do you have any questions?”

- If a question regarding timing is asked, you can provide the following answer:
“We do not know what the time-frame for immigration court is.”
5. After service, give ICE the service packet with all original signatures, which includes any correspondence (e.g. MTRs, evidence, etc.), G-28s, and any other relevant documents that need to be included in the A-file
 6. Update ADEC screen in APSS with the date the decision was served along with the date given to ICE (DO)

Negative Decision

4. Communicating with the Interpreter:

- “Interpreter, today is a decision service. Do you have the I-863 and I-869 available?”
- “Interpreter, can you please introduce yourself to the resident and make sure that you can understand each other.”

5. Communicating with the Resident:

- “My name is _____; I am a clerk from the Artesia asylum office. I am here today to give you your decision regarding your credible fear claim.”
- “It has been found by the Artesia Asylum Officers that you do not have a credible fear of persecution or torture if you return to your home country. This is a negative decision which means you do not have an opportunity to tell your story before an immigration judge.”
- “I will now read you the record of your Negative Credible Fear Findings” (Read the following checked boxes on the I-869)
 - “USCIS has determined that you do not have a credible fear of persecution or torture. There is no significant possibility that you could establish in an asylum hearing that the harm you experienced and/or the harm you fear is on account of one or more of the five grounds for asylum (race, religion, nationality, political opinion, or social group). USCIS has also determined that there is no significant possibility you could establish that the harm you fear would be inflicted by, or at the instigation of, or with the consent or acquiescence of, a government official or other person acting in an official capacity.”
 - “Therefore, you are ordered removed from the United States. You may be removed immediately. However, you may also request that an Immigration Officer Judge review this decision. The judge will either choose to keep the decision or might issue a new decision. Would you like an Immigration judge to review your decision?”

- If NO: Check the NO box and have resident sign and date I-869.

- If **YES**: Check the **YES** box and take out the I-863:
 - *Read top of I-863 and first checked box*: “You, NAME, entered at or near POE on DATE. You have been found inadmissible to the United States and ordered removed. A copy of the removal order is attached. You have requested asylum and/or protection under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded you do not have a credible fear of persecution or torture. You have requested a review of that determination.”
 - “Therefore, you have been ordered to report for a hearing at a time and date here at the Artesia Immigration Court. It could take up to 7 days to review the decision.”
 - Ask the interpreter to read the 3 checked boxes in the Notice (Begins with “You may be represented...”)
- “Do you understand what we told you?”
- “Do you need me to explain this to you in plain language?”
- If the Resident has requested review of the CF determination, you sign on both lines on the I-863. Write the language used during the service and the language service provider ID number (e.g., “Spanish” and “Lionbridge 280000”). Have the Resident sign the Certificate of Service (I-869) and the List of Legal Resources for herself and for any dependents.
- “I am giving you a copy of the I-860, a copy of the I-869, the I-870, and the Asylum Officer’s Notes.” If IJ review requested, also give the PA a copy of the I-863.
- “Do you have any questions?”
 - If a question regarding timing is asked, you can provide the following answers:
 - “We do not know what the timeframe for immigration court is.”
 - “We do not know when flights leave. Travel arrangements will be made as soon as possible.”

After Service

1. After service, give ICE the service packet with all original signatures, which includes any correspondence (e.g. MTRs, evidence, etc.), G-28s, and any other relevant documents that need to be included in the A-file. *See* Section 7.2.2 of ZART Daily Operations SOP.
2. Update ADEC screen in APSS with the date the decision was served, along with the date given to ICE (DO).

APPENDIX P: MEMORANDUM TO "FLIP" DEPENDENT TO PRINCIPAL

MEMORANDUM

TO: FILE
FROM: AO AWESOME ZHN 007
RE: A 2XXXXXXXX;2XXXXXXXX
DATE: --/--/--

The principal applicant in this case is Daisy DUCK (XXXXXXXXXX). Her mother, Minnie MOUSE (XXXXXXXXXX), is considered a dependent on this case. The case was flipped from parent to child as the principal applicant. Dependent Donald DUCK (XXXXXXXXXX) remains a dependent.

Donis, Antonio

From: Donis, Antonio
Sent: Saturday, July 19, 2014 3:44 PM
To: Hook, Garland R; Orendach, Janette; Zee, Dong; Stawar, Andrew X; Hensleigh, Chris J; Burnett, Yolanda M; Aguilar, Rafael; Guerrero, Ramon A
Cc: Castaldi, Amarilde F
Subject: Defective I-860s

Hey team,

Just letting you know that defective I-860s can be remedied very quickly here in Artesia.

Ramon worked with ERO to get one re-issued in a matter of minutes, which allowed us to continue processing a case.

Please examine each I-860 that comes across your desk and let us know if you discover any mistakes so we can resolve them with ERO.

Thanks,

Antonio__
Asylum Team Lead
Artesia Family Residence Center

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Thursday, July 31, 2014 11:00 AM
To: Stawar, Andrew X; Hensleigh, Chris J; Hook, Garland R; Orendach, Janette; Zee, Dong
Cc: Donis, Antonio
Subject: notes on interviewing

Hi team,

Here are a couple of notes about interviewing that I would like you to keep in mind:

- Please try to ask questions in plain language. Many of our applicants are very uneducated; we need to make sure that they understand what we are asking. Questions such as, "Were you ever persecuted by agents of the government?" or "Did anyone from the police, government, or military ever consent or acquiesce to your harm?" do not constitute plain language. Rephrase with questions about looking the other way, whether they would allow applicant to be hurt, and so forth.
- Please be mindful of asking for specific examples when discussing consent/acquiescence and unable/unwilling. As I mentioned yesterday, we need to make sure that we are effectively affording applicants the opportunity to provide us with this information. When an applicant says she has heard of the police refusing to get involved "many times," it is a good practice to ask if she can tell you about one.

Thanks and as always, we really appreciate your excellent work on these cases. You guys are a great team.

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Saturday, August 09, 2014 2:23 PM
To: Reza, Naushad; Zee, Dong; Gonzalez, Martha; Hook, Garland R; Orendach, Janette
Cc: Littlepage, Ryan L
Subject: one more bit of wisdom

Hi team,

I know we have talked about this before, but I just want to reemphasize it. On negatives, please make 100% clear – even if it is only a brief sentence – that you have examined and rejected any claims by dependent children (and why, for both persecution and CAT). This will make Brian's life easier and also provide a lot of clarity for any second-line reviewers.

Thanks again for all of your great work! You guys are fantastic 😊

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, August 08, 2014 6:28 AM
To: Zee, Dong; Reza, Naushad; Hook, Garland R; Gonzalez, Martha; Orendach, Janette
Cc: Littlepage, Ryan L; Donis, Antonio
Subject: current case law

Hi team – please make sure you are citing to up-to-date case law. With regard to the PSG analysis and social distinction, please be sure to take a look at Matter of M-E-V-G-, which is available here:

<http://www.justice.gov/eoir/vll/intdec/vol26/3795.pdf>

Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, August 06, 2014 5:06 PM
To: Gonzalez, Martha; Orendach, Janette; Zee, Dong; Reza, Naushad; Hook, Garland R
Cc: Littlepage, Ryan L; Donis, Antonio
Subject: plain language, PSGs, and CAT

Importance: High

Dear team:

Please immediately remove any questions from your template that are not in plain language and/or specifically reference legal concepts that our applicants will likely not be able to understand. We have been receiving complaints about these types of questions. In particular, please refrain from posing questions asking an applicant if they are in a "particular social group" or if anyone from the government would "consent or acquiesce" to harm. As we are working through interpreters with a population that is, on the whole, fairly uneducated, it is essential that we elicit testimony by asking questions that they understand. Please come talk to me and Ryan if you would like more ideas about how to elicit this information. Here a couple of (absolutely non-exhaustive) suggestions:

Do people in your country see you as different for any reason?

Are the people you fear connected to the police in any way?

Thanks for all of your hard work. You guys are doing a great job and we really appreciate your dedication to our mission here.

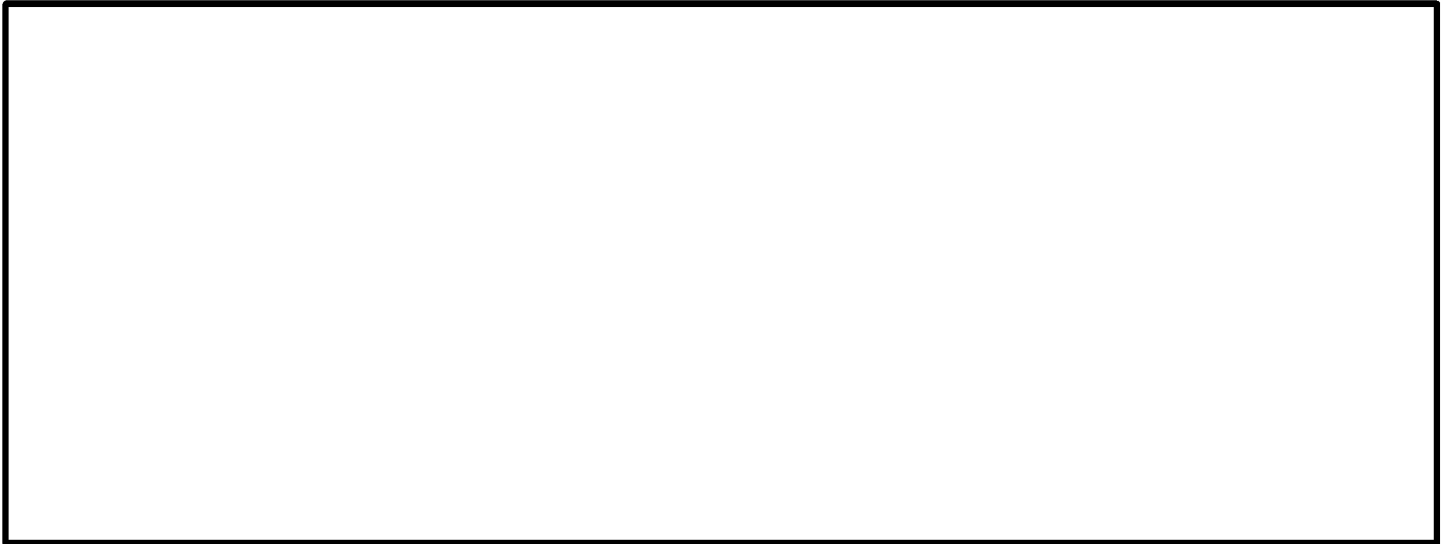
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, July 30, 2014 10:06 AM
To: Stawar, Andrew X; Hensleigh, Chris J; Hook, Garland R; Zee, Dong; Orendach, Janette
Cc: Donis, Antonio
Subject: unable/unwilling

Hi guys,

(b)(5) (b)(7)(e)



From the persecution LP:

1.1.1 Efforts to Gain Government Protection or an Explanation of Risk or Futility



Thanks for all of your hard work on these challenging cases!

Mallory

⁽¹⁾ Roman v. INS, 233 F.3d 1027, 1035 (7th Cir. 2000).

⁽²⁾ See Matter of S-A, 22 I&N Dec. 1328, 1335 (BIA 2000); Ornelas-Chavez v. Gonzales, 458 F.3d 1052 (9th Cir. 2006); and cf. Castro-Perez v. Gonzales, 409 F.3d 1069, 1072 (9th Cir. 2005).

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, August 08, 2014 8:28 AM
To: Zee, Dong; Reza, Naushad; Hook, Garland R; Gonzalez, Martha; Orendach, Janette
Cc: Littlepage, Ryan L; Donis, Antonio
Subject: RE: current case law

As a follow up on this -- please omit citations from Matter of C-A- in your analysis.

From: Lynn, Mallory L
Sent: Friday, August 08, 2014 7:28 AM
To: Zee, Dong; Reza, Naushad; Hook, Garland R; Gonzalez, Martha; Orendach, Janette
Cc: Littlepage, Ryan L; Donis, Antonio
Subject: current case law

Hi team – please make sure you are citing to up-to-date case law. With regard to the PSG analysis and social distinction, please be sure to take a look at Matter of M-E-V-G-, which is available here:

<http://www.justice.gov/eoir/vll/intdec/vol26/3795.pdf>

Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Friday, September 26, 2014 5:33 AM
To: Hemming, Bryan D; Donis, Antonio
Cc: Daum, Robert L
Subject: Re: Daily Operations Handbook

It really is fantastic. I am going to add a section on the checklist, probably this weekend. And I think it would be great to send to incoming staff.

From: Hemming, Bryan D
Sent: Friday, September 26, 2014 05:55 AM
To: Donis, Antonio; Lynn, Mallory L
Cc: Daum, Robert L
Subject: RE: Daily Operations Handbook

This is a great resource! Would it be okay to send to staff scheduled to travel to ZART?
Thanks!
Bryan

From: Donis, Antonio
Sent: Thursday, September 25, 2014 6:49 PM
To: Lynn, Mallory L
Cc: Daum, Robert L; Hemming, Bryan D
Subject: Daily Operations Handbook

Mallory,

My final parting gift to you is a copy of the ZART Daily Operations Handbook.

23 different officers and support contributed to this handbook, making it the most comprehensive source of institutional knowledge on family processing to date.

May it bring you good fortune during your time here.

Antonio__

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, September 29, 2014 8:15 AM
To: Baker, Dana S
Cc: Gossett, Christopher R
Subject: ZART SOP
Attachments: ZART Daily Operations Handbook (draft).pdf

Hi guys, please find attached the draft version of the ZART Daily Operations Handbook. It is nearly complete. In it you will find a wealth of information that we have learned about family processing here at Artesia. If you have a question, I encourage you to check the guide – it is a truly fantastic resource.

Thanks,
Mallory

ZART



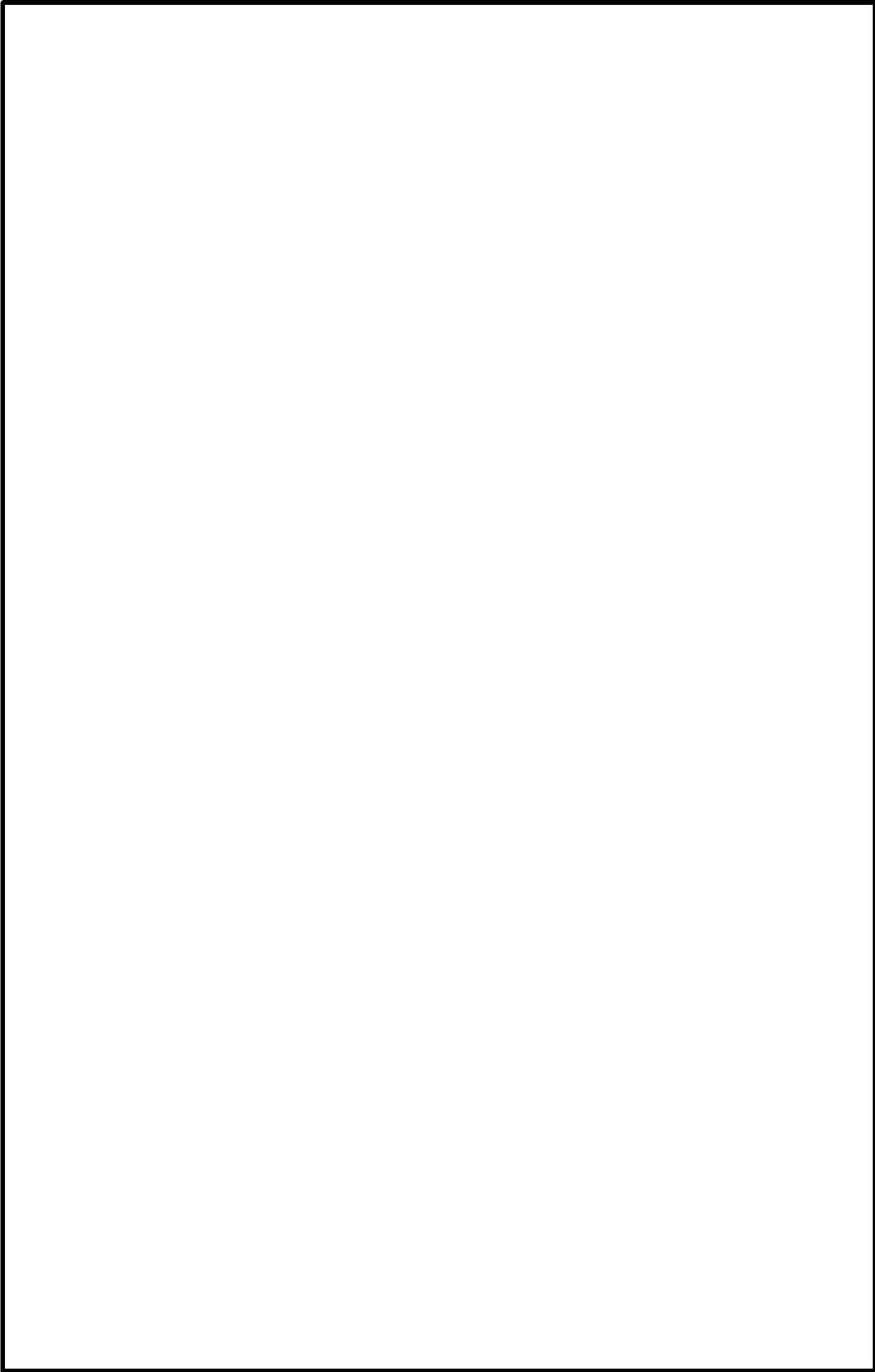
DAILY OPERATIONS HANDBOOK

Contributors: Antonio Donis, Reagan Hook, Ja Nette Orendach, Ramon Guerrero, Dong Zee, Mallory Lynn, Yolanda Burnett, Rafael Aguilar, Drew Stawar, Chris Hensleigh, Reza Naushad Ryan Littlepage, Martha Gonzalez, Laura Bradford, Kimberly Larson, Mimi Chang, Kara Hill, Susan Perez, Lakshmi Kilaru, Tracy Beighley, Eli Roeschke, Claire Schell, Rene Cardona

(b)(5)

TABLE OF CONTENTS

--

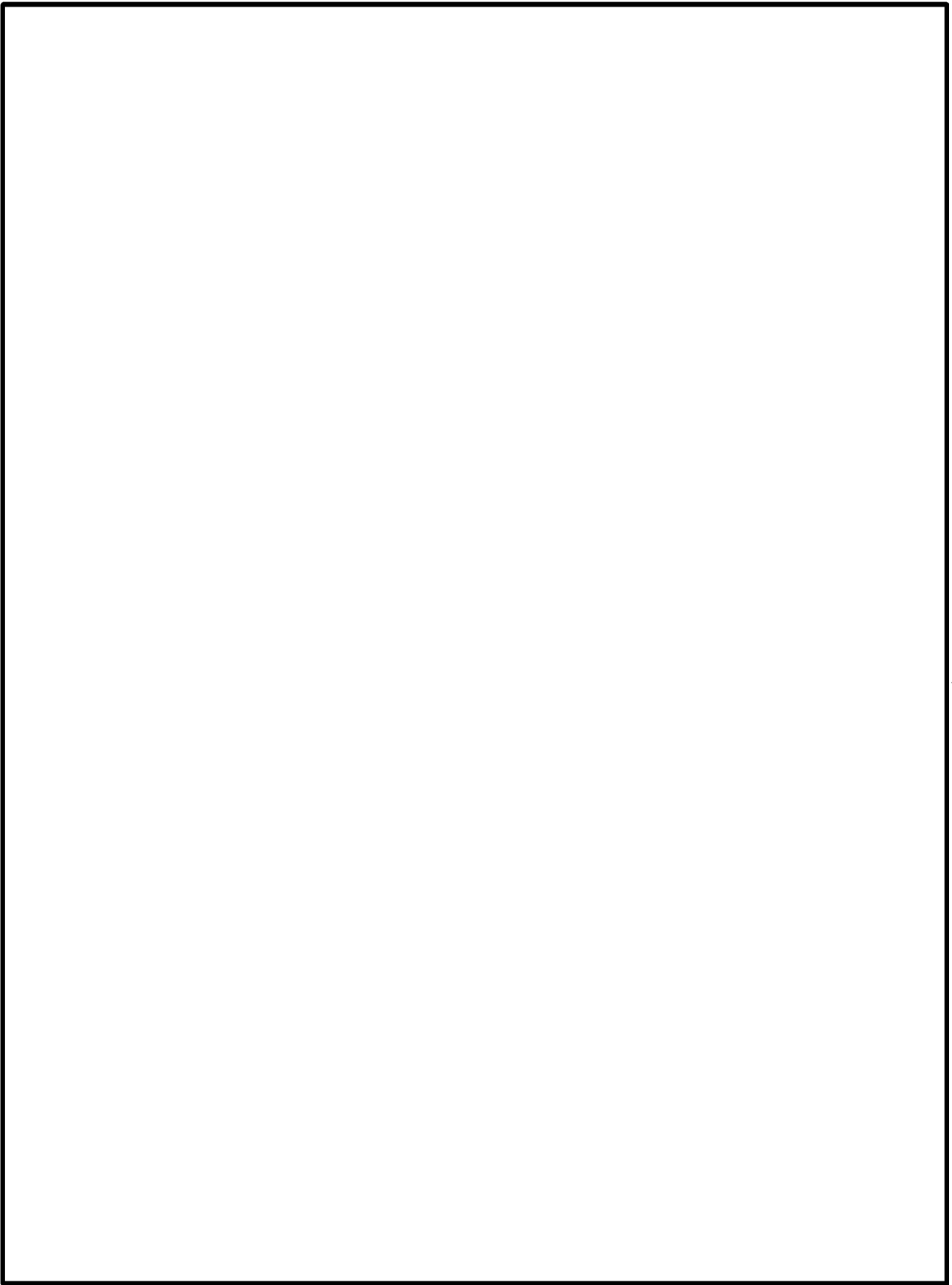


(b)(5)



(b)(5)

INTRODUCTION



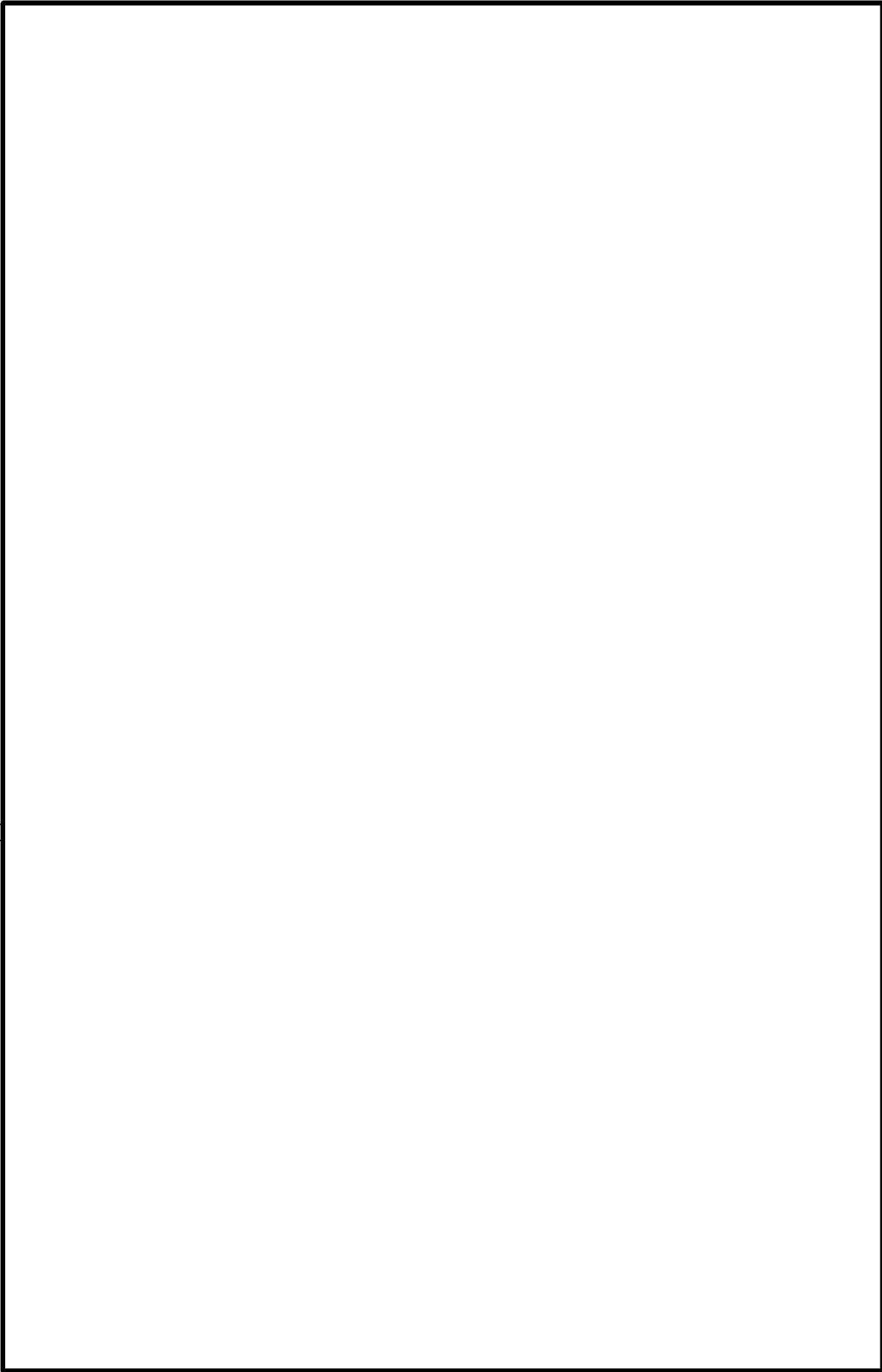
(b)(5)

2

2.1

2.2

2.3



2.4

3

3.1

3.2

(b)(5)

3.3

4

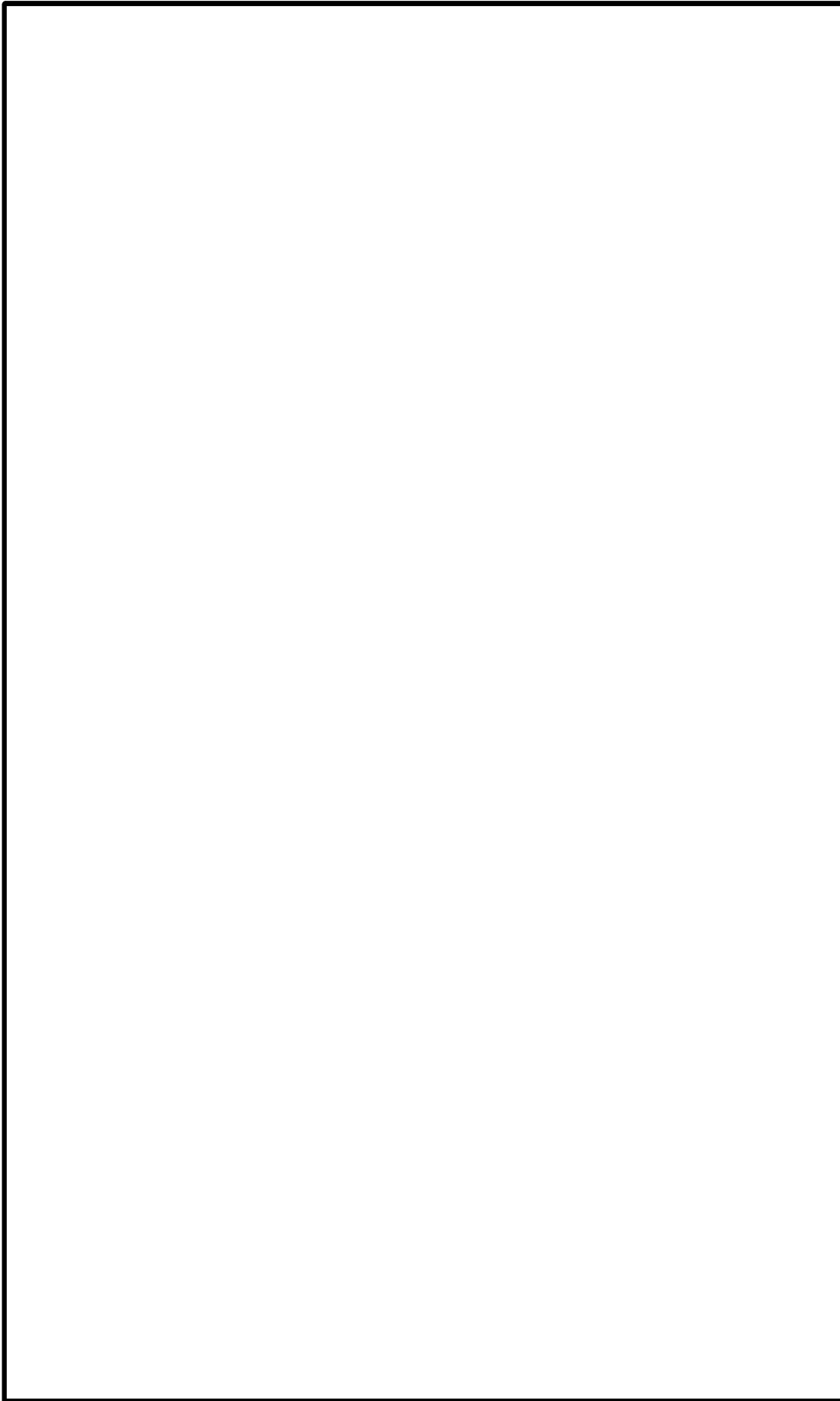
4.1

4.2

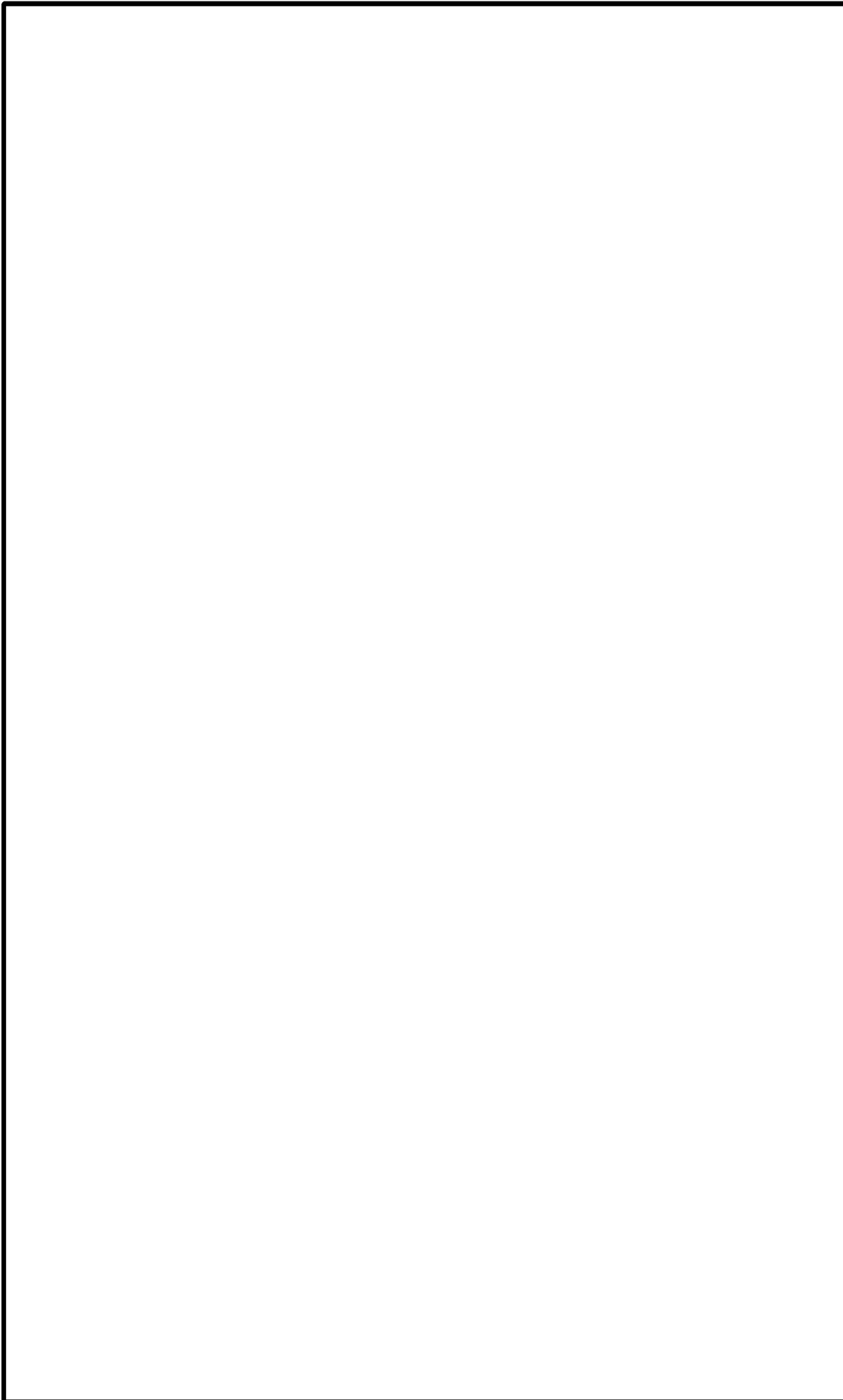
4.3

(b)(5)

4.4



(b)(5)

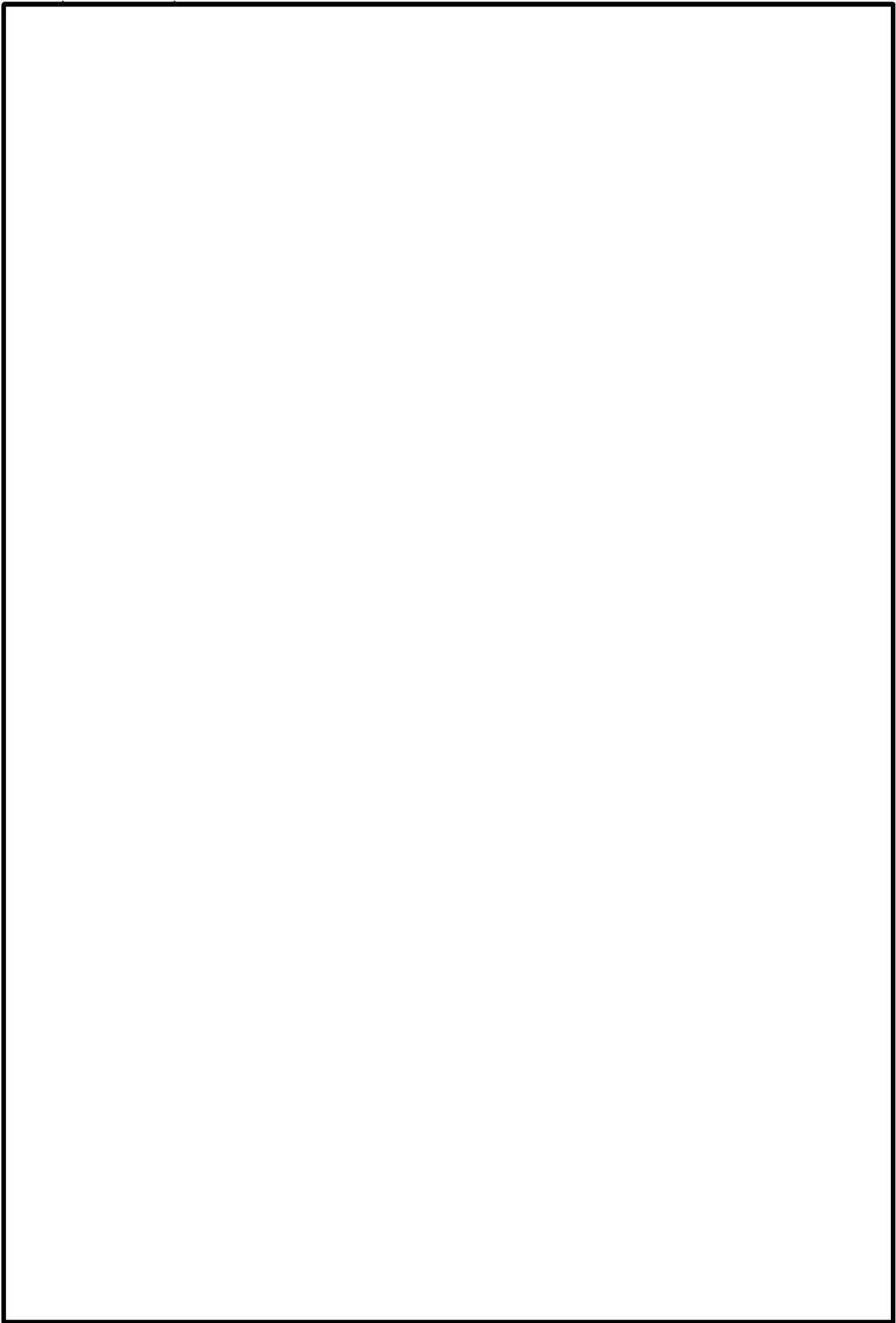


(b)(5)

4.5

4.6

(b)(5)



(b)(5)

6.1

6.2

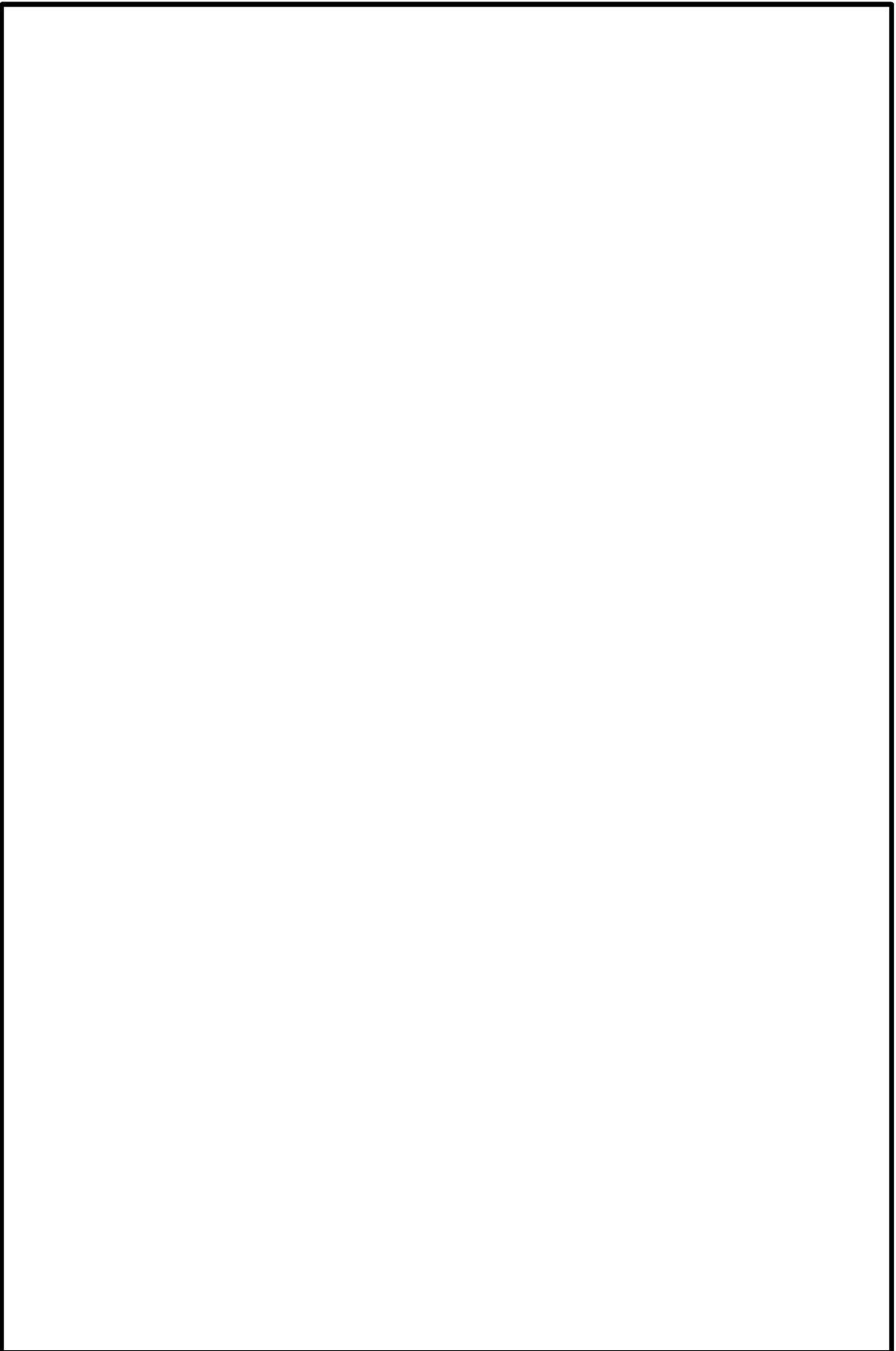
6.3

(b)(5)

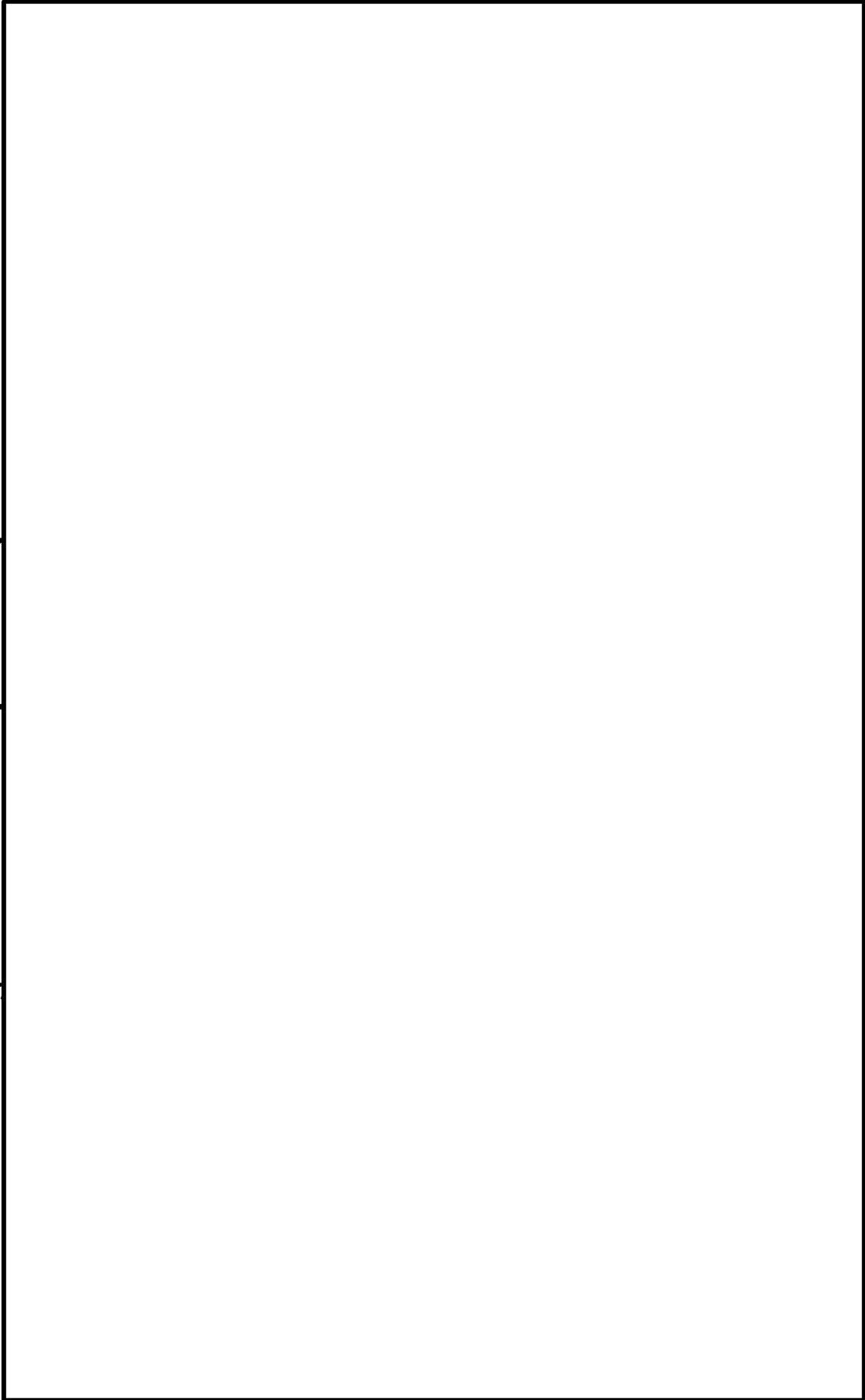
7

7.1

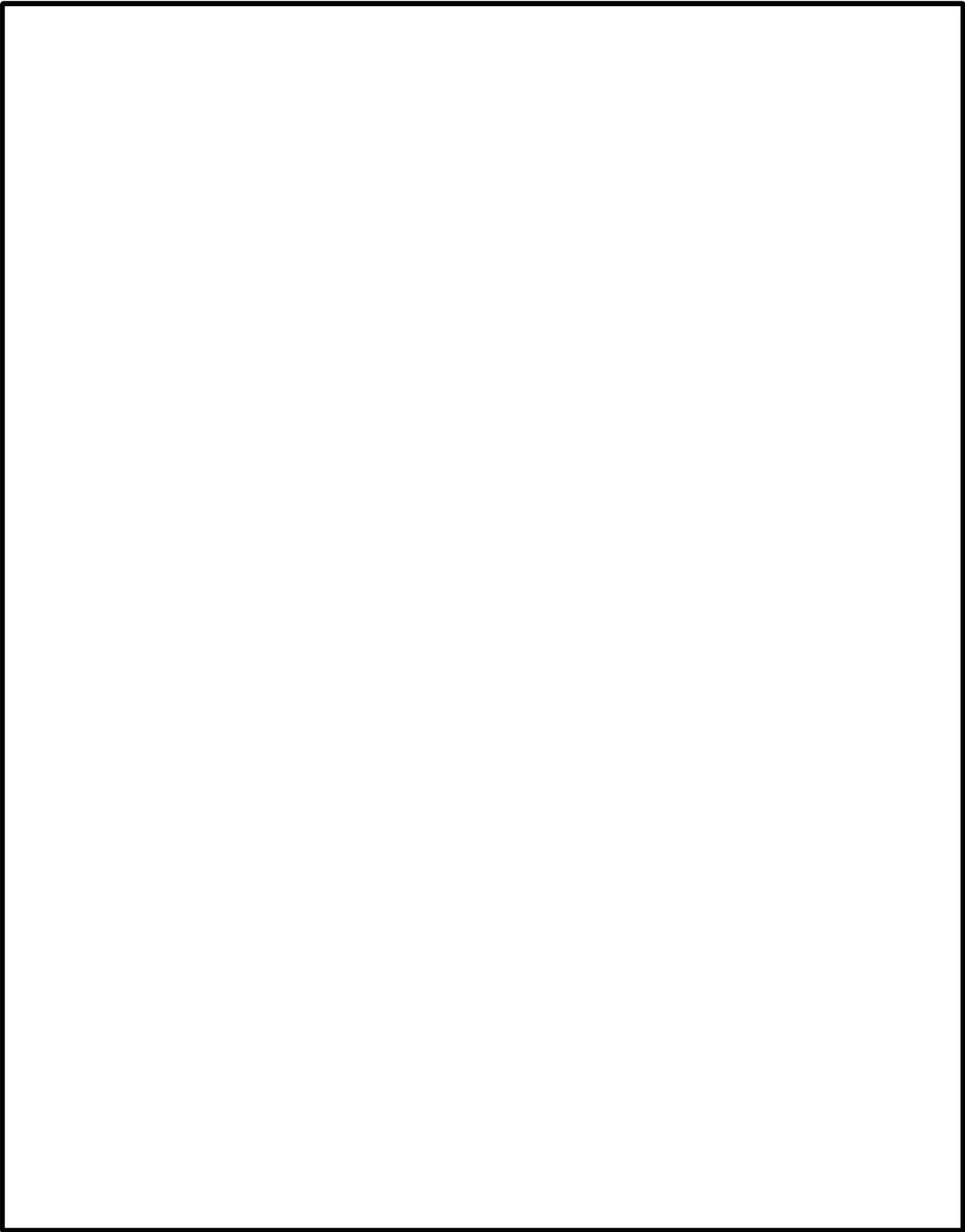
7.2



(b)(5)

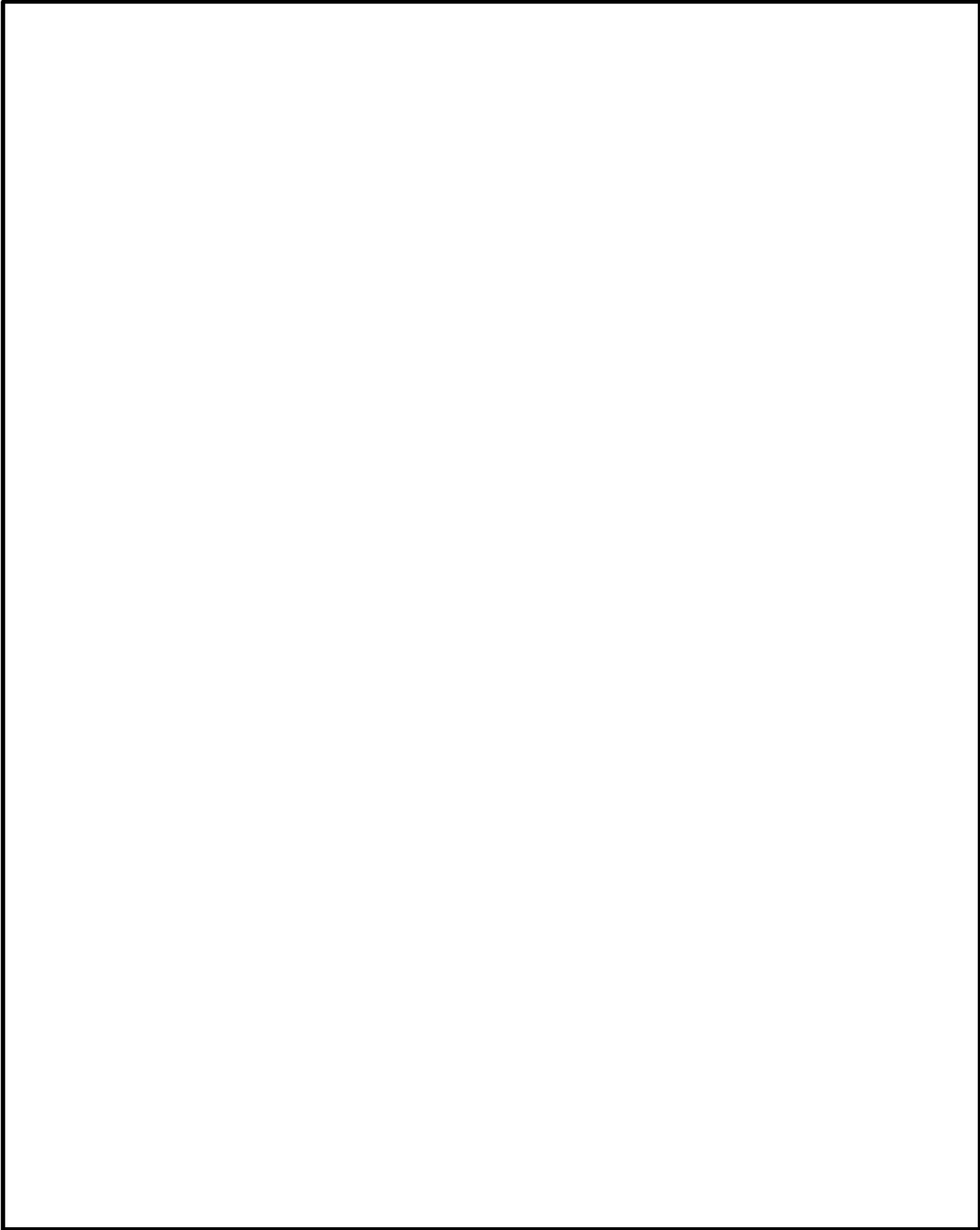


(b)(5)



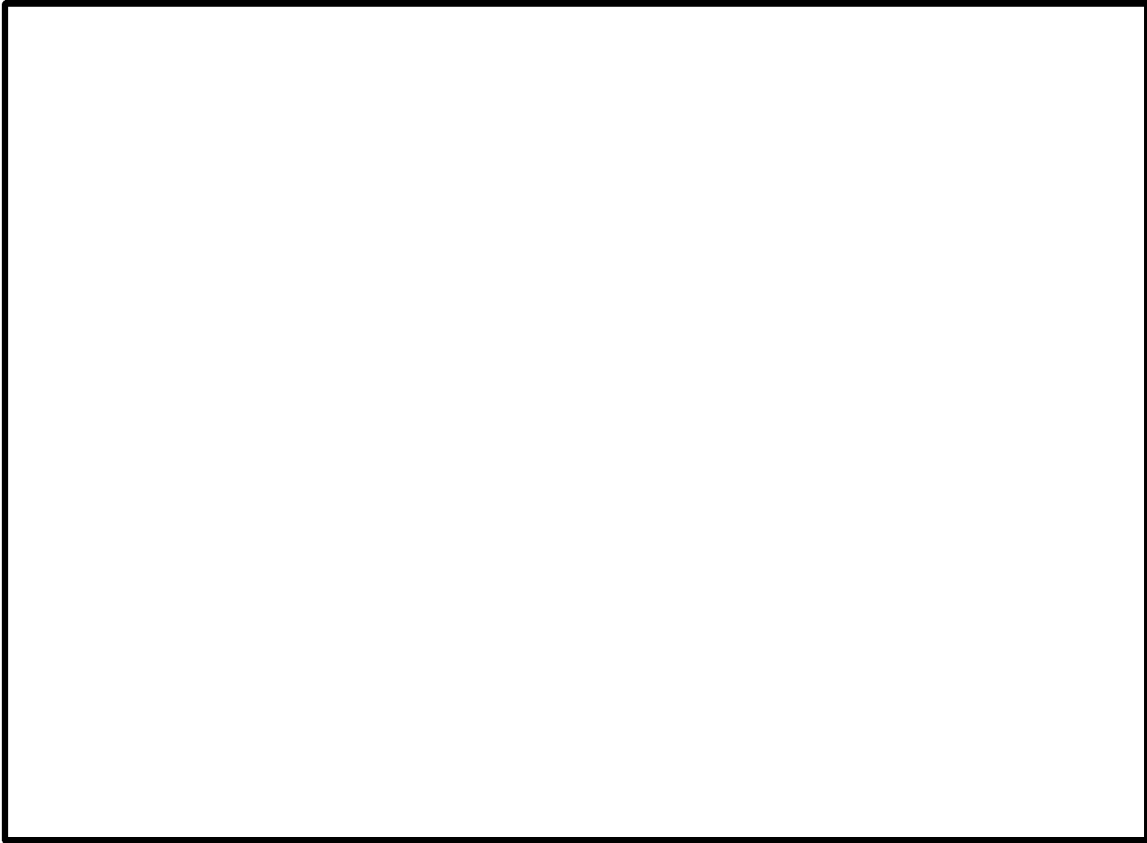
(b)(5)

APPENDIX A: OVERTIME SLIP HOUSTON ASYLUM OFFICE 45 ACT BILL



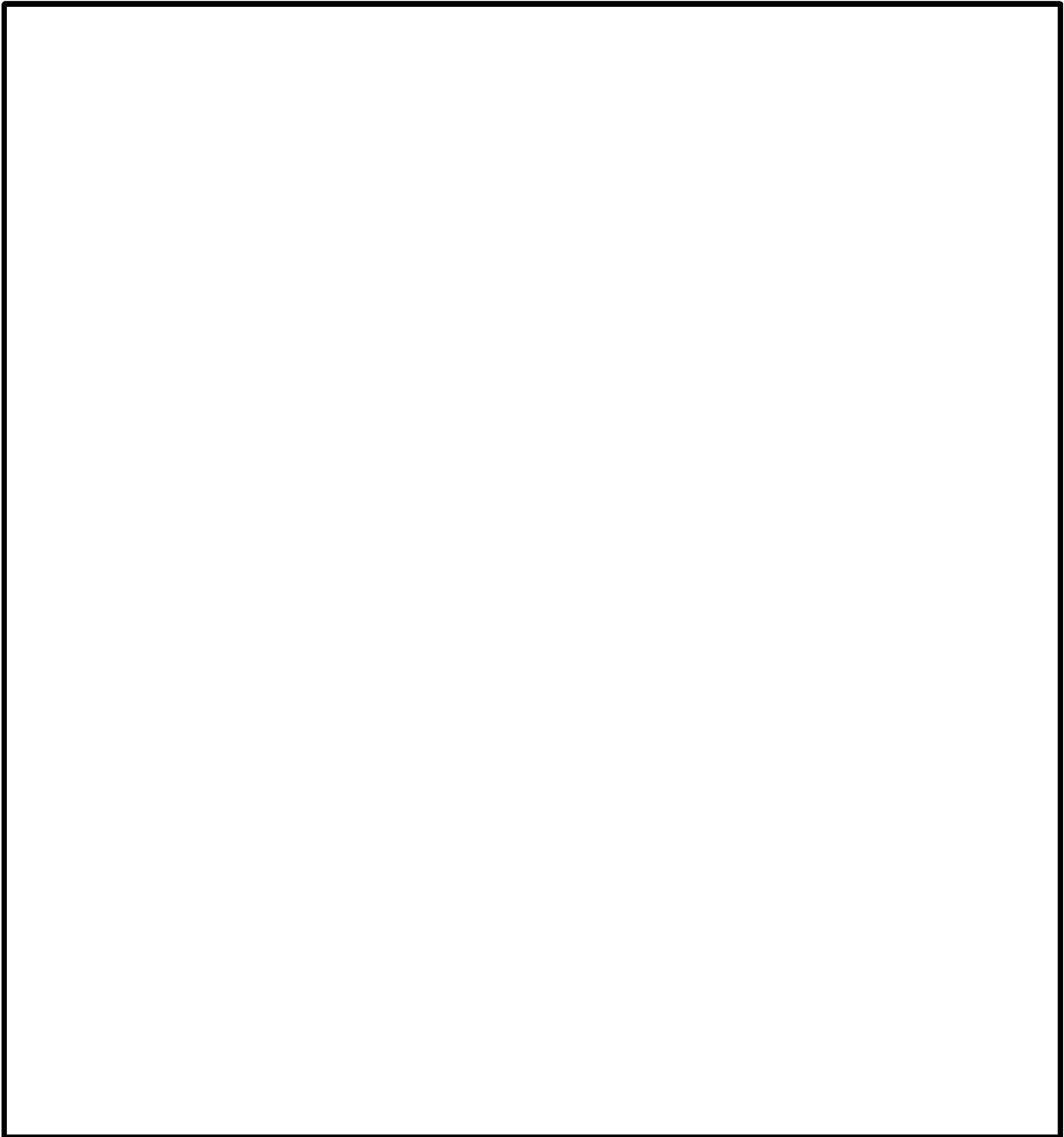
(b)(5)

APPENDIX B: PREC SCREEN EXAMPLE



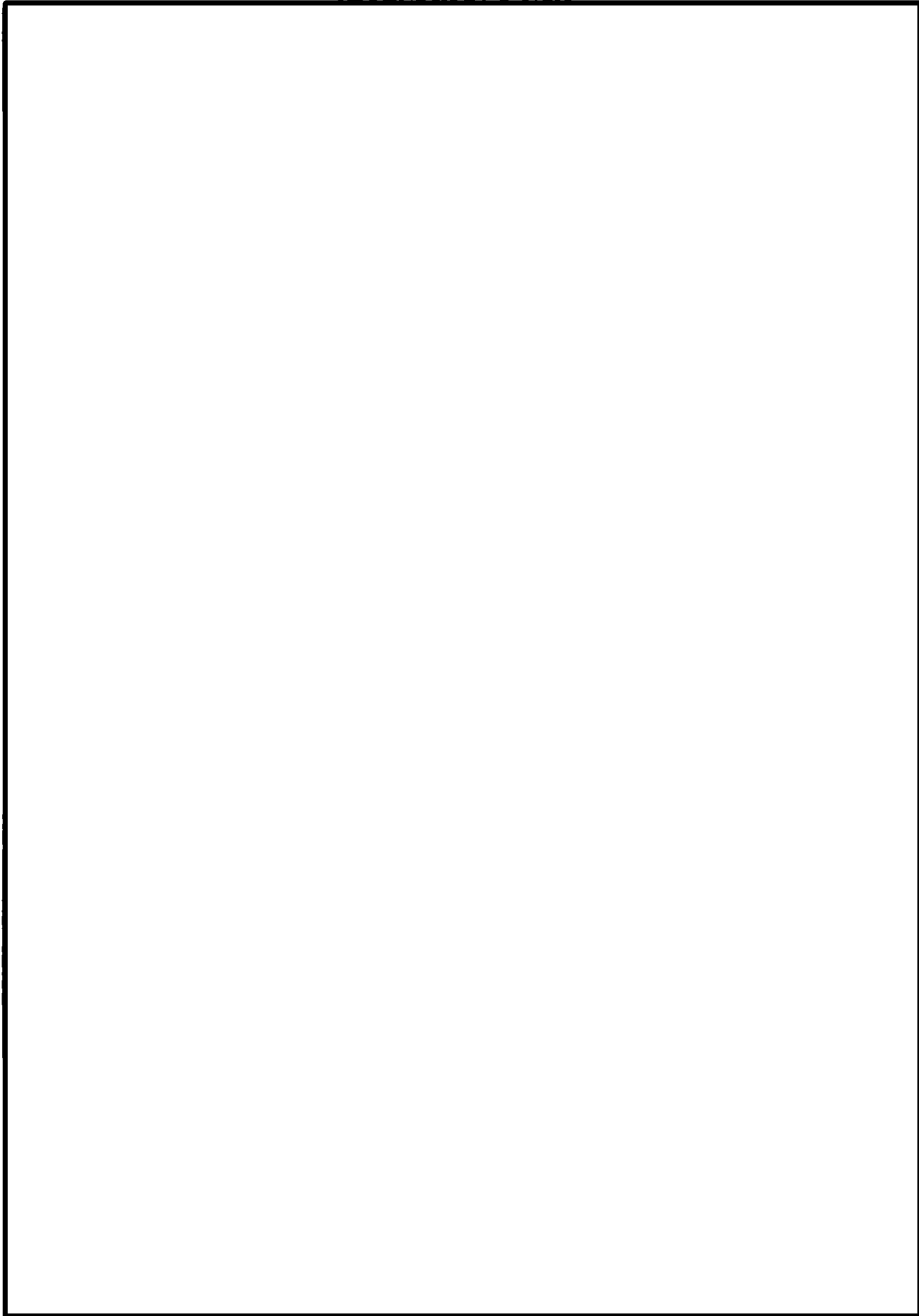
(b)(5)

APPENDIX C: GAINING ACCESS



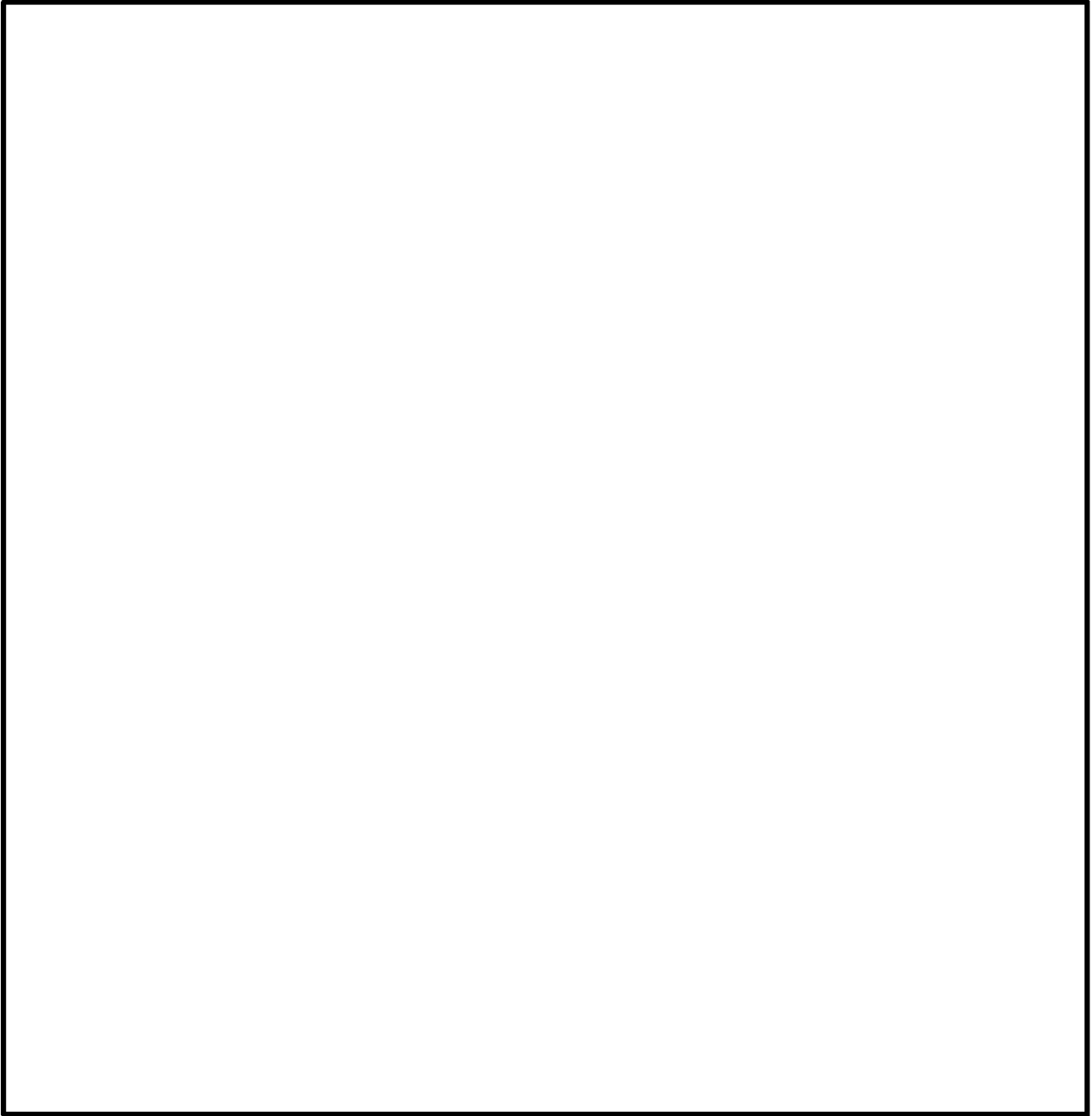
(b)(5)

APPENDIX D: G-872A



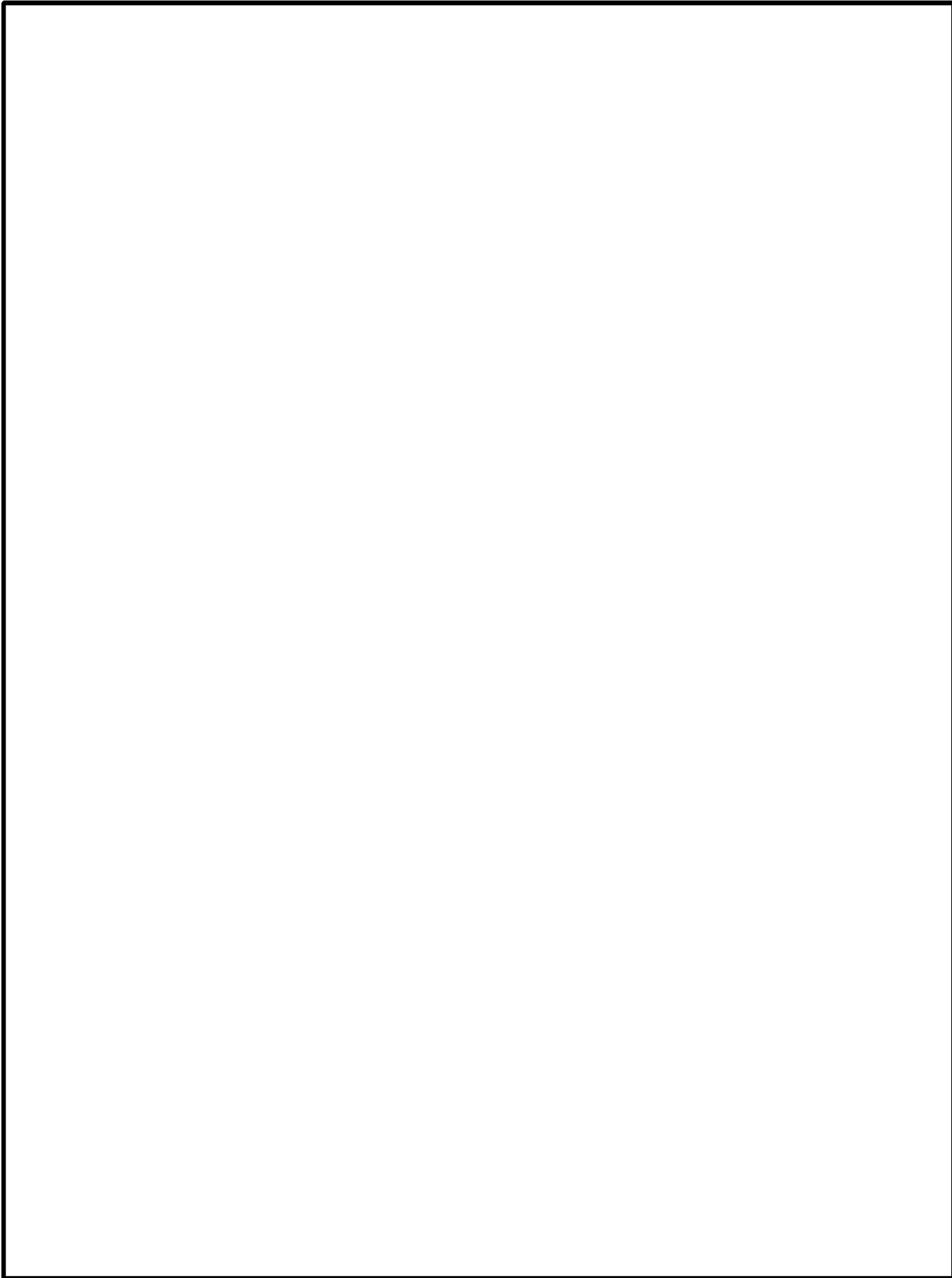
(b)(5)

REQUEST FOR PICS MAINFRAME APPLICATIONS



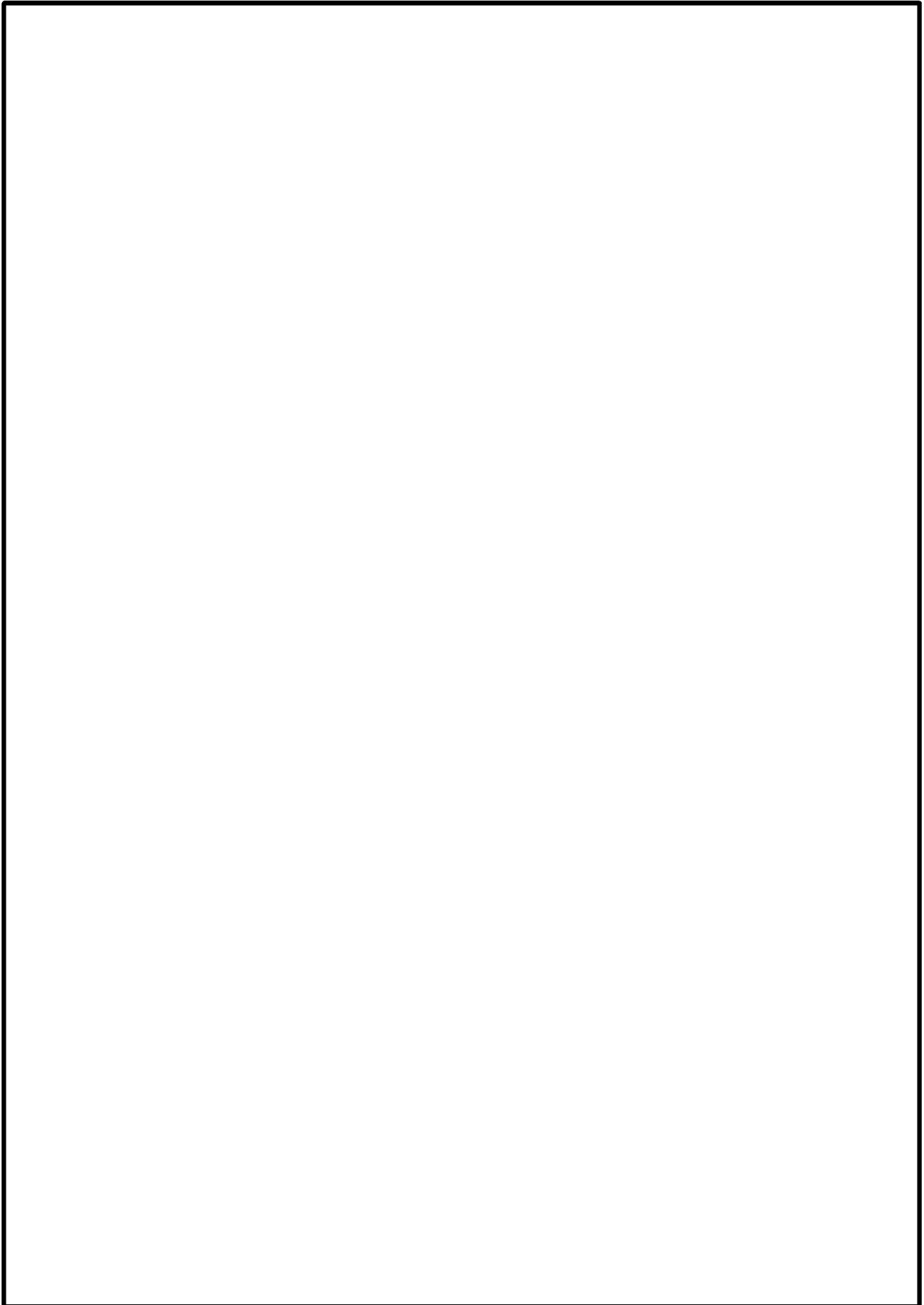
(b)(5)

APPENDIX A

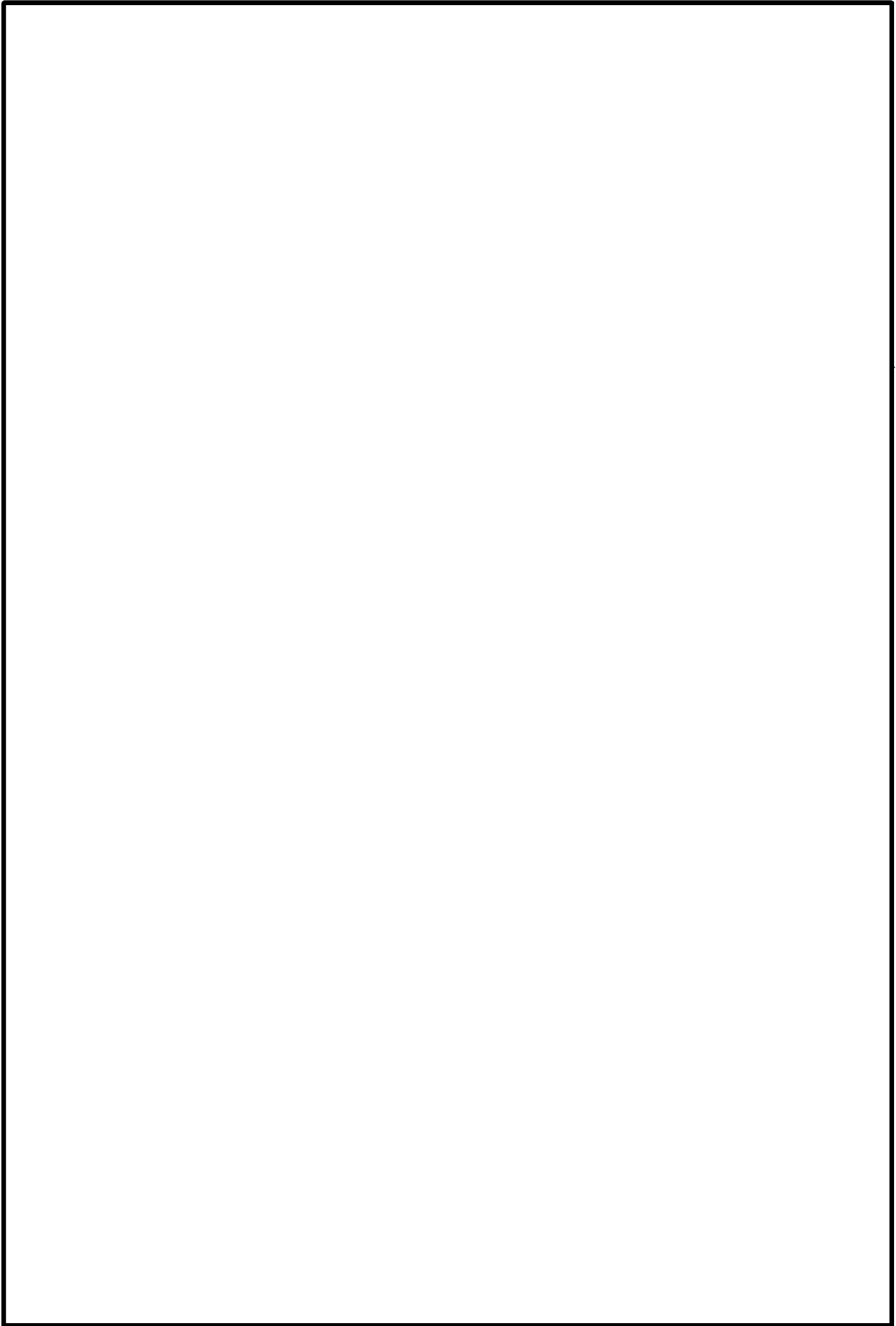


(b)(5)

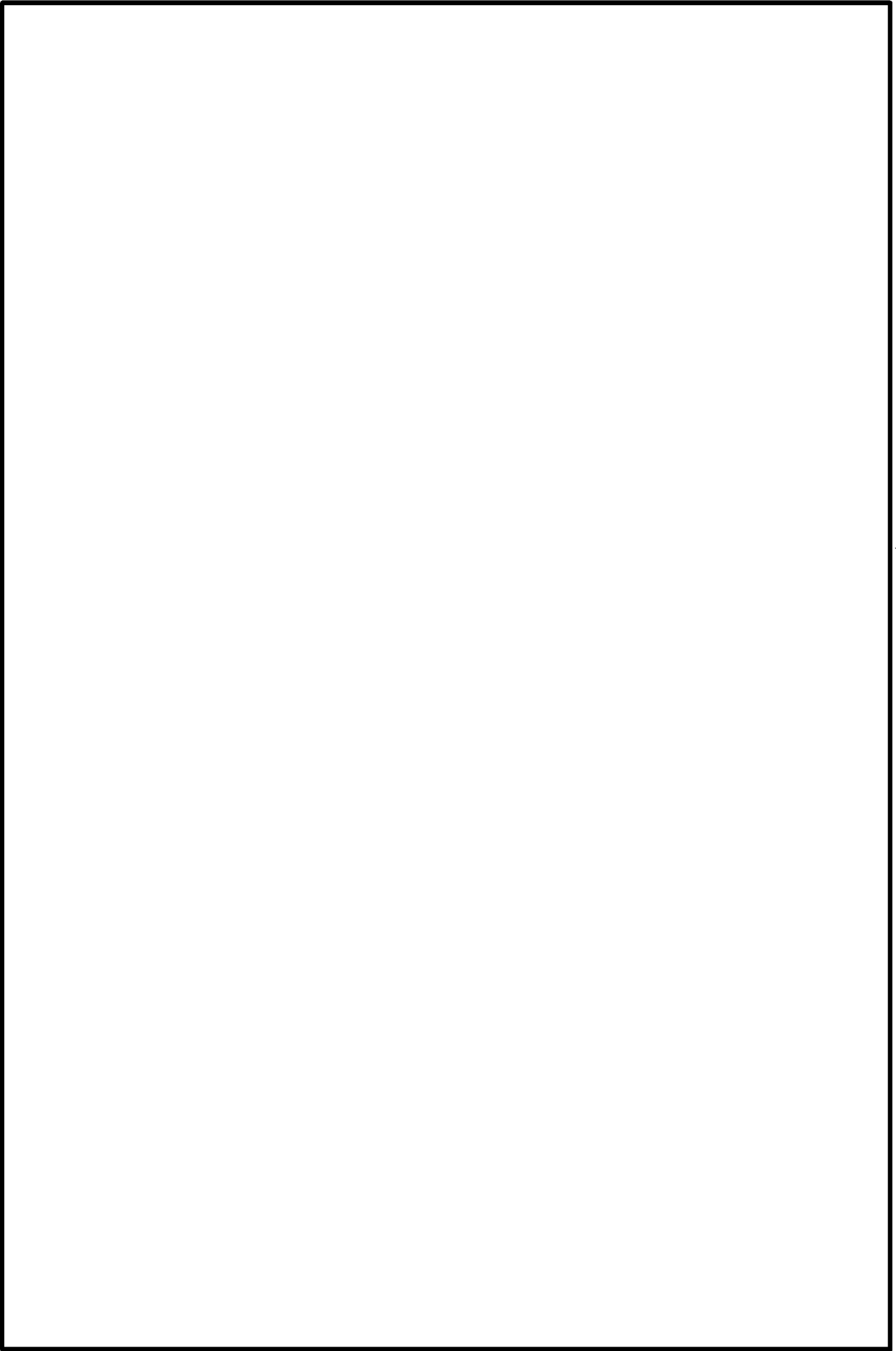
APPENDIX E: USCIS RULES OF BEHAVIOR



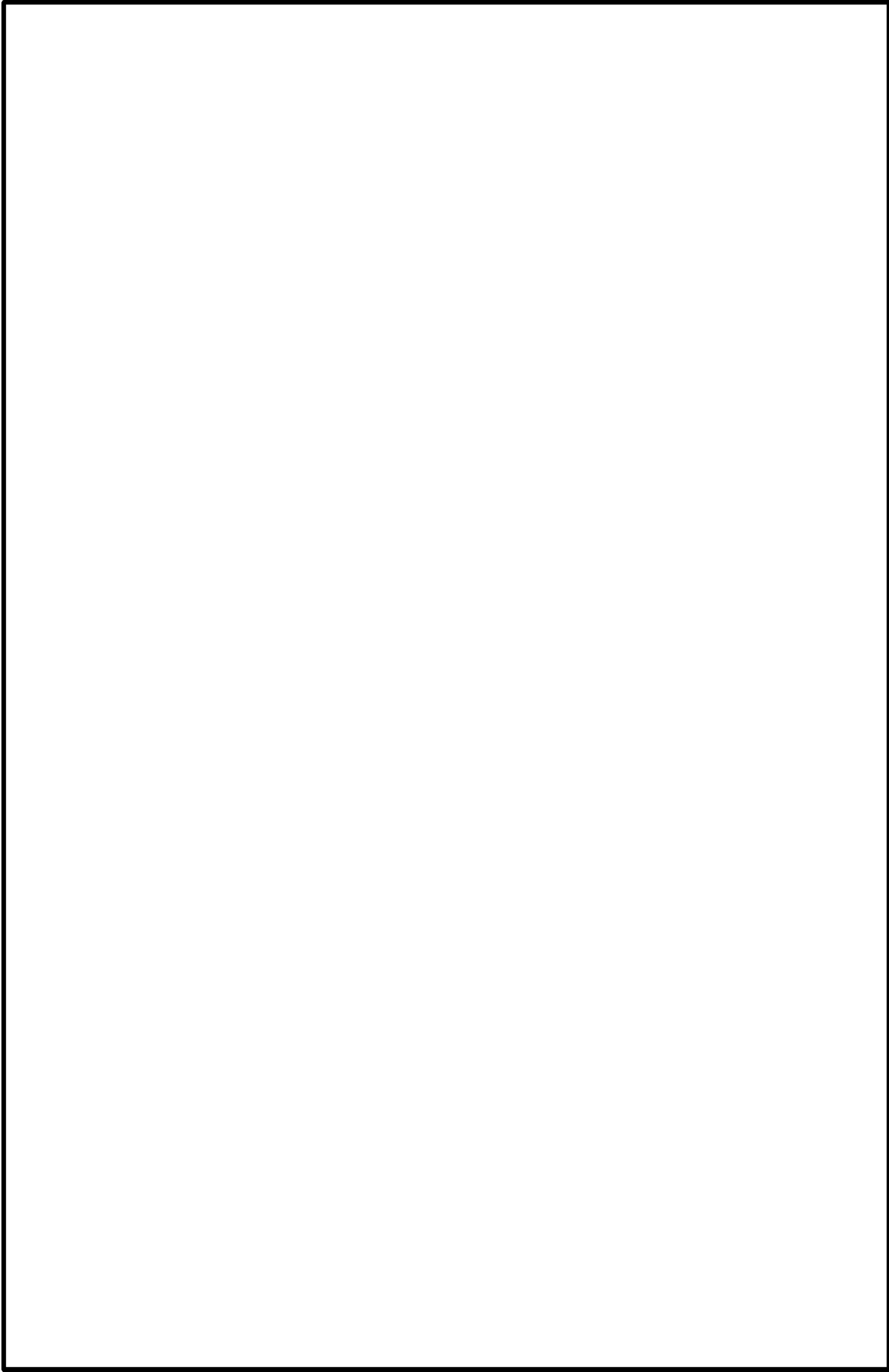
(b)(5)



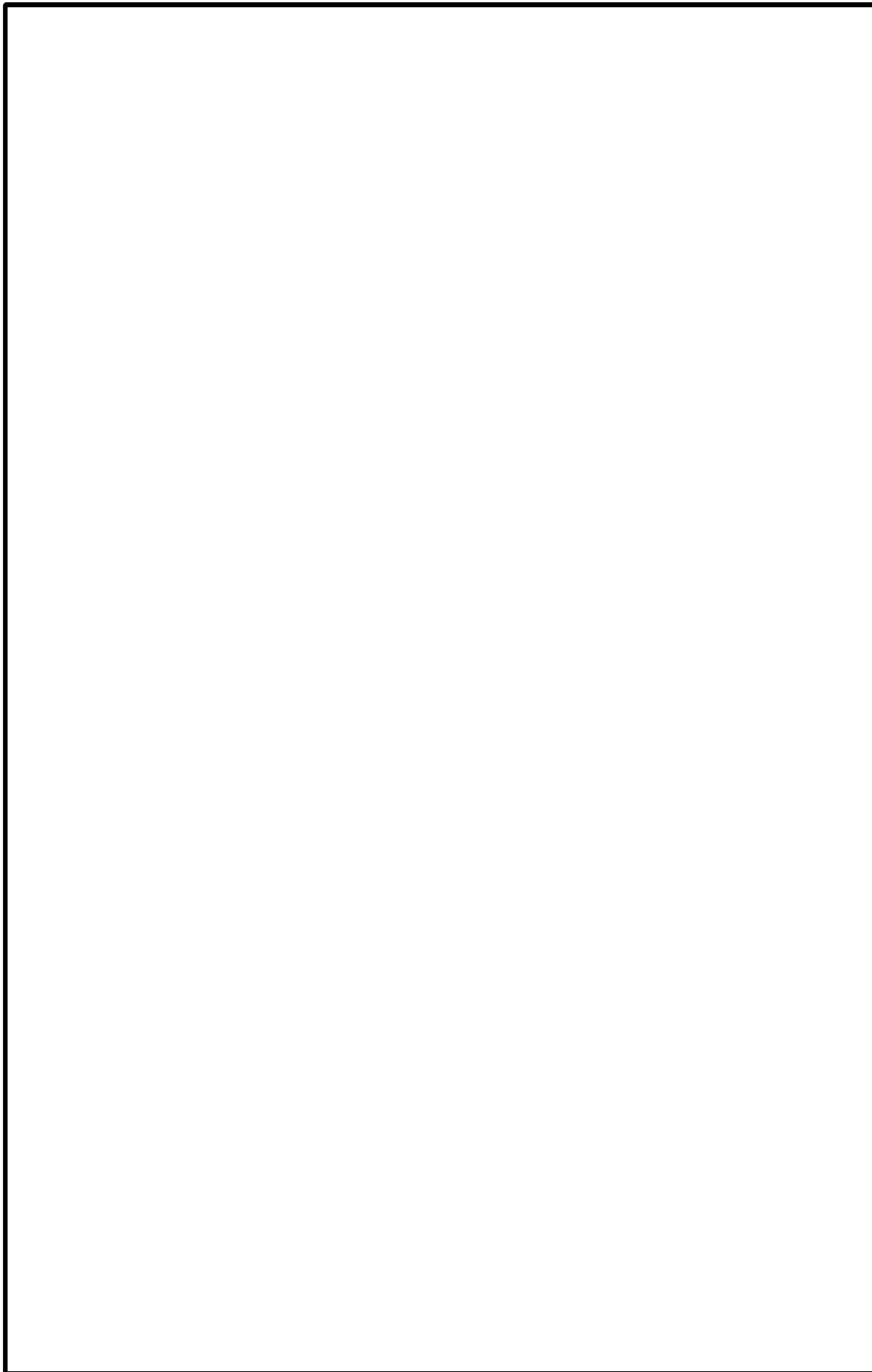
(b)(5)



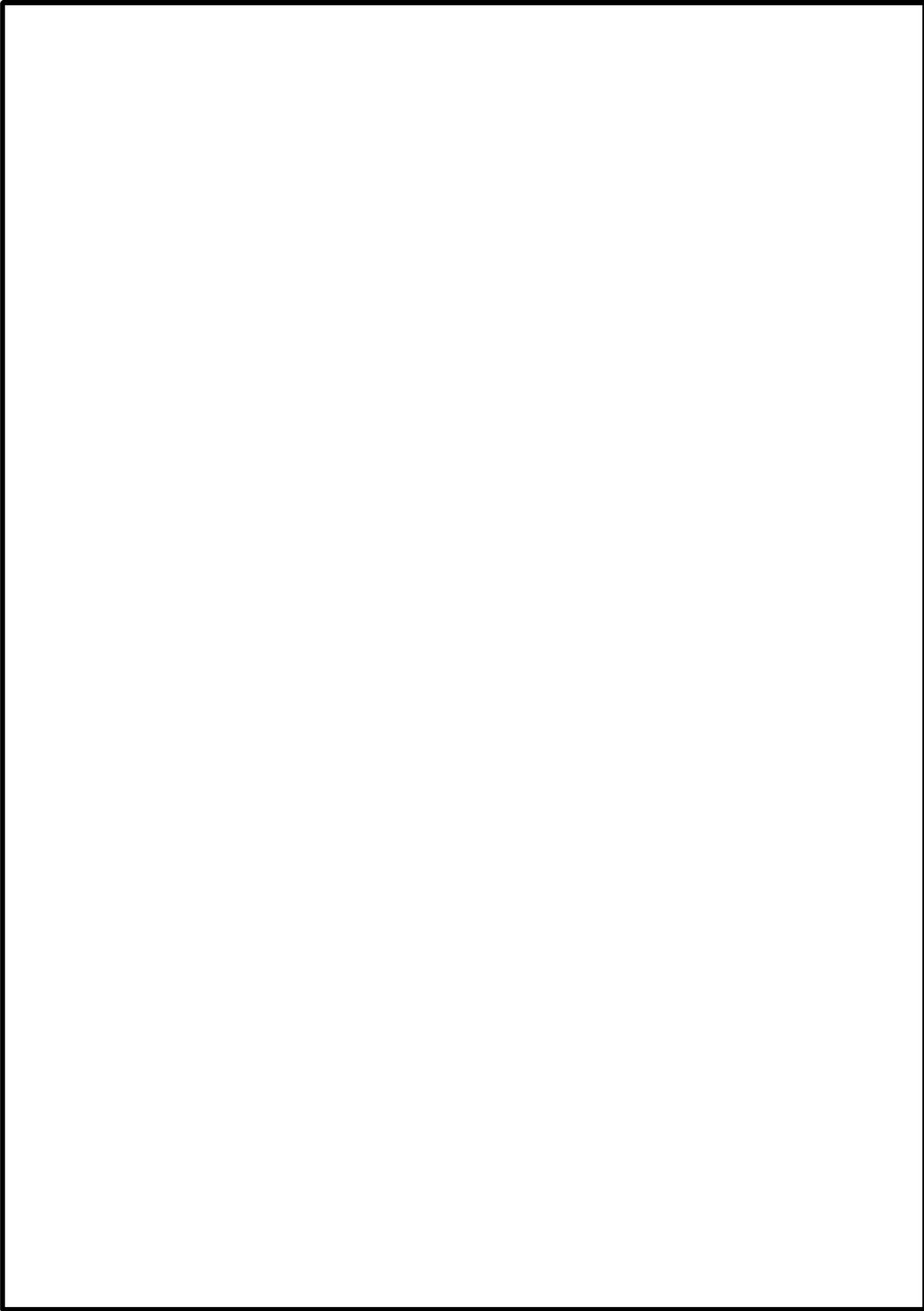
(b)(5)



(b)(5)



(b)(5)



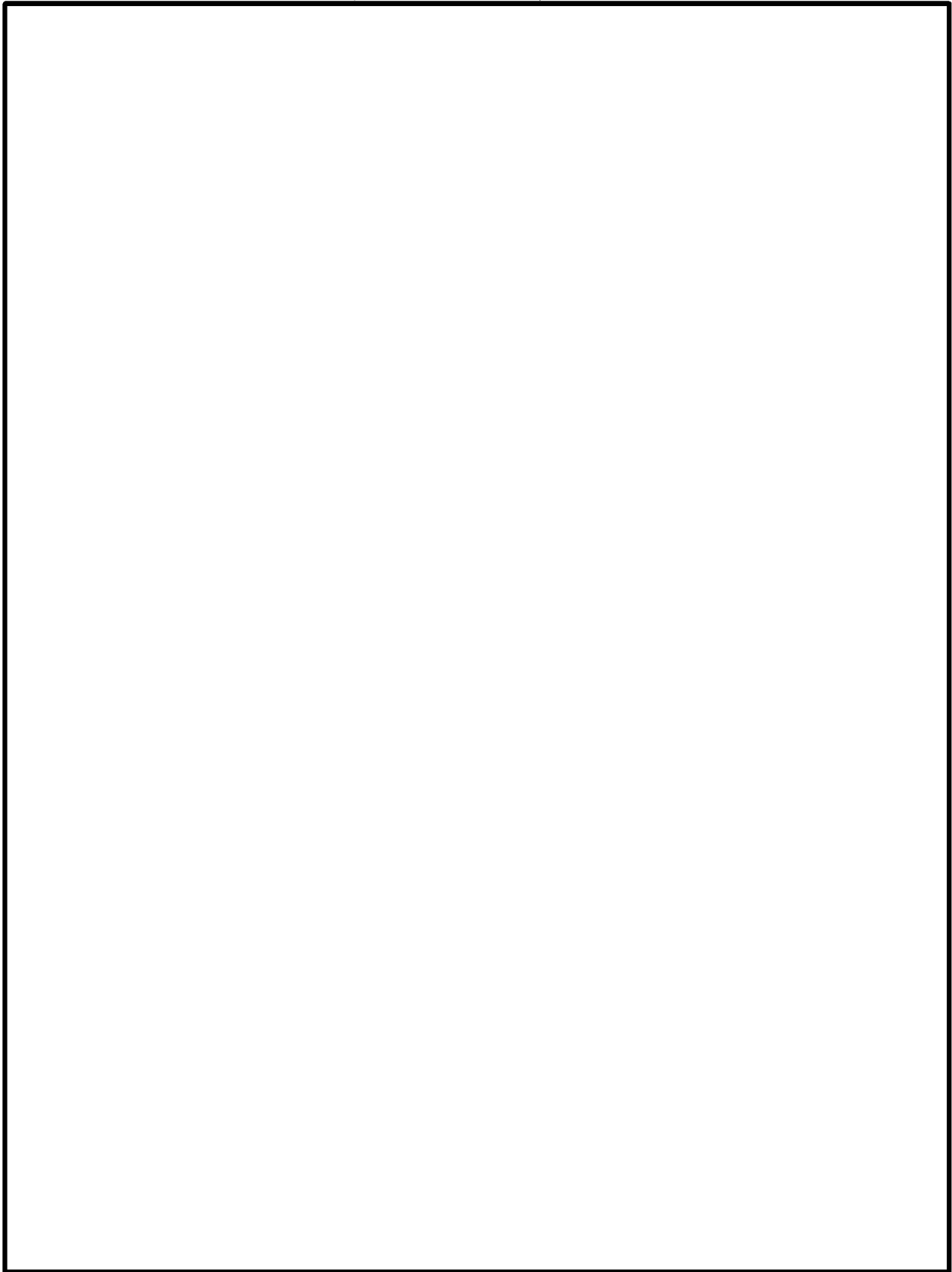
(b)(5)

APPENDIX F: SWITCHING PRINCIPALS IN APSS



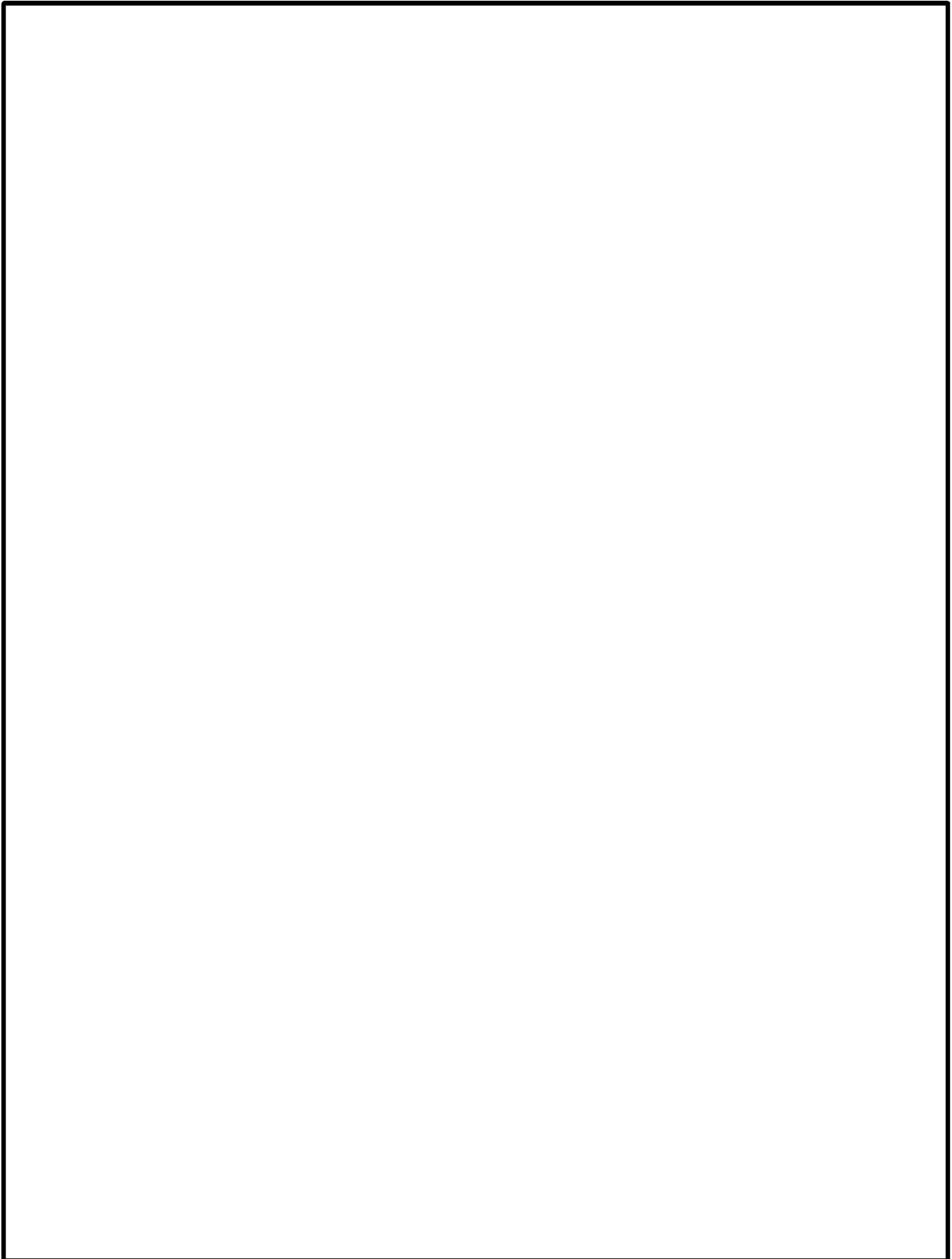
(b)(5)

APPENDIX G: DETAINED FAMILY COVER SHEET

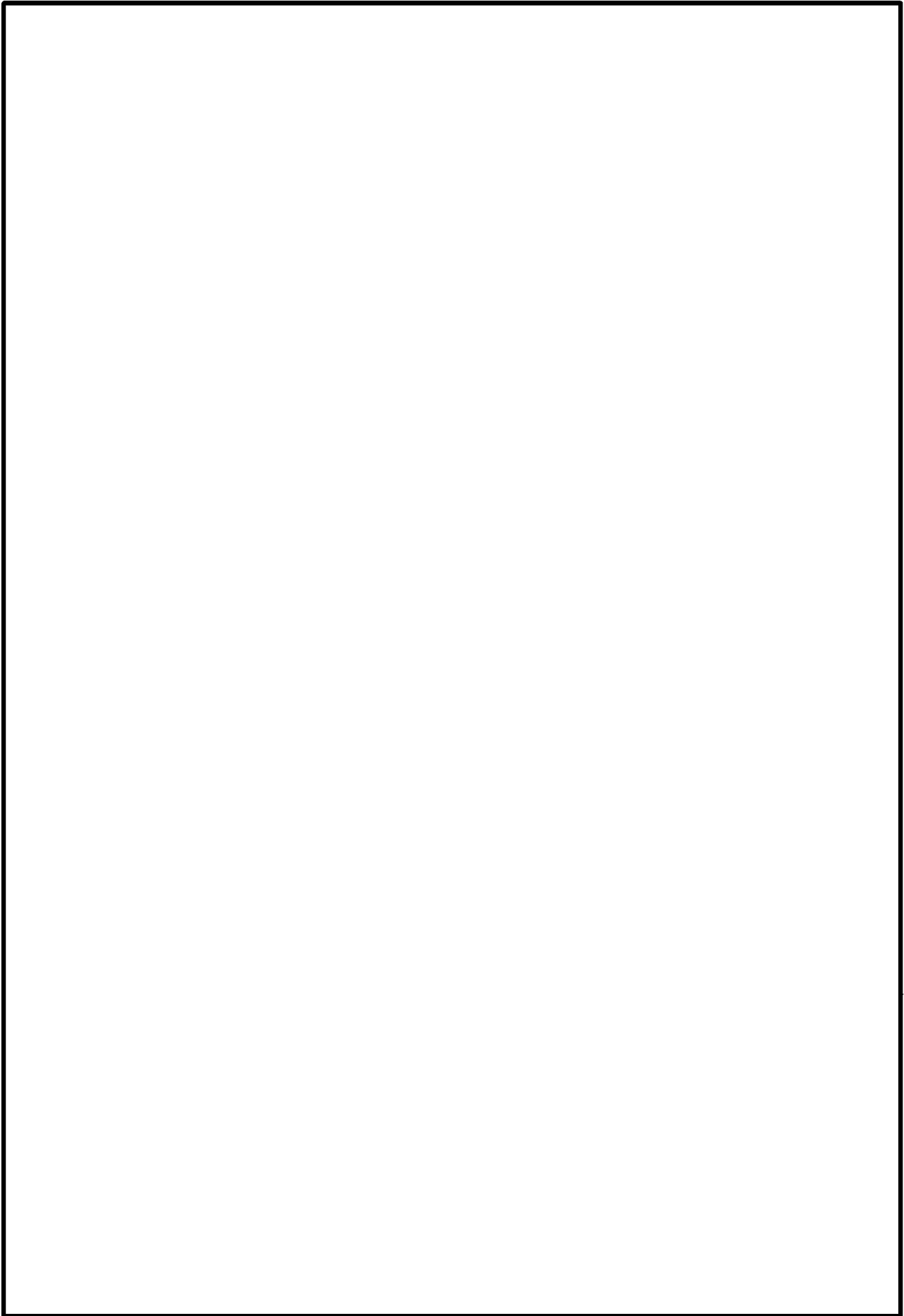


(b)(5)

**APPENDIX H: HOW-TO GUIDE: COMPLETING THE CREDIBLE/REASONABLE
FEAR BACKGROUND IDENTITY AND SECURITY CHECKLIST AND FLOWCHART**

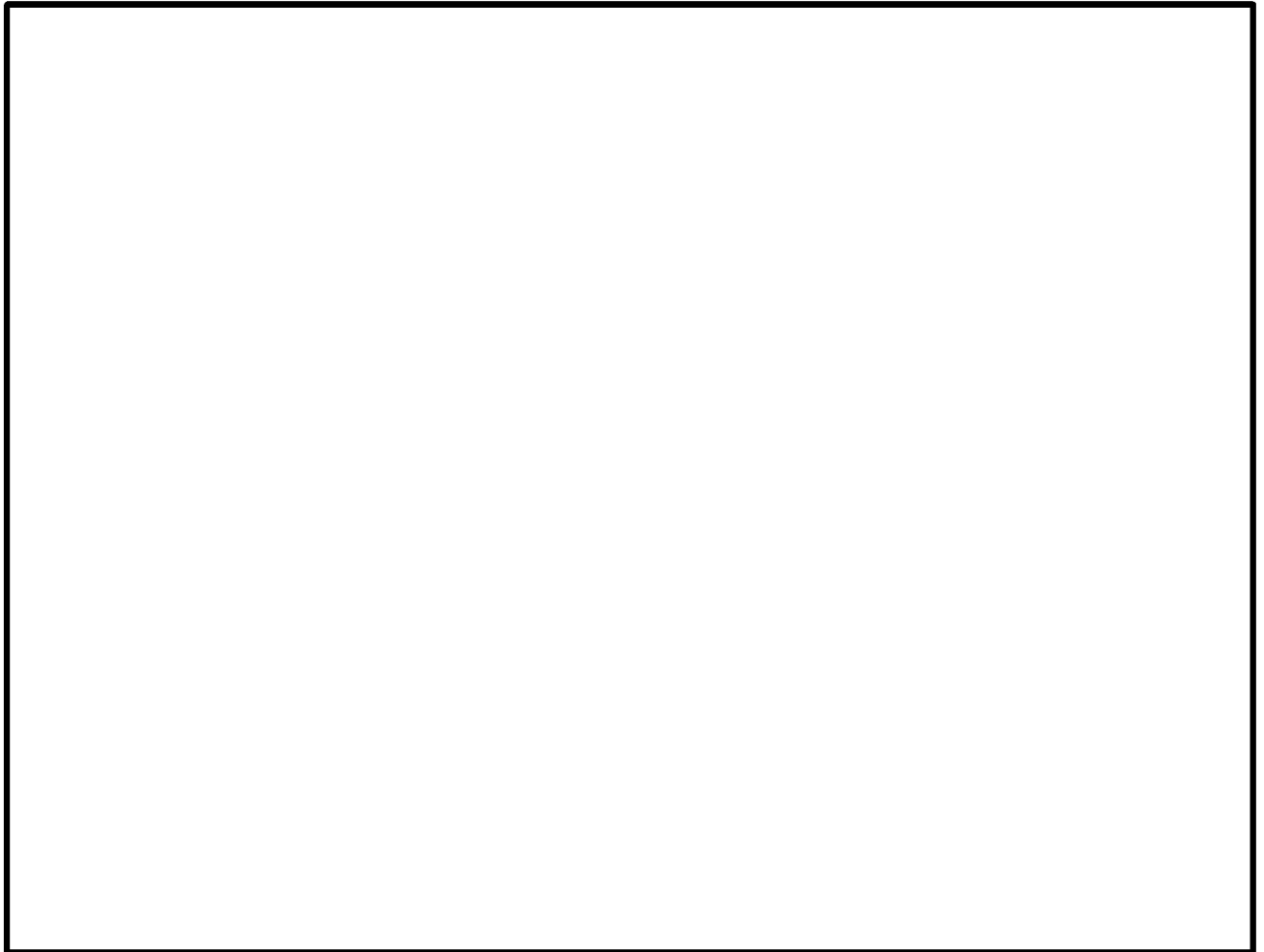


(b)(5)



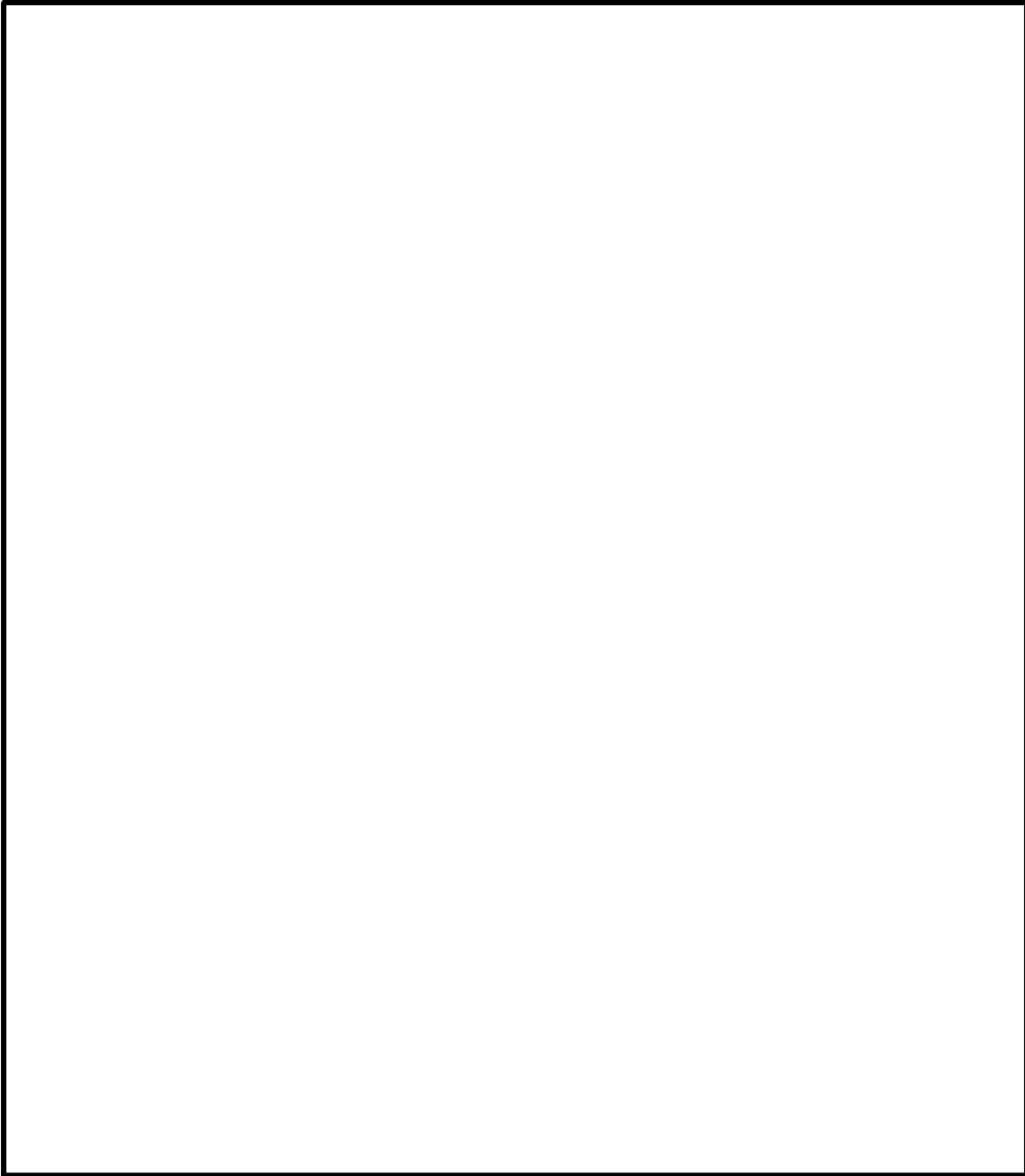
(b)(5)

- **Initial and Date in the left-hand boxes next to each check completed, and at the bottom of the Checklist.**



(b)(5)

APPENDIX I: CHILD SUPERVISION RECOMMENDATIONS



APPENDIX J: MEMORANDUM ON THE ROLE OF CONSULTANTS

Memorandum



HQASM 120/16.12 - P

Subject: Role of Consultants in the Credible Fear Interview	Date: [signed November 14, 1997]
---	--

To:
All Asylum Directors
All Supervisory Asylum Officers
All Asylum Officers

From:
Office of International Affairs
Asylum Division
[Joseph E. Langlois /s/ - see page 2]

The purpose of this memo is to provide additional guidance on the role of consultants during the credible fear interview in the context of expedited removal. We are developing further guidance on working with consultants and representatives, including guidance on the documents that may be released to them. That guidance will follow shortly.

The INS encourages the use of consultants by persons who are subject to expedited removal and have been referred for a credible fear interview. Consultation generally facilitates the credible fear process and helps to ensure that asylum seeker's claims are fully elicited. The role of the consultant in the credible fear interview is basically the same as the role of the representative in the affirmative asylum interview. While the asylum officer maintains control of the interview, the consultant and the asylum officer should share a cooperative role in developing and clarifying the merits of the applicant's claim. The consultant should generally be given the opportunity to make a statement at the end of the interview and to ask the applicant additional questions.

Pursuant to 8 C.F.R. § 208.30, applicants in the credible fear process are entitled to consultation with a person or persons of their choosing:

The alien may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, and may present other evidence, if available. Such consultation shall be at no expense to the Government and shall not unreasonably delay the process. Any person or persons with whom the alien chooses to consult may be present at the interview and may be permitted, in the discretion of the asylum officer, to present a statement at the end of the interview. The asylum officer, in his or her discretion, may place reasonable limits on the number of such persons who may be present at the interview and on the length of statement or statements made. 8 C.F.R. §208.30(b)

"Consultant" is not defined in the INA or the regulations. The consultant may be a paid attorney, a *pro bono* attorney, a staff member at a non-government organization, a friend, a relative, or any other person

of the alien's choosing. The alien may have more than one consultant at the interview. However, the asylum officer may reasonably limit the number of consultants present during an interview based on available space considerations and to prevent disruption of the interview.

As noted above, the regulations governing the expedited removal process provide that, *in the asylum officer's discretion*, the consultant may make a statement or comment at the end of the interview. Therefore, the asylum officer has discretion to prevent the consultant from making a statement or comment. However, the asylum officer must have solid reasons to exercise discretion to disallow a consultant from making a statement or comment. Only in extremely unusual circumstances should the asylum officer exercise discretion to prevent the consultant from making a statement or comment.

Generally, the consultant should be allowed to make a closing statement, comment on the evidence presented, and/or ask the asylum seeker additional questions. This should be explained to the consultant and the applicant at the beginning of the interview. The asylum officer may place reasonable limits on the amount of time allotted to the consultant, if it appears that the consultant is using the time in an unhelpful or disruptive manner. It is appropriate for the consultant to clarify issues or statements that were made during the interview, to summarize the case and to make arguments regarding the merits of the case, and to ask additional relevant questions that have not been asked by the asylum officer. It is not appropriate for the consultant to reconduct the interview. The asylum officer must record the consultant's statements in the Q & A's, if the statements are material or relevant to the claim. In some cases, the asylum officer may find it necessary to ask the applicant additional follow-up questions based on issues or information presented by the consultant at the end of the interview. This should also be recorded in the Q & A's.

In most cases, the consultant should hold comments or questions until the end of the interview. In certain instances, however, it will be appropriate for the consultant to comment during the course of the interview to avoid confusion or misunderstandings. Such comments may be helpful and should not be discouraged. At the same time, it is important that the asylum officer retain control of the interview. If the consultant repeatedly interrupts or otherwise disrupts the interview, the asylum officer should ask the consultant to refrain from interrupting the interview and explain that the consultant will be given an opportunity at the end of the interview to ask questions and make comments. Absent unusual circumstances (for example when the asylum seeker has a mental disability), the consultant should not be permitted to answer for the applicant.

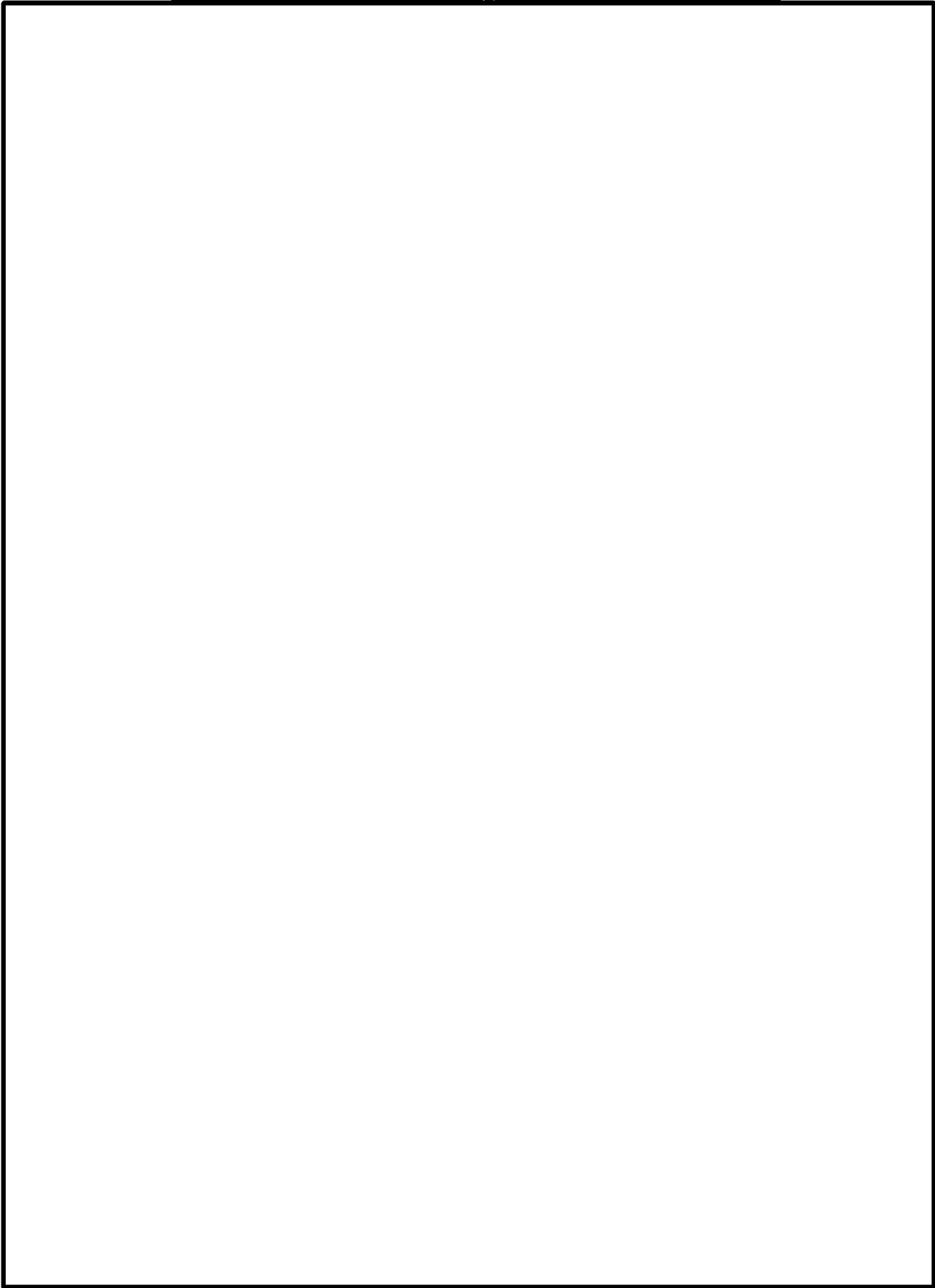
There may be times when the asylum officer needs to discuss certain issues with the consultant (e.g., the consultant's role). The asylum officer should ensure that what is discussed is translated to the applicant so that the applicant is aware of all that transpires during the interview.

As noted above, further guidance on this issue will be forthcoming. Please direct any questions you have regarding the role of the consultant during the expedited removal process to Charlie Fillingier or Lorraine Eide.

Joseph E. Langlois /s/
Deputy Director

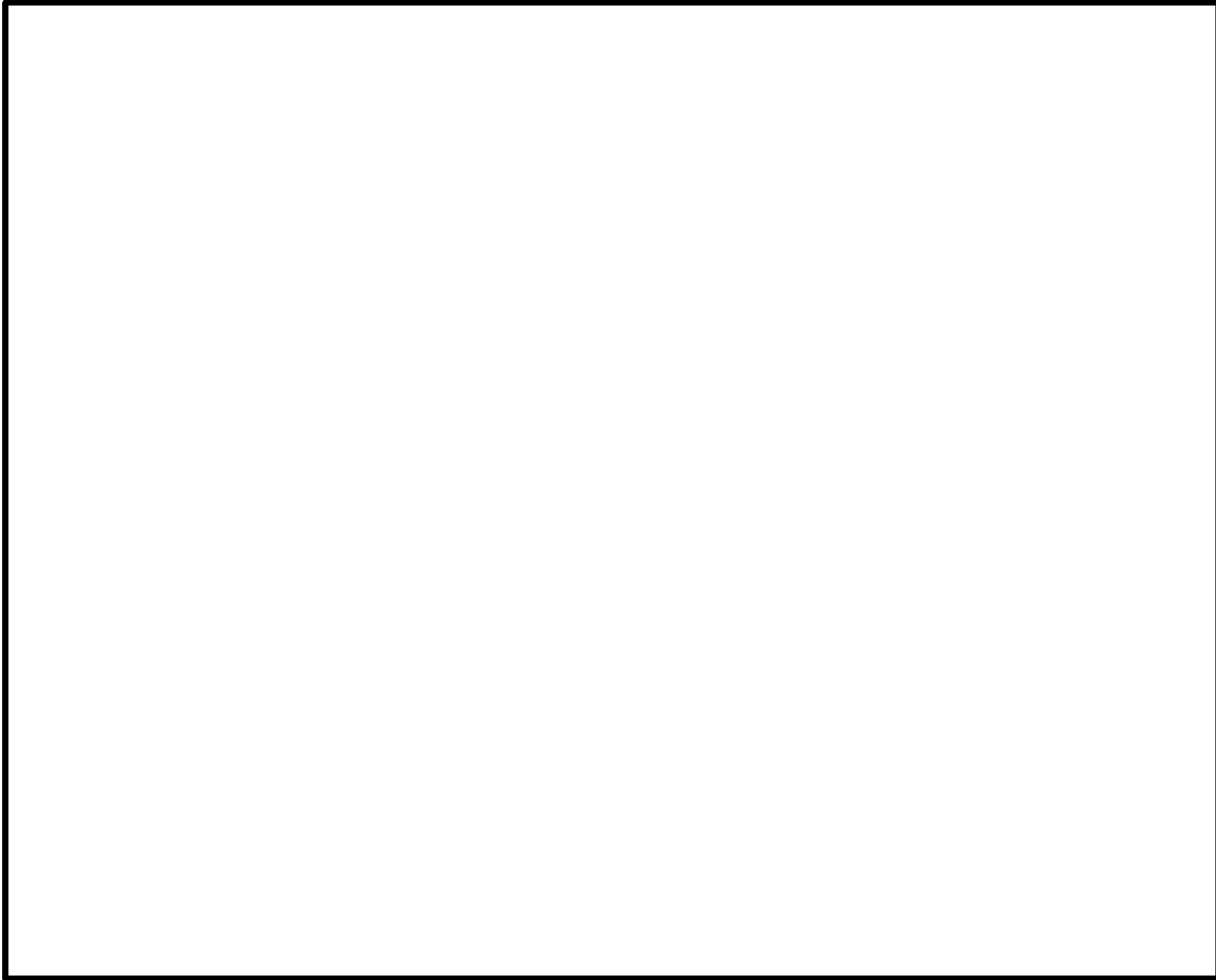
(b)(5)

APPENDIX K: ISSUES RELATED TO FAMILY PROCESSING



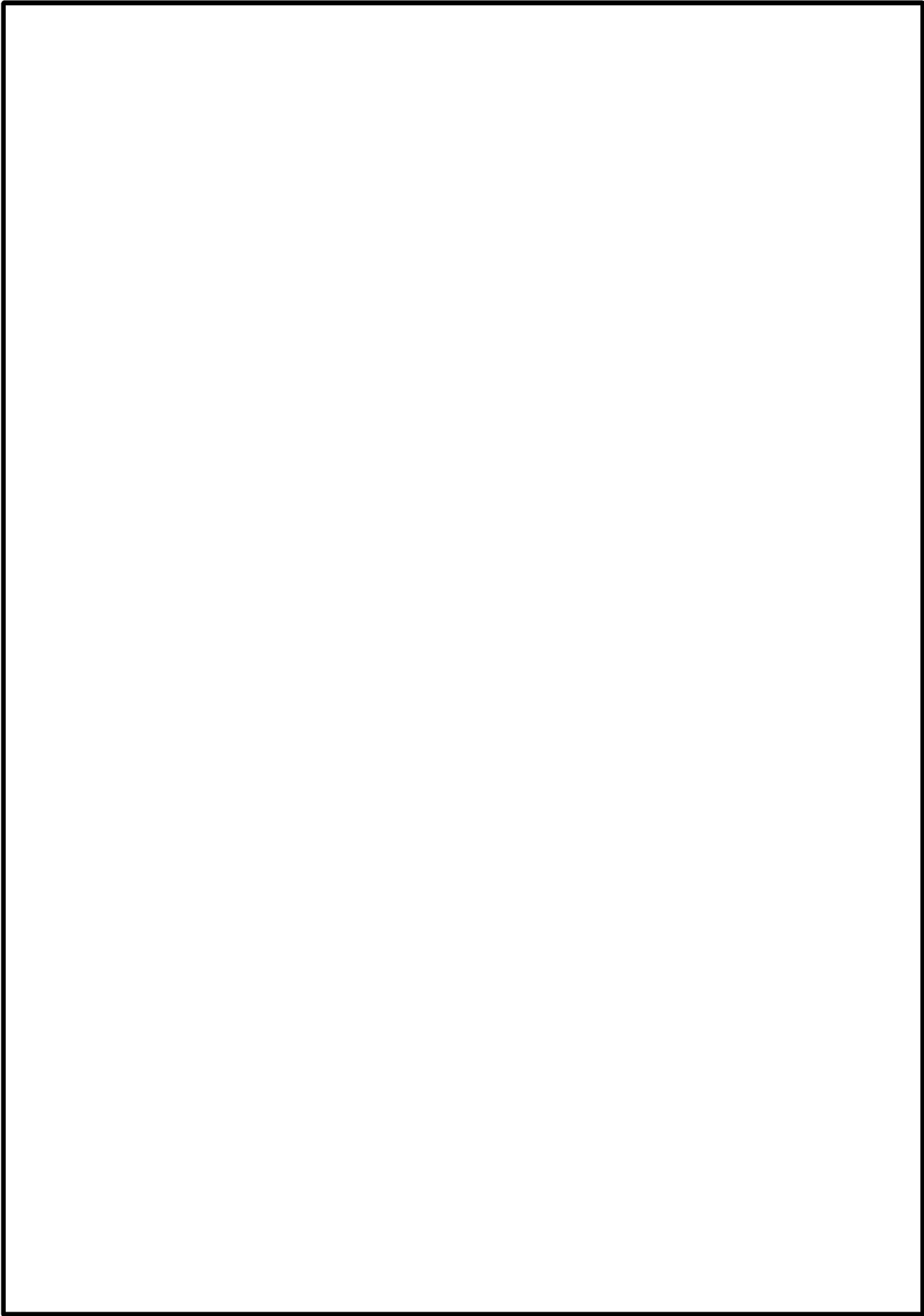
(b)(5)

Government Unable or Unwilling to Protect Children

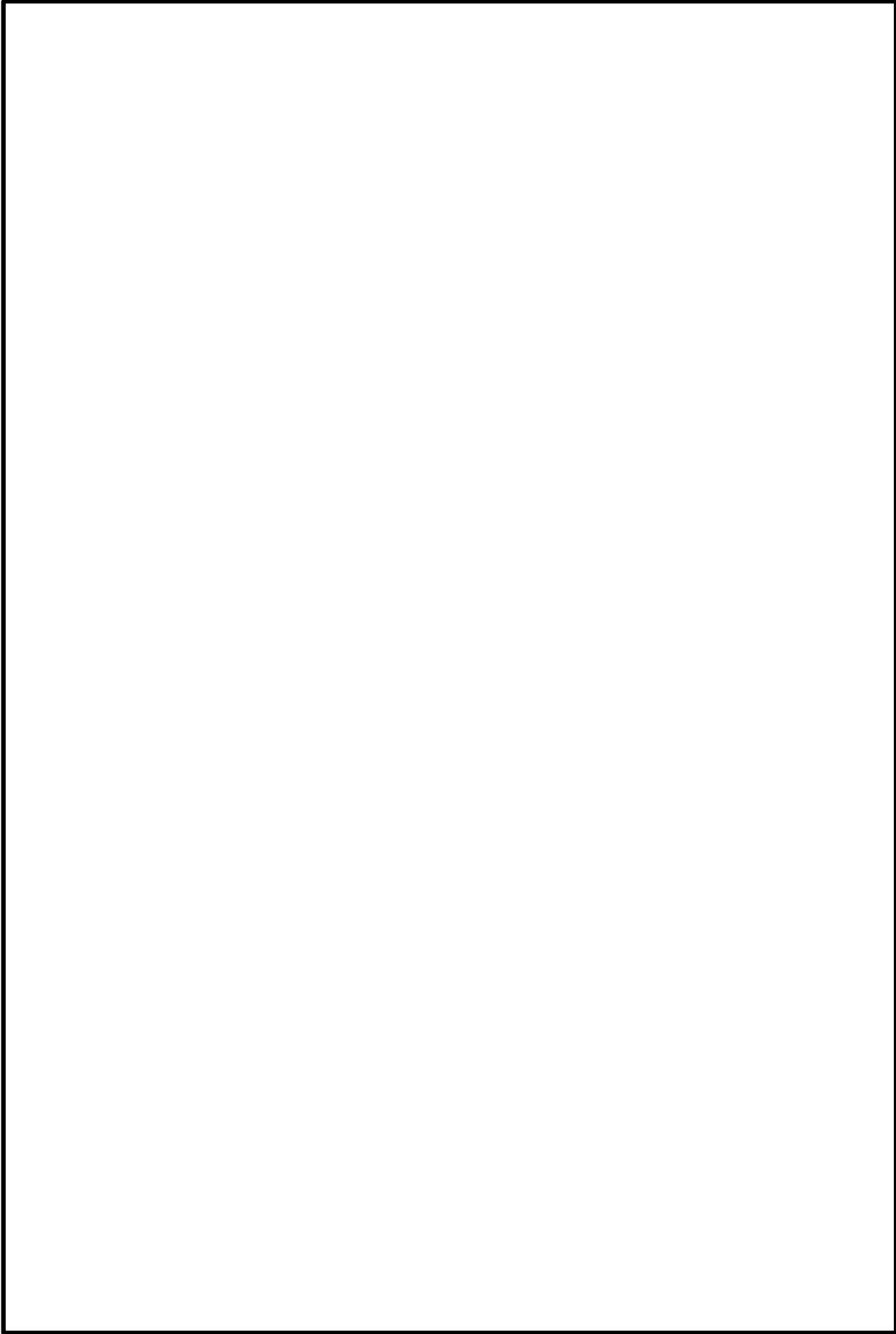


(b)(5)

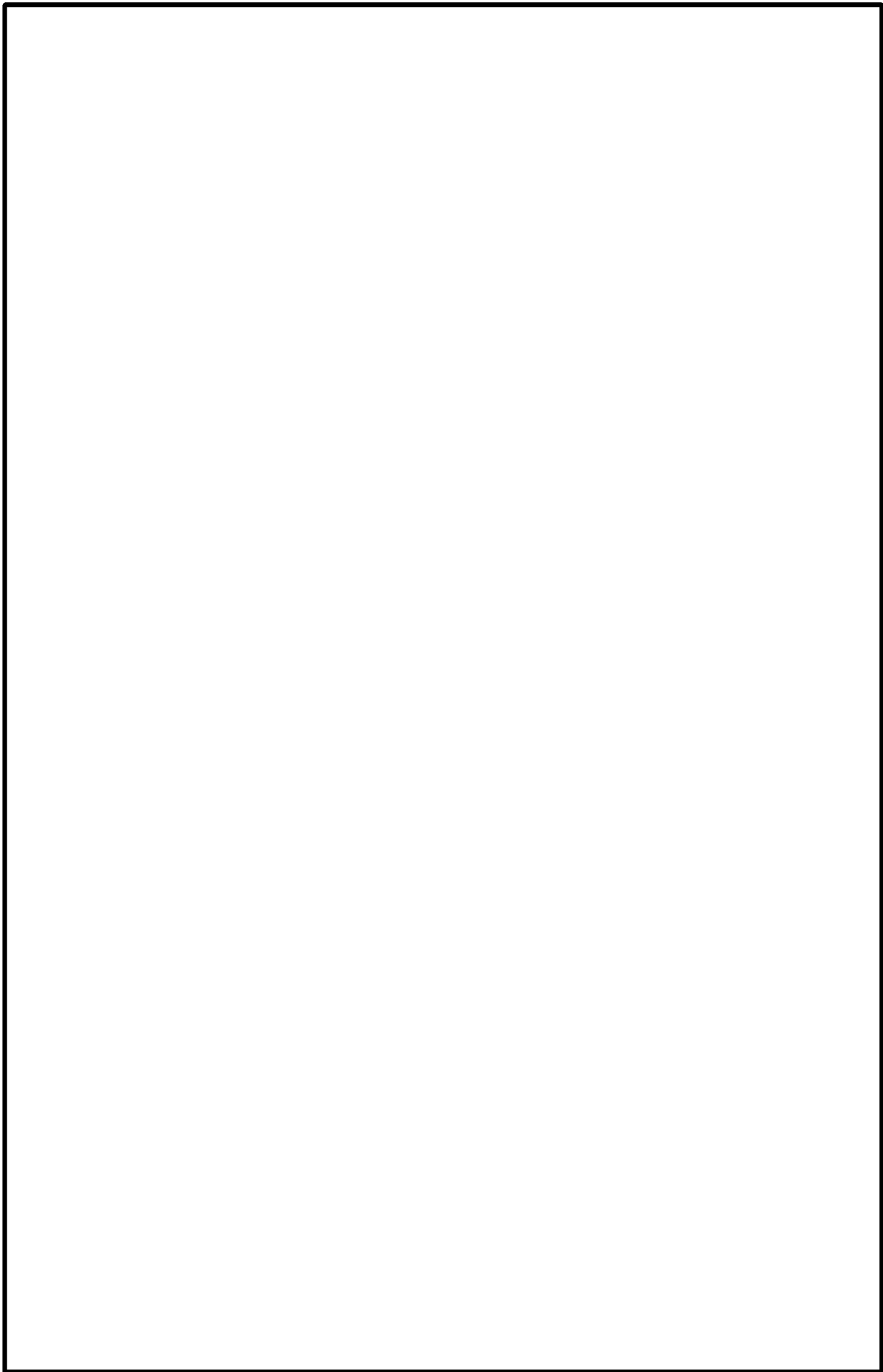
APPENDIX L: FOLLOW-UP INTERVIEW GUIDE



(b)(5)



(b)(5)



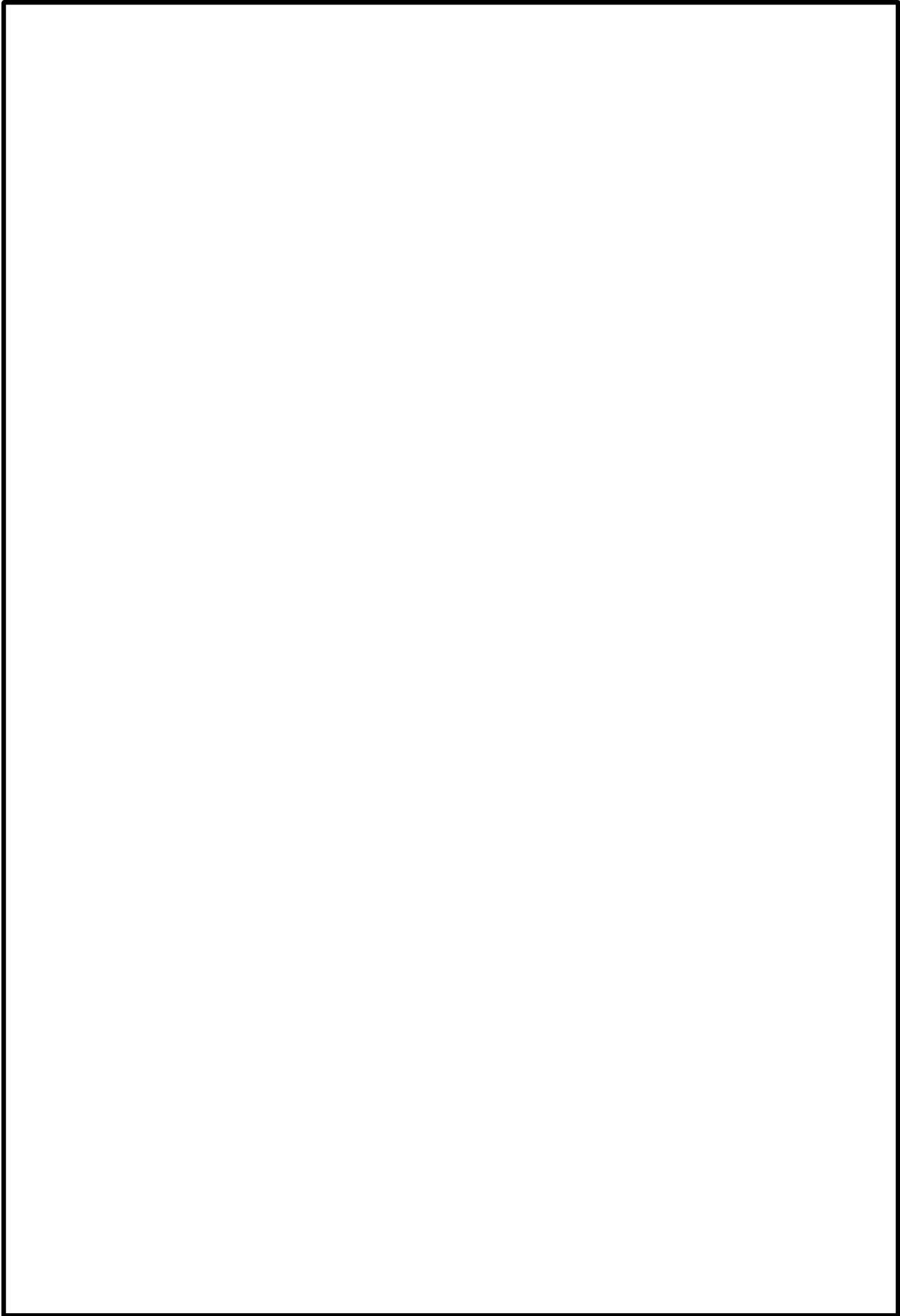
(b)(5)

APPENDIX M: DECISION CHANGE MEMORANDUM

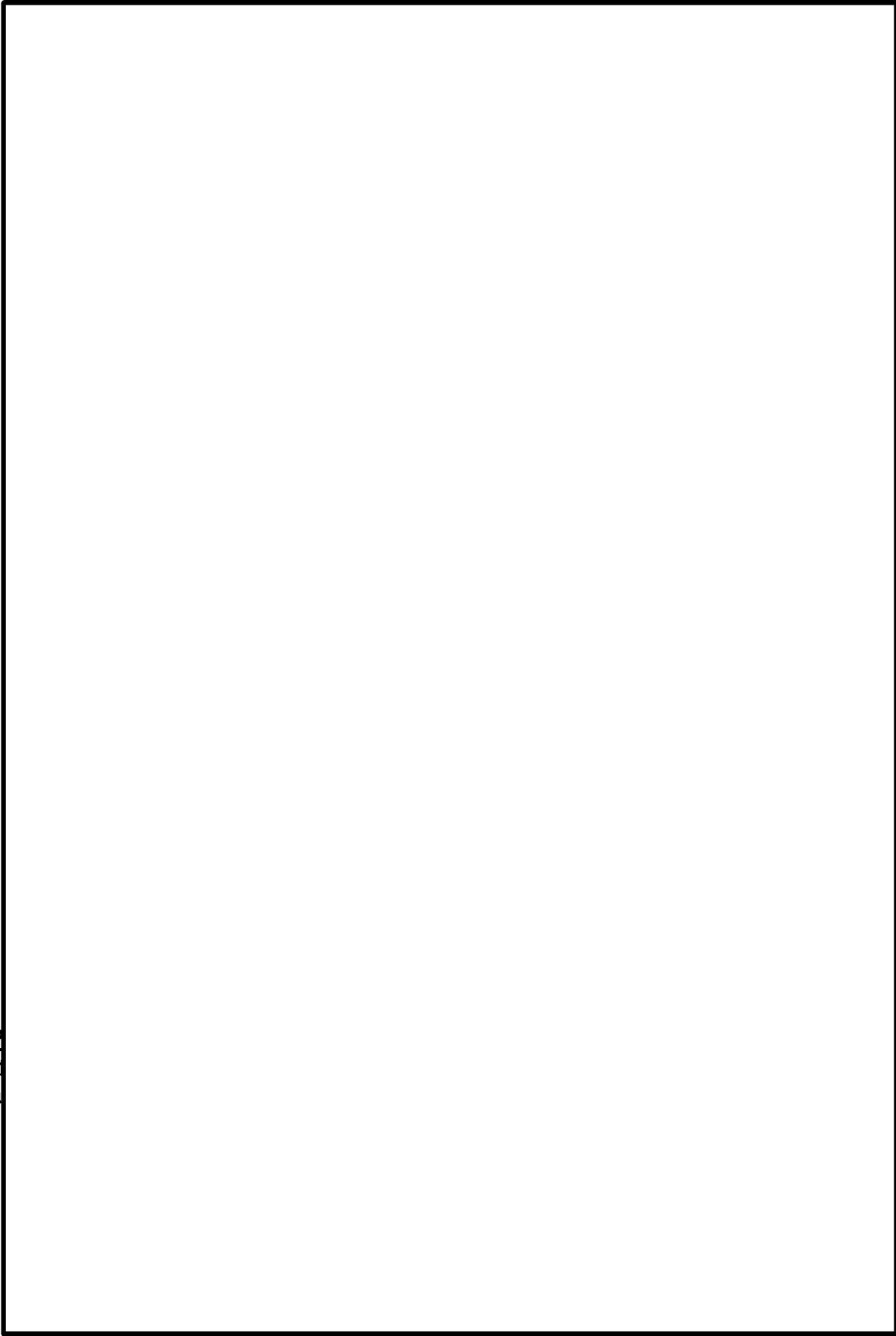


(b)(5)

APPENDIX N: GUIDE FOR RARE LANGUAGES

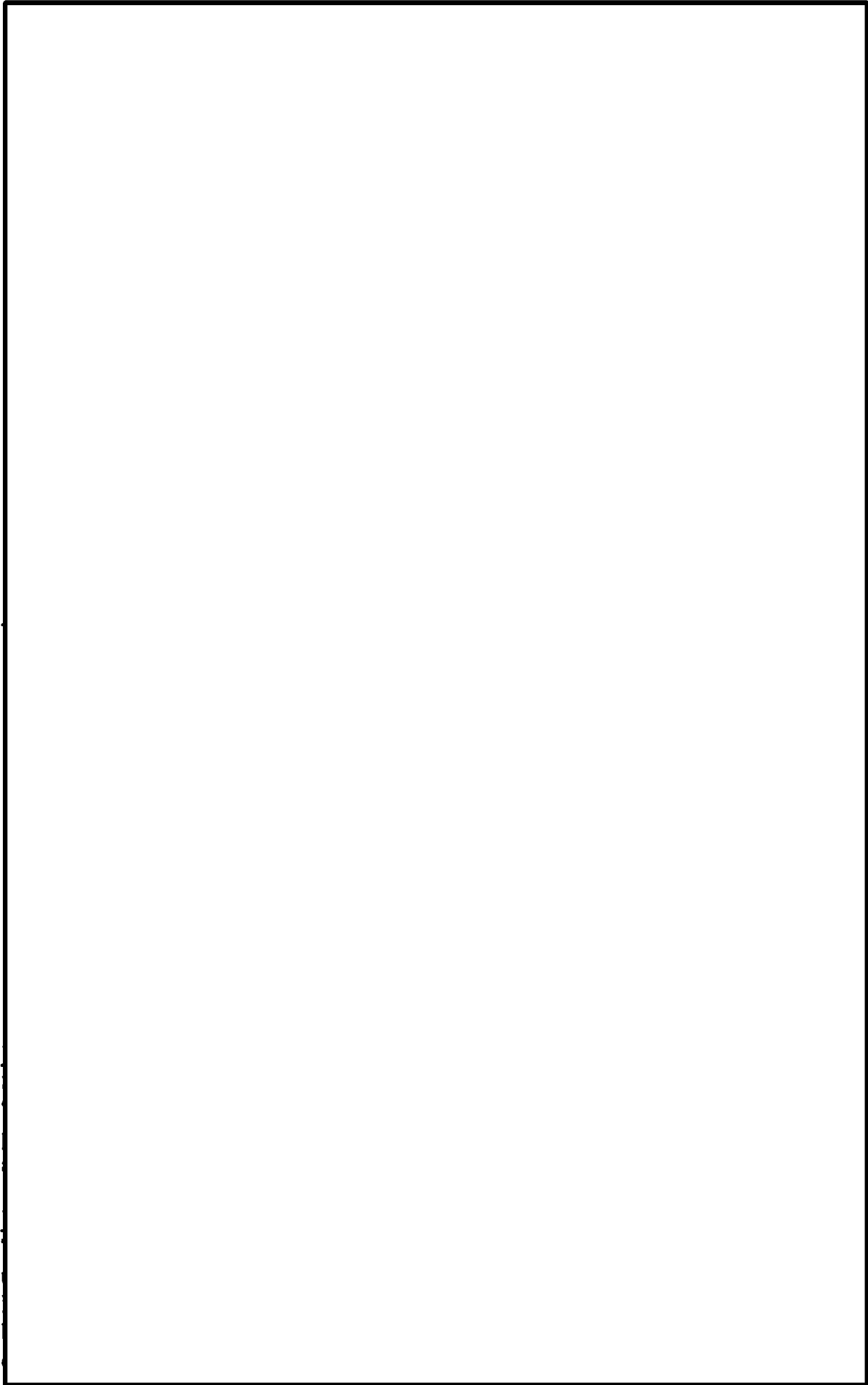


(b)(5)

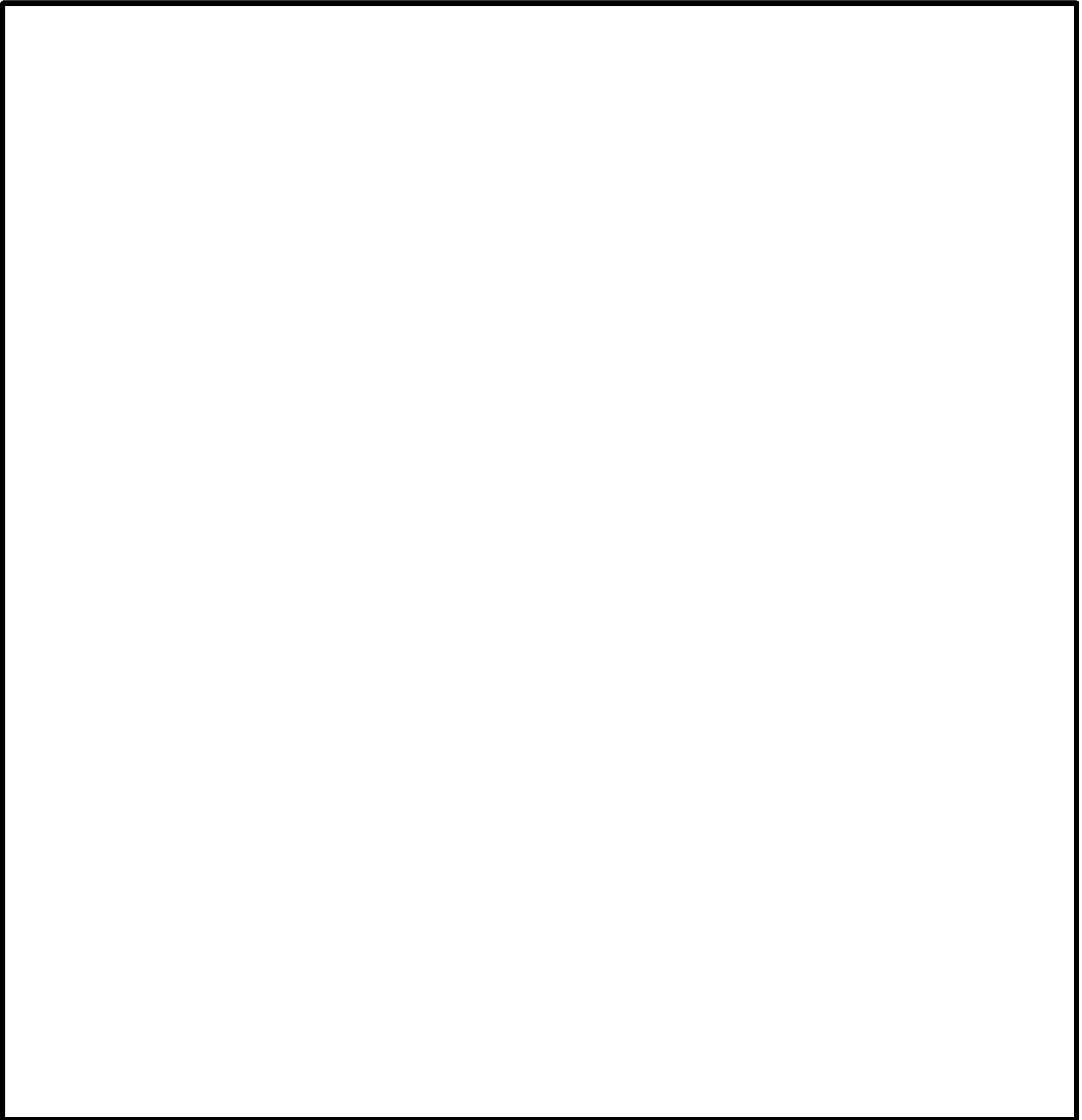


F
H
a

(b)(5)

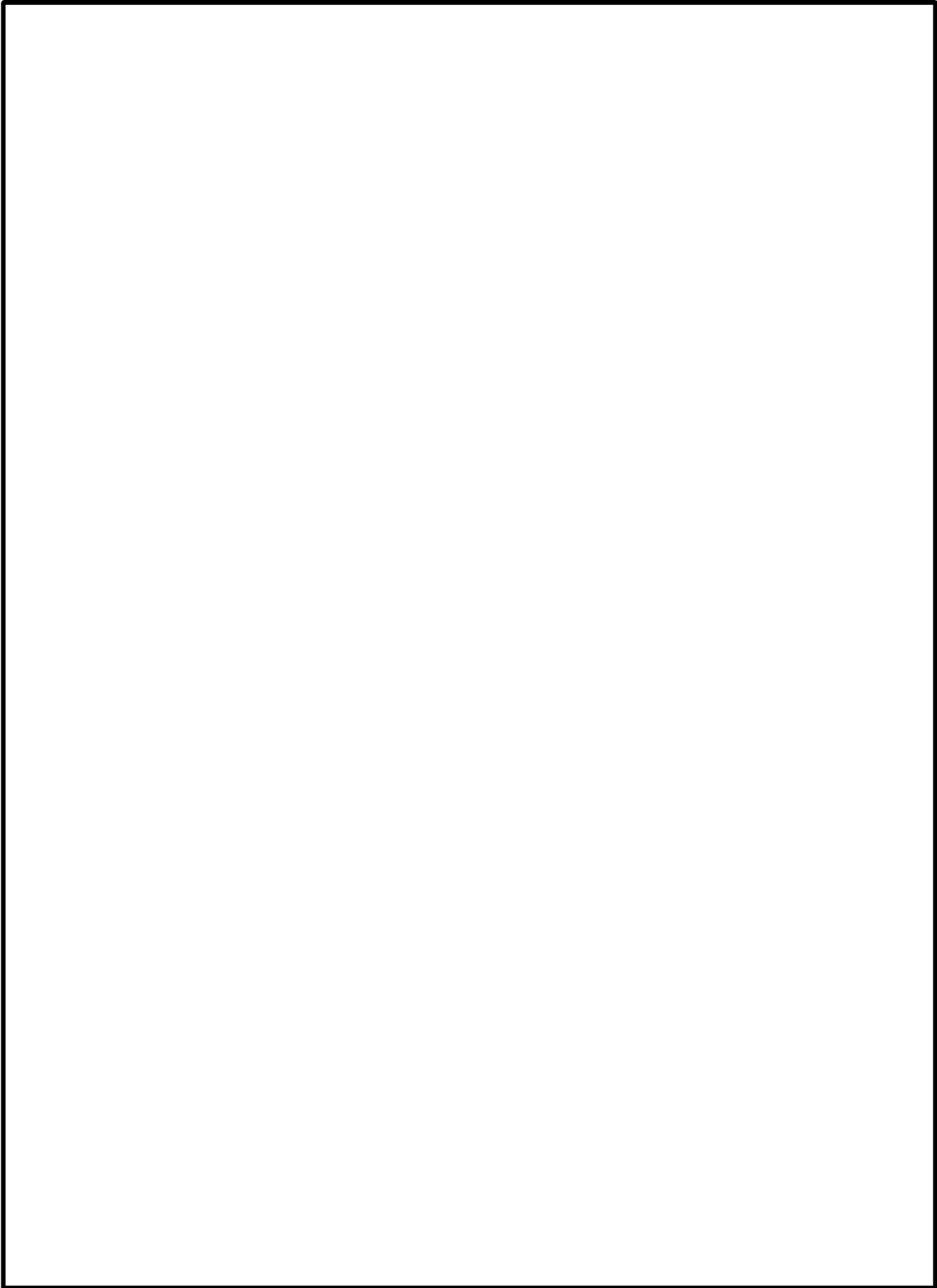


(b)(5)



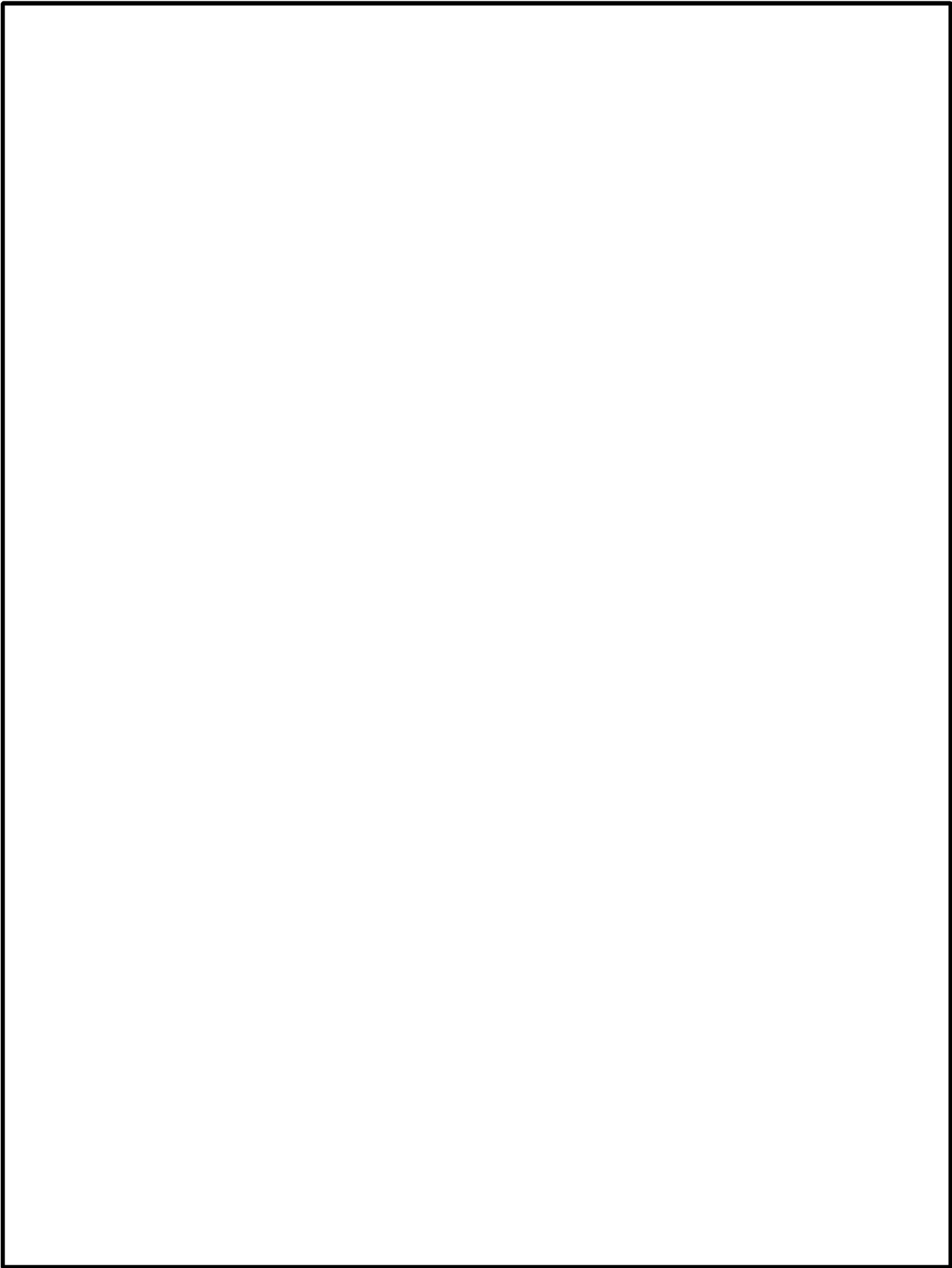
(b)(5)

APPENDIX O: DECISION SERVICE SCRIPTS

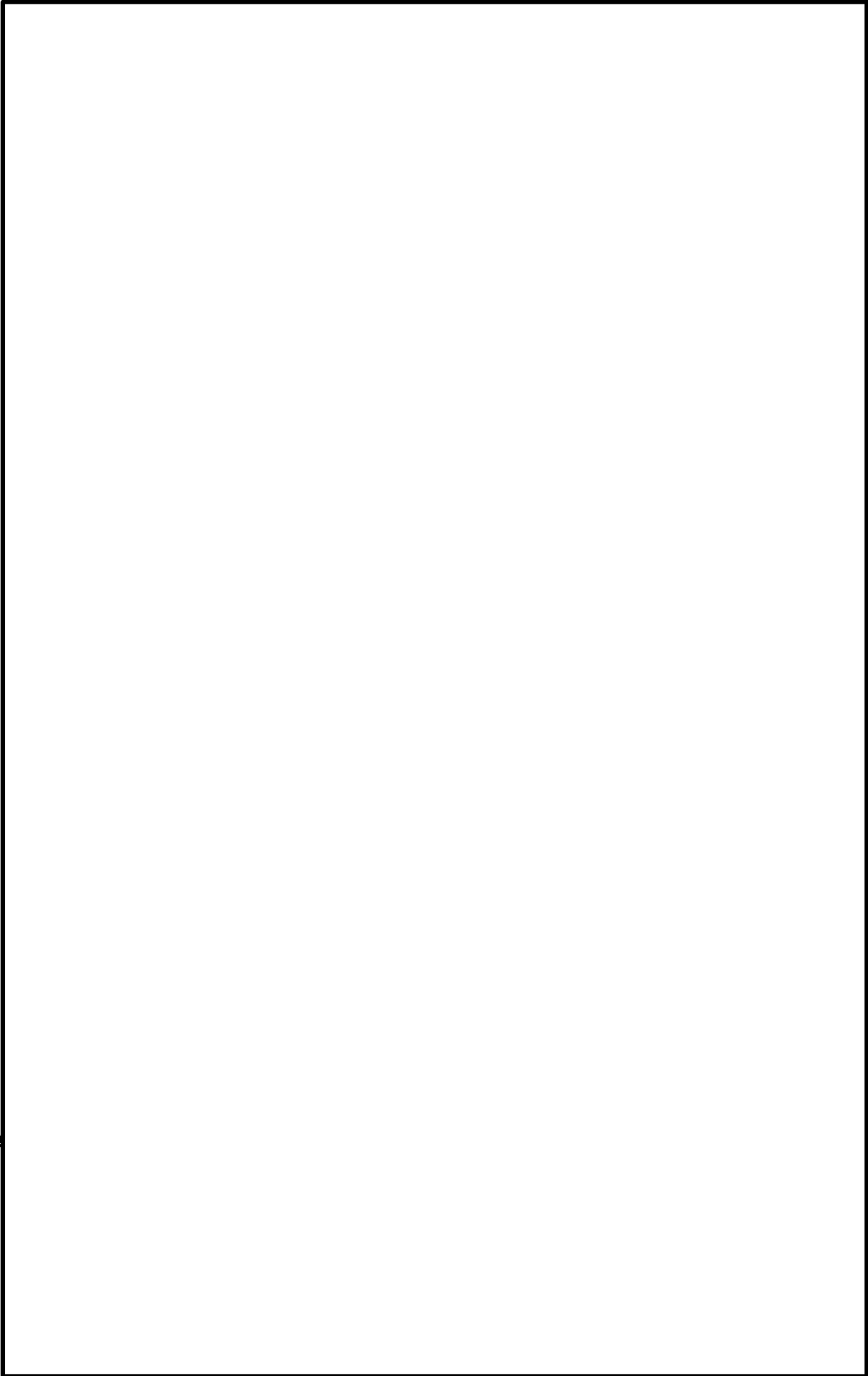


(b)(5)





(b)(5)



A

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Saturday, September 27, 2014 2:32 PM
To: Lawton, Vanessa G; Baker, Dana S; Gossett, Christopher R
Subject: notes

Hi everyone – just a quick thought about notes. Please remember that we do serve a copy of the notes on the applicants and their representatives. There shouldn't be extraneous comments in the notes such as, "(This question must be posed of ALL applicants old enough to communicate with APSO. Record all answers.)" Those things are going around in some of the templates. Thanks!

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, September 30, 2014 10:42 AM
To: Lawton, Vanessa G; Baker, Dana S; Gossett, Christopher R
Subject: FW: Please update your Q&A templates (all programs)

Importance: High

From: Penel, Renata Q
Sent: Wednesday, September 10, 2014 10:04 AM
To: #ZHN-SAOandAO; Littlepage, Ryan L; Greene, Shevon
Cc: Ahmed, Syed H (Harun)
Subject: Please update your Q&A templates (all programs)
Importance: High

Officers,

HQ has made a request/suggestion regarding nexus questions in interview templates. It's a good one, and very simple to implement.

Please add a question specifically addressing any past or future harm by family members.

The concern is that many applicants may not consider harm by family members to be relevant to asylum. We as Asylum Officers know better, and it is our responsibility to elicit all relevant testimony. A focused question(s) helps ensure that the applicant is afforded the opportunity to testify about any harm by family members and that we are able to identify any potentially relevant PSGs.

There are numerous ways to go about this, and no prescribed formulation, but here is one brilliantly crafted example:

Q. Have you ever been threatened or harmed by a family member?

If you have any questions or concerns, please see a supervisor or Training Officer.

Tiger Team SAOs: please share this with your non-ZHN team members.

Thank you,
Renata

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, September 30, 2014 10:43 AM
To: Gossett, Christopher R
Subject: FW: one more essential question

From: Lynn, Mallory L
Sent: Tuesday, September 30, 2014 11:34 AM
To: Baker, Dana S
Subject: one more essential question

I forgot to mention this one! Please include in every interview a question that specifically gets at family based harm/DV. For example: have you ever been harmed by anyone in your family or someone you had a relationship with?

Thanks again!

Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, October 01, 2014 6:18 AM
To: Lawton, Vanessa G; Baker, Dana S; Gossett, Christopher R
Cc: Rellis, Jennifer L
Subject: FW: Nexus questions - reminder

From: Penel, Renata Q
Sent: Wednesday, October 01, 2014 6:40 AM
To: #ZHN-SAOandAO; Talamantes, Eudelia A; Lynn, Mallory L; Schouvieller, Mary M; Maalona, John L
Subject: Nexus questions - reminder

Good morning,

In view of a recent comment by HQ QA, we want to remind you all to ask applicants whether they will be harmed in the future on account of any protected characteristics. Some of your templates may be written with questions asking only about past harm. You should ask about both.

Tiger Team leads, will you please share this with your non-ZHN team members?

Thank you,
Renata

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, October 06, 2014 7:55 AM
To: Hemming, Bryan D
Subject: ZART workload

(b)(5)

Hi Bryan –



Thanks!
Mallory

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Monday, October 06, 2014 11:03 AM
To: Bardini, Emilia M; Yue, Calton
Subject: FW: Early return from Artesia

FYI, below – Dana is now planning to return this Wednesday instead of Friday.

Thanks!
Mallory

(b)(5)

(b)(6)

From: Baker, Dana S
Sent: Monday, October 06, 2014 11:58 AM
To: Gossett, Christopher R; Lynn, Mallory L; Miller, Amber D
Cc: Baker, Dana S
Subject: Early return from Artesia

Hi Mallory, Chris, and Amber -

Please advise. Thanks!

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Tuesday, November 04, 2014 6:41 AM
To: Fairbank, Christina
Cc: Parent, Jessica L
Subject: suggested Artesia Forms
Attachments: Artesia CF Interview Template.doc; I-870 CF Master Template (Kilaru)(ZART).docx; Memo to Flip Dependent to Principal.doc; NTA I-862 Template.doc

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

PHONE INTERVIEW INITIATED: _____ **Interpreter#** _____

Artesia Suggested CF Interview Template:

INSTRUCTIONS TO ASYLUM OFFICER: Questions highlighted in red must be asked during the interview. Other questions are suggestions. Red text indicates instructions to the Asylum Officer

CREDIBLE FEAR NOTES

Applicant's name: LN, First
Applicant/Interpreter Monitor Oaths administered
Paragraph 1.28, Form I-870 read to the applicant

DATE: Click here to enter a date.

COUNTRY:

ASYLUM OFFICER: _____, ZHN

INTERVIEW INITIATED: XX:XX MST

INTERPRETER: Language: Spanish Lionbridge # XXXXXX

Call Interpreter

Hello interpreter. This is a credible fear interview. Please have form I-870 available for reference. I'm going to place you under oath.

Administered Interpreter Oath

Officer	Interpreter
Do you affirm that you will truthfully, literally and fully interpret the questions asked by the asylum officer and the answers given by the applicant; that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted; and that you will immediately notify the officer in this case if you become aware of your inability to interpret in a neutral manner on account of a bias for or against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?	Yes
Do you affirm that you understand that the matters discussed during this interview are confidential?	Yes

INTERPRETER: Interpreter, please introduce yourself to the applicant.

Introduction: Hello. My name is Officer ___ and I will be conducting your interview today through an interpreter. We are having this interview today because you have expressed a fear of returning to your country and today we will discuss what those fears may be.

Q: What is your best language?

A:

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q: Do you speak any other languages?

A:

Q: Would you like to proceed today in the ***** language?

A:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Interview notes should indicate whether attorney was present in person or telephonically and name of attorney.]

[REDACTED]

Q: Does this health issue affect your memory?

A:

Q: Have you informed the facility of these health issues?

A:

Q: Will your/your child's condition affect your ability to talk to me today?

A:

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

[REDACTED]

IF APPLICANT WANTS TO PROCEED WITHOUT CHILD IN THE ROOM:

[APSO should escort all residents/attorney to the child supervision area and wait until the child is situated in the room. Interview notes should reflect that child was taken to the supervision room and not present for the interview. As necessary (depending on the age and knowledge of the child), APSO should take testimony from the children later on in the interview after the mother finishes her substantive testimony.]

[REDACTED]

Q. Now the interpreter will now explain to you the purpose of this interview.

Interpreter read Section 1.28 (Form I-870) to applicant
Interpreter, please read Paragraph 1.28 to the Applicant.

[REDACTED]

[REDACTED]

Applicant received and signed M-444 before interview

[Confirm that the applicant received and understood the M-444 before commencing the interview.]

Complete interpreter information

Administered Applicant Oath

Before we begin, I need to place you under oath. Please raise your right hand.
Do you swear to tell the truth, the whole truth and nothing but the truth?

A.

Thank you, you may place your hand down. The interpreter has been sworn in by me earlier and s/he has promise to keep everything we discuss today confidential. Please speak loudly and clearly into the phone and please speak in short sentences. I'm just going to start by asking some questions about your background information.

NOTE: THE FOLLOWING NOTES ARE NOT A VERBATIM TRANSCRIPT OF THIS INTERVIEW. THESE NOTES ARE RECORDED TO ASSIST THE INDIVIDUAL OFFICER IN MAKING A CREDIBLE FEAR DETERMINATION AND THE SUPERVISORY ASYLUM OFFICER IN REVIEWING THE DETERMINATION. THERE MAY BE AREAS OF THE INDIVIDUAL'S CLAIM THAT WERE NOT EXPLORED OR DOCUMENTED FOR PURPOSES OF THIS THRESHOLD SCREENING.

Q. Do you still fear return to your country?

A.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q. Records indicate you entered the United States on *****, through ***** is that correct?
A.

Q. When was the first time you entered the United States?
A.

Q. Did you ever reside in the US or were you ever here for short periods of time?
A.

Q. Do you remember approximately how many times you have come to the US before?
A.

Q. Did you ever apply for any legal status in the United States before, such as TPS or for asylum?
A.

Q. Where are your parents?
A.

Q. Have they ever been to the US?
A.

Q. Have your parents ever applied for asylum in the US before?
A.



[If applicant identifies other family members, obtain names, dates of births, and A# of the family member.]

Q. What is your full name?
A.

Q. Have you ever been known by any other names or aliases?
A.

Q. Where were you born?
A.

Q. What is your date of birth?
A.

Q. Have you used any other dates of birth?
A.

Q. Are you a citizen of _____?
A.

Q. Are you a citizen of any other country?
A.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q. Have you lived in any other countries?

A.

Q. Do you speak any other languages besides Spanish?

A.

Q. Do you identify as Hispanic, Indigenous, Mixed, white, black, etc.?

A.

Q. Do you have a religion; if so, what is it?

A.

Q. When did you enter the US?

A:

Q. Is this the first time you tried to enter into the United States?

A:

Q: Do you remember when you were apprehended by immigration officials?

A:

Q. Where did you enter the US?

A.

Q. Are you married, single, living with a partner? (Full name, citizenship, and location please)

A.

Q. Do you have any children? (Names, date of birth, and locations please).

A.

Q. What type of work did you do in your country?

A.

Q. Do you have any family, friends, or relatives in the US with whom would stay, if released? (Name / Address / Relationship / Telephone / Status?)

A.

Q. How are you being treated at the detention facility?

A.

CREDIBLE FEAR INTERVIEW - CLAIM

We are about to begin discussing the substance of your claim for asylum. It is in your best interest to keep your responses short with plenty of pauses so that the interpreter can accurately translate your responses. If what you say is too long for the interpreter to interpret, s/he will stop you. Please listen to my questions carefully and answer directly.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM



[During any part of the testimony that becomes graphic or sensitive APSO should ask the applicant: Would you be more comfortable talking to me with your children in another room?]

PERSECUTION

Q. Have you ever been threatened or harmed in your country? Yes or No?

A.

Q. Who threatened/harmed you?

A.

Q. Has anyone else threatened/harmed you for any reason?

A.

Q. How were you threatened/harmed? (in person, over the telephone, through a letter, etc)?

A.

Q. Why were you threatened/harmed?

A.

Q. What exactly did they say to you?

A.

Q. Did they say anything else to you?

A.

Q. Why do you think they chose you?

A.

Q. Are there any specific reasons that they chose you?

A.

Q. Does [persecutor] do [harm] to other people like you/in your area?

A.

Q. Did you report the incident(s) to the police? If no, why did you not report to the police?

A.

Q. What happened at the police station?

A.

Q. How did the police respond to you?

A.

WELL-FOUNDED FEAR

Q. What do you think will happen to you if you return to your country?

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

A.

Q. Who would harm you?

A.

Q. Why would [persecutor] still want to harm you?

A.

Q. Does [persecutor] want to harm you for any other reasons?

A.

Q. Could the police or government protect you from the people you fear?

A.

Q. Could you live in a different part of your country and be safe?

A.

Q. If not, why not?

A.

CHILDREN'S CLAIMS

Q. Have your children ever been threatened or harmed by anyone in the past?

A.

Q. Would anyone harm your children if you returned to your country?

A.

[APSO must explore and elicit children's full asylum claim, particularly if the mother's claim appears to be negative. In order to flip the case, APSO must establish all elements of persecution or CAT claim for the child on the record. APSO can elicit the child's claim from the mother and/or take testimony from the child as appropriate.]

OTHER NEXUSES

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your religion in your country?

A.

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your race/skin color in your country?

A.

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your nationality, in your country?

A.

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Q. Have you ever been threatened and/or harmed or do you fear harm/threats on account of your political opinion in your country?

A.

Q. Is there any characteristic you have or anything about you that would make people in your society want to harm you? Is there any characteristic you have that people in your area would not approve of?

A.

Q. Do you fear being threatened or harmed for any other reasons if you were to return?

A.

CAT

Q. Have you ever experienced any mistreatment in the past by government officials, the police or persons associated with the government?

A.

Q. Do you fear the authorities or police in your country?

A.

Q. Torture means that someone is trying to cause severe intentional physical harm or severe intentional mental suffering? Do you fear torture from any public official/police/government in your country?

A.

Q: Have you ever been tortured by anyone for any reason?

A.

Q: Is there any connection between the people you fear in your country and the government of your country?

A.

Q. What makes you think that?

A.

Q. Are there any specific reasons that make you believe the people you fear are associated with the government or authorities?

A.

Q. Do you think [persecutor] would be able to harm you with the consent or permission of the police?

A.

Q. If the [insert country] authorities were standing there next to you while the people you fear were threatening/harming you, would the authorities help you?

A.

CONCLUSION

[REDACTED]

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM



BARS

Q. Have you or your children ever harmed anyone for any reason?

A.

Q. Have you or your children ever committed a crime in any country?

A.

Q. Have you or your children ever been convicted of a crime in any country?

A.

Q. Have you or your children ever committed an armed act or an act that could be considered a terrorist act?

A.

Q. Have you or your children ever been a member of an armed group or a group that could be considered a terrorist group?

A.

Q. Have you or your children ever provided any type of support, like food, housing, money, weapons transportation, to a person or group who commits armed acts?

A.

RUNWAY

Q. Records indicate that on XX/XX/XX, you told the Immigration Officers that your purpose of entering the US was _____. Is this correct?

A.

Q. Why didn't you tell the Immigration Officers that you were afraid to return to your country?

A.

LAST CHECK FOR UNDERSTANDING

Q: Did you understand the questions that I asked?

A:

Q: Did you understand your interpreter?

A:

Q: Interpreter, did you understand the applicant?

A:

REVIEW OF SUMMARY OF TESTIMONY

APSO SUMMARIZED THE CASE TO THE APPLICANT AS REQUIRED BY SECTION 3.3, FORM I-870

A#:
NAME:
COUNTRY:

DATE:
AO: ZHN
OFFICE: Artesia, NM

Summary of testimony

Q: Is this summary correct?
A:

Q: Are there any changes or additions you would like to make?
A:

Q: Is there anything else that is important to your claim that we have not yet discussed?
A:

[If attorney is present, APSO should give the attorney an opportunity to ask questions of the applicant or to make a closing statement. Attorney's Q&A and/or statement should be recorded in the notes.]

INTERVIEW CLOSING

Interpreter Please Read Section 3.2 (1-870) to applicant

Q: Do you understand what was read to you?
A:

Q: Do you have any comments or questions?
A:

That concludes the interview today.

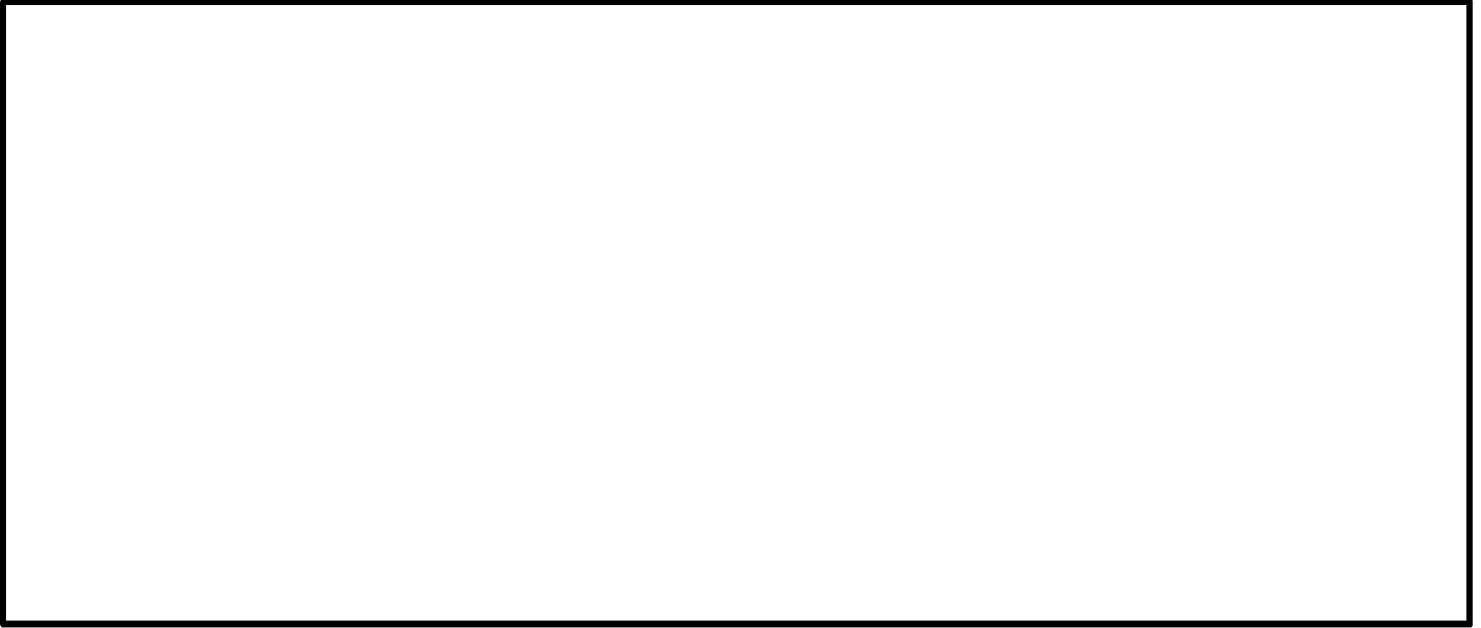
INTERVIEW CONCLUDED: XX:XX MST

Lynn, Mallory L

From: Lynn, Mallory L
Sent: Wednesday, November 12, 2014 4:38 PM
To: Adams, Joyce V; Hook, Garland R; Henson, Courtney A; Osuji, Kizito; Beighley, Tracy L
Cc: Parent, Jessica L
Subject: domestic relationship guidance

(b)(5)

Some thoughts from HQ –



Jowett, Haley L

From: Littlepage, Ryan L
Sent: Tuesday, September 09, 2014 9:21 AM
To: Perez, Susan A; Chang, Minfen M; Hill, Kara J; Roeschke, Joseph E; Johnson, Robert L; Beighley, Tracy L
Subject: SOP
Attachments: Artesia SOP Compilation.docx; CF.RF Background Identity & Security Checklist and the IBIS Checks Flowchart.pdf; Childcare Recommendations.pdf; Credible Fear of Persecution and Torture Determinations (2-28-2014).pdf; Questions to ask regarding Minors.pdf; Role of Consultant.pdf; sop rare languages.docx

All,

Take a look at these attachments about a variety of Artesia related issues. We'll be going over some of this information at the meeting at 9.

Ryan

Lesson Plan Overview

Course	Refugee, Asylum, and International Operations Directorate Officer Training Asylum Division Officer Training Course
Lesson	<i>Credible Fear</i>
Rev. Date	February 28, 2014
Lesson Description	The purpose of this lesson is to explain how to determine whether an alien subject to expedited removal or an arriving stowaway has a credible fear of persecution or torture using the credible fear standard.
Terminal Performance Objective	The Asylum Officer will be able to correctly make a credible fear determination consistent with the policies, procedures, and regulations that govern whether the applicant has established a credible fear of persecution or a credible fear of torture.
Enabling Performance Objectives	<ol style="list-style-type: none">1. Identify which persons are subject to expedited removal. (ACRR7)(OK4)(ACRR2)(ACRR11)(APT2)2. Examine the function of credible fear screening. (ACRR7)(OK1)(OK2)(OK3)3. Define the standard of proof required to establish a credible fear of persecution. (ACRR7)4. Identify the elements of “torture” as defined in the <i>Convention Against Torture</i> and the regulations that are applicable to a credible fear of torture determination (ACRR7)5. Describe the types of harm that constitute “torture” as defined in the <i>Convention Against Torture</i> and the regulations. (ACRR7)6. Define the standard of proof required to establish a credible fear of torture. (ACRR7)7. Identify the applicability of bars to asylum and withholding of removal in the credible fear context. (ACRR3)(ACRR7)
Instructional Methods	Lecture, practical exercises
Student Materials/References	Lesson Plan; Procedures Manual, Credible Fear Process (Draft, Nov., 2003); INA § 208; INA § 235; 8 C.F.R. §§ 208.16-18; 8 C.F.R. § 208.30; 8 C.F.R. § 235.3. Credible Fear Forms: Form I-860 : Notice and Order of Expedited Removal; Form I-867-A&B : Record of Sworn Statement; Form I-869 : Record of Negative Credible Fear Finding and Request for Review by

Immigration Judge; **Form I-863**: Notice of Referral to Immigration Judge; **Form I-870**: Record of Determination/Credible Fear Worksheet; **Form M-444**: Information about Credible Fear Interview

Method of Evaluation

Written test

Background Reading

1. Immigration and Naturalization Service, *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312 (March 6, 1997).
2. Bo Cooper, *Procedures for Expedited Removal and Asylum Screening under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, 29 CONN. L. REV. 1501, 1503 (1997).
3. Immigration and Naturalization Service, *Regulations Concerning the Convention Against Torture*, 64 Fed. Reg. 8478 (February 19, 1999).
4. Immigration and Naturalization Service, *Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act*, 67 Fed. Reg. 68924 (November 13, 2002).
5. Customs and Border Protection, *Designating Aliens For Expedited Removal*, 69 Fed. Reg. 48877 (August 11, 2004).
6. U.S. Committee on International Religious Freedom, *Study on Asylum Seekers in Expedited Removal – Report on Credible Fear Determinations*, (Feb. 2005).
7. Customs and Border Protection, *Treatment of Cuban Asylum Seekers at Land Border Ports of Entry*, Memorandum for Directors, Field Operations, (Washington, DC: 10 June 2005).
8. Joseph E. Langlois, Asylum Division, Office of International Affairs, *Increase of Quality Assurance Review for Positive Credible Fear Determinations and Release of Updated Asylum Officer Basic Training Course Lesson Plan, Credible Fear of Persecution and Torture Determinations*, Memorandum to Asylum Office Directors, et al. (Washington, DC: 17 April 2006).
9. Joseph E. Langlois, Asylum Division, Refugee, Asylum and International Operations Directorate, *Revised Credible Fear Quality Assurance Review Categories and Procedures*, Memorandum to Asylum Office Directors, et al. (Washington, DC: 23 December 2008).

10. Immigration and Customs Enforcement, *Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture*, ICE Directive No. 11002.1 (effective Jan. 4, 2010).

CRITICAL TASKS

Critical Tasks

- Knowledge of U.S. case law that impacts RAIO (3)
- Knowledge of the Asylum Division history. (3)
- Knowledge of the Asylum Division mission, values, and goals. (3)
- Knowledge of how the Asylum Division contributes to the mission and goals of RAIO, USCIS, and DHS. (3)
- Knowledge of the Asylum Division jurisdictional authority. (4)
- Knowledge of the applications eligible for special group processing (e.g., ABC, NACARA, Mendez) (4)
- Knowledge of relevant policies, procedures, and guidelines establishing applicant eligibility for a credible fear of persecution or credible fear of torture determination. (4)
- Skill in identifying elements of claim. (4)
- Knowledge of inadmissibility grounds relevant to the expedited removal process and of mandatory bars to asylum and withholding of removal. (4)
- Knowledge of the appropriate points of contact to gain access to a claimant who is in custody (e.g., attorney, detention facility personnel) (3)
- Skill in organizing case and research materials (4)
- Skill in applying legal, policy, and procedural guidance (e.g., statutes, case law) to evidence and the facts of a case. (5)
- Skill in analyzing complex issues to identify appropriate responses or decisions. (5)

TABLE OF CONTENTS

I.	INTRODUCTION	6
II.	BACKGROUND	6
	A. ALIENS SUBJECT TO EXPEDITED REMOVAL.....	7
	B. ALIENS SEEKING ADMISSION WHO ARE EXEMPT FROM EXPEDITED REMOVAL.....	8
	C. HISTORICAL BACKGROUND.....	10
III.	FUNCTION OF CREDIBLE FEAR SCREENING	11
IV.	DEFINITION OF CREDIBLE FEAR OF PERSECUTION AND CREDIBLE FEAR OF TORTURE	12
	A. DEFINITION OF CREDIBLE FEAR OF PERSECUTION.....	12
	B. DEFINITION OF CREDIBLE FEAR OF TORTURE.....	12
V.	BURDEN OF PROOF AND STANDARD OF PROOF FOR CREDIBLE FEAR DETERMINATIONS	12
	A. BURDEN OF PROOF / TESTIMONY AS EVIDENCE.....	12
	B. CREDIBLE FEAR STANDARD OF PROOF: SIGNIFICANT POSSIBILITY.....	14
	C. IMPORTANT CONSIDERATIONS IN INTERPRETING AND APPLYING THE STANDARD.....	15
	D. IDENTITY.....	16
VI.	CREDIBILITY	17
	A. CREDIBILITY STANDARD.....	17
	B. EVALUATING CREDIBILITY IN A CREDIBLE FEAR INTERVIEW.....	17
	C. ASSESSING CREDIBILITY IN CREDIBLE FEAR.....	19
	D. DOCUMENTING A CREDIBILITY DETERMINATION.....	21
VII.	ESTABLISHING A CREDIBLE FEAR OF PERSECUTION	22
	A. GENERAL CONSIDERATIONS IN CREDIBLE FEAR.....	22
	B. PAST PERSECUTION.....	23
	C. WELL-FOUNDED FEAR OF PERSECUTION.....	27
	D. MULTIPLE CITIZENSHIP.....	33
	E. STATELESSNESS/LAST HABITUAL RESIDENCE.....	34
VIII.	ESTABLISHING A CREDIBLE FEAR OF TORTURE	34
	A. DEFINITION OF TORTURE.....	34
	B. GENERAL CONSIDERATIONS.....	35
	C. SPECIFIC INTENT.....	35
	D. DEGREE OF HARM.....	36
	E. IDENTITY OF THE TORTURER.....	37
	F. PAST HARM.....	40
	G. INTERNAL RELOCATION.....	40
IX.	APPLICABILITY OF BARS TO ASYLUM AND WITHHOLDING OF REMOVAL	41
	A. NO BARS APPLY.....	41
	B. ASYLUM OFFICER MUST ELICIT TESTIMONY.....	41
	C. FLAGGING POTENTIAL BARS.....	42
X.	OTHER ISSUES	43
	A. TREATMENT OF DEPENDENTS.....	43
	B. ATTORNEYS AND CONSULTANTS.....	43
	C. FACTUAL SUMMARY.....	44
XIII.	SUMMARY	44
	A. EXPEDITED REMOVAL.....	44
	B. FUNCTION OF CREDIBLE FEAR SCREENING.....	44
	C. CREDIBLE FEAR STANDARD OF PROOF: SIGNIFICANT POSSIBILITY.....	44
	D. CREDIBILITY.....	45
	E. ESTABLISHING A CREDIBLE FEAR OF PERSECUTION.....	45
	F. ESTABLISHING A CREDIBLE FEAR OF TORTURE.....	45
	G. OTHER ISSUES.....	46

Presentation

References

I. INTRODUCTION

The purpose of this lesson plan is to explain how to determine whether an alien seeking admission to the U.S., who is subject to expedited removal or is an arriving stowaway, has a credible fear of persecution or torture using the credible fear standard defined in the Immigration and Nationality Act (INA or the Act), as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and implementing regulations.

II. BACKGROUND

The expedited removal provisions of the INA, were added by section 302 of IIRIRA, and became effective April 1, 1997.

INA § 235(a)(2); § 235 (b)(1).

In expedited removal, certain aliens seeking admission to the United States are immediately removable from the United States by the Department of Homeland Security (DHS), unless they indicate an intention to apply for asylum or express a fear of persecution or torture or a fear of return to their home country. Aliens who are present in the U.S., and who have not been admitted, are treated as applicants for admission. Aliens subject to expedited removal are not entitled to an immigration hearing or further review unless they are able to establish a credible fear of persecution or torture.

INA § 235(a)(1).

INA section 235 and its implementing regulations provide that certain categories of aliens are subject to expedited removal. These include: arriving stowaways; certain arriving aliens at ports of entry who are inadmissible under INA section 212(a)(6)(C) (because they have presented fraudulent documents or made a false claim to U.S. citizenship or other material misrepresentations to gain admission or other immigration benefits) or 212(a)(7) (because they lack proper documents to gain admission); and certain designated aliens who have not been admitted or paroled into the U.S.

Those aliens subject to expedited removal who indicate an intention to apply for asylum, a fear of persecution or torture, or a fear of return to their home country are referred to asylum officers to determine whether they have a credible fear of persecution or torture. An asylum officer will then conduct a credible fear interview to determine if there is a significant possibility that the alien can establish eligibility for asylum under section 208 of the INA. Pursuant to

INA § 235(b)(1)(A); 8 C.F.R. § 208.30.

regulations implementing the Convention Against Torture (CAT) and the Foreign Affairs Reform and Restructuring Act of 1998, if an alien does not establish a credible fear of persecution, the asylum officer will then determine whether there is a significant possibility the alien can establish eligibility for protection under the Convention Against Torture through withholding of removal or deferral of removal.

Sec. 2242(b) of the Foreign Affairs Reform and Restructuring Act of 1998 (Pub. L. 105-277, Div. G, October 21, 1998) and 8 C.F.R. § 208.30(e)(3).

A. Aliens Subject to Expedited Removal

The following categories of aliens may be subject to expedited removal:

1. Arriving aliens coming or attempting to come into the United States at a port of entry or an alien seeking transit through the United States at a port of entry.

8 C.F.R. § 235.3(b)(1)(i); *see* 8 C.F.R. § 1.2 for the definition of an “arriving alien.”

Aliens attempting to enter the United States at a land border port of entry with Canada must first establish eligibility for an exception to the Safe Third Country Agreement, through a Threshold Screening interview, in order to receive a credible fear interview.

8 C.F.R. § 208.30(e)(6). *See also*, ADOTC Lesson Plan, *Safe Third Country Threshold Screening*.

2. Aliens who are interdicted in international or United States waters and brought to the United States by any means, whether or not at a port of entry.

8 C.F.R. § 1.2; *see also* Immigration and Naturalization Service, *Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act*, 67 Fed. Reg. 68924 (Nov. 13, 2002).

This category does not include aliens interdicted at sea who are never brought to the United States.

3. Aliens who have been paroled under INA section 212(d)(5) on or after April 1, 1997, may be subject to expedited removal upon termination of their parole.

This provision encompasses those aliens paroled for urgent humanitarian or significant public benefit reasons.

This category does not include those who were given advance parole as described in Subsection B (7) below.

4. Aliens who have arrived in the United States by sea (either by boat or by other means) who have not been admitted or paroled, and who have not been physically present in the U.S. continuously for the two-year period prior to the inadmissibility determination.

Immigration and Naturalization Service, *Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act*, 67 Fed. Reg. 68924 (Nov. 13, 2002).

5. Aliens who have been apprehended within 100 air miles of any U.S. international land border, who have not been admitted or paroled, and who have not established to the satisfaction of an immigration officer (typically a Border Patrol Agent) that they have been physically present in the U.S. continuously for the 14-day period immediately prior to the date of encounter.

Customs and Border Protection, *Designating Aliens For Expedited Removal*, 69 Fed. Reg. 48877 (Aug. 11, 2004).

B. Aliens Seeking Admission Who are Exempt from Expedited Removal

The following categories of aliens are exempt from expedited removal:

1. Stowaways

Stowaways are not eligible to apply for admission to the U.S., and therefore they are not subject to the expedited removal program under INA section 235(b)(1)(A)(i). They are also not eligible for a full hearing in removal proceedings under INA section 240. However, if a stowaway indicates an intention to apply for asylum under INA section 208 or a fear of persecution, an asylum officer will conduct a credible fear interview and refer the case to an immigration judge for an asylum and/or Convention Against Torture hearing if the stowaway meets the credible fear standard.

INA § 235(a)(2).

2. Cubans citizens or nationals

INA § 235(b)(1)(F) (Cubans arriving at a POE by air); Immigration and Naturalization Service, *Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act*, 67 Fed. Reg. 68924 (Cubans arriving by sea); Customs and Border Protection, *Designating Aliens For Expedited Removal*, 69 Fed. Reg. 48877 (Cubans apprehended within 100 air miles of the border and within 14 days of entry without inspection); Customs and Border Protection, *Treatment of Cuban Asylum Seekers at*

*Land Border Ports of Entry,
Memorandum for Directors,
Field Operations,
(Washington, DC: 10 June
2005) (Cubans arriving at a
land border port of entry).*

3. Persons granted asylum status under INA Section 208 8 C.F.R. § 235.3(b)(5)(iii).
 4. Persons admitted to the United States as refugees under INA Section 207 8 C.F.R. § 235.3(b)(5)(iii).
 5. Persons admitted to the United States as lawful permanent residents 8 C.F.R. § 235.3(b)(5)(ii).
 6. Persons paroled into the United States prior to April 1, 1997
 7. Persons paroled into the United States pursuant to a grant of advance parole that the alien applied for and obtained in the United States prior to the alien's departure from and return to the United States
 8. Persons denied admission on charges other than or in addition to INA Section 212(a)(6)(C) or 212(a)(7) 8 C.F.R. § 235.3(b)(3).
 9. Persons applying for admission under INA Section 217, Visa Waiver Program for Certain Visitors ("VWP") 8 C.F.R. § 235.3(b)(10); *see also Matter of Kanagasundram*, 22 I&N Dec. 963 (BIA 1999); Procedures Manual, Credible Fear Process (Draft, Nov., 2003), sec. IV.L., "Visa Waiver Permanent Program"; and Pearson, Michael A. Executive Associate Commissioner, Office of Field Operations. Visa Waiver Pilot Program (VWPP) Contingency Plan, Wire #2 (Washington DC: April 28, 2000).
- This exemption includes nationals of non-VWP countries who attempt entry by posing as nationals of VWP countries.
- Individuals seeking admission under the Guam and Northern Mariana Islands visa waiver program under INA section 212(l) are not exempt from expedited removal provisions of the INA.

-
10. Asylum seekers attempting to enter the United States at a land border port of entry with Canada must first establish eligibility for an exception to the Safe Third Country Agreement, through a Threshold Screening interview, in order to receive a credible fear interview.

8 C.F.R. § 208.30(e)(6).

C. Historical Background

1. In 1991, the Immigration and Naturalization Service (INS) developed the credible fear of persecution standard to screen for possible refugees among the large number of Haitian migrants who were interdicted at sea during the mass exodus following a *coup d'etat* in Haiti.

The credible fear standard as it is applied to interdicted migrants outside the United States is beyond the scope of this lesson plan.

2. Prior to implementation of the expedited removal provisions of IIRIRA, credible fear interviews were first conducted by INS trial attorneys and later by asylum officers, to assist the district director in making parole determinations for detained aliens.

3. In 1996, the INA was amended to allow for the expedited removal of certain inadmissible aliens, who would not be entitled to an immigration hearing or further review unless they were able to establish a credible fear of persecution. At the outset, expedited removal was mandatory for “arriving aliens,” and the Attorney General was given the discretion to designate applicability to certain other aliens who have not been admitted or paroled and who have not established to the satisfaction of an immigration officer continuous physical presence in the United States for the two-year period immediately prior to the date of the inadmissibility determination. Initially, expedited removal was only applied to “arriving aliens.”

Immigration and Naturalization Service, *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10313 (Mar. 6, 1997).

4. The credible fear screening process was expanded to include the credible fear of torture standard with the promulgation of regulations concerning the Convention against Torture, effective March 22, 1999.

Immigration and Naturalization Service, *Regulations Concerning the Convention Against Torture*, 64 Fed. Reg. 8478 (Feb. 19, 1999); 8 C.F.R. § 208.30(e)(3).

5. Designation of other groups of aliens for expedited removal

- a. In November 2002, the Department of Justice expanded the application of the expedited removal provisions of the INA to certain aliens who arrived in the United States by sea, who have not been admitted or paroled and who have not been physically present

Immigration and Naturalization Service, *Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the*

in the United States continuously for the two year-period prior to the inadmissibility determination.

Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

- b. On August 11, 2004, DHS further expanded the application of expedited removal to aliens determined to be inadmissible under sections 212 (a)(6)(C) or (7) of the INA who are physically present in the U.S. without having been admitted or paroled, who are apprehended within 100 air miles of the U.S. international land border, and who have not established to the satisfaction of an immigration officer that they have been physically present in the U.S. continuously for the fourteen-day (14-day) period immediately prior to the apprehension.

INA §212(a)(6)(C), (a)(7); Customs and Border Protection, *Designating Aliens For Expedited Removal*, 69 Fed. Reg. 48877 (Aug. 11, 2004).

6. The expedited removal provisions of the INA require that all aliens subject to expedited removal be detained through the credible fear determination until removal, unless found to have a credible fear of persecution, or a credible fear of torture. However, the governing regulation permits the parole of an individual in expedited removal, in the exercise of discretion, if such parole is required to meet a medical emergency or is necessary for a legitimate law enforcement objective. After a positive credible fear determination, Immigration and Customs Enforcement (ICE) may exercise discretion to parole the alien out of detention, and has issued pertinent guidance on consideration of parole for arriving aliens found to have a credible fear. Therefore, the credible fear interview process also provides a mechanism for DHS to gather information that may be used by ICE to make parole determinations.

INA § 235(b)(1)(B)(iii)(IV).

8 C.F.R. § 235.3(b)(2)(iii); *see also*, "Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture," ICE Directive No. 11002.1 (effective Jan. 4, 2010).

III. FUNCTION OF CREDIBLE FEAR SCREENING

In applying the credible fear standard, it is critical to understand the function of the credible fear screening process. As explained by the Department of Justice when issuing regulations adding Convention Against Torture screening to the credible fear process, the process attempts to "to quickly identify potentially meritorious claims to protection and to resolve frivolous ones with dispatch.... If an alien passes this threshold-screening standard, his or her claim for protection... will be further examined by an immigration judge in the context of removal proceedings under section 240 of the Act. The screening mechanism also allows for the expeditious review by an immigration judge of a negative screening determination and the quick removal of an alien with no credible claim to protection."

Immigration and Naturalization Service, *Regulations Concerning the Convention Against Torture*, 64 Fed. Reg. 8478, 8479 (Feb. 19, 1999).

“Essentially, the asylum officer is applying a threshold screening standard to decide whether an asylum [or torture] claim holds enough promise that it should be heard through the regular, full process or whether, instead, the person's removal should be effected through the expedited process.”

Bo Cooper, *Procedures for Expedited Removal and Asylum Screening under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, 29 CONN. L. REV. 1501, 1503 (1997).

IV. DEFINITION OF CREDIBLE FEAR OF PERSECUTION AND CREDIBLE FEAR OF TORTURE

A. Definition of Credible Fear of Persecution

According to statute, the term credible fear of persecution means that “there is a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien’s claim and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208 [of the INA].”

INA § 235(b)(1)(B)(v).

B. Definition of Credible Fear of Torture

Regulations provide that the applicant will be found to have a credible fear of torture if the applicant establishes that there is a significant possibility that he or she is eligible for withholding of removal or deferral of removal under the Convention Against Torture, pursuant to 8 C.F.R. § 208.16 or § 208.17.

8 C.F.R. § 208.30(e)(3).

V. BURDEN OF PROOF AND STANDARD OF PROOF FOR CREDIBLE FEAR DETERMINATIONS

A. Burden of Proof / Testimony as Evidence

The applicant bears the burden of proof to establish a credible fear of persecution or torture. This means that the applicant must produce sufficiently convincing evidence that establishes the facts of the case, and that those facts must meet the relevant legal standard.

See RAIO Training Module, *Evidence*.

Because of the non-adversarial nature of credible fear interviews, while the burden is always on the applicant to establish eligibility, there is a shared aspect of that burden in which asylum officers have an affirmative duty to elicit all information relevant to the legal determination. The burden is on the applicant to establish a credible fear, but asylum officers must

fully develop the record to support a legally sufficient determination.

An applicant's testimony is evidence to be considered and weighed along with all other evidence presented. Often times, in the credible fear context of expedited removal and detention, an applicant will not be able to provide additional evidence corroborating his or her otherwise credible testimony. An applicant may establish a credible fear with testimony alone if that testimony is detailed, consistent, and plausible.

INA § 208(b)(1)(B)(ii).

According to the INA, the applicant's testimony may be sufficient to sustain the applicant's burden of proof if it is "credible, is persuasive, and refers to specific facts." To give effect to the plain meaning of the statute and each of the terms therein, an applicant's testimony must satisfy all three prongs of the "credible, persuasive, and ... specific" test in order to establish his or her burden of proof without corroboration. Therefore, the terms "persuasive" and "specific facts" must have independent meaning above and beyond the first term "credible." An applicant may be credible, but nonetheless fail to satisfy his or her burden to establish the required elements of eligibility. "Specific facts" are distinct from statements of belief. When assessing the probative value of an applicant's testimony, the asylum officer must distinguish between fact and opinion testimony and determine how much weight to assign to each of the two forms of testimony.

INA § 208(b)(1)(B)(ii).

After developing a sufficient record by eliciting all relevant testimony, an asylum officer must analyze whether the applicant's testimony is sufficiently credible; persuasive, and specific to be accorded sufficient evidentiary weight to meet the significant possibility standard.

Additionally, pursuant to the statutory definition of "credible fear of persecution", the asylum officer must take account of "such other facts as are known to the officer." Such "other facts" include relevant country conditions information.

INA § 235(b)(1)(B)(v); 8 C.F.R. § 208.30(e)(2); *see* RAI0 Training Module, *Country Conditions Research*.

Similarly, country conditions information should be considered when evaluating a credible fear of torture. The Convention Against Torture and implementing regulations require consideration of "[e]vidence of gross, flagrant or mass violations of human rights within the country of removal, where applicable; and [o]ther relevant information regarding conditions in the country of removal."

8 C.F.R. §§ 208.16(c)(3)(iii), (iv).

B. Credible Fear Standard of Proof: Significant Possibility

The party who bears the burden of proof must persuade the adjudicator of the existence of certain factual elements according to a specified “standard of proof,” or degree of certainty. The relevant standard of proof specifies how convincing or probative the applicant’s evidence must be.

In order to establish a credible fear of persecution or torture, the applicant must show a “significant possibility” that he or she could establish eligibility for asylum, withholding of removal, or deferral of removal.

When interim regulations were issued to implement the credible fear process, the Department of Justice described the credible fear “significant possibility” standard as one that sets “a low threshold of proof of potential entitlement to asylum; many aliens who have passed the credible fear standard will not ultimately be granted asylum.” Nonetheless, in the initial regulations, the Department declined suggestions to “adopt regulatory language emphasizing that the credible fear standard is a low one and that cases of certain types should necessarily meet that standard.”

In fact, the showing required to meet the “significant possibility” standard is higher than the “not manifestly unfounded” screening standard favored by the Office of the United Nations High Commissioner for Refugees (“UNHCR”) Executive Committee. **A claim that has no possibility, or only a minimal or mere possibility, of success, would not meet the “significant possibility” standard.**

While a mere possibility of success is insufficient to meet the credible fear standard, the “significant possibility” standard does not require the applicant to demonstrate that the chances of success are more likely than not.

See INA § 235 (b)(1)(B)(v); 8 C.F.R. §§ 208.30(e)(2), (3).

Immigration and Naturalization Service, *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 Fed. Reg. 10312, 10317-20 (Mar. 6, 1997).

See U.S. Committee on International Religious Freedom, *Study on Asylum Seekers in Expedited Removal – Report on Credible Fear Determinations*, pg. 170 (Feb. 2005); UNHCR, *A Thematic Compilation of Executive Committee Conclusions*, pp. 438-40, 6th Ed., June 2011. “Not manifestly unfounded” claims are (1) “not clearly fraudulent” and (2) “not related to the criteria for the granting of refugee status.” 142 CONG. REC. H11071, H11081 (daily ed. Sept. 25, 1996) (statement of Rep. Hyde) (noting that the credible fear standard was “redrafted in the conference document to address fully concerns that the ‘more probable than not’ language in the original House version

was too restrictive”).

In a non-immigration case, the “significant possibility” standard of proof has been described to require the person bearing the burden of proof to “demonstrate a *substantial and realistic possibility* of succeeding.” While this articulation of the “significant possibility” standard was provided in a non-immigration context, the “*substantial and realistic possibility*” of success description is a helpful articulation of the “significant possibility” standard as applied in the credible fear process.

See Holmes v. Amerex Rent-a-Car, 180 F.3d 294, 297 (D.C. Cir. 1999) (quoting *Holmes v. Amerex Rent-a-Car*, 710 A.2d 846, 852 (D.C. 1998)) (emphasis added).

The Court of Appeals for the D.C. Circuit found that the showing required to meet a “substantial and realistic possibility of success” is lower than the “preponderance of the evidence standard.”

Id.

In sum, “the credible fear ‘significant possibility’ standard of proof can be best understood as requiring that the applicant ‘demonstrate a *substantial and realistic possibility* of succeeding,’ but not requiring the applicant to show that he or she is more likely than not going to succeed when before an immigration judge.”

Joseph E. Langlois. Asylum Division, Office of International Affairs, *Increase of Quality Assurance Review for Positive Credible Fear Determinations and Release of Updated Asylum Officer Basic Training Course Lesson Plan, Credible Fear of Persecution and Torture Determinations*, Memorandum to Asylum Office Directors, et al. (Washington, DC: 17 April 2006).

C. Important Considerations in Interpreting and Applying the Standard

1. The “significant possibility” standard of proof required to establish a credible fear of persecution or torture must be applied in conjunction with the standard of proof required for the ultimate determination on eligibility for asylum, withholding of removal, or protection under the Convention Against Torture.

For instance, in order to establish a credible fear of torture, an applicant must show a “significant possibility” that he or she could establish eligibility for protection under the Convention Against Torture, i.e. a “significant possibility” that it is “more likely than not” that he or she would be tortured if removed to the proposed country of removal. This is a higher standard to meet than for an applicant

attempting to establish a “significant possibility” that he or she could establish eligibility for asylum based upon a well-founded fear of persecution on account of a protected characteristic, i.e. a “significant possibility” that he or she could establish a “reasonable possibility” of suffering persecution on account of a protected characteristic if returned to his or her home country.

2. Questions as to how the standard is applied should be considered in light of the nature of the standard as a *screening standard* to identify persons who could qualify for asylum or protection under the Convention against Torture.
3. When there is reasonable doubt regarding the outcome of a credible fear determination, the applicant likely merits a positive credible fear determination. The questions at issue can be addressed in a full hearing before an immigration judge.
4. In determining whether the alien has a credible fear of persecution or a credible fear of torture, the asylum officer shall consider whether the applicant’s case presents novel or unique issues that merit consideration in a full hearing before an immigration judge.
5. Similarly, where there is:
 - a. disagreement among the United States Circuit Courts of Appeal as to the proper interpretation of a legal issue; or,
 - b. the claim otherwise raises an unresolved issue of law; **and,**
 - c. there is no DHS or Asylum Division policy or guidance on the issue, then

8 C.F.R. § 208.30(e)(4).

generally the interpretation most favorable to the applicant is used when determining whether the applicant meets the credible fear standard.

D. Identity

1. An applicant must establish his or her identity with a reasonable degree of certainty. Credible testimony alone can establish identity.

*See RAIO Training Module,
Refugee Definition*

2. In many cases, an applicant will not have documentary proof of identity or nationality. The officer must elicit information in order to establish that there is a significant possibility that the applicant will be able to credibly establish his or her identity in a full asylum or withholding of removal hearing. Documents such as birth certificates and passports are accepted into evidence if available. The officer may also consider information provided by ICE or Customs and Border Protection (CBP).
3. After the credible fear interview, the information obtained by the asylum officer may be used by other DHS officials in determining whether to parole a detained alien. Immigration officials in charge of detaining the alien must be satisfied that identity is established before granting parole.

See "Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture," ICE Directive No. 11002.1 (effective Jan. 4, 2010).

VI. CREDIBILITY

A. Credibility Standard

In making a credible fear determination, asylum officers are specifically instructed by statute to "[take] into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer."

INA § 235 (b)(1)(B)(v).

To meet the credible fear standard, an applicant must establish that there is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing. This means that there is "a substantial and realistic possibility" that the applicant will be found credible in a full hearing.

B. Evaluating Credibility in a Credible Fear Interview

1. General Considerations

See RAIO Training Module, Credibility.

- a. Because the credible fear determination is a screening process, the asylum officer does not make the final determination as to whether the applicant is credible. The immigration judge makes that determination in the full hearing on the merits of the claim.
- b. The asylum officer must gather sufficient information to determine whether the alien has a credible fear of persecution or torture. The applicant's credibility

should be evaluated (1) only after all information relevant to the claim is elicited and (2) in light of “the totality of the circumstances, and all relevant factors.”

INA § 208(b)(1)(B)(iii).

- c. The asylum officer must remain neutral and unbiased and must evaluate the record as a whole. The purpose of evaluating the credibility of an applicant is solely to determine eligibility for a full asylum or withholding hearing. The asylum officer’s personal opinions or moral views regarding an applicant should not affect the officer’s decision.
- d. As long as there is a significant possibility that the applicant could establish in a full hearing that the claim is credible, unresolved questions regarding an applicant’s credibility should not be the basis of a negative credible fear determination.

2. Properly Identifying and Probing Credibility Concerns During the Credible Fear Interview

See RAIO Training Module, *Credibility*.

a. *Identifying Credibility Concerns*

Section 208 of the Act provides a non-exhaustive list of factors that may be used in a credibility determination in the asylum context. These include: internal consistency, external consistency, plausibility, demeanor, candor, and responsiveness.

INA § 208(b)(1)(B)(iii); *See also*, RAIO Training Module, *Credibility*, for a more detailed discussion of these factors.

An adjudicator may base a negative credible fear determination on lack of credibility. A general lack of detail is another commonly accepted basis for an adverse credibility determination in the asylum context, though the limited scope of the credible fear screening interview may make such a finding less prevalent in the credible fear process.

While demeanor, candor, and responsiveness may be taken into account in the asylum context, they may be of limited reliability in the credible fear context because of cross-cultural factors, effects of trauma, and the nature of non-adversarial interviews. The nature of expedited removal and the credible fear interview process—including detention, relatively brief and often telephonic interviews, etc.—further limits the reliability of and ability to evaluate these three factors in the credible fear context. Therefore,

demeanor, candor, and responsiveness will normally not be significant factors in credible fear determinations.

b. *Informing the Applicant of the Concern and Giving the Applicant an Opportunity to Explain*

When credibility concerns present themselves during the course of the credible fear interview, the applicant must be given an opportunity to address and explain them. The asylum officer must follow up on all credibility concerns by making the applicant aware of each portion of the testimony, or his or her conduct, that raises credibility concerns, and the reasons the applicant's credibility is in question. The asylum officer must clearly record in the interview notes the questions used to inform the applicant of any relevant credibility issues, and the applicant's responses to those questions.

C. Assessing Credibility in Credible Fear

1. In assessing credibility, the officer must evaluate whether there is a significant possibility that the applicant's testimony could be found credible in a full hearing before an immigration judge. The officer must consider the totality of the circumstances and all relevant factors when evaluating credibility.
2. When considering the totality of the circumstances in determining whether there is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing, the following factors must be considered as they may impact an applicant's ability to present his or her claim:

- (i) trauma the applicant has endured;
- (ii) passage of a significant amount of time since the described events occurred;
- (iii) certain cultural factors, and the challenges inherent in cross-cultural communication;
- (iv) detention of the applicant;
- (v) problems between the interpreter and the applicant, including problems resulting from differences in dialect or accent, ethnic or class differences, or other difference that may affect

See also RAIO Training Module, *Interviewing-Survivors of Torture*; RAIO Training Module, *Interviewing- Working with an Interpreter*.

Asylum officers must ensure that persons with potential biases against applicants on the grounds of race, religion, nationality, membership in a

- the objectivity of the interpreter or the applicant's comfort level; and
- (vi) unfamiliarity with speakerphone technology, the use of an interpreter the applicant cannot see, or the use of an interpreter that the applicant does not know personally.

particular social group, or political opinion are not used as interpreters. See *International Religious Freedom Act of 1998*, 22 U.S.C. § 6473(a); RAI0 Training Module, *IRFA (International Religious Freedom Act)*.

3. The asylum officer must have followed up on all credibility concerns during the interview by making the applicant aware of each concern, and the reasons the applicant's testimony is in question. The applicant must have been given an opportunity to address and explain all such concerns during the credible fear interview.
4. Trivial or minor inconsistencies will not be sufficient to find an applicant not credible in the credible fear context. These inconsistencies can be explored by the immigration judge in the full asylum and withholding hearing. Material or significant inconsistencies that have not been adequately resolved by the applicant during the credible fear interview may be sufficient to support a negative credible fear determination.
5. Inconsistencies between the applicant's initial statement to the CBP or ICE official and his or her testimony before the asylum officer must be probed during the interview. Such inconsistencies may provide support for a negative credibility finding if, taking into account an explanation offered by the applicant, there is not a significant possibility that the applicant could establish in a full hearing that the claim is credible.

See 8 C.F.R. § 235.3(b)(4) (stating that if an applicant indicates an intention to apply for asylum, or expresses a fear of persecution or torture, or a fear of return to his or her country, the "examining immigration officer shall record sufficient information in the sworn statement to establish and record that the alien has indicated such intention, fear, or concern," and should then refer the alien for a credible fear interview).

The sworn statement completed by CBP (Form I-867A/B) is not intended, however, to record detailed information about any fear of persecution or torture. The interview statement is intended to record whether or not the individual has a fear, not the nature or details surrounding that fear. However, in some cases, the asylum officer may find that the CBP officer did, in fact, gather additional information from the applicant regarding the nature of his or her claim. In such cases, the applicant's prior statements can inform the asylum officer's line of questioning in the credible fear interview, and any inconsistencies between these prior statements and the statements being made during the credible fear interview should be probed and

assessed.

A number of federal courts have cautioned adjudicators to keep in mind the circumstances under which an alien's statement to an inspector is taken when considering whether an applicant's later testimony is consistent with the earlier statement. Factors to keep in mind include: 1) whether the questions posed at the port of entry or place of apprehension were designed to elicit the details of an asylum claim, and whether the immigration officer asked relevant follow-up questions; 2) whether the alien was reluctant or afraid to reveal information during the first meeting with U.S. officials because of past abuse; and 3) whether the interview was conducted in a language other than the applicant's native language.

See Balasubramaniam v. INS, 143 F.3d 157 (3d Cir. 1998); *cf. Ramsameachire v. Ashcroft*, 357 F.3d 169, 179 (2d Cir. 2004) (discussing in detail the limitations inherent in the initial interview process, and holding that the BIA was entitled to rely on fundamental inconsistencies between the applicant's airport interview statements and his hearing testimony where the applicant was provided with an interpreter, and given ample opportunity to explain his fear of persecution in a careful and non-coercive interview).

6. All reasonable explanations must be considered when assessing the applicant's credibility. The asylum officer need not credit an unreasonable explanation.

If, after providing the applicant with an opportunity to explain or resolve any inconsistencies, the officer finds that there is a significant possibility the applicant could establish in a full hearing that there is a reasonable explanation for the inconsistencies, a positive credibility determination will generally be appropriate.

If, however, the applicant fails to provide an explanation for a substantial or material inconsistency, or the officer finds that there is not a significant possibility that the applicant could establish a reasonable explanation for the inconsistencies in a full hearing, a negative credible fear determination will generally be appropriate.

D. Documenting a Credibility Determination

1. The asylum officer must clearly record in the interview notes the questions used to inform the applicant of any relevant credibility issues, and the applicant's responses to those questions.
2. The officer must specify in the written case analysis the basis for the negative credibility finding. In the negative credibility context, the officer must note any portions of the testimony found not credible, including the specific

inconsistencies, lack of detail or other factors, along with the applicant's explanation and the reason the explanation is deemed not to be reasonable.

3. If information that impugns the applicant's testimony becomes available after the interview but prior to serving the credible fear determination, a follow-up interview must be scheduled to confront the applicant with the derogatory information and to provide the applicant with an opportunity to address the adverse information. Unresolved credibility issues should not form the basis of a negative credibility determination.

VII. ESTABLISHING A CREDIBLE FEAR OF PERSECUTION

For the most recent Asylum Division guidance on eligibility for asylum under section 208 of the INA, please consult the latest applicable RAIO Training Module.

A. General Considerations in Credible Fear

1. An applicant will be found to have a credible fear of persecution if there is a significant possibility the applicant can establish eligibility for asylum under section 208 of the Act.
2. In general, a finding that there is a significant possibility that the applicant experienced past persecution on account of a protected characteristic is sufficient to satisfy the credible fear standard. This is because the applicant in such a case has shown a significant possibility of establishing that he or she is a refugee under section 208 of the Act and a full asylum hearing provides the appropriate venue to evaluate whether or not the applicant merits a favorable exercise of discretion to grant asylum.

8 C.F.R. § 208.30(e)(2).

However, if there is evidence so substantial that there is no significant possibility of future persecution *or other serious harm* or that there are no reasons to grant asylum based on the severity of the past persecution, a negative credible fear determination may be appropriate.

3. When an applicant does not claim to have suffered any past harm or where the evidence is insufficient to establish a significant possibility of past persecution under section

208 of the Act, the asylum officer must determine whether there is a significant possibility the applicant could establish a well-founded fear of persecution on account of a protected characteristic under section 208 of the Act.

B. Past Persecution

See RAI0 Training Module, Persecution.

1. **Severity of Harm:** For a credible fear of persecution, there must be a significant possibility the applicant can establish that the harm the applicant experienced was sufficiently serious to amount to persecution.
 - a. There is no requirement that an individual suffer serious injuries to be found to have suffered persecution. However, the presence or absence of physical harm is relevant in determining whether the harm suffered by the applicant rises to the level of persecution.
 - b. Serious threats made against an applicant may constitute persecution even if the applicant was never physically harmed.
 - c. Violations of “core” or “fundamental” human rights, prohibited by international law, may constitute harm amounting to persecution.
 - d. While less preferential treatment and other forms of discrimination and harassment generally are not considered persecution, discrimination or harassment may amount to persecution if the adverse practices accumulate or increase in severity to the extent that it leads to consequences of a substantially prejudicial nature. Asylum officers should evaluate the entire scope of harm experienced by the applicant to determine if he or she was persecuted, taking into account the individual circumstances of each case.
 - e. Generally, a brief detention, for legitimate law enforcement reasons, without mistreatment, will not constitute persecution. Prolonged detention is a deprivation of liberty, which may constitute a violation of a fundamental human right and amount to persecution. Evidence of mistreatment during detention also may establish persecution.
 - f. To rise to the level of persecution, economic harm must be deliberately imposed and severe.

- g. Psychological harm alone may rise to the level of persecution. Evidence of the applicant's psychological and emotional characteristics, such as the applicant's age or trauma suffered as a result of past harm, are relevant to determining whether psychological harm amounts to persecution.
- h. Rape and other severe forms of sexual harm constitute harm amounting to persecution, as they are forms of serious physical harm.
- i. Harm to an applicant's family member or another third party may constitute persecution of the applicant where the harm is serious enough to amount to persecution, and also where the persecutor's motivation in harming the third party is to act against the applicant.

2. **Motivation:** For a credible fear of persecution, there must be a significant possibility the applicant can establish that the persecutor was motivated to harm him or her on account of his or her race, religion, nationality, membership in a particular social group, or political opinion.

See RAI0 Training Modules, *Nexus and the Protected Grounds (minus PSG)* and *Nexus – Particular Social Group*.

- a. Nexus analysis requires officers to determine: (1) whether the applicant possesses or is perceived to possess a protected characteristic; and (2) whether the persecution or feared persecution is on account of that protected characteristic.
- b. A “punitive” or “malignant” intent is not required for harm to constitute persecution. Persecution can consist of objectively serious harm or suffering that was inflicted because of a characteristic (or perceived characteristic) of the victim, regardless of whether the persecutor intended the victim to experience the harm as harm.
- c. The applicant does not bear the burden of establishing the persecutor's exact motivation. For cases where no nexus to a protected ground is immediately apparent, the asylum officer in credible fear interviews should ask questions related to all five grounds to ensure that no nexus issues are overlooked.

See Matter of Kasinga, 21 I&N Dec. 357, 366-67 (BIA 1996); *Pitcherskaia v. INS*, 118 F.3d 641 (9th Cir. 1997).

- d. Although the applicant bears the burden of proof to establish a nexus between the harm and the protected ground, asylum officers have an affirmative duty to elicit all information relevant to the nexus determination. Evidence of motive can be either direct or circumstantial. Reasonable inferences regarding the motivations of persecutors should be made, taking into consideration the culture and patterns of persecution within the applicant's country of origin and any relevant country of origin information, especially if the applicant is having difficulty answering questions regarding motivation.
- e. There is no requirement that the persecutor be motivated only by the protected belief or characteristic of the applicant. As long as there is a significant possibility that at least one central reason motivating the persecutor is the applicant's possession or perceived possession of a protected characteristic, the applicant may establish the harm is "on account of" a protected characteristic in the credible fear context.
- f. **Particular Social Groups:** The area of law surrounding particular social groups is evolving rapidly, and it is important for asylum officers to be informed about current DHS and Asylum Division guidance, as well as current case law and regulatory changes.

See RAI0 Training Module, *Nexus – Particular Social Group* for a non-exhaustive list of precedent decisions that have identified certain groups that are particular social groups and other groups that were found not to be particular social groups based on the facts of each case.

To determine whether the applicant belongs to a viable particular social group where there are no precedent decisions on point, asylum officers must analyze the facts using the BIA test for evaluating whether a group meets the definition of a particular social group:

See Matter of M-E-V-G-, 26 I&N Dec. 227 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014).

- (i) First, the group must comprise individuals who share a common, immutable characteristic, which is either a characteristic that members cannot change or is a characteristic that is so fundamental to the member's identity or conscience that he or she should not be required to change it.
- (ii) Second, the group must be defined with particularity; it "must be defined by characteristics that provide a clear benchmark for

Matter of M-E-V-G-, 26 I&N Dec. 227, 239 (BIA 2014).

determining who falls within the group.”

- (iii) Third, the group must be socially distinct within the society in question. Social distinction involves examining whether “those with the characteristic in the society in question would be meaningfully distinguished from those who do not have it.” Social distinction relates to society’s, not the persecutor’s, perception, though the persecutor’s perceptions may be relevant to social distinction

Id. at 238.

Id. at 242.

Certain circuit courts have rejected the Board’s application of a social distinction requirement in cases before them on petition for review. *See Valdiviezo-Galdamez v. Att’y Gen. of U.S.*, 663 F.3d 582 (3d Cir. 2011); *Gatimi v. Holder*, 578 F.3d 611 (7th Cir. 2009); *Benitez Ramos v. Holder*, 589 F.3d 426 (7th Cir. 2009). Those decisions, however, question the way the Board applied social visibility in those cases and do not preclude the interpretation of precedent as imposing a social distinction requirement.

3. **Persecutor:** For a credible fear of persecution, there must be a significant possibility the applicant can establish that the entity that harmed the applicant (the persecutor) is either an agent of the government or an entity that the government is unable or unwilling to control.

See RAIO Training Module, *Persecution*.

- a. Evidence that the government is unwilling or unable to control the persecutor could include a failure to investigate reported acts of violence, a refusal to make a report of acts of violence or harassment, closing investigations on bases clearly not supported by the circumstances of the case, statements indicating an unwillingness to protect certain victims of crimes, and evidence that other similar allegations of violence go uninvestigated.
- b. No government can guarantee the safety of each of its citizens or control all potential persecutors at all times. A determination of whether a government is unable to

control the entity that harmed the applicant requires evaluation of country of origin information and the applicant's circumstances. A government in the midst of a civil war or one that is unable to exercise its authority over portions of the country may be unable to control the persecutor in areas of the country where its influence does not extend. In order to establish a significant possibility of past persecution, the applicant is not required to demonstrate that the government was unable or unwilling to control the persecution on a nationwide basis. The applicant may meet his or her burden with evidence that the government was unable or unwilling to control the persecution in the specific locale where the applicant was persecuted.

- c. To demonstrate that the government is unable or unwilling to protect an applicant, the applicant must show that he or she sought the protection of the government, or provide a reasonable explanation as to why he or she did not seek that protection. Reasonable explanations for not seeking government protection include evidence that the government has shown itself unable or unwilling to act in similar situations or that the applicant would have increased his or her risk by affirmatively seeking protection. In determining whether an applicant's failure to seek protection is reasonable, asylum officers should consult and consider country of origin information, in addition to the applicant's testimony.

C. Well-founded Fear of Persecution

*See RAIO Training Module,
Well Founded Fear.*

1. When an applicant does not claim to have suffered any past harm or where the evidence is insufficient to establish a significant possibility of past persecution on account of a protected characteristic under section 101(a)(42)(A) of the Act, the asylum officer must determine whether there is a significant possibility the applicant could establish a well-founded fear of persecution under section 208 of the Act.
2. To establish a well-founded fear of persecution on account of a protected characteristic, an applicant must show that he or she has: 1) a subjective fear of persecution; and 2) that the fear has an objective basis.
 - a. The applicant satisfies the subjective element if he or

See RAIO Training Module,

she credibly articulates a genuine fear of return. Fear has been defined as an apprehension or awareness of danger.

Well-Founded Fear.

- b. The applicant will meet the credible fear standard based on a fear of future harm if there is a significant possibility that he or she could establish that there is a reasonable possibility that he or she will be persecuted on account of a protected ground upon return to his or her country of origin.
3. The Mogharrabi Test: *Matter of Mogharrabi* lays out a four-part test for determining well-founded fear. To establish a credible fear of persecution on account of a protected characteristic based on future harm, there must be a significant possibility that the applicant can establish each of the following elements:

Matter of Mogharrabi, 19 I&N Dec. 439 (BIA 1987).

- a. *Possession* (or imputed possession of a protected characteristic)
 - (i) The applicant must possess, or be believed to possess, a protected characteristic that the persecutor seeks to overcome. The BIA later modified this definition and explicitly recognized that a “punitive” or “malignant” intent is not required for harm to constitute persecution. The BIA concluded that persecution can consist of objectively serious harm or suffering that is inflicted because of a characteristic (or perceived characteristic) of the victim, regardless of whether the persecutor intends the victim to experience the harm as harm.
 - (ii) This analysis requires officers to determine: (1) whether the applicant possesses or is perceived to possess a protected characteristic; and (2) whether the persecution or feared persecution is on account of that protected characteristic.
 - (iii) For cases where no nexus to a protected ground is immediately apparent, the asylum officer in credible fear interviews must ask questions related to all five grounds to ensure that no nexus issues are overlooked.

See Matter of Kasinga, 21 I&N Dec. 357, 366-67 (BIA 1996) (explaining that because FGM was used “at least in some significant part” to overcome a protected characteristic of the applicant, the persecution the applicant fears is “on account of” her status as a member of the defined social group); *Pitcherskaia v. INS*, 118 F.3d 641 (9th Cir. 1997).

-
- (iv) Asylum officers have an affirmative duty to elicit all information relevant to the nexus determination. Officers should make reasonable inferences, keeping in mind the difficulty, in many cases, of establishing with precision a persecutor's motives.
 - (v) To determine whether the applicant belongs to a viable particular social group where there are no precedent decisions on point, asylum officers must analyze the facts using the BIA test for evaluating whether a group meets the definition of a particular social group.
- b. *Awareness* (the persecutor is aware or could become aware the applicant possesses the characteristic)
- (i) Relevant lines of inquiry include: how someone would know or recognize that the applicant had the protected characteristic and how the persecutor would know that the applicant had returned to his or her country.
 - (ii) The applicant is not required to hide his or her possession of a protected characteristic in order to avoid awareness.
- c. *Capability* (the persecutor has the capability to persecute the applicant)
- (i) If the persecutor is a governmental entity, asylum officers should consider the extent of the government's power or authority and whether the applicant can seek protection from another government entity within the country.
 - (ii) If the persecutor is a non-governmental entity, relevant factors include: the extent to which the government is able or willing to control the entity, whether the government is able to or would want to protect the applicant; whether the applicant reported the non-governmental actor to the police; and whether the police or government could or would offer any protection to the applicant.
 - (iii) The extent to which the persecutor has the ability

to enforce his or her will throughout the country is also relevant when evaluating whether the persecutor is capable of persecuting the applicant.

- d. *Inclination* (the persecutor has the inclination to persecute the applicant).
- (i) Factors to consider when evaluating inclination include: any previous threats or harm from the persecutor, the persecutor's treatment of individuals similarly situated to the applicant who have remained in the home country or who have returned to the home country, and any time passed between the last threats received and flight from his or her home country.
 - (ii) For both capability and inclination, if the applicant is unable to answer questions regarding whether the persecutor is capable or inclined to persecute him or her, the asylum officer may use country of origin information to help determine the persecutor's capability and inclination to persecute the applicant.

4. Pattern or Practice

- a. The applicant need not show that he or she will be singled out individually for persecution, if the applicant shows a significant possibility that he or she could establish:
- (i) There is a pattern or practice of persecution on account of any of the protected grounds of a group of persons similarly situated to the applicant.
 - (ii) The applicant is included in and is identified with the persecuted group, such that a reasonable person in the applicant's position would fear persecution.

See RAIO Training Module, *Well Founded Fear*.

8 C.F.R. § 208.13(b)(2)(iii).

5. Persecution of Individuals Closely Related to the Applicant

The persecution of family members or other individuals closely associated with the applicant may provide objective evidence that the applicant's fear of future persecution is well-founded, even if there is no

pattern or practice of persecution of such individuals. On the other hand, continued safety of individuals similarly situated to the applicant may, in some cases, be evidence that the applicant's fear is not well-founded. Furthermore, the applicant must establish some connection between such persecution and the persecution the applicant fears.

6. Threats without Harm

A threat (anonymous or otherwise) may also be sufficient to establish a well-founded fear of persecution. The evidence must show that the threat is serious and that there is a reasonable possibility the threat will be carried out.

7. Applicant Remains in Country after Threats or Harm

- a. A significant lapse of time between the occurrence of incidents that form the basis of the claim and an applicant's departure from the country may be evidence that the applicant's fear is not well-founded. The lapse of time may indicate that the applicant does not possess a genuine fear of harm or the persecutor does not possess the ability or the inclination to harm the applicant.
- b. However, there may be valid reasons why the applicant did not leave the country for a significant amount of time after receiving threats or being harmed, including: lack of funds to arrange for departure from the country and time to arrange for the safety of family members, belief that the situation would improve, promotion of a cause within the home country, and temporary disinclination by the persecutor to harm the applicant.

8. Return to Country of Persecution

An applicant's return to the country of feared persecution generally weakens the applicant's claim of a well-founded fear of persecution. It may indicate that the applicant does not possess a genuine (subjective) fear of persecution or that the applicant's fear is not objectively reasonable. Consideration must be given to the reasons the applicant returned and what happened to the applicant once he or she returned. Return to the country of feared persecution

does not necessarily defeat an applicant's claim.

9. Internal Relocation

- a. In cases in which the feared persecutor is a government or is government-sponsored, there is a presumption that there is no reasonable internal relocation option. This presumption may be overcome if a preponderance of the evidence shows that, under all the circumstances, the applicant could avoid future persecution by relocating to another part of the applicant's country and that it would be reasonable to expect the applicant to relocate. 8 C.F.R. § 208.13(b)(2)(ii); 8 C.F.R. § 208.13(b)(3)(ii).
- b. If the persecutor is a non-governmental entity, there must be a significant possibility that the applicant can demonstrate that there is no reasonable internal relocation option.
- c. In assessing an applicant's well-founded fear and internal relocation, apply the following two-step approach:
- (i) Determine if an applicant could avoid future persecution by relocating to another part of the applicant's home country. If the applicant will not be persecuted in another part of the country, then:
 - (ii) Determine if an applicant's relocation, *under all the circumstances*, would be reasonable.
- d. In determining the reasonableness of internal relocation in relation to a well-founded fear claim, asylum officers should consider the following factors:
- (i) Whether the applicant would face other serious harm that may not be inflicted on account of one of the five protected grounds in the refugee definition, but is so serious that it equals the severity of persecution;
 - (ii) Any ongoing civil strife such as a civil war occurring in parts of the country;
 - (iii) Administrative, economic, or judicial infrastructure that may make it very difficult for an individual to live in another part of the country;
 - (iv) Geographical limitations that could present

barriers to accessing a safe part of a country or where an individual would have difficulty surviving due to the geography;

- (v) Social and cultural constraints such as age, gender, health, and social and familial ties or whether the applicant possess a characteristic, such as a particular language or a unique physical appearance, that would readily distinguish the applicant from the general population and affect his or her safety in the new location; and
- (vi) any other factors specific to the case that would make it unreasonable for the applicant to relocate should be considered.

There is no requirement that an applicant first attempt to relocate in his or her country before flight. However, the fact that an applicant lived safely in another part of his or her country for a significant period of time before leaving the country may be evidence that the threat of persecution does not exist countrywide, and that the applicant can reasonably relocate within the country to avoid future persecution.

D. Multiple Citizenship

Persons holding multiple citizenship or nationalities must demonstrate a credible fear of persecution or torture from at least one country in which they are a citizen or national to be eligible for referral to immigration court for a full asylum or withholding of removal hearing. If the country of removal indicated is different from the applicant's country of citizenship or nationality, fear from the indicated country of removal must also be evaluated.

See RAIO Training Module, *Refugee Definition*, for more detailed information about determining an applicant's nationality, dual nationality, and statelessness.

Although the applicant would not be eligible for asylum unless he or she establishes eligibility with respect to all countries of citizenship or nationality, he or she might be entitled to withholding of removal with respect to one country and not the others. Therefore, the protection claim must be referred for a full hearing to determine this question.

In addition, if the applicant demonstrates a credible fear with respect to another country, aside from the country of citizenship or nationality, in which the applicant was firmly resettled prior to arriving in the United States, the applicant should be referred to the Immigration Judge for a full proceeding, since he or she may be removed to that country as well.

E. Statelessness/Last Habitual Residence

The asylum officer does not need to make a determination as to whether an applicant is stateless or what the applicant's country of last habitual residence is. The asylum officer should determine whether the applicant has a credible fear of persecution in any country to which the applicant might be returned.

If the applicant demonstrates a credible fear with respect to any country of proposed removal, regardless of citizenship or habitual residence, the applicant should be referred to the Immigration Judge for a full proceeding since he or she may be eligible for withholding of removal with respect to that country.

VIII. ESTABLISHING A CREDIBLE FEAR OF TORTURE

An applicant will be found to have a credible fear of torture if the applicant establishes that there is a significant possibility that he or she is eligible for withholding of removal or deferral of removal under the Convention Against Torture, pursuant to 8 C.F.R. §§ 208.16 or 208.17. In order to be eligible for withholding or deferral of removal under CAT, an applicant must establish that it is more likely than not that he or she would be tortured in the country of removal. The credible fear process is a "screening mechanism" that attempts to identify whether there is a significant possibility that an applicant can establish that it is more likely than not that he or she would be tortured in the country in question.

See ADOTC Lesson Plan, Reasonable Fear of Persecution and Torture Determinations for a detailed discussion of the background of CAT and legal elements of the definition of torture; Immigration and Naturalization Service, Regulations Concerning the Convention Against Torture, 64 Fed. Reg. 8478, 8484 (Feb. 19, 1999).

Because in the withholding or deferral of removal hearing the applicant will have to establish that it is more likely than not that he or she will be tortured in the country of removal, **a significant possibility of establishing eligibility for withholding or deferral of removal is necessarily a greater burden than establishing a significant possibility of eligibility for asylum.** In other words, to establish a credible fear of torture, the applicant must show there is a significant possibility that he or she could establish in a full hearing that it is more likely than not he or she would be tortured in that country.

A. Definition of Torture

8 C.F.R. § 208.18(a) defines "torture" as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining

8 C.F.R. § 208.18(a); ADOTC Lesson Plan, *Reasonable Fear of Persecution and Torture*

from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Determinations.

B. General Considerations

1. U.S. regulations require that several elements be met before an act is found to constitute torture. Because credible fear of torture interviews are employed as “screening mechanisms to quickly identify potentially meritorious claims to protection and to resolve frivolous ones with dispatch,” parts of the torture definition that require complex legal and factual analyses may be more appropriately considered in a full hearing before an immigration judge.

8 C.F.R. §§ 208.18(a)(1-8).

Immigration and Naturalization Service, *Regulations Concerning the Convention Against Torture*, 64 Fed. Reg. 8478 (Feb. 19, 1999).

2. After establishing that the applicant’s claim would be found credible, the applicant satisfies the credible fear of torture standard where there is a significant possibility that he or she could establish in a full withholding of removal hearing that:

See section VI., *Credibility*, above, regarding significant possibility of establishing credibility.

a. the torturer specifically intends to inflict severe physical or mental pain or suffering;

8 C.F.R. §§ 208.18(a)(5).

b. the harm constitutes severe pain or suffering;

Torture is an extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman or degrading treatment or punishment that do not amount to torture. 8 C.F.R. §§ 208.18(a)(2).

c. the torturer is a public official or other person acting in an official capacity, or someone acting at the instigation of or with the consent or acquiescence of a public official or someone acting in official capacity; and

d. the applicant is in the torturer’s custody or physical control.

8 C.F.R. §§ 208.18(a)(6).

e. Torture does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. However, sanctions that defeat the object and purpose of the Convention are not lawful sanctions. Harm arising out of such sanctions may constitute torture.

8 C.F.R. §§ 208.18(a)(3).

C. Specific Intent

-
1. For an act to constitute torture, the applicant must establish that it is more likely than not that the act is specifically intended to inflict severe physical or mental pain or suffering. An intentional act that results in unanticipated and unintended severity of pain and suffering is not torture under the Convention definition. 8 C.F.R. §§ 208.18(a)(1), (5).
 2. The specific intent requirement is met when the evidence shows that an applicant may be specifically targeted for punishment or intentionally singled out for harsh treatment that may rise to the level of torture.
 3. The Convention Against Torture does not require that the torture be connected to any of the five protected characteristics identified in the definition of a refugee, or any other characteristic the individual possesses or is perceived to possess.

D. Degree of Harm

1. For harm to constitute torture, the applicant must establish that it is more likely than not that the harm rises to the level of severity of torture.
2. Torture requires severe pain or suffering, whether physical or mental. "Torture" is an extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman or degrading treatment or punishment that do not amount to torture. Therefore, certain forms of harm that may be considered persecution may not be considered severe enough to amount to torture. 8 C.F.R. § 208.18(a)(1); 8 C.F.R. § 208.18(a)(2).
3. Any harm must be evaluated on a case-by-case basis to determine whether it constitutes torture. Whether harm constitutes torture often depends on the severity and cumulative effect.
4. For mental pain or suffering to constitute torture, the mental pain must be prolonged mental harm caused by or resulting from:
 - a. The intentional infliction or threatened infliction of severe physical pain or suffering; 8 C.F.R. § 208.18(a)(4).
 - b. The administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt

profoundly the senses or the personality;

- c. The threat of imminent death; or
- d. The threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

E. Identity of the Torturer

- 1. For an act to constitute torture, the applicant must establish that it is more likely than not that the harm he or she fears would be “inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

8 C.F.R. § 208.18(a)(1).

2. Harm by a Public Official

See ADOTC Lesson Plan, Reasonable Fear of Persecution and Torture Determinations for a more extensive discussion on this element of CAT eligibility.

- a. Generally, in the credible fear context, if there is a significant possibility the applicant can establish that it is more likely than not that he or she was or would be harmed by a public official, the applicant has met the public official requirement for a credible fear of torture.
- b. The term “public official” is broader than the “government” or “police” and can include any person acting in an official capacity or under color of law. A public official can include any person acting on behalf of a national or local authority.
- c. In the withholding or deferral of removal setting, when a public official acts in a wholly private capacity, outside any context of governmental authority, the state action element of the torture definition is not satisfied. On this topic, the Second Circuit provided that, “[a]s two of the CAT’s drafters have noted, when it is a public official who inflicts severe pain or suffering, *it is only in exceptional cases that we can expect to be able to conclude that the acts do not constitute torture by reason of the official acting for purely private reasons.*”
- d. A public official is acting in an official capacity when “he misuses power possessed by virtue of law and

Khouzam v. Ashcroft, 361 F.3d 161, 171 (2d Cir. 2004) (emphasis added).

Ramirez Peyro v. Holder, 574 F.3d 893 (8th Cir. 2009).

made possible only because he was clothed with the authority of law.” To establish whether a public official is acting in under the color of law, the applicant must establish a nexus between the public official’s authority and the harmful conduct inflicted on the applicant by the public official. Such an inquiry is fact intensive and includes considerations like “whether the officers are on duty and in uniform, the motivation behind the officer’s actions and whether the officers had access to the victim because of their positions, among others.” The Fifth Circuit also addressed “acting in an official capacity” by positing “[w]e have recognized on numerous occasions that acts motivated by an officer’s personal objectives are ‘under color of law’ when the officer uses his official capacity to further those objectives.”

Id. at 901.

Marmorato v. Holder, 376 Fed.Appx. 380, 385 (5th Cir. 2010) (unpublished).

3. Acquiescence

a. When the “torturer” is not a public official, a successful CAT claim requires that a public official or other person acting in an official capacity instigates, consents, or acquiesces to the torture.

b. Acquiescence of a public official requires that the public official, prior to the activity constituting torture, have awareness of such activity and thereafter breach his or her legal responsibility to intervene to prevent such activity.

8 C.F.R. § 208.18(a)(7).

(i) The Senate ratification history for the Convention explains that the term “awareness” was used to clarify that government acquiescence may be established by evidence of *either* actual knowledge or willful blindness. “Willful blindness” imputes knowledge to a government official who has a duty to prevent misconduct and “deliberately closes his eyes to what would otherwise have been obvious to him.”

136 CONG. REC. at S17,491 (daily ed. Oct. 27, 1990); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, S. Exec. Doc. No. 101-30, at 9 (1990); *see also* S. Hrg 101-718 (Jan. 30, 1990), *Statement of Mark Richard, Dep. Asst. Attorney General, DOJ Criminal Division*, at 14.

(ii) While circuit courts of appeals are split with regards to the BIA’s “willful acceptance” phrase in favor of the more precise “willful blindness,” for purposes of threshold credible fear screenings, asylum officers must use the willful blindness standard.

- c. There is no acquiescence when law enforcement does not breach a legal responsibility to intervene to prevent torture. 8 C.F.R. § 208.18(a)(7).
- d. In the context of government consent or acquiescence, the court in *Ramirez-Peyro v. Holder* reiterated its prior holding that “use of official authority by low level officials, such a[s] police officers, can work to place actions under the color of law even when they act without state sanction.” Therefore, even if country conditions show that a national government is fighting against corruption, that fact will not necessarily preclude a finding of consent/acquiescence by a local public official. *Ramirez-Peyro v. Holder*, 574 F.3d 893, 901 (8th Cir. 2009).
- e. Evidence that private actors have general support in some sectors of the government, without more, may be insufficient to establish that the officials would acquiesce to torture by the private actors. *See Ontunez-Tursios v. Ashcroft*, 303 F.3d 341, 354-55 (5th Cir. 2002).
4. Consent or Acquiescence vs. Unable or Unwilling to Control
- a. The public official requirement under CAT is distinct from the inquiry into a government’s ability or willingness to control standard applied under the refugee definition.
- b. A finding that a government is unable to control a particular person(s) is not dispositive of whether a public official would instigate, consent or acquiesce to the feared torture. *Reyes-Sanchez v. U.S. Atty. Gen.*, 369 F.3d 1239 (11th Cir. 2004) (“That the police did not catch the culprits does not mean that they acquiesced in the harm.”)
- c. A more relevant query is whether or not a public official who has a legal duty to intervene would be unwilling to do so. In these circumstances, the public official would also have to be aware or deliberately avoid being aware of the harm in order for the action or inaction to qualify as acquiescence under CAT.
- d. The willingness in certain levels of a government to combat harm is not necessarily responsive to the question of whether torture would be inflicted with the consent or acquiescence of a public official. In *De La Rosa v. Holder*, the Second Circuit stated, “[i]n short, it is not clear to this Court why the preventative efforts

of some government actors should foreclose the possibility of government acquiescence, as a matter of law, under the CAT. Where a government contains officials that would be complicit in torture, and that government, on the whole, is admittedly incapable of actually preventing that torture, the fact that some officials take action to prevent the torture would seem neither inconsistent with a finding of government acquiescence nor necessarily responsive to the question of whether torture would be ‘inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.’”

- e. Similarly, the Third Circuit has indicated that the fact that the government of Colombia was engaged in war against the FARC did not in itself establish that it could not be consenting or acquiescing to torture by members of the FARC.

Pieschacon-Villegas v. Attorney General, 671 F.3d 303, 312 (3d Cir. 2011); *Gomez-Zuluaga v. Attorney General*, 527 F.3d 330, 351 (3d Cir. 2008).

F. Past Harm

Unlike a finding of past persecution, a finding that an applicant suffered torture in the past does not raise a *presumption* that it is *more likely than not* the applicant will be subject to torture in the future. However, regulations require that any past torture be *considered* in evaluating whether the applicant is likely to be tortured, because an applicant’s experience of past torture may be *probative* of whether the applicant would be subject to torture in the future.

8 C.F.R. § 208.16(c)(3)(i); Immigration and Naturalization Service, *Regulations Concerning the Convention Against Torture*, 64 Fed. Reg. 8478, 8480 (Feb. 19, 1999).

Credible evidence of past torture is strong evidence in support of a claim for protection based on fear of future torture. For that reason, an applicant who establishes that he or she suffered past torture will establish a credible fear of torture, unless changes in circumstances are so substantial that the applicant has no significant possibility of future torture as a result of the change.

G. Internal Relocation

1. Regulations require immigration judges to consider evidence that the applicant could relocate to another part of the country of removal where he or she is not likely to be tortured, in assessing whether the applicant is eligible for withholding or deferral of removal under the Convention

8 C.F.R. § 208.16(c)(3)(ii).

Against Torture. Therefore, asylum officers should consider whether or not the applicant could safely relocate to another part of his or her country in credible fear of torture determinations.

2. Under the Convention Against Torture, the burden is on the applicant to show that it is more likely than not that he or she will be tortured, and one of the relevant considerations is the possibility of relocation. Therefore, as the Ninth Circuit wrote in *Hasan v. Ashcroft*, “in the CAT context, unlike asylum, the petitioners have the burden of presenting evidence to show that internal relocation is not a possibility.” In contrast, “in the asylum context, once the petitioner has established past persecution on account of an enumerated ground, the burden is on the government to prove that the applicant could avoid persecution by relocating to another part of the country and that it would be reasonable to expect her to do so.”
8 C.F.R. § 208.16(c)(3)(ii).
Hasan v. Ashcroft, 380 F.3d 1114, 1123 (9th Cir. 2004).
Id. at 1122.; 8 C.F.R. § 208.13(b)(3)(ii).
3. Credible evidence that the feared torturer is a public official will normally be sufficient evidence that there is no safe internal relocation option in the credible fear context.
See e.g., Comollari v. Ashcroft, 378 F.3d 694, 697-8 (7th Cir. 2004).
4. Unlike the persecution context, the regulations implementing CAT do not explicitly reference the need to evaluate the reasonableness of internal relocation. Nonetheless, the regulations provide that “all evidence of relevant to the possibility of future torture shall be considered...” Therefore, asylum officers should apply the same reasonableness inquiry articulated in the persecution context to the CAT context.
8 C.F.R. § 208.16(c)(3)(iv).
8 C.F.R. § 208.13(b)(3);
See RAIO Training Module, *Well Founded Fear*.

IX. APPLICABILITY OF BARS TO ASYLUM AND WITHHOLDING OF REMOVAL

Please consult the appropriate RAIO Training Module for a full discussion on mandatory bars.

A. No Bars Apply

8 C.F.R. § 208.30(e)(5).

Pursuant to regulations, evidence that the applicant is, or may be, subject to a bar to asylum or withholding of removal does not have an impact on a credible fear finding.

B. Asylum Officer Must Elicit Testimony

INA § 208(b)(2); INA §

Even though the bars to asylum do not apply to the credible fear determination, the interviewing officer must elicit and make note of all information relevant to whether or not a bar to asylum or withholding applies. The immigration judge is responsible for finally adjudicating whether or not the applicant is barred from receiving asylum or withholding of removal.

241(b)(3).

There are no bars to a grant of deferral of removal to a country where the applicant would be tortured.

8 C.F.R. § 208.17(a).

Information should be elicited about whether the applicant:

1. participated in the persecution of others;
2. has been convicted by a final judgment of a particularly serious crime (including an aggravated felony), and constitutes a danger to the community of the US;
3. is a danger to the security of the US;
4. is subject to the inadmissibility or deportability grounds relating to terrorist activity as identified in INA section 208(b)(2)(A)(v);
5. has committed a serious nonpolitical crime;
6. is a dual or multiple national who can avail himself or herself of the protection of a third state; and,
7. was firmly resettled in another country prior to arriving in the United States.

INA § 208(b)(2)(B)(i).

This bar and the firm resettlement bar are not bars to withholding or deferral of removal. See INA § 241(b)(3).

C. Flagging Potential Bars

The officer must keep in mind that the applicability of these bars requires further evaluation that will take place in the full hearing before an immigration judge if the applicant otherwise has a credible fear of persecution or torture. In such cases, the officer should consult a supervisory officer, follow procedures on “flagging” such information for the hearing, and prepare the appropriate paperwork for a positive credible fear finding. Officers may be asked to prepare a memorandum to file outlining the potential bar that may be triggered. Although positive credible fear determinations that involve a possible mandatory bar no longer require HQ review, supervisory officers

Procedures Manual, Credible Fear Process (Draft, Nov., 2003); Joseph E. Langlois. Asylum Division, Refugee, Asylum and International Operations Directorate. *Revised Credible Fear Quality Assurance Review Categories and Procedures*, Memorandum to Asylum Office Directors, et al. (Washington, DC: 23 December 2008).

may use their discretion to forward the case to HQ for review.

X. OTHER ISSUES

A. Treatment of Dependents

8 C.F.R. § 208.30(b)

A spouse or child of an applicant may be included in the alien's credible fear evaluation and determination, if the spouse or child: arrived in the United States concurrently with the principal alien; and desires to be included in the principal alien's determination. USCIS maintains discretion under this regulation not to allow a spouse or child to be included in the principal's credible fear request.

Any alien also has the right to have his or her credible fear evaluation and determination made separately, and it is important for asylum pre-screening officers to question each member of the family to be sure that, if any member of the family has a credible fear, his or her right to apply for asylum or protection under CAT is preserved. When questioning family members, special attention should be paid to the privacy of each family member and to the possibility that victims of domestic abuse, rape and other forms of persecution might not be comfortable speaking in front of other family members.

The regulatory provision that allows a dependent to be included in a principal's determination does not change the statutory rule that any alien subject to expedited removal who has a credible fear has the right to be referred to an immigration judge.

B. Attorneys and Consultants

8 C.F.R. § 208.30(d)(4)

The applicant may consult with any person prior to the credible fear interview. The applicant is also permitted to have a consultant present at the credible fear interview. Asylum officers should determine whether or not an applicant wishes to have a consultant present at the credible fear interview. Although an alien is permitted by regulation to have a consultant present at a credible fear interview, the availability of a consultant cannot unreasonably delay the process. A consultant may be a relative, friend, clergy person, attorney, or representative. If the consultant is an attorney or representative, he or she is not required to submit a Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*, but may submit one if he or she desires.

8 C.F.R. § 208.30(d)(4);
Procedures Manual, Credible
Fear Process (Draft, Nov.,
2003).

C. Factual Summary

8 C.F.R. § 208.30(d)(6)

For each credible fear interview, the asylum officer must create a summary of material facts as stated by the applicant. At the conclusion of the interview, the asylum officer must review the summary with the applicant and provide the applicant with an opportunity to correct any errors therein. The factual summary and its review should be contemporaneously recorded at the end of the asylum officer's interview notes.

XIII. SUMMARY

A. Expedited Removal

In expedited removal, certain aliens seeking admission to the United States are immediately removable from the United States by the Department of Homeland Security, unless they indicate an intention to apply for asylum or express a fear of persecution or torture or a fear of return to their home country. Aliens subject to expedited removal are not entitled to an immigration hearing or further review unless they are able to establish a credible fear of persecution or torture.

B. Function of Credible Fear Screening

The purpose of the credible fear screening process is to identify persons subject to expedited removal who might ultimately be eligible for asylum under section 208 of the INA or withholding of removal or deferral of removal under the Convention Against Torture.

C. Credible Fear Standard of Proof: Significant Possibility

In order to establish a credible fear of persecution or torture, the applicant must show a "significant possibility" that he or she could establish eligibility for asylum, withholding of removal, or deferral of removal.

The "significant possibility" standard of proof required to establish a credible fear of persecution or torture must be applied in conjunction with the standard of proof required for the ultimate determination on eligibility for asylum, withholding of removal, or protection under the Convention Against Torture.

When there is reasonable doubt regarding the outcome of a credible fear determination, the applicant likely merits a positive credible fear determination. The questions at issue can be

addressed in a full hearing before an immigration judge. Similarly, the asylum officer shall consider whether the applicant's case presents novel or unique issues that merit consideration in a full hearing before an immigration judge.

Where there is disagreement among the United States Circuit Courts of Appeal as to the proper interpretation of a legal issue; or the claim otherwise raises an unresolved issue of law; and, there is no DHS or Asylum Division policy or guidance on the issue, then generally the interpretation most favorable to the applicant is used when determining whether the applicant meets the credible fear standard.

D. Credibility

To meet the credible fear standard, an applicant must establish that there is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.

E. Establishing a Credible Fear of Persecution

In general, a finding that there is a significant possibility that the applicant experienced past persecution on account of a protected characteristic is sufficient to satisfy the credible fear standard. However, if there is evidence so substantial that there is no significant possibility of future persecution or other serious harm or that there are no reasons to grant asylum based on the severity of the past persecution, a negative credible fear determination may be appropriate.

When an applicant does not claim to have suffered any past harm or where the evidence is insufficient to establish a significant possibility of past persecution under section 208 of the Act, the asylum officer must determine whether there is a significant possibility the applicant could establish a well-founded fear of persecution on account of a protected characteristic under section 208 of the Act.

F. Establishing a Credible Fear of Torture

In order to be eligible for withholding or deferral of removal under CAT, an applicant must establish that it is *more likely than not* that he or she would be tortured in the country of removal. Therefore, a significant possibility of establishing eligibility for withholding or deferral of removal is necessarily a greater burden than establishing a significant possibility of

eligibility for asylum. .

After establishing that the applicant's claim would be found credible, the applicant satisfies the credible fear of torture standard where there is a significant possibility that he or she could establish in a full withholding of removal hearing that: (a) the torturer specifically intends to inflict severe physical or mental pain or suffering; (b) the harm constitutes severe pain or suffering; (c) the torturer is a public official or other person acting in an official capacity, or someone acting at the instigation of or with the consent or acquiescence of a public official or someone acting in official capacity; and (d) the applicant is in the torturer's custody or physical control. Torture does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. However, sanctions that defeat the object and purpose of the Convention are not lawful sanctions. Harm arising out of such sanctions may constitute torture.

Credible evidence of past torture is strong evidence in support of a claim for protection based on fear of future torture. For that reason, an applicant who establishes that he or she suffered past torture will establish a credible fear of torture, unless changes in circumstances are so substantial that the applicant has no significant possibility of future torture as a result of the change.

Under the Convention Against Torture, the burden is on the applicant to show that it is more likely than not that he or she will be tortured, and one of the relevant considerations is the possibility of internal relocation.

G. Other Issues

While the mandatory bars to asylum and withholding of removal do not apply to credible fear determinations, asylum officers must elicit and make note of all information relevant to whether or not a bar to asylum or withholding applies.

A spouse or child of an applicant may be included in the alien's credible fear evaluation and determination, if the spouse or child: arrived in the United States concurrently with the principal alien; and desires to be included in the principal alien's determination.

The applicant may consult with any person prior to the credible fear interview. The applicant is also permitted to have a consultant present at the credible fear interview. A consultant

may be a relative, friend, clergy person, attorney, or representative.

For each credible fear interview, the asylum officer must create a summary of material facts as stated by the applicant and review the summary with the applicant.



**U.S. Department of Justice
Immigration and Naturalization Service**

HQIAO 120/16.1

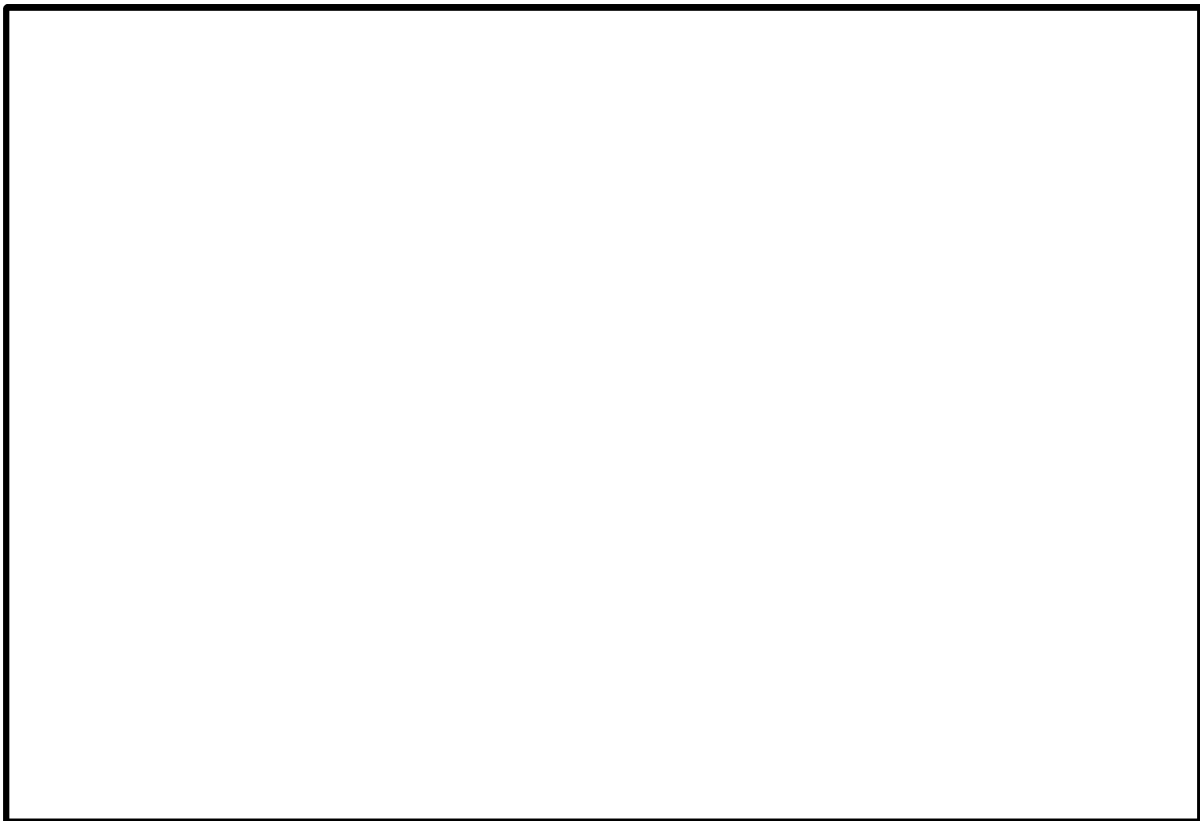
*425 I Street NW
Washington, DC 20536*

Date: Jan 3, 2002

MEMORANDUM FOR ASYLUM OFFICE DIRECTORS
QUALITY ASSURANCE/TRAINERS
SAO CONTACTS ON TERRORIST ISSUES
HQASM STAFF

FROM: Joseph E. Langlois, Director /s/
Asylum Division
(b)(7)(e) (b)(5) Office of International Affairs

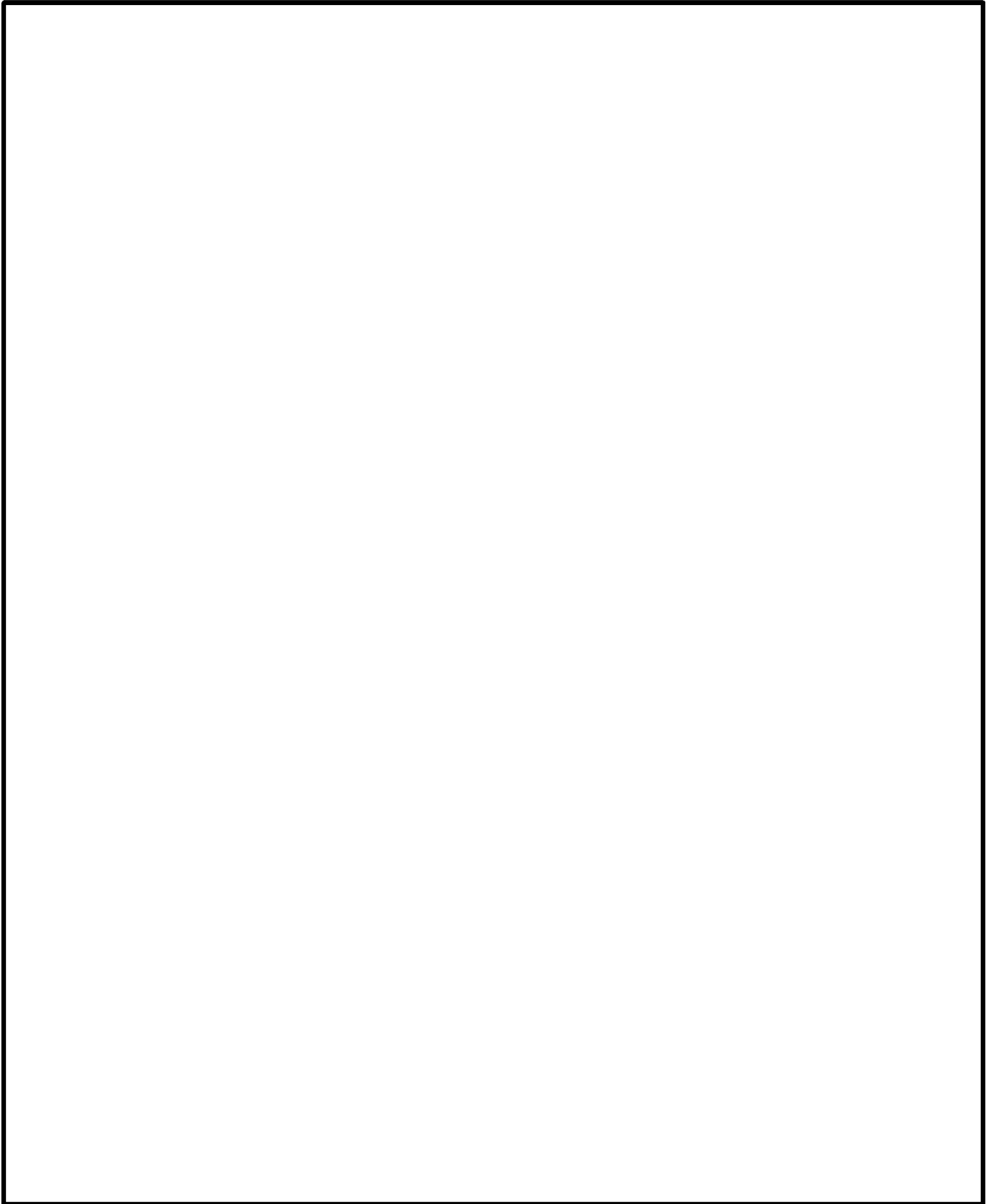
SUBJECT: Procedures for Contacting HQASM on Terrorist Cases



(b)(5)

(b)(7)(e)

Procedures for Contacting HQASM on Terrorist Cases
Page 2





U.S. Citizenship
and Immigration
Services

HQRAIO 120/10.14c; 40/10b

Interoffice Memorandum

To: All Asylum Office Personnel

From: Joseph E. Langlois /s/
Director, Asylum Division
Office of Refugee, Asylum, and International Operations

Date: June 5, 2006

Re: APSS SAFE Screen Guidance

The purpose of this memorandum is to provide procedural guidance on the use of the new SAFE screen in the Asylum Pre-Screening System (APSS).

The SAFE screen captures biographical, interview, and decision information for threshold screening cases processed within the framework of the Safe Third Country Agreement with Canada. Effective immediately, Asylum staff are required to enter data for Safe Third Country threshold screening cases into the SAFE screen in accordance with the procedures set forth in this memorandum. Safe Third Country threshold screening cases completed or submitted to headquarters before the date of this memorandum have been entered into APSS and require no further action.

Timeliness Requirements

In alignment with our goal for processing credible fear referrals, 80 percent of threshold screening determinations must be made and served within 14 days of the referral. This goal reflects the importance of timely processing of decisions for detained asylum seekers, while providing a reasonable level of flexibility for complex cases and contingencies. The credible fear processing standard does not change and remains also at 80 percent completed within 14 days. The timeliness standards are the same because credible fear interviews will immediately follow, on the same date, the threshold screening determination (if an exception is found) in the vast majority of instances.

Updating APSS in a timely manner is critical to measuring our progress toward this goal. Each threshold screening case must be entered into the SAFE screen in APSS no later than 3 business days of the date on which the Asylum Office takes jurisdiction after receiving the appropriate documents (i.e. M-444, I-860, and I-867A&B, the Threshold Screening Information Sheet, and the list of free legal services providers). When entering the case into the SAFE screen, Asylum Office personnel should update the clock-in date and as much biographical information as possible (i.e. A-number, name, date of birth, country of birth, citizenship, sex, port of entry, language, whether an interpreter is required, detention facility, arrival date, clock-in date).

Threshold screening interview information (i.e. interview date, interview location, special group, interview language, mode of interview, representative ID, potential exception, consultant information, APSO and SAPSO IDs), as well as any remaining biographical information, must be updated in the SAFE screen no later than 3 business days after the date of the threshold screening interview.

Finally, information related to the actual threshold screening decision (i.e. finding, finding date, service date) must be updated no later than 3 business days after the date of the threshold screening decision.

General Processing Rules in APSS

- To reach the SAFE screen in APSS, enter “SAFE” into the command line and enter the applicant’s A-number.
- For each threshold screening case, complete all required fields, within the timeframes outlined above, per instructions in the SAFE screen Table of Fields, Data Sources, and Field Descriptions in Attachment 1.
- If an exception applies, complete all required screens for credible fear determinations according to existing credible fear procedures.

Please note that the SAFE screen will constitute the only APSS record for those individuals who are found not to qualify for an exception to the agreement. For those who are found eligible for an exception, data entered into the SAFE screen will automatically populate the PREC screen in APSS. Because of this processing sequence, APSS will not allow users to update the SAFE screen for an A-number that has already been entered as a credible fear case. If a user mistakenly enters a threshold screening case into APSS as a credible fear case prior to updating the SAFE screen, he or she must delete the credible fear case from APSS using the DELC command and begin again by entering the case into the SAFE screen in order to record both the threshold screening determination and the credible fear determination. Otherwise, there will be no record in APSS of the threshold screening processing for that case. Therefore, for threshold screening cases in which an exception applies, it is necessary to update the SAFE screen prior to updating any other APSS screens.

In addition, users will not be able to delete SAFE screen entries with the DELC command or any other command. If you need to delete a SAFE screen entry that has been made in error, please contact headquarters.



Attachments:

1. SAFE screen Table of Fields, Data Sources, Field Descriptions
2. APSS screen print-outs
 - APSS main menu
 - SAFE screen

(b)(6)

Safe Third Country Threshold Screening (SAFE) Screen
Fields, Data Sources, and Descriptions

*Items in **boldface** are also highlighted in the SAFE screen diagram in Attachment 2.

FIELD	DATA SOURCE(S)	DESCRIPTION
CCO	I-867, I-213	Three letter location code for the asylum office with jurisdiction over the case (ZAR, ZCH, ZHN, ZLA, ZMI, ZNK, ZNY, ZSF)
LAST NAME	I-860, I-867A&B, I-213, Information about Threshold Screening Interview	Applicant's last name
FIRST NAME	I-860, I-867A&B, I-213, Information about Threshold Screening Interview	Applicant's first name
A-NUMBER	I-867A&B, Applicant's testimony	Applicant's A-number. For dependents, the principal's A-number will be listed directly below this field.
PRIN A-NUMBER	I-867A&B, Applicant's testimony	Principal applicant's A-number. For the principal applicant, this number will be the same as the applicant's A-number. For dependents, entering the principal's A-number here will link the cases.
MIDDLE	I-860, I-867A&B, I-213	Applicant's middle name, if known
AKA (LAST) (FIRST)	Inspector's Memo to File, I-860, I-867A&B, I-213, applicant's testimony or documents	Alias used by the applicant. If the applicant attempted to enter the United States using another person's documents, the name on the documents should be entered here. Additional aliases should be entered on the NOTES screen.
DETEN FAC	I-213, memo from CBP or ICE	Location where the applicant is detained. Users can enter only codes on the Standard Tables. A complete list of codes may be accessed by selecting "F7" and placing an "X" to the left of "Detention Facilities." If the detention facility does not have a code on the Standard Table, the user should enter the code for the District Office that has jurisdiction over the location of the facility and enter the name and

		address of the facility on the NOTES screen.
ARR DATE	I-860, I-867A&B, I-213, I-275, Inspector's Memo to the File, applicant's testimony	Date applicant attempted entry into the United States
POE	I-867A&B, I-213, applicant's testimony	Port of entry where the applicant attempted entry into the United States. Users can access POE codes by selecting "F7" then entering an "X" to the left of "Ports of Entry."
CLOCK-IN		The date on which the asylum office takes jurisdiction after receiving the M-444, I-860, and I-867A&B (these three are not required for visa-waiver cases), the Threshold Screening Information Sheet, and the list of free legal services providers.
DOB (MM/DD/YYYY)	I-867A&B, I-213, applicant's testimony or documentary evidence	Applicant's date of birth
SEX	I-213	Applicant's gender
LANGUAGE	I-867A&B, I-213, applicant's testimony	Language used by the applicant during the interview. Users can access codes by selecting "F7" and entering an "X" to the left of "Languages."
INTERPRETER REQ'D (Y/N)	I-867A&B, I-213, M-444, Information on Threshold Screening Interview, CBP or ICE memos to the file	Users enter "Y" if an interpreter was required for the interview, "N" if not
COB	I-867A&B, I-213, applicant's testimony or documentary evidence	Applicant's country of birth. Users can access the country code list by selecting "F7" and entering an "X" to the left "Countries".
CITZ 1	I-867A&B, I-213, applicant's testimony or documentary evidence	Applicant's citizenship. Users can access the nationality codes by selecting "F7" and entering an "X" to the left of "Nationalities"
CITZ 2	I-867A&B, I-213	Applicant's second citizenship, if a dual citizen
SPECIAL GROUP (CA1/CA2)		Category of arriving asylum seeker subject to the Safe Third Country Agreement: CA1 = Arrival at northern land border ports of entry CA2 = Arrival being removed

		from Canada and transiting the U.S. <i>Default is CAI</i>
REPR ID	I-870, item 1.11	Attorney or Consultant ID. Users can search existing attorney Ids by going to the REPR screen. Search functions are explained in the IRM APSS User's Manual
INTERVIEW LOC	I-213, CBP or Ice memo to the file	Location of applicant's threshold screening interview. Users can access locations code by selecting "F7" and placing an "X" next to "Ports of Entry," "District Offices," or "Detention Facilities."
DATE	Threshold Screening Adjudication Worksheet	Date of the applicant's threshold screening interview
MODE		Method of interviewing: INP = in person TLC = teleconference TLV = videoconference
INTV. LANGUAGE	I-870, items 1.16	Language used by the applicant during the interview. Users may access language codes by selecting "F7" and entering an "X" to the left of "Languages"
CONSULTANT (Y/N)	I-870, items 1.10 and 1.11	If applicant has a consultant, enter "Y"; if not, enter "N"
APSO ID	LOFR screen in RAPS	APSO's assigned ID in RAPS
SAO ID	LOFR screen in RAPS	Supervisor's assigned ID number in RAPS
POTENTIAL EXCEPTION	Applicant's testimony and/or other available evidence	List here <u>ALL</u> of the possible <u>exceptions</u> to the safe third country agreement that may apply to the applicant. A potential exception may be one that the applicant claims applies to him or her or of which the APSO finds at least some evidence (regardless of whether the applicant is ultimately able to meet his or her burden of establishing that the exception applies.) ¹ :

¹ For example, if the applicant claims compelling reasons for seeking asylum in the United States rather than Canada, but the APSO does not recommend that the public interest exception be granted, or the USCIS Director or his or her designee decides

		<p>CA = Citizen of Canada FL = Family member in lawful non-immigrant status FA = Family member age 18 or older with pending asylum application VV = Valid visa holder NV = No visa required (visa waiver) PI = Discretionary public interest NO = No exception</p> <p>Note: Once a code for a potential exception is entered, the cursor will automatically tab over several spaces to allow for another entry, if applicable. Pressing the “enter” key on the keyboard will record any code(s) entered on this line.</p>
FINDING	Threshold Screening Adjudication Worksheet	<p>This field allows entry of only one exception. If an exception applies, enter <u>one and only one exception</u>, even if the individual would appear to qualify for more than one. The exception listed should be the first checked on the Threshold Screening Adjudication Worksheet.</p> <p>ER = Expedited removal (no exception found) 63 = Visa waiver case, any exception found DI = Dissolution CA = Citizen of Canada FL = Family member in lawful non-immigrant status FA = Family member age 18 or older with pending asylum applicant VV = Valid visa holder NV = No visa required PI = Discretionary public interest</p>
FINDING DATE	Threshold Screening Adjudication Worksheet	Date APSO made the threshold screening determination. This date should correspond to the date APSO

not to grant the exception, the APSO should still enter PI in this field because the public interest exception has been raised as a *potential* exception.

		completed the Threshold Screening Adjudication Worksheet and signed it. If an APSO's initial decision is reversed, the date should be updated to the date the decision was reversed.
SERVICE DATE	I-862, I-863, or I-860	Date the APSO served the decision on the applicant

Attachment 2

APSS Screen Print-Outs

To reach the SAFE screen in APSS, enter "SAFE" into the command line and enter the applicant's A-number as pictured below.

The screenshot shows the APSS MAIN MENU (MENU) screen. At the top left is 'APXMNU00', at the top center is 'APSS MAIN MENU (MENU)', and at the top right is the date '01/18/06' and time '16:04:57'. The menu options are: CASE - CASE MAINTENANCE, DECS - CASE DECISION, INQR - INQUIRY, and ADMN - ADMINISTRATIVE MAINTENANCE. At the bottom left is '3270'. In the center is 'PF8 LOGOFF'. On the right is 'A-NUMBER: 999999999 (5A)'. Two callout boxes with arrows point to the command line and the A-number field. The first box says 'Enter "safe" here' and points to 'COMMAND: safe'. The second box says 'Enter the A-number here' and points to 'A-NUMBER: 999999999 (5A)'.

Below is a screen shot of the SAFE screen with captions that explain some of the required fields.

Special Group: CA1 = Arrival at a northern land border port of entry
 CA2 = Arrival in-transit through the United States while being removed from Canada

Asylum Office Code

```

APXCAS11 THRESHOLD SCREENING (SAFE) 01/18/06
CCO: ZNK 16:44:47
A-NUMBER: 999999999
PRIN A-NUMBER: 999999999
LAST NAME: BRONTE MIDDLE:
FIRST NAME: CHARLOTTE
AKA (LAST): DETEN FAC: BUF ARR DATE: 1/01/06
(FIRST): POE: NIA CLOCK-IN: 1/09/06
DOB(MM/DD/YYYY): 4/21/1816 SEX: F
LANGUAGE: ENG INTERPRETER REQ'D(Y/N): N COB: UK CIT7 1: UK
SPECIAL GROUP(CA1/CA2): CA1 REPR ID:
INTERVIEW LOC: BUF DATE: 1/16/05 MODE: INP
INTV LANGUAGE: ENG CONSULTANT(Y/N): N (INP/TLC/TLV) APSO ID: ZNK054
SAO ID: ZNK049
POTENTIAL EXCEPTION: FL
(CA/FL/FA/VV/NV/PI/NO)
FINDING: FL FINDING DATE: 1/16/05
(ER/63/DI/CA/FL/FA/VV/NV/PI) SERVICE DATE: 1/16/05
COMMAND: SAFE A-NUMBER: 999999999
PF3 PF4 PF6 PF7 PF8 PF9
CANCEL CASE MENU MAIN MENU CODES LOGOFF NOTES (5A)
3270
  
```

Mode: INP = In person
 TLC = Teleconference
 TLV = Videoconference

Potential Exception:
 CA = Citizen of Canada
 FL = Family member in lawful non-immigrant status
 FA = Family member age 18 or older with pending asylum application
 VV = Valid visa holder
 NV = No visa required (visa waiver)
 PI = Discretionary public interest
 NO = No exception

Finding:
 ER = Expedited removal (no exception found)
 63 = Visa waiver case, any exception found
 DI = Dissolution
 CA = Citizen of Canada
 FL = Family member in lawful non-immigrant status
 FA = Family member age 18 or older with pending asylum applicant
 VV = Valid visa holder
 NV = No visa required (visa waiver)
 PI = Discretionary public interest



U.S. Citizenship
and Immigration
Services

HQRAIO 50/5.12.1a

Interoffice Memorandum

To: Asylum Office Directors
Asylum Office Deputy Directors

From: Joseph E. Langlois /s/
Chief, Asylum Division

Date: September 12, 2006

RE: Guidance on using interpreter services companies other than Lionbridge when conducting credible fear, reasonable fear and safe third country screening interviews

The purpose of this memorandum is to outline when it is appropriate for Asylum Pre-Screening Officers (APSOs) to use a company other than the current interpreter services contract provider, Lionbridge Global Solutions II (Lionbridge), and the procedures to follow when doing so.

I. Why Timely Interpreter Services are a Necessary in the Credible Fear, Reasonable Fear and Safe Third Country¹ Screening Adjudications Processes

With respect to credible fear, reasonable fear and Safe Third Country interviews, regulations provide, "If the alien is unable to proceed effectively in English, and if the asylum officer is unable to proceed competently in a language chosen by the alien, the asylum officer shall arrange for the assistance of an interpreter in conducting the interview." See 8 CFR §§ 208.30(d)(5), (e)(6) and 208.31 (c).

Because applicants referred for credible fear, reasonable fear, and Safe Third Country screenings are almost always detained, it is imperative that the Asylum Division conducts these screenings in a timely manner. The Asylum Division strives to complete 80% of all Credible Fear and Safe Third Country screening within 14 days of the case referral to the Asylum Division. Regulations require that, in the absence of exceptional circumstances, asylum officers must make reasonable fear determinations within 10 days of a case being referred to the Asylum Program for a decision. 8 CFR § 208.31 (b).

¹ *Agreement Between the Government of the United States of America and the Government of Canada for Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries*

To comply with these regulations and procedures, Asylum Pre-Screening Officers (APSOs) routinely need to quickly secure interpreter services on short notice, at remote locations, and in a variety of languages. To accomplish this, USCIS uses telephonic interpreter services because it is crucial that interpreter services be available in the required language on the day of an applicant's scheduled orientation, interview or date of decision service.

The Asylum Division currently has a contractual agreement with Lionbridge to provide officers with services to meet interpretation needs. Therefore, Officers must use Lionbridge's interpreter services, unless all of the conditions are met as outlined in following section of this memo.

II. Guidance on when it is Appropriate to use a Company Other Than the Current Interpreter Services Provider, Currently Lionbridge Global Solutions II

Situations may arise in which the current interpreter services provider, Lionbridge, may not be able to accommodate all of the language services needs of the Asylum Program. Before an APSO may contact an alternate company to obtain interpreter services, all of the following requirements must be met:

A) The APSO has first tried to use the interpreter services provider, Lionbridge, and was told that Lionbridge is unable to provide the officer with necessary services. The following are situations in which an officer could reasonably make the determination that Lionbridge is not able to provide the necessary services. The officer:

- 1) Has been told that there are no interpreters available in the required language either immediately or after the officer has waited for 10 minutes or more² **OR**
- 2) Has encountered an interpreter with whom the applicant could not communicate effectively due to:
 - Differences in dialect that prevented communication or
 - Documented interpreter competency issues³

AND

- 3) **If #2 applies**, the officer has also requested a replacement interpreter and has been told that none are available.
- B) The APSO has received permission from a supervisor to contact a non-Lionbridge interpreter.
C) The supervisor has verified that the asylum office has funds obligated and available to cover the cost of interpreter services using an alternate company.
D) If using a purchase card for payment, the asylum office follows all relevant purchase card regulations.

If Lionbridge cannot accommodate a request for an interpreter, and each of the following requirements are met, as well as any additional requirements per local policies, an APSO may contact an alternate interpreter services company to obtain those services. The office must use a company that is currently on

² Please note that Lionbridge has supplied the Asylum Program with a "Rare Languages" list (see attachment). Asylum officers who require an interpreter who speaks a language identified on this list should call Lionbridge 24 hours in advance to reserve an interpreter if at all possible. This list will be periodically updated as hiring continues in many of the listed languages.

³ If there are competency issues or if an officer feels an interpreter has compromised the applicant's confidentiality at any point in the interview, the officer **MUST** report this to the interpreter liaison in his or her office who will, in turn report this to Eva Rupp at headquarters.

the GSA schedule to obtain these services. To find these companies, please see: <http://www.gsaeflibrary.gsa.gov> and type in "738 II" into the search box. Next, select "382 2 interpretation services" and click on the link provided. The list of GSA Schedule interpreter services companies will appear.

The companies that have successfully accommodated the Asylum Program in the past and are on the GSA schedule are: Language Learning Enterprises (LLE-LINK), and Language Services Associates (LSA). To the extent those companies have provided this information, instructions on how to use each company, which languages they provide and what their rates are can be found in the attachments to this memo.

III. Payment Procedures to Follow When Using a company other than the current Language Services Provider, Lionbridge Global Solutions II

When an office uses an interpreter services company other than Lionbridge, the costs incurred will be billed to the individual asylum office that used the services. Similarly, it is the responsibility of that office to verify that associated invoices received are accurate and that funds to pay for those services are obligated and available before services are obtained. Invoices can be paid for using the method that each office's management deems appropriate.

If purchase cards are used to pay for these expenses, the purchase card must be used in accordance with all proper purchase card procedures, found in section 3.7 of the current purchase card manual. The current purchase card procedures manual can be found on DHS online at <http://fmd.uscis.dhs.gov/> under the title, "Purchase Card Manual." Offices are reminded that the purchase card spending limit per billing cycle for each merchant used is \$2,500.

IV. Setting up Accounts with Alternate Interpreter Services Providers

Headquarters has contacted Language Learning Enterprises (LLE-LINK), and Language Services Associates (LSA) and both companies have indicated that they are willing to provide interpreter services on an as needed basis to offices when the current interpreter services provider has been contacted but was unable to provide those services. Both companies know that invoices may be paid for using purchase cards. These companies are mentioned solely on the basis that they are companies that previously have provided interpreter services for APSOs. As noted above, to the extent these companies have provided us with the information, instructions on how to use each company, which languages they provide and what their rates are can be found in the attachments to this memo. Both companies have stated they can send additional information upon request.

Before services are obtained from an alternative interpreter services provider, an account must be set up with the company or companies that your office wishes to use to provide them with billing and other necessary information. Similarly, offices are responsible for making clear their requirements, including necessary forms, to companies that they wish to obtain alternative interpreter services from. (b)(6)

If you have any questions concerning these procedures, please contact



Attachment: Contact information for GSA Interpretation Services Companies that Asylum Offices have used in the past, updated September 6, 2006

Attachment: Contact information for GSA Interpretation Services Companies that Asylum Offices have used in the past:

Updated September 6, 2006

1. Language Learning Enterprises (LLE)

To establish an account with LLE, contact: Paula J. Hite

Client Development

LLE - Language Services

Toll Free: 877.405.8764 x210

Fax: 540-869-9637

E-mail: phite@lle-inc.com

Web Site: www.lle-inc.com

Rates: \$1.08/minute, all languages

Languages available with LLE:

Albanian	Croatian	Hungarian	Romanian
Amharic	Czech	Italian	Russian
Arabic	Danish	Japanese	Serbo-Croatian
Armenian	Farsi	Korean	Somali
Azerbaijan	French	Kurdish	Sorani (Kurdi)
Bandinani	Fukienese	Lao	Spanish
Bengali	German	Mandarin	Swedish
Bosnian	Greek	Norwegian	Thai
Bulgarian	Gujarati	Polish	Turkish
Cantonese	Hebrew	Portuguese	Urdu
Creole	Hindi	Punjabi	Vietnamese

2. Language Services Associates (LSA)

To establish an account with LSA, contact: Laura Schriver, President of LSA

www.lsaweb.com

Phone 1: 800.305.9673

Phone 2: 215-657-1172

Phone 3: 215-657-6571 ext.100

Rates: \$1.85 per minute, all languages

See following 2 pages for available LSA languages



- | | | | |
|---------------------------|------|---------------------|--|
| 1. AFGHANI (DARI) | | | |
| 2. AKAN | | | |
| 3. ALBANIAN (GHEG & TOSK) | 56. | GREEK | 110. MARATHI |
| 4. AMHARIC | 57. | GUJARATI | 111. MARSHALESE |
| 5. AMOY | 58. | GYPSY (ROMANY) | 112. MASBATENYO |
| 6. ARABIC (ALL DIALECTS) | 59. | HAITIAN CREOLE | 113. MIEN |
| 7. ARMENIAN | 60. | HAKKA | 114. MINANGKABAU |
| 8. ASANTE | 61. | HAUSA | 115. MIXTECO ALTO |
| 9. ASSYRIAN | 62. | HEBREW | 116. MIXTECO BAJO |
| 10. AZERBAIDJANI (AZERI) | 63. | HINDI | 117. MONGOLIAN |
| 11. BADINI | 64. | HINDKO | 118. MONTENEGRO |
| 12. BAHASA | 65. | HMONG | 119. MOORE |
| 13. BAMANANKAN | 66. | HOKKIJIN | 120. NANTONG |
| 14. BAMBARA | 67. | HUNAN | 121. NAVAJ |
| 15. BELIZE CREOLE ENGLISH | 68. | HUNGARIAN | 122. NEDEBELE |
| 16. BENGALI | 69. | IBO | 123. NEPALI |
| 17. BERBER | 70. | IGBO | 124. NING PO |
| 18. BOSNIAN | 71. | ILOCANO | 125. NORWEGIAN |
| 19. BULGARIAN | 72. | ILONGO | 126. NUER |
| 20. BURMESE | 73. | INDONESIAN | 127. OROMO |
| 21. BYELORUSSIAN | 74. | ITALIAN | 128. PAPAGO |
| 22. CAMBODIAN (KHMER) | 75. | JAPANESE | 129. PAPIAMENTO |
| 23. CANTONESE | 76. | JAVANESE | 130. PASHTO |
| 24. CASTILIAN | 77. | KALENJIN | 131. PATOIS |
| 25. CATALÁN | 78. | KANNADA | 132. PERSIAN (FARSI) |
| 26. CEBUANO | 79. | KAREN | 133. PIDGIN |
| 27. CHALDEAN | 80. | KAZAKH | 134. POLISH |
| 28. CHUJ | 81. | KHMER (CAMBODIAN) | 135. PORTUGUESE |
| 29. CHUUKESE | 82. | KICONGO | 136. PORTUGUESE CREOLE (CAPE VERDIAN CREOLE) |
| 30. CROATIAN | 83. | KINYARWANDA | 137. PULAAR |
| 31. CZECH | 84. | KIRGIZ | 138. PUNJABI |
| 32. DANISH | 85. | KIRUNDI | 139. PUTIEN |
| 33. DARI | 86. | KISWAHILI | 140. QUECHUA |
| 34. DARJA | 87. | KONKANI | 141. QUICHE |
| 35. DIEJU | 88. | K'ONJABOL | 142. ROMANIAN |
| 36. DIOULA | 89. | KOREAN | 143. ROMANY (GYPSY) |
| 37. DUTCH | 90. | KOSRAEN | 144. RUSSIAN |
| 38. ESTONIAN | 91. | KRIO (SIERRA LEONE) | 145. SALISH |
| 39. EWE | 92. | KURDISH | 146. SAMOAN |
| 40. FANTE | 93. | LAKOTA | 147. SARAIKI |
| 41. FARSI | 94. | LAOTIAN | 148. SARIKOLI |
| 42. FIJIAN | 95. | LATVIAN | 149. SERBO-CROATIAN |
| 43. FILIPINO | 96. | LETA | 150. SERBIAN |
| 44. FINNISH | 97. | LINGALA | |
| 45. FLEMISH | 98. | LITHUANIAN | |
| 46. FRENCH | 99. | LUGANDA | |
| 47. FUKIENESE | 100. | LUHYA | 151. SHANGHAINESE (CHINESE) |
| 48. FULANI | 101. | MACEDONIAN | 152. SINHALESE |
| 49. FUZHOU | 102. | MAI MAI | 153. SLOVAK |
| 50. GA | 103. | MALAY | 154. SLOVENIAN |
| 51. GAELIC | 104. | MALAYALAM | 155. SOMALI |
| 52. GEORGIAN | 105. | MALINKE | 156. SONINKE |
| 53. GERMAN | 106. | MALTESE | 157. SOSO |
| 54. GILAKI | 107. | MANDARIN | 158. SUDANESE |
| 55. GOURMANCEMA | 108. | MANDINGO | 159. SPANISH |
| | 109. | MANDINKA | |

Guidance on using interpreter services companies other than Lionbridge when conducting credible fear, reasonable fear and safe third country screening interviews

Page 6 of 6

160.	SWAHILI	171.	TEMNE	183.	URDU
161.	SWEDISH	172.	THAI	184.	UYGHUR
162.	SYRIAC	173.	TIBETAN	185.	UZBEK
163.	SZECHUAN	174.	TIGRINYA	186.	VIETNAMESE
164.	TACHEW	175.	TOHONO O'ODHAM	187.	VISAYAN
165.	TAGALOG	176.	TOISHAN (CHINESE)	188.	WENZHOU (CHINESE)
166.	TAISHAN	177.	TONGAN	189.	WOLOF/OUOLOFF
167.	TAIWANESE	178.	TRUKESE	190.	YIDDISH
168.	TAMIL (SRI LANKAN & INDIAN)	179.	TSHILUBA	191.	YORUBA
169.	TATAR	180.	TURKISH		
170.	TELUGU	181.	TWI		
		182.	UKRANIAN		

Additional languages available upon request



**U.S. Citizenship
and Immigration
Services**

February 24, 2010

HQRAIO 140/12

Memorandum

TO: Asylum Office Directors
Supervisory Asylum Officers
Asylum Officers
Quality Assurance/Training Coordinators

FROM: Joseph E. Langlois /s/
Chief, Asylum Division

SUBJECT: Award of Interpreter Services Contracts and Guidance on Use of Interpreter Services

The USCIS Contracting Office has awarded two new contracts for the provision of professional interpreter services during Asylum Division interviews. The contracts have been awarded to Language Line Services, LLC (Language Line) and Lionbridge Global Solutions II (Lionbridge). Vendors will begin providing services under the new contracts on March 1, 2010; these contracts will replace the current Lionbridge contract. It is anticipated that the award of two interpreter contracts will increase the overall availability of interpreters and monitors for Asylum Division interviews, thus assisting both asylum officers and applicants in the adjudication process.

General Information and Basic Contract Requirements

The Asylum Division's Management Branch is responsible for implementing and monitoring interpreter contracts. The Contracting Officer's Technical Representative (COTR) for the Language Line contract is Leneen Speed-Walker; the COTR for the Lionbridge contract is Angela Haynie. Correspondence with the COTRs should be routed through the designated Interpreter Liaison at each asylum office or through the normal chain of command. COTRs may be contacted directly or through the Asylum HQ – Interpreter Services mailbox in Outlook.

The new contracts are performance based and contain identical provisions for both vendors. Under the terms of the new contracts, the vendors shall provide an interpreter or monitor within [redacted] of requests. Detailed call instructions for each vendor have been included as Attachment A.

(b)(4)

Impact on Asylum Offices

Asylum Offices should continue to follow the guidance contained in Section II.J.4 of the *Affirmative Asylum Procedures Manual*; Section III.E.3 of the draft *Credible Fear Procedures Manual*; and Section III.D of the draft *Reasonable Fear Procedures Manual*. Although the general guidance remains the same with regard to contract interpreter services, there are several issues related to the new contracts that impact the asylum offices. These include the following:

1. **Each asylum office has been assigned a primary vendor and a secondary vendor for interpreter services.**

During the initial phase of contract performance, Asylum Division call volume will be distributed equitably between the two vendors.¹ Each Asylum Office has been assigned vendors as follows:

Office	Primary Vendor	Secondary Vendor
ZAR	Lionbridge	Language Line
ZCH	Language Line	Lionbridge
ZHN	Language Line	Lionbridge
ZLA	Lionbridge	Language Line
ZMI	Language Line	Lionbridge
ZNK	Language Line	Lionbridge
ZNY	Lionbridge	Language Line
ZSF	Language Line	Lionbridge

When requesting an interpreter or monitor, an officer must first call the primary vendor assigned to his or her asylum office; if the primary vendor is unable to connect to an interpreter or monitor within 10 minutes, then the officer should call the secondary vendor. If the secondary vendor is unable to connect to an interpreter or monitor within 10 minutes, then the officer should proceed without a monitor (in affirmative cases) or reschedule the interview (in credible and reasonable fear cases). All requests for an interpreter or monitor should be entered into the Interpreter Services Log, whether or not the call is connected to an interpreter or monitor.

2. **The Interpreter Services Log is the primary tool used by the COTRs to track contract performance.**

The Interpreter Services Log provides valuable data with regard to invoice accuracy, quality of interpretation or monitoring, accommodation rates (i.e., the percentage of requests that are fulfilled or “accommodated” by the vendor), and overall contract performance. As noted above, the interpreter contracts are performance based. For this reason, it is extremely helpful in managing these contracts when each request for an interpreter or monitor is entered into the Interpreter Services Log with complete and accurate information, including the

¹ During subsequent phases of the contract, Asylum Division call volume will be redistributed between the two vendors based on performance and price.

asylum officer's comments, where applicable. Asylum officers are encouraged to enter call data for all types of interviews into the Interpreter Services Log as soon as possible after conducting an interview.

The Interpreter Services Log has been redesigned to include some contract provisions that may affect overall contract performance. These provisions are represented by a checkbox. For reference, a screenshot of the redesigned Interpreter Services Log has been included as Attachment B. Marking the appropriate checkboxes and providing detailed comments will contribute significantly to the Asylum Division's efforts to manage these contracts.

Additionally, the redesigned log will be accessible in real time to Asylum Division Headquarters staff. As a result, it will not be necessary for asylum office staff to send weekly accommodation and incident reports to Asylum Division Headquarters.

3. If a call is disconnected, the interpreter or monitor is obligated to reestablish the phone connection.

This provision was intended to reduce the number of instances in which an officer discovers during an asylum interview that a monitor has unknowingly been disconnected or "dropped." However, as noted above, this provision applies to both interpreter and monitor situations. Vendors have been provided each asylum office's public phone number so that interpreters or monitors may call the main phone line at an asylum office and request that the call be transferred to the appropriate officer in order to reestablish a connection. To facilitate this, officers may elect to provide their direct extensions to the interpreter or monitor at the beginning of each call, but are not required to do so. The fact that vendors are obligated to reestablish the phone connection should not preclude officers from proactively contacting the vendors to request an interpreter if it is convenient for the officers to do so.

Disconnected calls during which contact with an interpreter or monitor is not reestablished should be recorded in the Interpreter Services Log by marking the checkbox entitled, "Call dropped AND interpreter/monitor failed to reconnect." Officers who choose to proactively contact a vendor to reestablish a phone connection should not mark this checkbox. Similarly, officers who do not answer the phone when an interpreter or monitor calls back should not mark this checkbox.

Questions regarding the contents of this memorandum may be directed to the Asylum HQ – Interpreter Services mailbox in Outlook.

Attachments (2)

Jowett, Haley L

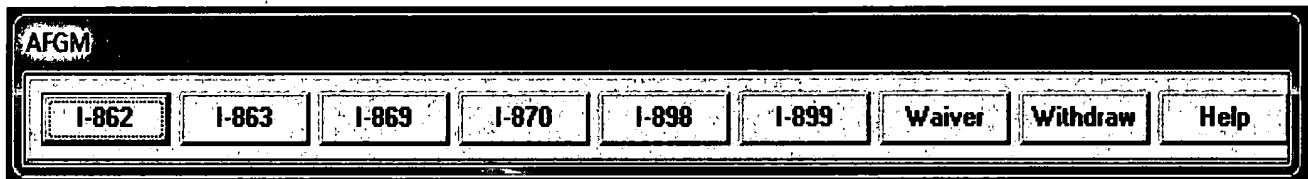
From: Stone, Mary M
Sent: Wednesday, October 22, 2014 4:46 PM
To: Aguilar, Kimberly M; Bardini, Emilia M; Caudill-Mirillo, Ashley B; Daum, Robert L; Donis, Antonio; FLANAGAN, Lisa M; Gadson, Irvin C; Heinrich, Lorie R; Hemming, Bryan D; Hussey, Jedidah M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Walters, Jessica S; Yue, Calton
Cc: RAIO - Asylum HQ
Subject: AFGM Release Today - 4 Forms Added

Good afternoon Directors and Deputies,

This afternoon, the Asylum Division is updating AFGM to include 4 new forms:

- 1) Withdrawal request for reasonable fear
- 2) Request for Dissolution of credible fear determination
- 3) Waiver of 48 hour period (CF)
- 4) Waiver of 48 hour period (RF)

Two new corresponding buttons (waiver and withdraw) will now appear on the AFGM box.



As with the September AFGM release, this release is being pushed out automatically over the USCIS network to all Asylum Division desktops and laptops with Windows 7, the DCS10 terminal emulator and are connected to the USCIS network. If a computer is "sleeping" at the time of the deployment, the update will be installed once the user turns on the computer. It will be pushed out for a period of 2 weeks. Local OIT staff can also manually install the update, and all your local DSMs have been notified.

Please share this with your staff and let me and Beth know if you have any questions, comments or concerns about the new AFGM. MM

Mary Margaret Stone
Chief of Operations, Asylum Division
Refugee, Asylum and International Operations Directorate
US Citizenship and Immigration Services
Department of Homeland Security
Tel: 202.272.1651

(b)(5)

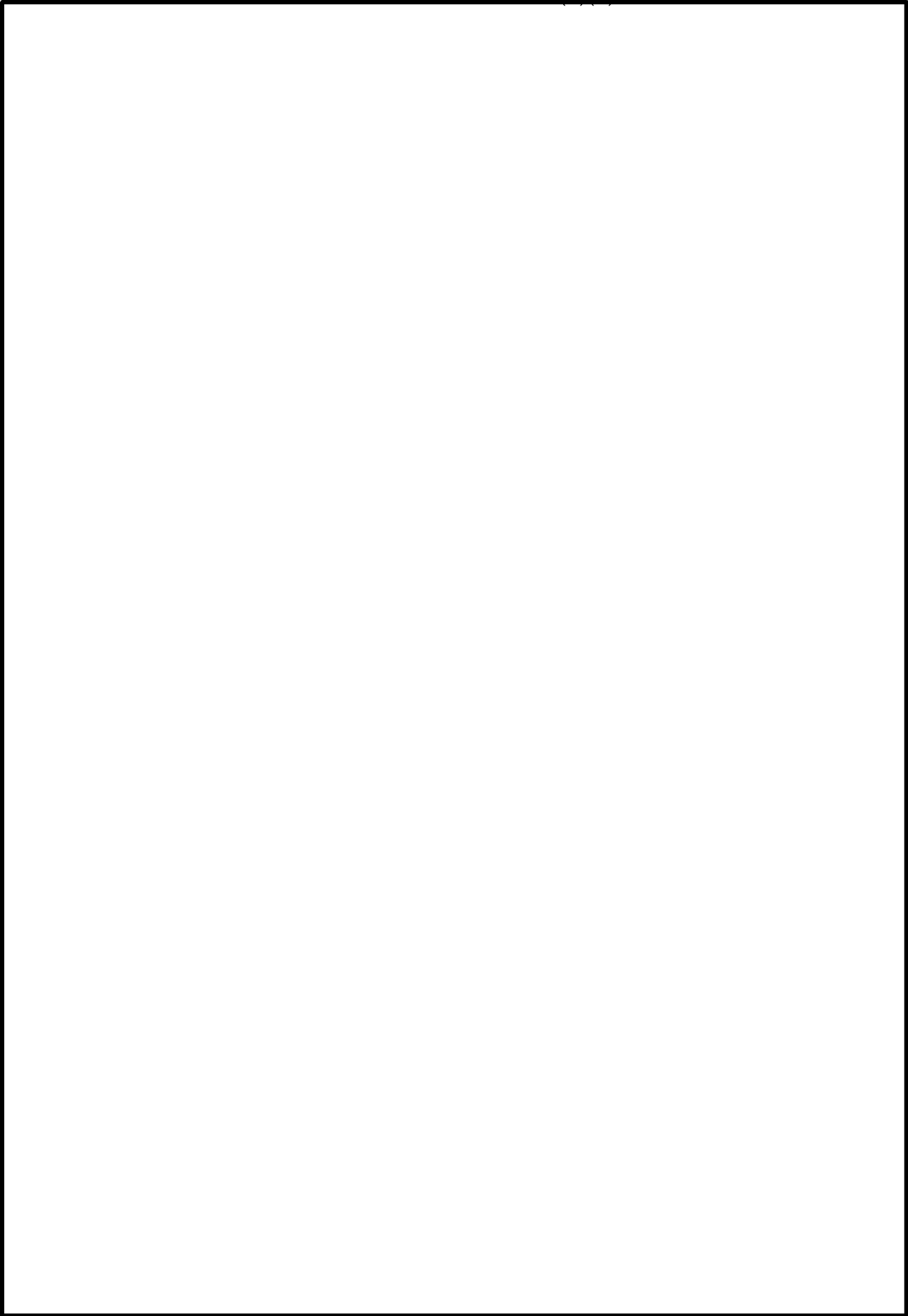
**DRAFT April 2002
AMENDMENT TO III.E. 8
November 2003**

**Procedures Manual
Credible Fear Process
Page 19**



(b)(5)

(b)(5)





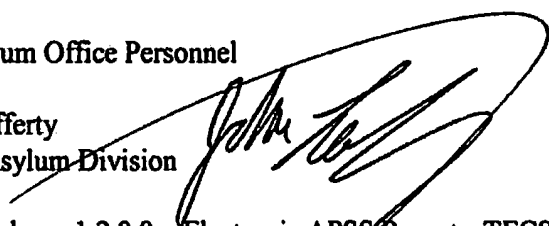
**U.S. Citizenship
and Immigration
Services**

MAY - 2 2014

HQRAIO 120/9.15

Memorandum

TO: All Asylum Office Personnel

FROM: John Lafferty
Chief, Asylum Division 

SUBJECT: APSS Release 1.2.0.0 – Electronic APSS Reports, TECS/IBIS Change, New Close Codes, Remote Processing and Non-Detained Case Processing

The purpose of this memorandum is to advise Asylum Office personnel of modifications to the Asylum Pre-Screening System (APSS), which will become effective on Sunday, May 4, 2014.

Electronic APSS Report Creation

With the transition to Windows 7, RAPS reports are no longer available for downloading through XROP or XFER. Accordingly, the headquarters versions of the 9 weekly/monthly/quarterly XROP/XFER reports listed below will now be available in electronic format through the web-based, Secure Reports Distribution Utility (SRDU). Please see the December 21, 2011 Ted Kim memorandum, "RAPS Release 1.8 – Electronic RAPS reports and Miscellaneous Changes to RAPS," on the ECN for more information about the SRDU.

APSS REPORT CODE	NAME
APCINLNA	"INL" Group Nationals: Credible Fear
APCNAT02	Nationality Report: Credible / Reasonable Fear
APCNAT01	Nationality Report: Credible / Reasonable Fear
APCOTHNA	"POE" Cases: Credible / Reasonable Fear (nationalities)
APCWKL01	Credible / Reasonable Fear Workload Report
APCINLWK	Credible Fear Workload Report – "INL" Only
APCWKLHQ	Credible Fear Workload Report Summary
APCSBICF	Weekly Credible Fear Statistics Report
APCOTHWK	Credible Fear Workload Report – POE Cases



(b)(7)(e)

(b)(5)



New Close Codes

Five new close codes have been added to APSS and one (T6-^{(b)(5)}withdrawn) ^{(b)(7)(e)} has been removed.

Code	Name	Use
T8	No-show	When a non-detained applicant fails to appear for a scheduled interview or pick-up appointment.
T9	Lacks mental capacity	When the APSO determines that an incapable of testifying on their own behalf.
TB	Medical hold	When the APSO is unable to interview an applicant or serve a decision because the applicant is on medical hold.
TC	State/federal custody	When an applicant is in the custody of state or federal law enforcement.
TL	Rare language	When the APSO is unable to communicate with the applicant in a second language or the office cannot schedule a rare language interpreter within 48 hours.

Remote Processing

In order to identify credible fear cases that are not interviewed and completed by the office with jurisdiction over the place of detention, the INTERVIEW CCO field has been added to the Interview Capture (INTC) screen.

Non-Detained Processing

Due to the sharp increase in non-detained cases, APSS has been expanded to capture an applicant's mailing address. Asylum offices will now record an applicant's mailing address on the Non-Detention Case Address (RLSE) screen, which is also used to record a change in address. In addition, the new *NONDET code should be used in the DETENTION FAC field on the Preliminary Record (PREC) screen. (This code does not appear on the INS Standard Table, "Detention Facilities," accessed through APSS.)

AFGM Screen

In preparation for the re-activation of the APSS Forms Generation Module (AFGM), the AFGM read-only screen has been updated and activated. This screen will be used to generate the required credible and reasonable fear forms when AFGM is released during 3rd quarter of FY2014.

The 2012 version of the User's Guide to Entering Information in the Asylum Pre-Screening System (APSS) has been updated to reflect the new changes. See attachment. The credible and reasonable fear procedures manuals will be updated accordingly.

Please direct any questions to Elizabeth Mura, Asylum Officer, Operations Branch, at 



Attachment

(b)(6)

Jowett, Haley L

From: Stone, Mary M
Sent: Friday, September 26, 2014 7:18 PM
To: Aguilar, Kimberly M; Bardini, Emilia M; Caudill-Mirillo, Ashley B; Daum, Robert L; Donis, Antonio; FLANAGAN, Lisa M; Gadson, Irvin C; Heinrich, Lorie R; Hemming, Bryan D; Hussey, Jedidah M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Walters, Jessica S; Yue, Calton
Cc: RAIO - Asylum HQ
Subject: APSS Release 1.3.0.0, WRKLD Report, FBI Name, EOIR Court Address, PREC, and AFGM Release 1.1.0.0
Attachments: APSS Release 1.3.0.0 WRKLD Report Change; FBI Name, EOIR Court, PREC AFGM Release 1.1.0.0 9.26.14.pdf; APSS Guide FINAL 9.26.14.doc

Directors and Deputies,

Please see the attached memo which:

Outlines some changes to APSS:

- 1) Changes to two workload reports to add closed cases into the calculations on CF and RF found
- 2) Addition of the FBI namecheck result of "RF" (which did not previously exist)
- 3) EOIR Court Address Addition
- 4) PREC screen corrections, including the discontinuation of the YID workaround

Updates the APSS User's Guide (specifically):

- 1) Changes to PREC "Clock-In Date" for non-detained cases
- 2) Changes to ADEC "EOIR Court" field added

Introduces the APSS Forms Generation Module:

- 1) Was pushed out to all desktops and laptops on the USCIS network
- 2) Evident by a new APSS-AFGM icon on the desktop
- 3) Includes I-862, I-863, I-869, I-970, I-898, and I-899

Please let me and Beth (Mura) know if you have any questions. Have a great weekend,
Mary Margaret

Mary Margaret Stone
Chief of Operations, Asylum Division
Refugee, Asylum and International Operations Directorate
US Citizenship and Immigration Services
Department of Homeland Security
Tel: 202.272.1651



U.S. Citizenship
and Immigration
Services

SEP 26 2014

HQRAIO 120/9.15

Memorandum

TO: All Asylum Office Personnel

FROM: John Lafferty
Chief, Asylum Division

A large, bold, handwritten signature in black ink, appearing to read "John Lafferty", is written over the "FROM:" field.

SUBJECT: APSS Release 1.3.0.0 – Workload report change, FBI name check result “RF,” EOIR court address addition and PREC screen corrections; and, AFGM Release 1.1.0.0 – I-862, I-863, I-869, I-870, I-898, and I-899.

The purpose of this memorandum is to advise Asylum Office personnel of modifications to the Asylum Pre-Screening System (APSS), which became effective on Saturday, August 23, 2014. In addition, the purpose is to introduce the APSS Forms Generation Module, which became effective on Thursday, September 25, 2014.

Part I: APSS Changes

A. APSS Workload Report Change

Two APSS workload reports (APCWKL01 and APCWKLHR) calculate and display the percentage of decisions found to have a credible/reasonable fear (or not to have a fear) based on the total number of “ADEC findings.” This release changes the calculation to include closings as well as “ADEC findings,” which is displayed on the report as “All Decisions & Closings.” Therefore, the fear found rate now includes closed cases.

B. FBI Name Check Result “RF”

The FBI name check result of “RF” has been included in the list of possible name check results and will display as a positive name check result.

C. EOIR Court Address Addition

In order to be able to print complete Forms I-862 (Notice to Appear) and I-863 (Notice of Referral to Immigration Judge) using the APSS Forms Generation Module (AFGM), changes were made to the APSO Decision (ADEC) screen and the AFGM screen. A field for the three-letter EOIR court was added to the ADEC screen. When this field is completed, the EOIR court address will be displayed on the AFGM screen. The three-letter EOIR court codes are found on the INS Standard Table – EOIR, which is displayed in RAPS. Currently, the table does not contain codes for all detained courts in use. We will be working with the appropriate people to update the table and make ongoing updates. Please review the table and notify us if court addresses change and need to be updated.

APSS Release 1.3.0.0 – Workload report change, FBI name check result “RF,” EOIR court address addition and PREC screen correction and, AFGM Release 1.1.0.0 – I-862, I-863, I-869, I-870, I-898, and I-899.

Page 2

D. PREC Screen Corrections

Three minor changes were made to the behavior of the Preliminary Record (PREC) screen. First, if the user does not enter a clock-in date on the PREC screen, the message “status incomplete” will be displayed. The user will be required to enter a clock-in date to complete the PREC screen. For non-detained cases, users will need to enter the clock-in date (the interview date) when the individual appears for the interview and APSS is updated. This will complete the PREC screen entry.

Second, if a user enters a port of entry code other than unknown for an inland case, the user is required to confirm the port of entry by entering a “Y.” The “Y” has been moved to the appropriate location next to the confirmation question.

Third, users are no longer required to enter a detention date and the YID language code when *NONDET is recorded as the detention location (*i.e.* the individual isn’t detained.)

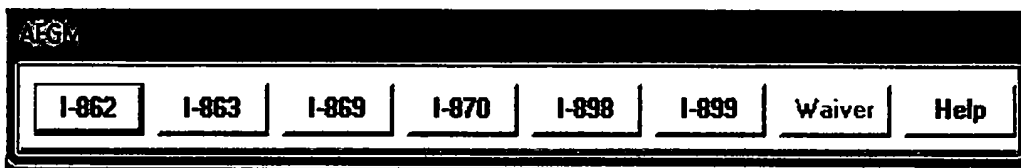
E. APSS User’s Guide

The June 27, 2014 version of the User’s Guide to Entering Information in the Asylum Pre-Screening System (APSS) has been updated to reflect the new changes. See attachment. The credible and reasonable fear procedures manuals will be updated accordingly.

Part II: AFGM

HQASM is pleased to roll-out AFGM to assist all Asylum Offices with the processing of credible fear and reasonable fear cases. AFGM will be pushed out over the network to all Asylum Division desktops and laptops with Windows 7 and the DCS10 terminal emulator and are connected to the USCIS network. As with RFGM, AFGM will not work with the A2B terminal emulator. If the user would like the APSS screens and keys accessed through the AFGM icon to look and operate the same as RFGM and RAPS, the user should contact the local DSM with OIT.

To access AFGM, users will double-click on the new APSS-AFGM icon on their desktop. A grey AFGM keypad with the forms available for printing will appear on the computer screen when signing into APSS.



AFGM scrapes the data from the AFGM screen in APSS and merges it into the Word document that has been selected, depending on how much information has been recorded in APSS at the time you generate the document. The user can also enter information into the tabbed, grey pop-up box, which will be merged into the Word document along with the information scraped from the AFGM screen.

In addition, the user will only be able to print out forms that are relevant to the type of case and decision. For example, if the user has a positive credible fear case, the user will only be able to print out an I-870 and I-862. The user will not be able to print an I-869.

As with RFGM, the Word documents generated (for a particular case) can be modified in Word and saved for future use. The 48-hour waiver forms and withdrawal/dissolution forms will be added to AFGM in an October 2014 release.

The local OIT DSMs have been notified of this release and are available to assist. Additional information about each form and pop-up boxes can be found by clicking on the “Help” button on the AFGM keypad. Please direct any questions to

[Redacted]

Attachment

(b)(6)

UPDATED 09/26/14

USER'S GUIDE
TO ENTERING INFORMATION
IN THE ASYLUM PRE-SCREENING SYSTEM (APSS)

User's Guide to Entering Information in the Asylum Pre-Screening System (APSS)

Foreword to 09/26/14 Edition	1
Introduction	2
The Preliminary Record (PREC) Screen	3
The Interview Capture (INTC) Screen.....	8
The APSO Decision (ADEC) Screen.....	12
The Close a Case (CLOS) Screen.....	16
The Safe Third Country Threshold Screening (SAFE) Screen.....	18
The Non-Detention Case Address (RLSE) Screen	20
The APSS Forms Generation Module (AFGM) Screen.....	20
The Notes Screen	22
Linking Immediate Family Members.....	25

Foreword to September 2014 Edition

This latest edition replaces the 06/27/14 Edition of the User's Guide. There are two additions.

1. ADDITION to description in the DETENTION date field – PREC screen.
How to record detention date when the applicant is not detained.
2. ADDITION of the EOIR COURT field to the ADEC screen.

The rest of the User's Guide remains the same.

Introduction

APSS was designed to serve as the primary asylum pre-screening case tracking and program monitoring database system for USCIS. Much like RAPS, APSS is used by officers to check the status of individual cases and by program managers to monitor the asylum pre-screening process as a whole.

Each Asylum Pre-Screening Officer (APSO) or other designated asylum office staff is responsible for entering their cases into APSS as the case progresses. APSS is designed to provide the user with several different data entry screens that correspond to particular stages in the pre-screening process. The APSS User Manual prepared by the Office of Information Resources Management (IRM) provides detailed guidance for accessing the database and for entering case information correctly.

This guide is meant to provide a comprehensive, detailed description of all fields on the Case Maintenance and Case Decision screens used by APSOs so that officers already familiar with the credible fear process can complete all necessary data entry on these screens. It is also designed to serve as a reference for officers in the event that they may have questions about the information that should be entered in a particular field, in order to ensure that the information that they are entering is both accurate and consistent.

The Preliminary Record (PREC) Screen

The PREC screen is designed to capture basic biographical and event information that is relevant to credible fear and reasonable fear cases. This information includes such basics as the applicant's name, date of birth, nationality, and religion, as well as where and when the applicant attempted entry, where the applicant is being detained, and where and when the asylum officer encounters the applicant.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
PRIN A-NUMBER	A-file jacket.	Principal applicant's A-number. For the principal applicant, this number will be the same as the applicant's A-number. For immediate family members on a principal's case, such as spouse or accompanied minors, entering the principal's A-number here will link the cases. User can check for immediate family members or view the case records for the principal and other immediate family members by selecting F9 on the CSTA screen. Users can move directly to the records of the principal or the immediate family members from this screen by placing an "X" in front of the appropriate name.	There are no immediate family members in reasonable fear.
CCO	I-867, I-213, I-871 or I-851.	Location code for the asylum office with jurisdiction over the case. Either: ZAR for Arlington, VA ZCH for Chicago, IL ZHN for Houston, TX ZLA for Los Angeles, CA ZMI for Miami, FL ZNK for Newark, NJ ZNY for New York, NY ZSF for San Francisco, CA. Default is the office that the APSO represents.	
LAST NAME	I-203 (Order to Detain or Release Alien), I-213, I-867, I-871 or I-851.	Applicant's last name.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
FIRST NAME	I-203, I-213, I-867, I-871 or I-851.	Applicant's first name.	
MIDDLE	I-203, I-867, I-871 or I-851.	Applicant's middle name, if known.	
AKA (LAST, FIRST)	Inspector's Memo to File, I-867, I-213, I-871 or I-851.	Alias used by applicant. If the applicant attempted to enter the US using another person's documents, the name on the documents should be entered here. Subsequent aliases should be entered on the NOTES screen.	
DETENTION FAC	EARM	Location where applicant is detained at the time the Asylum Office takes jurisdiction. The detention facility should be updated any time the location changes while the Asylum Office has jurisdiction. If a particular detention facility does not have its own site code on the INS Standard Table, "Detention Facilities," accessed by pressing F7, the user should enter the ICE District Office that has jurisdiction over the location of the facility, and enter the name and address of the facility on the NOTES screen. If the District Office with jurisdiction over the location is not the Docket Control Office (DCO) for the applicant's case, the user should enter the District Office code that has jurisdiction over the DCO. If the applicant is non-detained, the user should enter *NONDET. If the applicant is released from detention while in Asylum jurisdiction change the detention facility to *NONDET. If the applicant who is re-detained after having been previously detained and released, change the detention facility to the facility where the applicant is re-detained.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
DETENTION DATE	I-203 or EARM	The date the applicant is first detained. For non-detained applicants, leave the field blank. If applicant is released from detention after the Asylum Office takes jurisdiction, do not change or delete detention date. Enter release date on the NOTES screen. If the applicant is re-detained after having been previously detained and released, change the detention date to the date re-detained. Describe the situation in the NOTES screen and include the previous detention facility and previous detention date.	
ENCOUNTER LOC, DATE	Orientation or interview.	Location and date when AP SO first physically encounters the applicant. In most cases, this will be the orientation date and location. For telephone or VTEL orientations or interviews, the interview date and location should be used as the first physical encounter. This field should be completed for all cases, including dissolutions/withdrawals. Users should enter the date the applicant was contacted to dissolve/withdraw by telephone.	
SEX	I-203, I-867, I-213.	Applicant's sex.	
COB	I-203, I-867, I-213 or I-851.	Applicant's country of birth. Users can access country code list by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.	
DOB (MM/DD/YYYY)	I-203, I-213 or I-867	Applicant's date of birth. Alternate DOBs should be entered on the NOTES screen.	
RELIGION	Interview	Applicant's religion. Users can access the religion list by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
PROVINCE	I-213, I-275	Province where applicant is from. Users may enter any province name. A list of provinces for the INS Standard Tables has not been developed.	
CITZ 1	I-203, I-213, I-867, or I-851.	Applicant's citizenship. Users can access nationality list by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.	
CITZ 2	I-203, I-213, I-867, or I-851.	Applicant's 2 nd citizenship, if a dual citizen.	
LANGUAGE(S)	I-867, I-213 or orientation.	All languages that applicant speaks. Users can access language list by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.	
INTERPRETER REQUIRED	I-867, I-213 or, orientation.	Users enter "Y" if an interpreter is required for the interview, "N" if not.	
POE	I-867, I-871 or I-851.	Port of Entry where applicant attempted entry into the US. Users can access POE codes by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.	
ARRIVAL DT	I-275, Inspector's Memo to File, I-213, I-867, I-871 or I-851.	Date applicant attempted entry into the US.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
CASE TYPE	Inspector's Memo to File, I-213, I-867, I-871 or I-851.	Mark an "X" next to the appropriate case type: "EXPEDITED REMOVAL", "DEPORTATION", "EXCLUSION" or "STOWAWAY." "DEPORTATION" or "EXCLUSION" should be selected for cases in which the detained alien is seeking a credible fear determination for parole purposes only. There must be management concurrence for either the "DEPORTATION" OR "EXCLUSION" selection.	Mark an "X" next to the appropriate case type: "REINSTATEMENT" or "ADMIN REMOVAL."
SPECIAL GROUP	I-213 or I-871.	For individuals apprehended between ports of entry, enter "INL."	
CLOCK IN DATE		The date the Asylum Office receives the referral from CBP or ICE containing Form I-860 (only for an alien in expedited removal). For aliens who are non-detained the clock-in date is the date the Asylum Office interviews the alien.	The date the Asylum office receives the referral from CBP or ICE containing a fully executed Form I-871 or I-851A; and the office has received the A-file and any T-files, of if the file cannot be sent in advance, the date the file is reviewed prior to interview.

The Interview Capture (INTC) Screen

The INTC is the first screen in a processing “chain.” Each interview record contains information from an INTC, and information from the subsequent APSO decision (ADEC) screen. The decision screen is linked back to the INTC screen by the interview date, forming a decision chain; users cannot enter information on the decision screen until all of the mandatory fields on the previous screen are filled in. For applicants with multiple interviews, the officer should enter re-interview information on the NOTES screen by pressing F9.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
INTERVIEW DATE	I-870, item 1.1 or I-899, item 1.1.	Date applicant is interviewed.	
INTERVIEW REASON		Reason for interview. Either: IN for initial AT for attorney request CC for change in country conditions CL for change in location CI for change in identity OT for other reason. Defaults to “IN.”	
LOCATION	I-870, item 1.2 or I-899, item 1.2.	Location code where interview is conducted. Users can access location codes by selecting F7, then either entering an “X” to the left of the desired list, or by entering a code to the right of the desired list.	
INTERVIEW CCO	Credible Fear Interviews ECN site	Location code for the asylum office that completed the credible fear case remotely. Either: ZAR for Arlington, VA ZCH for Chicago, IL ZHN for Houston, TX ZLA for Los Angeles, CA ZMI for Miami, FL ZNK for Newark, NJ ZNY for New York, NY ZSF for San Francisco, CA. Leave blank if the interview office is the same as the CCO (office with jurisdiction).	Leave blank for reasonable fear cases.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
MODE	I-870 or I-899.	Method of interviewing. Either: INP for in person TLC for teleconference TLV for video conference. Defaults to "INP."	Method of interviewing. Either: INP for in person TLV for video conference. Defaults to INP."
INTV. LANGUAGE	I-870, item 1.7 or I-899, item 1.6.	Language used by applicant during the interview. Users can access language codes by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list. Defaults to the first language listed on the PREC screen.	
IDENTITY ESTABLISHED	I-870, item 5.1 or 5.6, interview.	Either "Y" if there is a significant possibility that the applicant has established identity or "N" if there is not.	Either "Y" if there is a reasonable possibility that the applicant has established identity or "N" if there is not.
MEANS	I-870, items 5.2 through 5.5, interview.	How applicant established identity. Either: S for statement D for document B for both.	
PERSECUTOR	Interview Q & A, assessment.	Who is persecuting the applicant? Either: G for government S for society B for both.	
TIMEFRAME	Interview Q & A, assessment.	When applicant claims persecution. Either: P for in the past F for in the future B for both.	

FIELD	DATA SOURCE(S)	DESCRIPTION	REASONABLE FEAR DESCRIPTION
BASIS OF CLAIM	I-870, items 4.13 through 4.20.	<p>Protected characteristics that applicant claims to be persecuted for possessing. Enter an "X" after each one that applies. If Particular Social Group applies, enter up to three of the following in the (GROUPS) field:</p> <ul style="list-style-type: none"> FGM for female genital mutilation GDV for gender-related, domestic violence GCD for gender-related, cultural defiance GBO for gender-based, other GRO for gender-related, other SSO for sexual orientation OTH for any other groups. <p>If more than three of the above groups apply, the user should enter the description of the group on the NOTES screen.</p> <p>If no nexus is claimed, enter an "X" after OTHER. If political persecution is related to Coercive Family Planning policies, enter an "X" after CFP.</p>	
APSO ID		APSO's assigned ID number in APSS. Users may determine ID numbers by going to the LOFR screen and selecting F1 to find the officer's name.	
SAO ID		SAPSO's assigned ID number in APSS. Users may determine ID numbers by going to the LOFR screen and selecting F1 to find the officer's name.	
REPR ID	I-870, item 1.5 or I-899, item 1.4.	Attorney ID for consultant. Users can search existing attorney IDs by going to the REPR screen and searching PAMS.	

UPDATED 09/26/14

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
REMOVE THIS INTERVIEW RECORD		Either "Y" for removing the interview record or "N" for not removing it. This field can be accessed only if subsequent ADEC screen for that interview date have already been deleted. User must remove each related decision screen in reverse order from completion (ADEC first) to remove the INTC. Default is "N."	

The APSO Decision (ADEC) Screen

The ADEC is used for recording the APSO’s credibility and significant or reasonable possibility assessments, as well as the actual credible or reasonable fear decision. The screen also captures Convention against Torture findings, mandatory bar information and IJ credible and reasonable fear decision review information.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
CREDIBILITY ESTABLISHED	I-870, item 4.1 or 4.2 or I-899, item 3.1.	Either “Y” if there is a significant possibility that the applicant’s claim could be found credible or “N” if not.	Either “Y” if there is a reasonable possibility that the applicant’s claim could be found credible or “N” if not. In the case of split credibility, enter “Y.”
IF NO, REASONS(S)	I-870, items 4.3 through 4.5 or I-899, item 3.2.	<p>If CREDIBILITY ESTABLISHED is “N,” at least one of the following reasons must be entered to identify why the applicant is found not credible:</p> <ul style="list-style-type: none"> LD for testimony lacks detail IT for testimony internally inconsistent IC for testimony inconsistent with country conditions <p>Up to three reasons can be entered. Users should enter all that apply.</p>	
CASE DELAY	Work folder	<p>This field is optional.</p> <ul style="list-style-type: none"> A attorney C not in DHS custody I re-interview L remote location M medical/psych condition N non-receipt of A-file O other R lack of resources 	<p>If non-detained, enter “C.”</p> <p>If the ADEC is entered over 90 days since clock in, enter delay reason(s) listed below.</p> <ul style="list-style-type: none"> A attorney C not in DHS custody I re-interview L remote location M medical/psych condition N non-receipt of A-file O other R lack of resources

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
PERSECUTION ESTABLISHED	I-870, item 4.13 or 4.15, I-899, item 3.4 or 3.6.	Credible fear of persecution established or not. Either "Y" if there is a significant possibility that the applicant could establish eligibility for asylum or "N" if not.	Reasonable fear of persecution or torture established or not. Either "Y" if there is a reasonable possibility that the applicant could establish eligibility for withholding or deferral of removal or "N" if not.
TORTURE CONVENTION	I-870, item 4.14 or 4.15 I-899, item 3.5 or 3.6.	Credible fear of torture established or not. Either "Y" if there is a significant possibility that the applicant could establish eligibility for withholding of removal under the Convention against Torture or "N" if not. Should be "N" if PERSECUTION ESTABLISHED field is "Y" (Credible fear of torture not considered because credible fear of persecution was found).	Reasonable fear of torture established or not. Either "Y" if there is a reasonable possibility that the applicant could establish eligibility for withholding of removal under the Convention against Torture or "N" if not. Should be "N" if PERSECUTION ESTABLISHED field is "Y" (Reasonable fear of torture not considered because reasonable fear of persecution was found).
MANDATORY BAR	I-870, item 4.16 or 4.24, interview, notes or assessment.	Either "P" for possible mandatory bar applies to applicant or "N" if not. "Y" should not be used because of the policy decision not to make an adverse credible or reasonable fear finding on the basis of the applicant's possession of a mandatory bar. "Y" prevents the user from entering a credible or reasonable fear finding.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
IF YES, REASON	I-870, items 4.17 through 4.23, interview, notes or assessment.	<p>If MANDATORY BAR is "P," at least one of the following codes identifying the bar(s) must be entered:</p> <ul style="list-style-type: none"> SC for conviction of a serious crime DS for danger to US security AF for conviction of an aggravated felony PO for persecution of others TR for potential terrorist FR for firmly resettled in another country NU for commission of serious non-political crime outside US. <p>Up to three mandatory bar codes can be entered. If more than three apply, the user should enter the mandatory bar descriptions on the NOTES screen.</p>	
REAS/CRED FEAR EST.	I-870, item 4.13, 4.14 or 4.15, I-899, item 3.4-3.6.	Either "Y" if the applicant establishes a credible or reasonable fear or "N" if not.	
DATE	I-870, item 5.3 or I-899, item 3.9.	Date that the interviewing officer made the credible or reasonable fear decision. This date should correspond to the date the APSO completed the assessment and signed the I-870 or I-899. If an officer's initial decision is reversed through discussions with the SAPSO or with Headquarters review, the date should be updated to the date that the decision was reversed.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
IF NO, REQUEST IJ REVIEW	I-869, Record of Negative Credible Fear Finding and Request for Review by Immigration Judge; I-898, Record of Negative Reasonable Fear Finding and Request for Review by Immigration Judge.	Either "Y" if credible or reasonable fear is not found, and the applicant requests that an IJ review the decision, or "N" if the applicant does not request an IJ review.	
DECISION SERVED DATE	I-862 or I-863	This date encompasses the change of jurisdiction from USCIS to EOIR and ICE. Enter the date the I-862 or I-863 was served on the last party, generally EOIR.	This date encompasses the change of jurisdiction from USCIS to EOIR and ICE including the decision documents served on the applicant, I-863 served on EOIR and the decision documents and A-file transferred to ICE. Enter the date the I-863 was served on the last party, generally EOIR.
DATE FORWARDED TO HQ		The date the case is forwarded for HQ QA review, if required by the QA referral form. Multiple submissions to HQ QA should be entered on the NOTES screen.	
DATE FORWARDED TO DO		Date that the A-file is returned to ICE Enforcement and Removal. This field is optional.	
REMOVE THIS APSO DECISION RECORD		Either "Y" for removing the decision record or "N" for not removing it. Default is "N."	
EOIR COURT		The 3-letter code of the EOIR court with jurisdiction over the applicant's detention facility or address. The codes are found on the INS Standard "Immigration Courts" Table	

The Close a Case (CLOS) Screen

The CLOS screen is used for cases where an applicant no longer continues with the credible or reasonable fear process, either because they recant their credible or reasonable fear claim (“dissolved” case), they enter regular 240 removal proceedings through another process, or their case is closed because the Asylum office cannot continue processing the case . Since APSOs must verify every credible or reasonable fear recant, even for individuals who express a fear and who are still being detained, every credible or reasonable fear referral should be recorded in APSS. At a minimum, APSOs should complete the PREC screen and the CLOS screen for dissolved cases.

Asylum office staff should enter specific information about closures (generally other than dissolutions) on the NOTES screen. For example, if an applicant is moved to U.S. Marshals custody, a note should indicate the dates that s/he was removed from ICE custody and placed in Marshals custody.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
CCO	I-867, I-213 (to determine jurisdiction) or I-871 or I-851.	Location code for the asylum office with jurisdiction over the credible fear case. Either: ZAR for Arlington, VA ZCH for Chicago, IL ZHN for Houston, TX ZLA for Los Angeles, CA ZMI for Miami, FL ZNK for Newark, NJ ZNY for New York, NY ZSF for San Francisco, CA. Default is the APSO’s asylum office code.	
LANGUAGE	Interview with applicant.	Language used by applicant during the encounter with an APSO. Users can access language codes by selecting F7, then either entering an “X” to the left of the desired list, or by entering a code to the right of the desired list.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
DISSOLVE DATE	Interview with applicant or information from ICE.	Date when APSO encounters the applicant to close the case or the date when the SAPSO receives information from ICE that the interview will not take place. This includes telephonic or VTEL confirmation by an APSO that a credible or reasonable fear applicant wants to recant their fear and dissolve/withdraw their claim.	
APSO ID	Interview with applicant.	APSO's assigned ID number in APSS. Users may determine ID numbers by going to the LOFR screen and selecting F1 to find the officer's name.	
LOC	Interview with applicant.	Location code where APSO encounters applicant. Users can access location codes by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.	
EFFECTIVE DATE		Most cases will be the same as the dissolve date. Otherwise it may be the date of confirmation, consultation/approval from HQASM or ICE. Defaults to current date.	
SAO ID		Supervisor's assigned ID number in APSS. Users may determine ID numbers by going to the LOFR screen and selecting F1 to find the supervisor's name.	

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>	<i>REASONABLE FEAR DESCRIPTION</i>
REASON	Interview with applicant.	Reason why case is closed. Either: T1 for non-APSO parole from detention T2 for withdrawal of interview request (dissolved/withdrawn cases) T3 for applicant no longer eligible T4 for death of applicant T5 for other reason T7 for inland applicant in 240 proceedings T8 for failure to appear (no show) for non-detained interviews or to pick up the decision. T9 for applicants who lack mental capacity TB for applicants on medical hold TC for applicants transferred to state or federal custody TL for applicants who speak a rare language	
REOPEN CLOSED CASE		Option to reopen a case that has been closed for credible or reasonable fear consideration. Entering an "X" restores the applicant's case to its status prior to closure. Reopen the case when the applicant is returned to DHS custody from state/federal custody, appears for the interview, or is released from medical hold.	
EFFECTIVE DATE		Date that case was reopened. Should only be completed if a closed case is reopened. Defaults to current date.	

The Non-Detention Case Address (RLSE) Screen

The RLSE screen is used to record a non-detained applicant's mailing address. It is also used to record an applicant's change of address. As in RAPS, historical addresses are stored on the Address History (AHIS) screen. A user must first enter *NONDET in the DETENTION FAC field on the PREC screen in order to be permitted to enter the non-detained address.

The APSS Forms Generation Module (AFGM) Screen

The AFGM screen is a read-only screen containing information used to populate forms generated by AFGM. The data displayed on the AFGM screen is entered into APSS on the PREC, INTC, ADEC screens, and in AFGM itself.

The Safe Third Country Threshold Screening (SAFE) Screen

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>
CCO	I-867, I-213 (to determine jurisdiction).	Location code for the asylum office with jurisdiction over the credible fear case. Either: ZAR for Arlington, VA ZCH for Chicago, IL ZHN for Houston, TX ZLA for Los Angeles, CA ZMI for Miami, FL ZNK for Newark, NJ ZNY for New York, NY ZSF for San Francisco, CA. Default is the APSO's asylum office code.
NAME (LAST, FIRST, MIDDLE)	I-860, I-867, I-213.	Applicant's last, first, and applicant's middle name, if known
AKA (LAST, FIRST)	I-860, I-867, I-213.	Alias used by applicant. If the applicant attempted to enter the US using another person's documents, the name on the documents should be entered here. Subsequent aliases should be entered on the NOTES screen.
A-NUMBER	I-860, I-867, I-213.	Applicant's A-number. For immediate family members, the principal's A-number will be listed directly below this field.
PRIN A-NUMBER	A-file jacket.	Principal applicant's A-number. For the principal applicant, this number will be the same as the applicant's A-number. For immediate family members, entering the principal's A-number here will link the cases.
DETENTON FACILITY	I-213, I-203	Location where applicant is detained at the time the Asylum Office takes jurisdiction. The detention facility should be updated any time the location changes while the Asylum Office has jurisdiction. If a particular detention facility does not have its own site code on the attached list, the user should enter the ICE District Office that has jurisdiction over the location of the facility, and enter the name and address of the facility on the NOTES screen. If the District Office with jurisdiction over the location is not the Docket Control Office (DCO) for the applicant's case, the user should enter the District Office code that has jurisdiction over the DCO.
ARRIVAL DATE	I-860, I-867A&B, I-213, I-275, Inspector's Memo to the File, applicant's testimony	Date applicant sought entry into the US.
PORT OF ENTRY	I-867A&B, I-213, applicant's testimony	Port of Entry where applicant sought entry into the US. Users can access POE codes by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>
CLOCK-IN		The date on which the asylum office takes jurisdiction after receiving the M-444, I-860, and I-867A&B (these three are not required for visa waiver cases), the Threshold Screening Information Sheet, and the list of free legal services providers.
DOB(MM/DD/YYYY)	I-867A&B, I-213, applicant's testimony or documentary evidence	Applicant's date of birth
SEX	I-213	Applicant's gender
LANGUAGE	I-867, I-213, Interview with applicant.	Language used by applicant during the encounter with an APSO. Users can access language codes by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.
INTERPRETER REQ'D	I-867A&B, I-213, M-444, Information on Threshold Screening Interview, CBP or ICE memos to the file	Users enter "Y" if an interpreter was required for the interview, "N" if not
COUNTRY OF BIRTH	I-867A&B, I-213, applicant's testimony or documentary evidence	Applicant's country of birth. Users can access the country code list by selecting "F7" and entering an "X" to the left "Countries".
CITZ 1	I-867A&B, I-213, applicant's testimony or documentary evidence	Applicant's citizenship. Users can access the nationality codes by selecting "F7" and entering an "X" to the left of "Nationalities"
CITZ 2	I-867A&B, I-213, applicant's testimony	Applicant's second citizenship, if a dual citizen
SPECIAL GROUP(CA1/CA2)		Category of arriving asylum seeker subject to the Safe Third Country Agreement: CA1 = Arrival at northern land border ports of entry CA2 = Arrival being removed from Canada and transiting the U.S. Default is CA1
REPR ID		Representative ID. Users can search existing attorney ids by going to the REPR screen.
INTERVIEW LOC	Interview with applicant	Location code where interview is conducted. Users can access location codes by selecting F7, then either entering an "X" to the left of the desired list, or by entering a code to the right of the desired list.

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>
INTERVIEW DATE	Threshold Screening Adjudication Worksheet	Date of the applicant's threshold screening interview
MODE		Method of interviewing: INP = in person TLC = teleconference TLV = videoconference
INTV LANGUAGE		Language used by the applicant during the interview. Users may access language codes by selecting "F7" and entering an "X" to the left of "Languages"
CONSULTANT(Y/N)		
APSO ID		APSO's assigned ID number in APSS. Users may determine ID numbers by going to the LOFR screen and selecting F1 to find the officer's name.
SAO ID		SAPSO's assigned ID number in APSS. Users may determine ID numbers by going to the LOFR screen and selecting F1 to find the officer's name.
POTENTIAL EXCEPTION		List here ALL of the possible exceptions to the safe third country agreement that may apply to the applicant. A potential exception may be one that the applicant claims applies to him or her, or of which the APSO finds at least some evidence (regardless of whether the applicant is ultimately able to meet his or her burden of establishing that the exception applies.): (CA) Citizen or habitual resident of Canada (FL) Family member with lawful status other than visitor (FA) Family member with pending asylum application (VV) Validly issued Visa (NV) No Visa required (PI) Public Interest (NO) None

<i>FIELD</i>	<i>DATA SOURCE(S)</i>	<i>DESCRIPTION</i>
FINDING		<p>This field allows entry of only one exception. If an exception applies, enter one and only one exception, even if the individual would appear to qualify for more than one. The exception listed should be the first checked on the Threshold Screening Adjudication Worksheet.</p> <ul style="list-style-type: none"> (ER) Expedited removal (63) I-863 issuance (DI) Dissolved (CA) Citizen or habitual resident of Canada (FL) Family member with lawful status other than visitor (FA) Family member with pending asylum application (VV) Validly issued Visa (NV) No Visa required (PI) Public interest
FINDING DATE		<p>Date APSO made the threshold screening determination. This date should correspond to the date APSO completed the Threshold Screening Adjudication Worksheet and signed it. If an APSO's initial decision is reversed, the date should be updated to the date the decision was reversed.</p>
SERVICE DATE		<p>Date the APSO served the decision on the applicant</p>

The Notes Screen

Notes regarding the applicant and the case can be entered on the RECORD NOTES screen. This screen is accessible for entering information from the PREC, INTC and CLOS screens, and as read-only from the Case Status (CSTA) screen.

Users can access the screen by selecting F9 while they are in the PREC, INTC, CLOS or CSTA screens. The entire screen is one field, and users can enter up to 99 lines of text.

The NOTES screen should be used to designate the name and location of the specific Federal, state or local jail for applicants who are detained in non-ICE or ICE-contracted detention facilities, if no appropriate detention location appears in the INS Standard "Detention Facilities" Table. The District Office code that has jurisdiction over the Federal, state or local jail should be entered in the DETENTION FAC field on the PREC screen.

The NOTES screen should be used to capture the date that an applicant in Asylum jurisdiction is released from detention. It should also be used when an applicant is re-detained (after having been previously detained and released from detention). When an applicant is re-detained, users should describe the situation (the applicant was re-detained after previous detention and release from detention) and include the previous detention facility and previous detention date.

The NOTES screen should also be used to capture consultant information, such as name, address, phone number, and relation to the applicant. The INTC screen has a field to record an applicant's representative's ID code. However, if an applicant's consultant is not an attorney or accredited representative, the user will not be able to fill out this field.

The NOTES screen should also be used as a continuation screen to capture information that cannot be included in particular fields, such as any additional languages that the applicant may speak if they speak more than three. For fields where "Other" is a selection, such as the SOCIAL GP (GROUPS) field on the INTC screen, the APSO should use the NOTES screen to explain what "Other" signifies. For applicants who are released from detention during the credible or reasonable fear processes, record the release date.

Example:

APXCASN2	RECORD NOTES
09/30/05	
INTERVIEWED: 8/04/05	
13:06:23	
AT: WAS BY: ZLA001 SAO: ZLA000 CCO: ZAR	A-NUMBER:
11112222	
NAME: SMURF, HAKIM	PRIN A-NUMBER: 11112222
AKA: (BIN LINER, O SAMA)	
ENTER NOTES IN THE AREA BELOW.	NUMBER OF LINES LEFT:
99	

Linking Immediate Family Members

I. Linking principal applicants and immediate family members¹ on the PREC screen

1. PREC the principal applicant (the A-NUMBER and the PRIN A-NUMBER will be the same).
2. PREC the immediate family member.
 - a. For each immediate family member, enter the principal applicant's A-number in the "PRIN A-NUMBER" field on the PREC screen.
 - b. The immediate family member's A-number will remain in the A-NUMBER field.
3. If an immediate family member has already been entered into APSS and you now want to change the principal applicant of the family group or create a principal applicant to link the immediate family members, you must change the PRIN A-NUMBER field on each family member's PREC screen to indicate the new principal applicant.

3. Enter "Last Name"

4. A-NUMBER: autofills (from entry below - #2)

```

APXCAS01          PRELIMINARY CASE RECORD ENTRY (PREC)          06/27/14
COO: ZHN                                     13:42:37
                                         A-NUMBER: 11111111
LAST NAME: DUCK                               PRIN A-NUMBER: 11111111
FIRST NAME: DONALD                            MIDDLE:
AKA (LAST):                                     DETENTION FAC: PIC      DATE: 6/21/14
(FIRST):                                       ENCOUNTER LOC: LAR    CLK-IN DT: 6/21/14

SEX: M          COB: MEXIC          DOB(MM/DD/YYYY): 4/04/1994
RELIG: CATHO   PROVINCE: UNKNOWN          CITZ 1: MEXIC  CITZ 2:

LANGUAGE(S): SP          INTERPRETER REQUIRED(Y/N): Y
ARRIVAL DT: 6/21/14   POE: UNK          SPECIAL GROUP: INL

-----
CREDIBLE FEAR(X)          -OR-   REASONABLE FEAR(X)
- CASE - EXPEDITED REMOVAL: X  DEPORTATION: -   REINSTATEMENT:
- TYPE - EXCLUSION:          STONAWAY: -   ADMIN REMOVAL:
-----

INTERVIEW LOC: ZHN

COMMAND: PREC          A-NUMBER: 11111111
PF3          PF4          PF6          PF7          PF8          PF9
CANCEL   CASE MENU   MAIN MENU   CODES   LOGOFF   NOTES          (AA)
AP000059 PLEASE UPDATE CURRENT DATA OR SELECT NEXT FUNCTION
    
```

1.COMMAND :
Enter "PREC"

2. A-NUMBER:
Enter A#

5. PRIN A-NUMBER: If entering
Principal, leave blank and this field auto-fills
when you press <enter>.

If entering a dependent, enter principal's A#.

¹ Immediate family members are the spouse and any unmarried child under 21 years of age who arrive in the United States concurrently with the principal applicant.

II. Viewing immediate family members in APSS

If immediate family members are linked to a principal applicant's case, you can check for immediate family members or view the case records for the principal and other immediate family members by selecting F9 on the CSTA screen.

Users can move directly to the records of the principal or the immediate family members from this screen by placing an "X" in front of the appropriate name.

APXINGD3		CASE DEPENDENTS			06/27/14		
		PRIN: 111111111			14:06:34		
SEL	A-NUMBER	NAME	SEX	DOB	COB	LNG	FAC
	111111111	DUCK, DONALD	M	4/04/1994	MEXIC	SP	PIC
	222222222	DUCK, DAISY	F	4/04/1994	MEXIC	SP	PIC
	333333333	DUCK, HUEY	M	4/04/2004	MEXIC	SP	PIC

COMMAND: CSTA NUMBER OF DEPENDENTS: 2 A-NUMBER: 111111111

PF7 PF10

CODES RETURN (5A)

AP000601 MAKE A SELECTION BY ENTERING "X" IN THE FIRST COLUMN

III. Recording decisions in APSS for family groups

You must enter a separate INTC and ADEC or CLOS for each individual on the case. APSS counts each PREC, ADEC or CLOS individually for the purposes of all workload or nationality reports.

Donis, Antonio

From: Donis, Antonio
Sent: Thursday, July 24, 2014 6:11 PM
To: Kim, Ted H
Cc: Daum, Robert L; Hemming, Bryan D; Lafferty, John L; Tanner, Rebecca S; Stone, Mary M
Subject: RE: Artesia CFI concerns

Perfect timing Ted. I was just working on an email about that. I did not have a chance to speak with [redacted] during the [redacted]

1.

(b)(5)

2.

3.

As you can imagine [redacted] directed most of their frustration at ICE. However, they did raise the above questions with me and were not completely satisfied with my responses. Let me know if I hit all the right notes, or if I should have answered anything differently. I want to make sure I represent us well.

Antonio__

From: Kim, Ted H (b)(6)
Sent: Thursday, July 24, 2014 4:10 PM
To: Donis, Antonio
Cc: Daum, Robert L; Hemming, Bryan D; Lafferty, John L; Tanner, Rebecca S; Stone, Mary M
Subject: Fw: Artesia CFI concerns

Antonio: Do you know what [redacted] may have seen during her visit and the possible nature of her concerns? Any observations/insights you can share about her visit would inform my conversation with her.

Thanks, Ted

Sent by Blackberry

(b)(6)

From: Kim, Ted H

Sent: Thursday, July 24, 2014 03:06 PM

To: [Redacted]

Subject: Re: Artesia CFI concerns

[Redacted] I'm on travel and return tomorrow afternoon. Can we touch base tomorrow after 4pm or Monday afternoon?

Thanks, Ted

Sent by Blackberry

From: [Redacted]

Sent: Thursday, July 24, 2014 10:16 AM

To: Kim, Ted H

(b)(6)

Subject: Artesia CFI concerns

Hi Ted,
Hope you're well. I just got back from Artesia last night and would love to talk with you and/or John about our concerns surrounding the credible fear process. Can we talk this afternoon around 3:00? Or possibly tomorrow morning at 9:00?
Thanks.

[Large Redacted Area]



U.S. Department of Justice
Immigration and Naturalization Service

HQIAO 120/

425 I Street, NW
Washington, DC 20536

OCT 31 2001

MEMORANDUM FOR: Asylum Office Directors
Deputy Directors
Supervisory Asylum Officers

FROM: Joseph E. Langlois, Director
Asylum Division
Office of International Affairs

SUBJECT: Updating APSS and Upcoming APSS Reports

The purpose of this memo is to emphasize the importance of updating APSS and to clarify the data to be included in the DECISION SERVED field on the ADEC screen. As you know, one of the Commissioner's priorities for the asylum program is to complete 80 percent of all credible fear cases within 14 days. The 14-day period is measured from the date an asylum office receives a referral (in APSS, CLK-IN date) until the date the case is completed. A completed case is defined as a case with either a date in the DECISION SERVED field on the ADEC screen or a DISSOLVE date on the CLOS screen.

A preliminary run of the new APSS workload report reveals a discrepancy between the number of case decisions and the number of completions. This discrepancy results from the absence of a date in the DECISION SERVED field for a number of cases that have a decision on the ADEC screen. In other words, it appears that officers are not always updating APSS to reflect that a decision was served. It is essential for asylum office staff to promptly update the DECISION SERVED field on the ADEC screen in order for cases to be considered completed. The new workload report, which will track decisions as well as completions, will not list a case as completed unless the DECISION SERVED field has been updated, or in the alternative, options on the CLOS screen are selected to close a case.

Please note that the DECISION SERVED field on the ADEC screen must reflect either (1) the date that asylum office staff directly serves the applicant a charging document, or (2) the date that asylum office staff forwards the A-file to INS personnel who, in accordance with local operating procedures, are responsible for completing service on the applicant.

To ensure that APSS is properly updated, weekly detail reports will be generated from APSS via ROPES for each asylum office, listing the A-numbers of all cases that have a CLK-IN DATE on or after October 1, 2001, and that fall within one of the following categories:

- Case referred, but not interviewed: CLK-IN DATE is more than 15 days from the date of report and no INTERVIEW DATE
- Case interviewed, but no decision: INTERVIEW DATE is more than 30 days from the date of the report and no decision or dissolve date.
- Decision made, but not served: DECISION date more than 10 days from the date of the report and no DECISION SERVED date.

Each A-number on the report should be reviewed on a weekly basis to determine what actions or updates are needed to complete the process. These reports will also be generated at HQASM and monitored by the HQ APSO program manager.

We will notify you as soon as the first workload reports are available, which we anticipate to be by mid-November. Please direct questions or suggestions about these reports to



(b)(6)