



## U.S. Citizenship and Immigration Services

### Questions and Answers

#### **USCIS Asylum Division Quarterly Stakeholder Meeting**

Tuesday, August 2, 2016

Tomich Center

111 Massachusetts Avenue, NW

Washington, D.C. 20529

2:00 pm – 4:00 pm EST

#### **1. Welcome, Introductions and Presentations**

Prior to providing the Asylum Division updates, the following two updates were provided:

- a. Kathryn Anderson – TPS Syria  
Acting Chief, International and Humanitarian Affairs Division  
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
- b. Joanna Ruppel – Transfer Adjudication Overseas – Form I-730  
Chief, RAI0, International Operations, U.S. Citizenship and Immigration Services

#### **2. Asylum Division Updates**

##### **a. Training Dates**

RAIO CT/ADOTC #16 and #17 (concurrent classes): June 20 – August 18

RAIO CT/ADOTC #18 and #19 (concurrent classes): August 1 – September 28

##### **b. Regularly Provided Statistics (posted on USCIS.Gov)**

Affirmative Asylum Statistics (April 2016 – June 2016)

NACARA Statistics (June 1999 – June 30, 2016)

Credible Fear and Reasonable Fear Statistics and Nationality Reports (April 2016 – June 2016)

Unaccompanied Alien Children Statistics (April 2016 – June 2016)

These statistics were posted on the USCIS.gov website in advance of the quarterly engagement. Please see the following link for the stats published:

<https://www.uscis.gov/outreach/asylum-division-quarterly-stakeholder-meeting-4>

We publish the regularly provided statistics on the USCIS.gov website prior to the quarterly engagement so participants can review them prior to the meeting and print a copy, if they so choose.

### 3. LGBT

- a. **Does USCIS provide LGBT sensitivity training to asylum officers who are interviewing applicants? LGBT clients have raised concern that their sexuality will be scrutinized at the interview.**

**Response:**

Asylum Officers understand that they may be the first person to whom an asylum seeker may express deeply personal or traumatic events, regardless of the nature of the asylum claim. Because of this, all Refugee, Asylum, International Operations (“RAIO”) Officers receive extensive training from experts within the RAIO Directorate as well as from academia, the medical profession, and members of the advocacy community on sensitive and non-adversarial interviewing techniques of various vulnerable populations. Such populations include survivors of torture and trauma, minors (of varying ages and maturity levels), victims of gender-based violence, and racial, religious, or sexual minority characteristics.

Since 2012, all RAIO officers have received specific guidance and training on refugee and asylum claims made by LGBTI applicants in the RAIO Training module, “Guidance for Adjudicating Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Refugee and Asylum Claims,” which is part of the RAIO Combined Training (RAIO CT) course for new officers. Officers are required to read the Lesson Plan and participate in a class session on LGBTI claims at the RAIO CT during which issues specific to applicants whose claims involve sexual minority status are addressed in depth.

To be eligible for a grant of Asylum, all applicants must establish that the harm they experienced or fear has a nexus to a protected ground (for example membership in a particular social group comprised of sexual minorities). They must also establish credibility, that the harm rises to the level of persecution, that they are not legally barred from a grant of Asylum, and that they merit a favorable exercise of discretion.

- b. **Does USCIS see a growing number of people applying for asylum based on LGBT grounds? If so, from what countries?**

**Response:**

The Asylum Division does not track the number of asylum applications based on LGBT grounds in its case management system.

### 4. Prioritizing Asylum Cases

- a. **Does USCIS prioritize certain cases or populations in the invitation process for interviews?**

**Response:**

The rise in credible and reasonable fear cases has caused an increase in affirmative backlog cases. In 2009, there were less than 6500 credible and reasonable fear cases. In 2016 through June, that number has risen to over 65,000 cases. In response, the agency has had to divert officers from affirmative cases to CF/RF. In addition, UAC cases have increased, as well. The agency had decided that UAC cases receive processing priority in addressing both the current backlog as well as moving forward. On December 26, 2014, the Asylum Division changed the scheduling system from “last in, first out”

to “first in, first out” to enable us to interview the older pending cases. Our scheduler now prioritizes cases as follows:

- Rescheduled cases (all)
- UAC cases (newer cases first)
- All remaining cases prioritized by filing date (first in, first out)

The asylum offices also receive requests for expedited interviews and accommodate these requests on a case-by-case basis.

## **5. Medical and Psychological Affidavits**

- a. Is there anything that USCIS would like to see included in medical/psychological affidavits that is often left out?**

**Response:**

Medical/psychological affidavits should include information relevant to the physical or mental health of an applicant as it relates to the applicant’s asylum claim. To be given full weight, a medical evaluation should be written with objectivity and impartiality.

## **6. Employment Authorization Document I-765**

- a. Can USCIS allow applicants to file an application for Employment Authorization Document (I-765) with the asylum application and adjudicate it once the 150 days have elapsed?**

**Response:**

No, USCIS cannot allow applicants to file an I-765 application before 150 days have elapsed. The regulations state that “the application shall be submitted no earlier than 150 days after the date on which a complete asylum application submitted in accordance with 208.3 and 208.4 has been received.” See 8 CFR 208.7(a). Filing the application prior to the expiration of the 150 day period would require a change to the regulations.

## **7. Delays in Asylum Adjudication**

- a. The current delay in the asylum process has been an ordeal each survivor has to go through each single day. How can this concern about this current extra-ordinary delay in the asylum proceeding be assuaged?**

**Response:**

USCIS and the Asylum Division have taken several steps to address its workload challenges. Since FY 13, the Asylum Division has received approximately 272 new positions to bring its current authorized level up to 533 asylum officers. As of the end of Quarter 3, the Asylum Division achieved its asylum officer onboarding goal of 90% or higher. Nearly all of the Asylum Offices have undergone a recent renovation or relocation, or have one planned in the near future to accommodate its continued growth. The Asylum Division opened 3 new facilities since FY 15, with sub-offices located in Boston, Massachusetts; New Orleans, Louisiana, as well as a second location in Arlington, Virginia. Similar to prior efforts to streamline credible fear and reasonable fear processing, the Asylum Division is exploring efficiency measures in its affirmative caseload. These efforts are ongoing. The Division established the Asylum Pre-Screening Center in Arlington, Virginia. As staff

in this office onboard and are trained, it will begin to process credible fear and reasonable fear cases from around the country, allowing the existing Asylum Offices to focus more resources on the affirmative asylum workload. Finally, the USCIS and the Asylum Division are evaluating the need for additional staffing and budgetary resources as part of its annual planning cycle.

- b. ADC has over a dozen asylum cases that were filed in 2013 and 2014 that have yet to be scheduled for interviews. In the previous meetings, it was indicated that the processing would be handled on filing date, and not complexity of case or reports that asylum cases that were filed recently whom got interviews right away, because the case were on the top of the pile. However, there are legitimate concerns that this is not true, because we have filed asylum applications in 2014 and 2015 that have already received interviews from the same processing center, particularly Texas Service Center. Please provide any updates.

**Response:**

Without A-numbers, it's hard to say why some cases have been scheduled prior to others. The Texas Service Center accepts asylum applications for the Houston, Miami and Arlington asylum offices. Each of these offices schedules affirmative asylum interviews depending on the asylum officers available after completing detained credible fear and reasonable fear screenings. Also, most offices are currently unable to interview asylum applicants who live in circuit ride jurisdictions because of resources. See the monthly "Affirmative Asylum Scheduling Bulletin" posted on USCIS.gov for the approximate processing times at the local asylum offices.

**8. Making Stakeholder Information More Accessible**

- a. **Can minutes of the Stakeholders Quarterly meetings be published like other divisions do, since these meetings are only accessible in person?**

**Response:**

Yes, the Asylum Division will publish notes from the Quarterly Stakeholder Meeting in the future.

- b. **Can USCIS implement a national teleconference system for all of the Asylum Divisions across the country?**

**Response:**

A national teleconference system for all Asylum Divisions across the country is being implemented starting with this August 2, 2016 Asylum Stakeholder's Meeting.

- c. **Can USCIS make more data related to pending asylum and decided cases available to the public?**

**Response:**

The Asylum Division posts data for our different adjudications on USCIS.gov along with the quarterly stakeholder invitation prior to the meeting date. We also post the "Affirmative Asylum Scheduling Bulletin" on the website on a monthly basis.

- d. **Would it be so hard to make these call-in? I know this in-person approach has been the tradition for well over a decade, but many other parts of USCIS are opening up to more webinar style public engagement meetings.**

**Response:**

A national teleconference system for all Asylum Divisions across the country is being implemented starting with this August 2, 2016 Asylum Stakeholder's Meeting.

- e. **What is the percentage of asylum grants at the asylum office level and the immigration court level for each region?**

**Response:**

The grant rate for asylum offices can be calculated by stakeholders using the existing data on "Asylum cases completed" posted to USCIS.gov with the quarterly invite. The formula is: cases approved / (approved + denied + referred interviewed + filing deadline referrals) x 100.

The Department of Justice's EOIR posts immigration court data on their public website in the annual statistical yearbook.

**9. Work Authorization Delays for Syrian and Yemen TPS and Asylum Applications**

- a. **We have seen a dramatic increase in processing time for work authorization applications. As such, many TPS applicants do not receive work authorization until 9 months or longer. This is problematic especially when TPS status is only for 18 months. As such, applicants are unable to work or support themselves, which is crucial, not only their survival, but to their productivity as members of society. What steps are being taken to rectify and address this issue?**
- b. **We have seen exorbitant delays in asylum based work authorization processing. This is problematic because asylum applicants already are legally prohibited from eligibility for work authorization under asylum until 150 days from asylum application receipt. To add another 9 months to the waiting process for work authorization is unsound and counterproductive to the purpose of asylee status. What steps are being taken to rectify and address this issue?**
- c. **The processing of EAD Applications for Asylum Applicants (Asylum Pending) submitted to the Service Centers, especially the Vermont Service Center, takes more than 3-4 months. When status inquiry submitted through USCIS website, the usual response is: "Your case is currently under review by an officer. You should receive a decision, correspondence or notice of other action within 60 days of the date of this letter. This means, currently, the applicants have to wait about 5-6 months before they get a response from the service centers, especially from the Vermont Service Center. As a result, many applicants lose their jobs, and benefits that are very important to their livelihood. Also, such delays really defeat the purpose of the EAD's. EAD's are issued only for 1 year, and the applicants spend 5-6 months to wait for card renewals. As you know, renewal applications cost \$380 plus attorney fees which is an enormous pressure on the asylum seekers lives. Can you extend the validity of the EAD cards or at least expedite processing of renewal requests and keep it under 3 months processing time? What to do when an applicant loses his/her job due to the delay in processing EAD's?**

**Response:**

To all questions about EAD delays, the following response applies:

This stakeholder question relates to issues raised in an ongoing lawsuit filed by Northwest Immigrant Rights Project and The Advocates for Human Rights. Currently, USCIS cannot comment due to ongoing litigation related to the processing of EAD applications.

## **10. Advance Parole to Travel to a Third Country**

- a. Is it possible for an asylum applicant to obtain advance parole to travel to a third country and return before the asylum application has been adjudicated? Are there any special requirements for such an application?**

### **Response:**

An asylum applicant who has a pending Form I-589, Application for Asylum and for Withholding of Removal, and has not received a final decision may be allowed to travel outside the United States. USCIS will presume that an asylum applicant (an individual who has applied for asylum and the application is still pending) who leaves the United States without first obtaining advance parole has abandoned her or her asylum application. See CFR 208.8(a).

An asylum applicant must apply for and receive an advance parole document before leaving the United States, using Form I-131, Application for Travel Document. An advance parole document allows certain aliens to return to the United States without a visa after traveling abroad.

An advance parole document does not guarantee that the alien will be paroled into the United States. The asylum applicant must still be inspected by a U.S. Customs and Border Protection (CBP) immigration inspector.

USCIS will assume that an asylum applicant who leaves the United States pursuant to advance parole and returns to the country of claimed persecution has abandoned his or her asylum application unless the applicant is able to establish compelling reasons for the return. See 8 CFR 208.8(b). Therefore, if an asylum applicant uses advance parole to return to his or her country of claimed persecution, he or she should be prepared to explain the reason for the return.

Please see Form I-131, Application for Travel Document, on USCIS.gov for specific filing instructions.

## **11. Asylum Interviews at the Arlington Asylum Field Office**

- a. How many asylum officers are currently conducting asylum interviews at the Arlington Asylum Office?**
- b. Has the Arlington Asylum Office hired all new asylum officers out of the 533 that are currently provided for in USCIS' budget?**

### **Response:**

The following response applies to all questions concerning the Arlington Asylum Office:

The Rosslyn office was given 8 of the new positions authorized in late FY15, and all of those positions were filled by early FY16. Aggressive hiring continues to keep pace with attrition. At

present, all 40 authorized positions are filled or have a future officer identified with an entry on duty date before the end of August.

The Arlington Asylum Office was also provided 61 officer positions to establish the new Asylum Prescreening Center. The first AO's EOD'd into those positions in mid-November 2015. There are presently 45 AO's on board, with another 16 in security or with an EOD set.

The office selects officers beyond authorized levels to be prepared for future attrition.

## **12. Application Support Center (ASC) Notice for Biometrics and Fingerprints**

- a. We are seeing problems when asylum seekers in removal proceedings try to obtain biometrics appointments. We've had experiences where we do not receive an ASC notice, either for an initial biometrics appointment or to refresh fingerprints, after we send the required documents to the Nebraska Service Center to generate the ASC notice. We've also seen some cases where not all family members included on an asylum application receive ASC notices after sending the required documentation to Nebraska Service Center. Additionally, for refreshing fingerprints, it doesn't seem like there is a standard procedure across the courts. Please inform us of the best procedure to obtain an ASC notice, both for initial biometrics and for refreshing fingerprints, for asylum seekers in immigration court.**

### **Response:**

The Asylum Division plays a behind-the-scenes, supporting role in the process to initiate biometrics collection for defensive asylum cases. The local asylum offices are not involved in this process. We recommend that you carefully follow the instructions given to you in removal proceedings and published on the USCIS website under "Immigration Benefits in EOIR Removal Proceedings." ASC appointment notices are automatically generated when the submission is accepted and data-entered by the NSC. Representatives will only receive receipt notices and ASC appointment notices if a proper G-28 is submitted and accepted with the initial submission to the NSC. The fingerprint refresh process is handled on a local level by ICE and the courts.

Please contact Public Engagement at [USCIS-IGAOutreach@uscis.dhs.gov](mailto:USCIS-IGAOutreach@uscis.dhs.gov) with any follow-up questions.

\*\*\*Next Asylum Quarterly Engagement is scheduled for Friday, November 4, 2016\*\*\*