

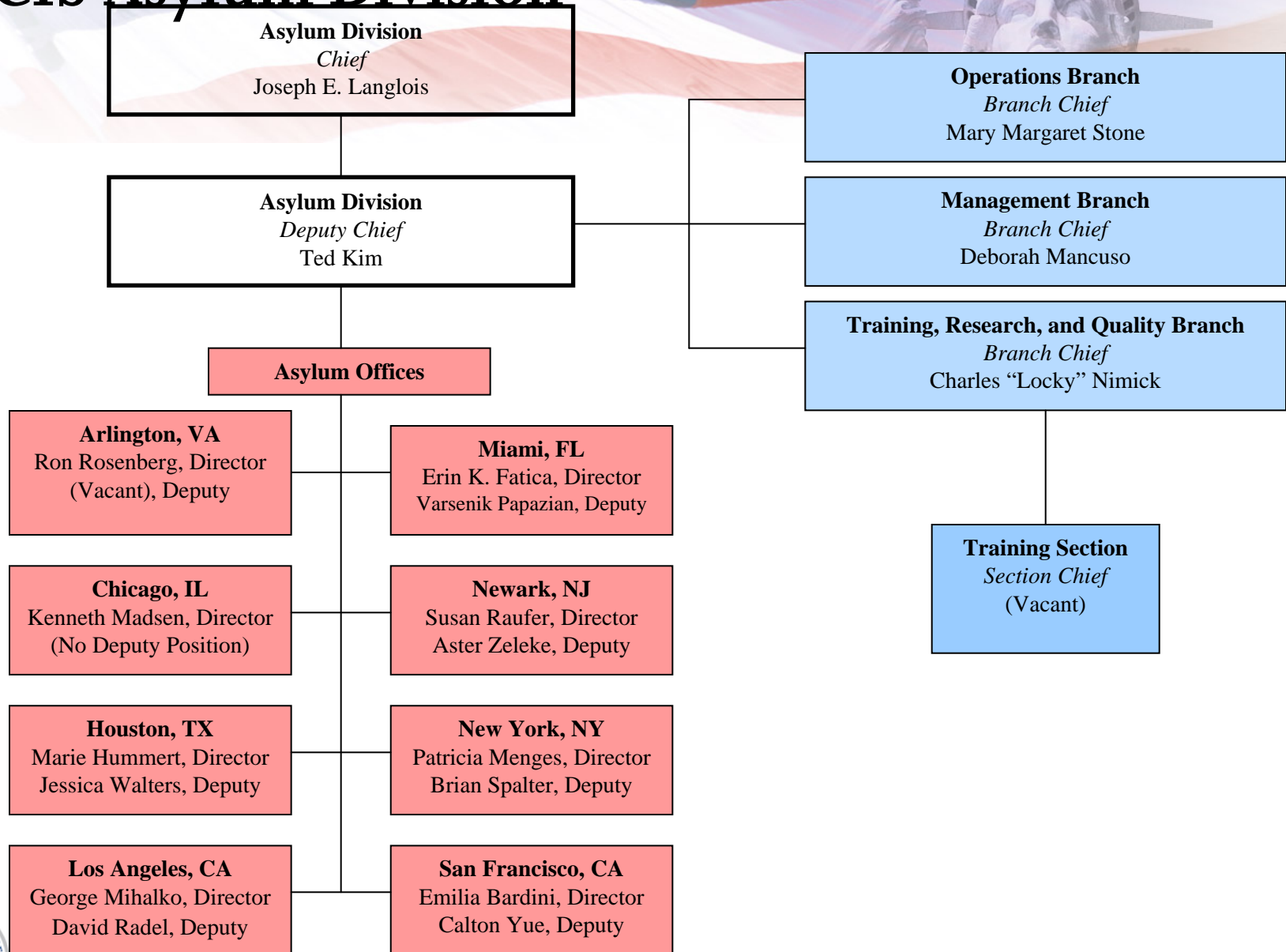


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# **ASYLUM DIVISION OVERVIEW**

**March 4, 2011**

# USCIS Asylum Division



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# KEY FUNCTIONS

## ASYLUM

The mission of the Asylum Program encompasses the management of four main programs:

- Affirmative asylum applications
- Suspension of deportation or cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA 203)
- Credible fear screenings for individuals in expedited removal
- Reasonable fear screenings for certain individuals subject to administrative removal (e.g., aggravated felons and reinstatements.)

Asylum Officers also travel overseas to interview and process refugee applications.



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# ASYLUM OFFICES

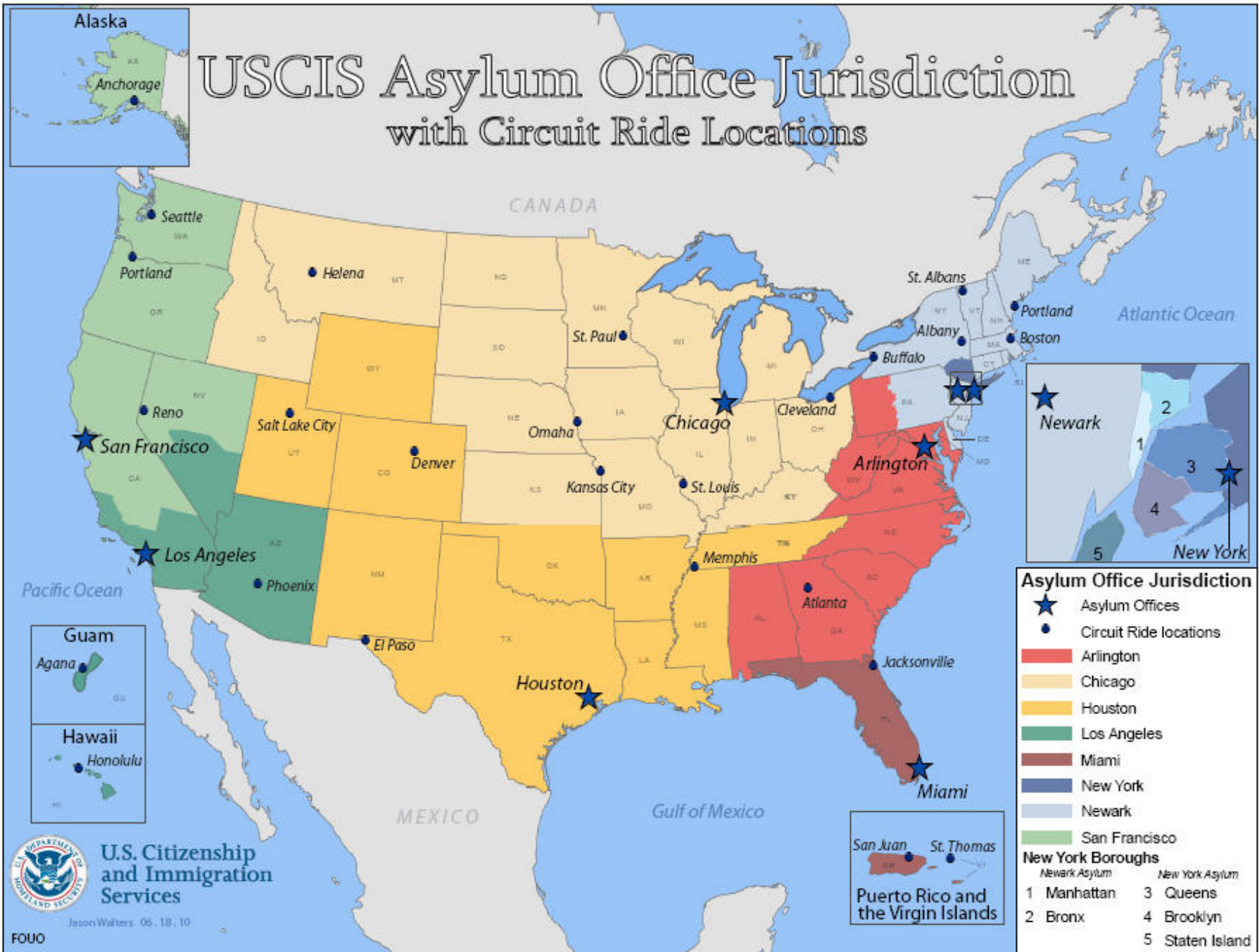
Asylum has eight Field Offices located at the following locations (corresponding circuit ride locations are listed in parentheses):

- Arlington, VA (Atlanta, GA)
- Chicago, IL (Cleveland, OH; Helena, MT; Kansas City, MO; Omaha, NE; St. Paul, MN; St. Louis, MO)
- Houston, TX (Denver, CO; El Paso, TX; Memphis, TN; Salt Lake City, UT)
- Los Angeles (Anaheim), CA (Agana, GU; Honolulu, HI; Phoenix, AZ)
- Miami, FL (Jacksonville, FL; San Juan, PR; St. Thomas, VI)
- Newark, NJ (Boston, MA; Buffalo, NY; Portland, ME; St. Albans, VT)
- New York City (Rosedale), NY
- San Francisco, CA (Portland; OR; Reno; NV; Seattle, WA)



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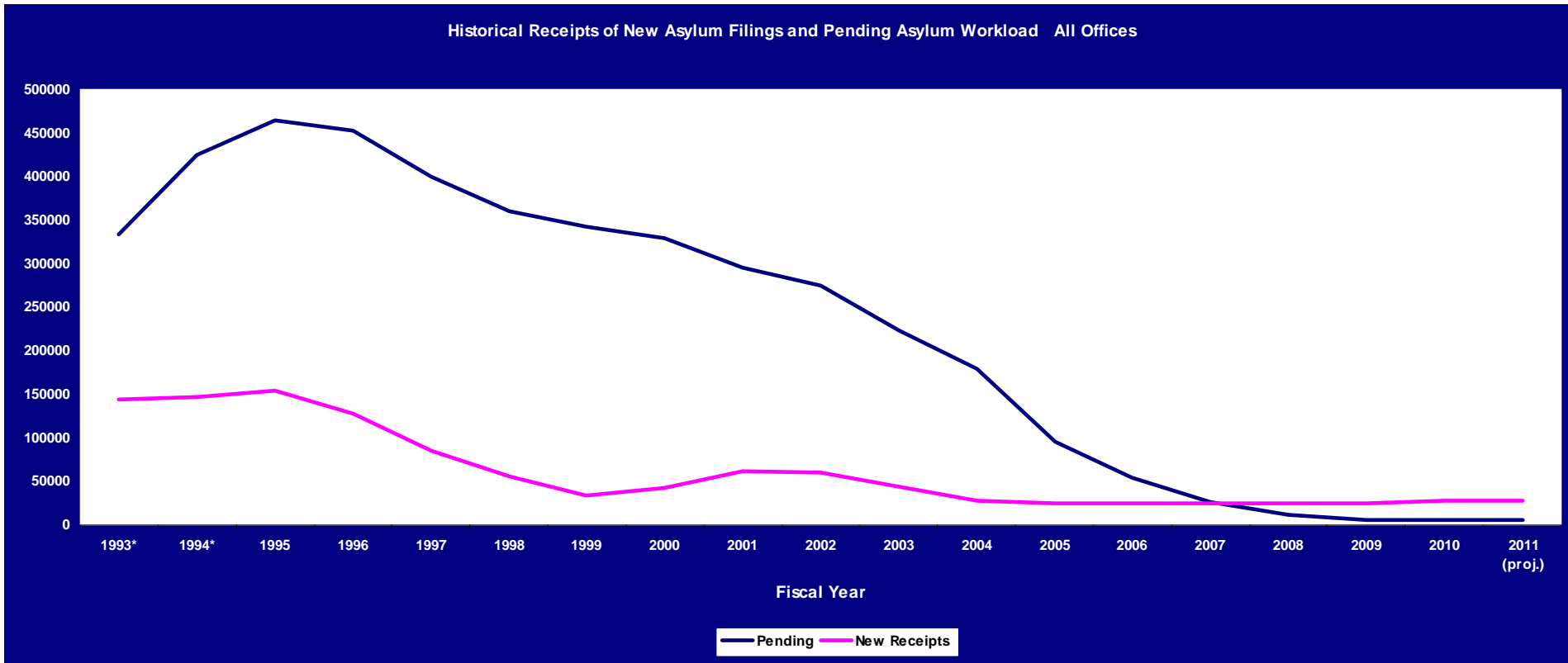
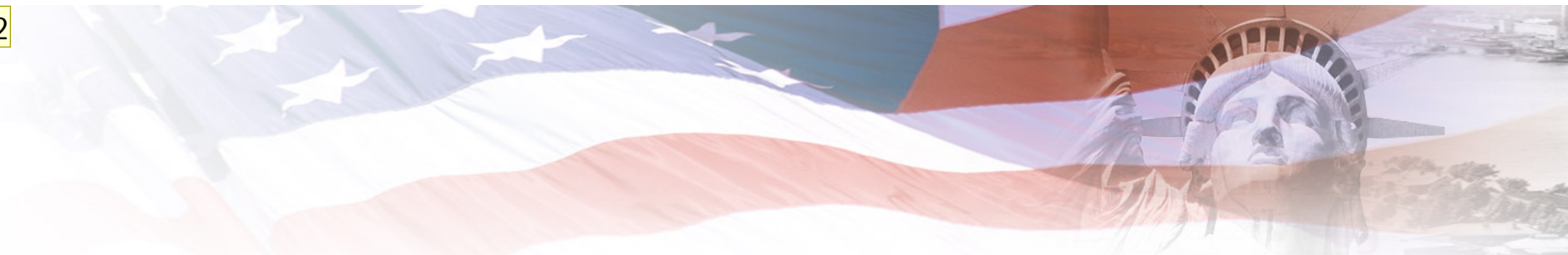
# USCIS Asylum Office Jurisdiction with Circuit Ride Locations



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Jason Walters: 06.18.10

FOUO



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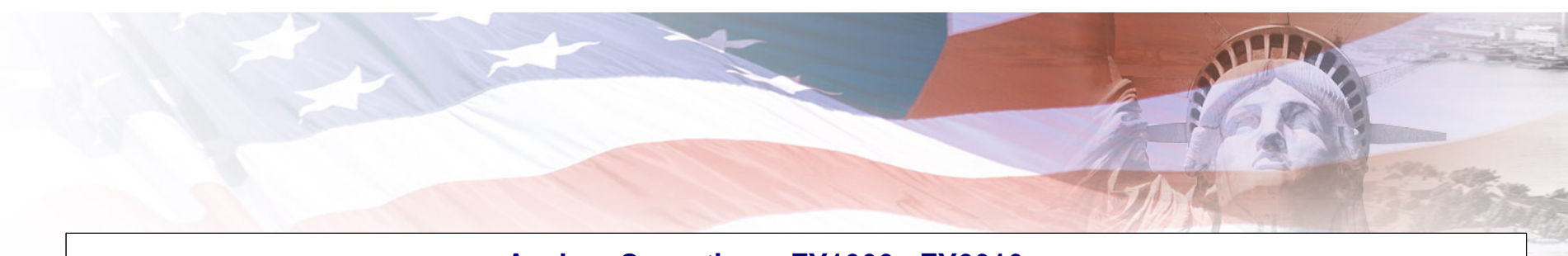
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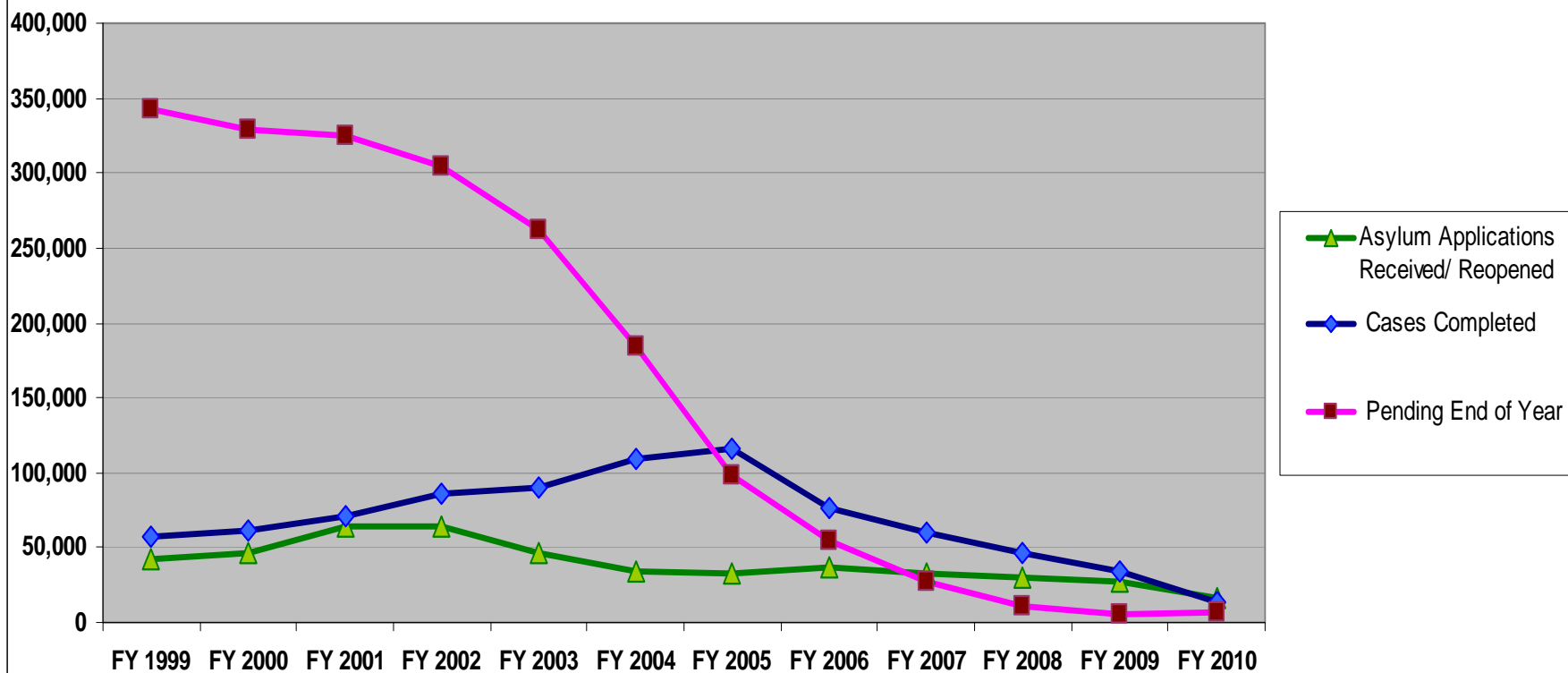
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### Asylum Operations FY1999 - FY2010



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# TWO PATHS TO ASYLUM

## DEFENSIVE

### IJ with EOIR/ DOJ

- Applicant is in removal proceedings via
  - affirmative asylum process,
  - credible fear process, or
  - DHS enforcement action
- Proceedings are adversarial
- Interpreter provided

## AFFIRMATIVE

### Asylum Officer with USCIS

- Applicant is not in removal proceedings (unless an unaccompanied alien child)
- Non-adversarial interview
- No interpreter provided
- Telephonic interpreter monitor is provided



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# THE AFFIRMATIVE PROCESS

- Mails application to USCIS Service Center.
- Notice to go to ASC for biometric collection – 14-day window.
- Notice to appear for interview – generally w/in 43 days of filing, unless at circuit ride location.
- Dependents included in the application must appear for the interview.
- Applicant may bring attorney or accredited representative.
- Applicant must bring qualified interpreter if not fluent in English. Interpretation will be monitored.
- Interview is “non-adversarial” – Asylum Officer has affirmative duty to elicit all relevant facts.



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# DECISION

- Most applicants required to return to Asylum Office 2-weeks after interview to pick-up decision in person.
- Types of Decisions:
  - Asylum granted
  - Notice of Intent to Deny with opportunity to rebut, if in valid status. If rebuttal fails to overcome reasons for denial, application denied; No appeal
  - Referral to Immigration Judge for *de novo* determination



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# BENEFITS OF ASYLUM

- Can't be removed unless asylum status terminated
- Authorized to work incident to status
- Can request derivative asylum status for spouse and child
- May apply for unrestricted social security card
- Assistance Services through HHS, Office of Refugee Resettlement
- Employment Assistance
- Can apply for adjustment of status after 1-year



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# EXPEDITED REMOVAL

- In general, applies to those who:
  - Attempt entry at port of entry by fraud or misrepresentation or without proper documents.
  - Apprehended within 100 air miles of the border and within 14 days following an illegal entry.
  - Arrive by sea without proper documents.
- Expedited removal: May be ordered removed without seeing an immigration judge, unless asks for asylum or expresses a fear of return.



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# CREDIBLE FEAR SCREENING

- If asylum seeker subject to expedited removal asks for asylum or expresses fear of return, referred to USCIS asylum officer for credible fear screening.
- Asylum Officer will interview asylum seeker in detention center.
- Those who establish a significant possibility of being found eligible for asylum, withholding of removal, or protection under the Convention Against Torture (“credible fear”) are placed in removal proceedings before IJ.
- In FY10, the Asylum Division completed over 98 percent of credible fear screenings within 14 days of referral.



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# REASONABLE FEAR SCREENING

- If alien in reinstatement or administrative removal proceedings expresses a fear of persecution or torture, referred to USCIS Asylum Officer for reasonable fear screening
- Asylum Officer will interview alien in detention center
- Those who establish a reasonable fear of persecution or torture (applying the well-founded fear standard used in affirmative asylum adjudications) are referred to an IJ for full consideration of eligibility for withholding of removal or protection under the Convention against Torture
- The number of aliens referred for reasonable fear screening increased by almost 100% from FY08 to FY09 and again from FY 09 to FY10



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# FY 2011 GOALS

## ASYLUM

- Develop a national training agenda based on results of FY 2010 national training needs survey
- Finalize children's training module and deploy to the field
- Complete quality review initiative for all Asylum Offices and issue findings
- Conduct a review of existing USCIS Asylum Division employment authorization clock procedures and determine if existing clock information is customer-friendly



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# FY 2011 GOALS (cont'd)

## ASYLUM

- Enhance security check processing by exploring the usage of NCTC security checks, expanding and enhancing biometric information sharing, and pursuing increased systematic information sharing with Canada
- Prepare for implementation of telework policies in Asylum Offices and Headquarters
- Analyze and develop recommendations regarding study to ascertain appropriate productivity rate for officers; adjust productivity targets as necessary



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