

**Asylum Quarterly Engagement
Fiscal Year 2023, Quarter 4
Talking Points
September 19, 2023**

Welcome

- Good afternoon. My name is **Amanda Atkinson**. I am with U.S. Citizenship and Immigration Services, Office of Citizenship, Partnership, and Engagement (OCPE).
- Welcome to the **fourth USCIS Asylum Quarterly engagement in Fiscal Year 2023**.
- We are glad to continue hosting this important meeting series and are pleased so many of you could join us.
- The format for today's meeting will be as follows.
- After my brief administrative reminders, we will hear from:
 - John Lafferty, Chief, Asylum Division
 - Ashley Caudill-Mirillo, Deputy Chief of the Asylum Division
 - Sasha Ridley, Branch Chief, Office of Policy and Strategy
- They will provide updates on a wide spectrum of topics related to the asylum program and provide information on work authorization, online filing, and tools.
- After our presentation, we will respond to questions from you. You may submit a question using the TEAMS Q&A box at any point during the engagement.
- The Q&A is an opportunity for us to hear your comments, feedback, and priorities specifically related to the asylum program.
- The Q&A portion of this meeting is not the forum to ask case specific questions or about anything related to ongoing litigation or rulemaking.

Administrative Reminders

- Now I'd like to provide some quick administrative reminders.
- First, this engagement will not be recorded.
- I'd like to remind everyone that while this is a public meeting it is not for press purposes. Information provided by representatives from USCIS during this engagement is not intended for media attribution.
- Members of the media who may be joining us today, we ask that if you have questions at the end of today's engagement or need additional information, please contact the USCIS press office at media@uscis.dhs.gov
- For any Congressional staffers that have joined, please contact the USCIS Office of Legislative Affairs at usciscongressionalinquiries@uscis.dhs.gov for any briefing requests and/or case-specific matters.
- Today's presentation and the information we're sharing are for informational purposes only and are not legal advice. The information is intended solely for providing public outreach to our stakeholders.
- Now, I would like to pass the meeting to **John Lafferty**.

Opening

- Thank you, Amanda. I echo Amanda's welcome and thank you for your attendance and continued engagement. We look forward to updating you on our programs and progress we have made since the last engagement and answering some of your questions.

General Updates and Statistics

- As usual, I will begin our updates by going over some statistics and showcasing the tremendous volume of work the USCIS Asylum Division has completed so far this fiscal year, including the historical response to an unprecedented number of referrals for credible fear interviews and the rapidly increasing number of affirmative asylum applications filed by asylum seekers from around the world.
- As of September 15th, we have received approximately 430,000 Form I-589 affirmative asylum applications, both online and on paper, for this fiscal year.
 - The top five nationalities so far this fiscal year for affirmative asylum receipts are Venezuela, Cuba, Colombia, Nicaragua, and Haiti.
 - Nationals of these five countries together make up approximately 62% of our affirmative asylum receipts.

OAW

- Next, we turn to our Operation Allies Welcome, or OAW, affirmative asylum caseload, which consists of asylum applications received from Afghan nationals paroled into the United States on or after July 31, 2021, under OAW. As of Sept 15, 2023, we have received over 19,000 applications from OAW parolees.
 - The Asylum Division has completed over 16,000 interviews for these cases.
 - Following a recent increase in interviews and staff dedicated to this workload across all asylum offices, the Asylum Division has completed over 6,300 cases.
 - Of the cases completed so far, we have a grant rate greater than 99%.

Asylum Division Receipts

- Also as of September 15, 2023, we have received over 142,000 credible fear referrals and almost 10,000 reasonable fear referrals this fiscal year. Almost 83,000 of these referrals were received in just the past four months alone, since May 12, 2023.
 - The top five nationalities for credible fear so far this fiscal year are Colombia, Venezuela, Ecuador, Peru and Dominican Republic, which account for 60% of our credible fear receipts.

- The top five nationalities for reasonable fear so far this fiscal year are Mexico, Honduras, Guatemala, Nicaragua, and El Salvador, which account for 71% of our receipts.

Asylum Merits Interviews

- For the Asylum Processing Interim Final Rule and asylum merits interviews, or AMIs, as of the end of June 2023, almost 6,000 AMI-eligible individuals have been referred to USCIS for credible fear interviews, and over 1,800 have been referred for AMIs.
 - The most recent statistics on the rule, including the AMIs and the outcomes for both USCIS and EOIR, are available online from the [DHS Office of Immigration Statistics](#).
 - As we mentioned at our last engagement, to ensure DHS is fully prepared to address increased caseloads at the southwest border, beginning in April ICE temporarily paused referring potential AMIs (or PAMIs) to USCIS.
 - The PAMI referral process has not yet resumed.

Asylum Hiring and Training

- We continue to aggressively recruit and hire to fill all existing vacancies.
 - The Asylum Division's total authorized staff is currently 2,524 with 1,663 positions filled. We have approximately 861 vacancies remaining, with 352 individuals in the recruitment pipeline to fill them.
 - 760 of 1,028 asylum officer positions are filled, which equals 74%.
 - We will continue our ambitious schedule to hire and train new asylum officers and increase our capacity to interview asylum applicants and conduct protection screenings.

Updates to Affirmative Asylum Processing

We have a number of operational updates and reminders to share with you regarding the affirmative asylum program.

- In March, USCIS announced a fourth extension for the temporary final rule requiring certain applicants to use our contracted telephonic interpreters for affirmative asylum interviews, instead of bringing an interpreter to the interview. We mentioned this at the last engagement.
- Although the extension went beyond the expiration of the federal public health emergency declaration for COVID-19, the goal of the extension was to provide a wind-down period to allow time for applicants and USCIS to prepare for a return to prior operations, which require applicants to provide an interpreter at their affirmative asylum interview.
- As expected, and as part of USCIS' general return to its pre-COVID-19 pandemic posture, the temporary final rule expired on September 12, 2023.

- Once again, all affirmative asylum applicants who are not fluent in English or wish to proceed with their interview in a language other than English are required to provide their own interpreter for their interview. Failure to provide a competent interpreter may be considered a failure to appear without good cause.
- All of this information has been updated on our affirmative asylum interview notices.

Backlog Updates

- As I mentioned earlier, at the end of June, we began assigning more staff to affirmative asylum adjudications at each office.
 - The capacity of asylum offices to interview backlog asylum applications depends on numerous factors, including the number of staff assigned to the credible fear and reasonable fear workloads and the office's OAW case workload.
 - The OAW cases remain the highest priority affirmative workload due to the requirements outlined in the Extending Government Funding and Delivering Emergency Assistance Act.
- USCIS remains committed to completing the oldest pending asylum applications, focusing on applications received on or before January 31, 2018, beginning with the oldest applications and working forward, as resources permit.
 - After completing 14,495 of the oldest pending applications in FY 2022, we have completed more than 8,200 in FY 2023 through August 20, which is 23% of all completions.
 - As expected, our affirmative completions overall have been lower in FY 2023 as the result of the receipt of historic levels of credible fear referrals and the need to divert staff to protection screenings.
- As resources permit, asylum offices continue to issue "Notices of Evidence of Untimely Filing and Optional Waiver of Asylum Interview" for applicants who claim to have waited more than 10 years after their last entry into the United States to file an affirmative asylum application.
 - The interview waiver process allows the Asylum Division to move those applicants who only want to seek cancellation of removal in immigration court out of the Asylum Division's backlog while preserving program resources for bona fide asylum seekers.
 - We have also enhanced the process to notify asylum applicants who are lawful permanent residents that we may dismiss their asylum applications unless they respond in writing that they want to continue to pursue asylum.
- If you are waiting for a decision after 60 days from the interview, you may contact the asylum office with jurisdiction over the case and ask for an update. You must contact them in writing via email, fax, or mail as described on the office locator on uscis.gov.
 - You may also request that the decision be expedited for emergency or urgent reasons, such as applicants whose eligible dependents (spouses, or unmarried children under the age of 21) are at risk of harm in the country of claimed persecution, or urgent medical needs.

- We are continuing to finalize the **Asylum Backlog website**. We do not have an estimate of when it will be published at this time.
- As of August 20, 2023, we have 974,571 affirmative applications pending final decision.

Lockbox Tips and Reminders

There are some reminders we would like to share with you all in hopes of reducing the number of cases that are improperly filed and incorrectly adding to the affirmative asylum backlog.

General Filing Tips:

- Please review the Instructions for Form I-589 for eligibility requirements for yourself, your spouse, and children.
- Use the [USCIS Filing Instruction Tool](#) on the Form I-589 landing page to determine whether you may file your Form I-589 with USCIS.
- Make sure to use the newest edition of Form I-589 (03/01/23). You can find the edition date at the bottom of the page on the form and instructions.
- Be sure to include all pages of the form, and do not forget to include your signature on page 9.
- The application must be completed in English. This includes explanation fields on the form.
- You do not need to submit a passport-style photo, multiple copies of the form, or multiple copies of supporting documentation when submitting Form I-589. Please do not send these extra copies.

Facilities Updates

- GSA expects to finish the buildout work of the Seattle Asylum Office in approximately March 2025, and occupancy is projected to occur in April 2025.
- GSA expects to finish the buildout work of the San Francisco Asylum Temporary Facility in Oakland, California, by the end of October 2023, and occupancy is anticipated to occur on November 24, 2023.
- I am going to pass to my colleague **Sasha Ridley** from the Office of Policy and Strategy to provide information on applying for work authorization with a pending asylum application and online tools.

Asylum and Employment Authorization

- Thank you, John.
- As part of our agency wide outreach efforts, I wanted to provide some information to applicants with a pending asylum application who may be eligible to apply for employment authorization

Applicants with a Pending Asylum Application

- For applicants with a pending asylum application, if your asylum application has been pending for at least 150 days, you can apply for an EAD using Form I-765 under the (c)(8) category.
- If your asylum application has been pending for 180 days, you may receive an EAD to begin working in the United States.
 - This does not include delays that you request or cause, such as asking USCIS to transfer a case to a new asylum office.
- There is **no filing fee** if you apply for an initial EAD 150 days after you submit your asylum application and USCIS has never issued you an EAD under the (c)(8) category.
- However, if you are requesting a renewal or replacement EAD under the (c)(8) category, you must pay the filing fee.

Required Evidence from Applicants with a Pending Asylum Application

- To apply for an EAD with a pending asylum application under category (c)(8), you must provide the following documents:
 - Evidence that you applied for asylum with USCIS or the Executive Office for Immigration Review;
 - A copy of your government-issued identity document, such as a passport;
 - If you had an EAD before, you must submit a copy of your last EAD;
 - Two identical passport-style photographs;
 - Evidence of any arrests and convictions (if applicable); and
 - Form G-28 (if you are represented by an attorney or accredited representative).

How Do I Apply for Employment Authorization?

- There are two ways you can apply for employment authorization.
 - Submit Form I-765 online at [my.USCIS.gov](https://my.uscis.gov). To apply online, you will need to set up your free USCIS online account.
 - You can also mail a paper Form I-765 found at uscis.gov/i-765.

Why Apply for Employment Authorization Online?

- By applying online, you can prevent common mistakes seen on paper-filed forms such as a missing signature, missing pages, or an incomplete form.
- These mistakes may be why some forms are rejected.
- Whether you file for an EAD online or on paper, the filing fee is the same.
- To apply online, create a free USCIS online account at my.uscis.gov.
- We have video tutorials on how to create a USCIS online account in English, Spanish, Dari, and Pashto at uscis.gov/file-online.

USCIS Online Account Page

- Welcome to your USCIS online account.
- This is what the homepage of your online account will look like. From here you can add eligible paper-filed cases, file a form online, and review and sign forms that your legal representative (if you have one) has prepared for you.

- In your account, you will be able to see the current status of your case, see your case history (such as actions already taken on your case), send secure messages, view notices from USCIS about your case, upload additional evidence, and respond to Requests for Evidence that we send to applicants or petitioners if we need more information from you about your case.
- If you filed a paper Form I-765, you will receive a receipt number that begins with IOE, followed by 10 numbers. If you add a paper-filed case to your account, you will have access to all of the account features as if you filed online.

Account Features

- Let's take a closer look at some of the features in the online account that I mentioned just a short while ago.
- In the account, you can:
 - Link a paper form;
 - Check the status of your case;
 - Send a secure message to USCIS;
 - Upload evidence;
 - Respond to Requests for Evidence; and
 - Change your address.
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Helpful Resources

- Form I-765
uscis.gov/i-765
- Employment Resources for Parolees
uscis.gov/humanitarian/employment-resources-for-parolees-in-the-united-states
- Department of Justice Immigrant and Employee Rights Section
justice.gov/crt/immigrant-and-employee-rights-section
- USCIS Online Account
my.uscis.gov
- How Do I Get a New Online Access Code
uscis.gov/about-us/contact-us/how-do-i-get-a-new-online-access-code
- Video: How to Create a USCIS Online Account
uscis.gov/file-online/how-to-create-a-uscis-online-account (videos available in English, Spanish, Dari, and Pashto)
- Technical Support for Your Account
my.uscis.gov/account/v1/needhelp
- Change Your Address
uscis.gov/addresschange
uscis.gov/ar-11
- Now I'll pass back to **Amanda Atkinson** from public engagement for the question and answer portion of today's webinar.

Q&A

- Thank you to my USCIS colleagues for those asylum updates and information about filing for a work authorization, online tools, and resources.
- We will now move into the question-and-answer portion of our engagement.
- Please use the Q&A box to submit a question.
- We will not answer case specific questions, questions under litigation or related to ongoing rulemaking or questions outside the scope of today's engagement.
- Comments or questions not related to today's engagement can be sent to public.engagement@uscis.dhs.gov
- We won't be able to address everyone's questions today, but please be assured that we are reviewing your questions.
- As we get started with responding to your questions, we humbly ask for your patience. There may be moments of silence as we identify the right person to respond among our subject matter experts.

Closing Remarks

- Our gratitude to everyone who participated in today's engagement.
- I'd like to remind you that we have many resources available on the USCIS website, including multilingual resources about Employment Authorization.
- Important Information for Recent Arrivals About Working Legally in the United States webpage is available in multiple languages ([English](#), [Spanish](#), [Haitian Creole](#), [Ukrainian](#), and [Russian](#))
Add to Chat
<https://www.uscis.gov/working-in-the-united-states/important-information-about-working-legally-in-the-united-states>
- We will be posting the materials presented today to the USCIS Electronic Reading Room (ERR) in the coming days.
- Details on all USCIS national engagements are posted to the upcoming national engagements page on the USCIS website.
- You may also receive invitations by registering with us through GovDelivery.
- As always, we invite the public to submit additional questions, comments or feedback at any time to the USCIS Public Engagement Division at public.engagement@uscis.dhs.gov
- We trust this was informative and we look forward to continuing to connect with all of you on asylum issues in the near future.
- Enjoy the remainder of your day.