

U.S. Department of Homeland Security

National Records Center

P.O. Box 648010

Lee's Summit, MO 64064-8010



**U.S. Citizenship
and Immigration
Services**

September 25, 2020

**COW2019501574 and
COW2019501598**

Austin Evers
American
Oversight
1030 15th St NW, Suite
B255 Washington D.C.
20005

Dear Austin Evers:

This is a response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office relating to the following:

Any final policies, procedures, protocols, instructions or guidance regarding the transfer of responsibility for credible fear interview from asylum officers within USCIS to law enforcement agents within CBP.

Enclosed is the third production of responsive records, which consists of 510 pages of records. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

Exemption (b)(5) provides protection for inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing pre-decisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or

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information we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

Additionally, during our review we located 5 pages that originated with another government agency. We have referred those referred pages to Customs and Border Protection for its direct response to you.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

DISTANCE TRAINING COMPONENT WORKBOOK

Last Updated: December 2019

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I. Introduction

A. Welcome to the first component of Distance Training. Although you will be in your home office during the Distance Training (DT), you will not be performing your routine office duties during this time. Each office is required to allocate a certain amount of time for new officers to complete the DT – approximately 80 hours are required. The DT is designed to give you time to read and process selected training materials. This will help prepare you for attending the second component of the training, the Face-to-Face component (F2F). You will have an opportunity to raise questions during the F2F component, where the topics may be addressed again.

B. Contact Information

Asylum Division: Asylum Division Training Coordinators
asylumtraining-coordinators@uscis.dhs.gov

C. Purpose of DT

The main reasons that DT has been developed are to:

- **Give you time to read materials before attending the Face-to-Face training**

The training materials are very lengthy, and reading them is time-consuming. To fully understand the topics addressed at the training, officers must read the training materials prior to attending class. There is no class time allotted for reading materials during the Face-to Face training; if class time were given, it would make the Face-to-Face residential training much longer than it currently is. DT allows you the time needed – during work hours at your home office, rather than away from home at the Face-to-Face training – to do that reading.

- **Ensure that you begin the Face-to-Face training with a basic foundation of the subject matter**

Officers have varying levels of knowledge of the topics that are covered in class. Some of you have been involved in immigration work for many years, others have not. Because of this, instructors must teach classes with students of varying levels of knowledge, which is difficult for both the instructors and the students. The DT component prior to the Face-to-Face classroom component attempts to reduce this knowledge gap so that all of you will have a basic foundation in/understanding of the course topics prior to the start of the Face-to-Face component. If you are already familiar with the course content, and able to complete the reading and assignments for a topic quickly, utilize any additional allotted time to expand your knowledge and to help others: complete the additional activities in this workbook, read the Additional Resources in the lesson plans, and help your colleagues in your office who are new to this work. For more information about how to use your time during the DT, see section 2 – How to Use this Workbook, item 9.

- **Better utilize the Face-to-Face time for exercises and practical application of the concepts in the materials**

When all students have read the materials in advance and have a basic understanding of the course topics, instructors do not need to go over the content in great detail during class. Instead, a summary of the content can be provided and the majority of class time can be spent on discussion and practical application of the information and concepts in the training materials.

D. Content and Structure of the DT

What You Will Need:

The information and materials, including links to other materials that you will need for DT, are in this Workbook.

In addition to completing the reading assignments, you will listen to recorded Webinars with

instructors, read supplemental training materials, and complete exercises that you will email to the Asylum Division Training Coordinators, asylumtraining-coordinators@uscis.dhs.gov.

Time Management:

The current DT model was designed to be a flexible and self-directed program of study.

Because you are in your home office during the Distance Training (DT) rather than at a Face-to-Face classroom training, you will need to make a clear distinction between your office work and the time you spend on this training. **For this reason, you must use all of the allotted time to complete each respective topic** (i.e. – you cannot finish individual topics or the training early)—just as if you were at a Face-to-Face training. For those of you who may finish a topic and have extra time, there are additional assignments for you to complete in the Workbook. Additional information on how to use your time can be found below in section 2 – How to Use this Workbook.

We also recommend that you do not spend more than the allotted amount of time on any individual topic, and that you adhere to your proposed schedule as closely as possible. The Lesson Plans are intended to serve the dual purpose of both training and guidance documents, which you will be able to access throughout your training and beyond.

The time allocated for each topic includes time to read the materials, and complete the exercises. Anticipating that there will be participants with a range of backgrounds, we have kept the times for required reading and exercises at a level that should allow all participants to complete the assignments.

E. Relationship between DT and the Face-to-Face Training

The topics covered at DT will be reinforced during the Face-to-Face component that follows DT. Because you will have read the materials and completed exercises, you are expected to come to class with at least a basic knowledge of the topics and be prepared to actively participate in the discussions and exercises.

Instructors will approach the Face-to-Face classes with this in mind. The instructors will not simply lecture in class on the information in the lesson plans. Rather, instructors will help you apply the information and concepts in the lesson plans through practical exercises, case studies, discussions with subject matter experts, and problem-solving activities.

It is important that you complete the required DT reading and assignments because:

- The assignments will form the basis of Face-to-Face classroom activities.
- You will be expected to know and apply the material during the practical exercises and interviews.
- The information for the exams given will be taken from the lesson plans and will test both your knowledge of the content of the lesson plans and your ability to apply that knowledge.

F. Lesson Plans

The RAIO Lesson Plans consist of:

- The main body of the Lesson Plan
- Other materials (e.g., glossaries, lists of cases)
- Division-specific Supplements (information specific to the divisions)

DT consists of a list of assigned topics. You are required to read the body of the Lesson Plans for each of these topics as well as the **supplement for the Asylum Division**, which is delineated in yellow. Reading the RAD and IO Supplements **is not** required. Supplements are located at the end of the Lesson Plan and are color-coded by division:



G. Webinars

All webinars are pre-recorded so that participants have the flexibility to access them on their self-directed DT schedule. We use Webex for all webinars.

H. Evaluation/Exams

Note the following about the exams:

- No exams during the Distance Training
- At least one graded Multiple Choice Exam during the Face-to-Face training
- Exam topics include Lesson Plans covered during both the Distance Training and the face to face training (e.g., includes Case Law and Sources of Authority, which are addressed during the DT, but not during the Face-to-Face training)
- All questions relate to the objectives listed in the beginning of each Lesson Plan.

2. How to Use this Workbook

For each topic:

1. Plan your DT schedule.
2. Read the body of the Lesson Plans and the Supplements for the Asylum Division.
3. Complete any corresponding assignment(s) (e.g., exercises) located in this Workbook in section 4 – Content.

Exercises: Some Lesson Plans contain practical exercises; do NOT complete them. You need to refer only to this Workbook to know which exercises to complete.

4. Write down any questions you have about the content of the course. You can send them to asylumtraining-coordinators@uscis.dhs.gov, or else ask them at the Face-to-Face component of the training.
5. Be prepared to ask your questions and discuss your responses to the exercises at the Face-to-Face component of the training.
6. Use your time wisely. The schedule lists the topics you should cover and the required amount of time to spend on each topic. How you use your work time to complete the listed assignments is at your discretion.
However you structure your time, **all assignments must be completed and the Completion Attestation must be submitted to Asylum Training as instructed in section 3, below, by the due date established for your training class.**

3. Syllabus and Attestation Form Instructions

The syllabus provided separately provides a list of modules you are required to complete for the Distance Training component. By signing and submitting these forms, you are certifying that you have completed the Distance Training in accordance with this Workbook.

Please follow the instructions below to complete the Distance Training Syllabus and Attestation Forms.

1. Complete each topic and its corresponding assignments using the allotted time for that topic; we suggest that you complete each topic in the order listed, although you may complete them in a different order.
2. When you have completed a topic, initial and date (using MM/DD/YY format) the corresponding box to indicate that you have completed the work required for that topic.
3. Once you have completed all of Distance Training, you and the coordinating management from your office must sign and date the Completion Attestation form and verify your completion of all topics.
4. If you were unable to complete any topic, leave the corresponding box blank, and attach an explanation of why the topic was not completed.
5. Print, scan and email a copy of **all pages** of the Distance Training Syllabus and Completion Attestation to your Asylum and CBP POCs and the Asylum Training Coordinator mailbox (asylumtraining-coordinators@uscis.dhs.gov) using the contact information provided in section I, part B, above. **Title your email and attachment as follows:**

Last Name, First Name_ CF for CBP DT - Completion Attestation

4. Content

1. Please read all of the Lesson Plans and Asylum Supplements, as outlined in the Distance Training Attestation.
2. There are certain lessons that have corresponding exercises or webinars, which can be found below:
 - a. Reading and Using Case Law
 - b. Interviewing – Introduction to the Non-Adversarial Interview
 - c. Nexus and Protected Grounds (minus PSG)
 - d. Interviewing – Eliciting Testimony
 - e. Mass Atrocities and Genocide Awareness
 - f. Researching and Using Country of Origin Information (COI) in RAIO Adjudications
 - g. Past Persecution – Rebuttable Presumption
 - h. Evidence
 - i. Children’s Claims
 - j. Office of Security & Integrity (OSI) and Significant Incident Reporting
 - k. Refugee Definition – Persecution
 - l. Asylum Process and Procedures
 - m. India COI, Eliciting Testimony & Fraud

Reading and Using Case Law

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete this Exercise

Read the attached case, *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

Summarize the facts, the sources of authority, the decision, and the reasoning behind the decision in *Matter of Mogharrabi* by completing the attached exercise form.

- *Fill out the form and save your document.*

If you finish this assignment early, use your extra time to read *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985) – a seminal case in asylum law. (**Note:** this is not a required activity.)

Interviewing – Introduction to the Non-Adversarial Interview

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete these exercises

Exercise #1

Write a short phrase to describe two meanings of the term “non-adversarial.”

Exercise #2

Write out the introduction to your interview. The introduction should address all of the components listed in the lesson plan the Asylum Division supplement.

Nexus and the Protected Grounds (minus PSG)

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete these exercises

Exercise #1

Read this article from August 6, 2012 about the Sikh Temple Shooting in Wisconsin. You should also conduct online research to read other articles about this crime. Based on the evidence, what do you think was the motive for the attack, if any, and why? Please write at least one paragraph analyzing whether the evidence indicates this attack was on account of any protected characteristic(s). You must provide facts from the source to support your answer. Please cite any sources you use.

Exercise #2 (Note: This exercise is optional, please complete if you have time)

Read this article about the Aurora Shooting in July 2012. Based on the evidence, what do you think was the motive for the attack, if any, and why? You must provide facts from the source to support your answer. (Note: You may also feel free to use facts from any other articles you have read about this crime to support your answer.)

Interviewing – Eliciting Testimony

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete these exercises

Exercise #1

Label each of the following 10 questions as one of the following question types: open-ended (O); closed-ended (C); multiple choice (M); or leading (L).

- “How were you threatened?”
- “How many times did they threaten you?”
- “Why did they threaten you?”
- “What makes you think that was the motive for the threat?”
- “Did they actually say anything about your religion when making the threat?”
- “And on that occasion, did they threaten you in person, by letter, by phone or some other way?”
- “Are you Christian?”
- “Did you leave your house after the first threat or after the second threat?”
- “Is your religion written on any of your documents?”
- “You said earlier that you were threatened 2 times, correct?”

Exercise #2

Think back to an interview or conversation you have had that was adversarial. What effect did that have on the parties involved? What was the outcome? Write a short paragraph in response to these questions.

Exercise #3

Think back to an interview or conversation you have had that was difficult, but remained non-adversarial. What helped it remain non-adversarial? What was the outcome? Write a short paragraph in response to these questions.

Exercise #4

Think of broadcasters, journalists, or other professionals you know from the media, law enforcement, or other professions. Who is an example of an adversarial interviewer, and why? Who is an example of an effective non-adversarial interviewer, and why? Jot down notes regarding your two examples.

Mass Atrocities and Genocide Awareness

Read the Presidential Study Directive on Mass Atrocities (PSD-10), released August 4, 2011 (click here).

It is important for all officers to become aware of the history and content of PSD-10, which calls for the creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review.

DHS is in the process of publishing a lesson plan that will provide a general overview on mass atrocities and genocide awareness for DHS personnel, focusing primarily on the requirements of PSD-10. Additional training will be provided on procedures as they are developed to implement those requirements.

Read this report from NPR's *Morning Edition* about the work of the Human Rights Violators and War Crimes Unit at Immigration and Customs Enforcement (ICE).

If you finish this assignment early, use your time to read *Matter of Vides Casanova*, 26 I&N Dec. 494 (BIA 2015), the BIA case referenced in the NPR report.

Researching and Using Country of Origin Information (COI) in RAIO Adjudications

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete these exercises:

Country Conditions Information Research

Exercises TRAINING OBJECTIVES:

- 1) Students will become familiar with new sources of country conditions information and Research Unit resources for accessing country conditions information.
- 2) Students will practice citing country conditions information that supports factual determinations that they make in the course of adjudicating claims and explaining the relevance of the source cited.

Complete the exercises as instructed on a separate Word document and save your document.

Complete the following exercises using the most relevant sources you can find. For each exercise, one or more factual issues will be identified. For each of those issues, cite a few sources that help you address the specific issues identified. Explain how the sources you cited, including specific quotations if possible, are relevant to the issue raised and, if applicable, what further information you would like to have in order to adequately adjudicate the issue.

Note: Use the answer in the *EXAMPLE EXERCISE* below as a model.

(b)(6)

EXAMPLE EXERCISE:

Answer: The Department of State's Country Reports on Human Rights Practices for 2014 says the following about FGC in Mali (emphasis added):

Female Genital Mutilation/Cutting (FGM/C): FGM/C is legal in the country and, **except in certain northern areas**, was practiced widely across all religious and ethnic groups, **particularly in rural areas**. While the government took steps to raise awareness about the harmful health effects of FGM/C and successfully lowered the percentage of girls

excised in at least one region of the country, the government has not criminalized FGM/C, although FGM/C was prohibited in government-funded health centers. **FGM/C generally was performed on girls between the ages of six months and nine years.** The most common types of FGM/C were Type I and Type II. **The 2014 UNHCR report on FGM/C indicated 85 percent of girls and women ages 15 to 49 were excised, and 74 percent of girls and women in the same age group had a daughter who was excised.** Government information campaigns regarding the dangers of FGM/C reached citizens throughout the country, and human rights organizations reported decreased incidences of FGM/C among children of educated parents.

DOS considers there to be reliable evidence that the vast majority of Malian girls are subjected to FGM/C, which tends to support the applicant's claim to have a well-founded fear. However, the applicant is quite a bit older than the usual age at which FGM/C is performed in Mali. Is she from an urban area or from northern Mali, where DOS indicates that FGM/C is less common?

EXERCISE ONE

(b)(6)

Issue One: What does country conditions information indicate about the status of Ahmadi's in Algeria today? How is the government of Algeria treating Ahmadi's today?

Issue Two: He also claims that Algerian citizens who belong to other sects of Islam in Algeria are persecuting him for his religious beliefs. What is the country conditions information regarding sectarian violence in Algeria today? And how are Ahmadi's being treated in Algerian society?

EXERCISE TWO

(b)(6)

Issue One: What does country conditions information indicate about how the followers of the teaching of Fethullah Gülen are being treated today by the Turkish government?

Issue Two: What is the country conditions information regarding private schools associated with the Gülen movement in Turkey today?

EXERCISE THREE

(b)(6)

Issue One: Identify two different sources of information pertaining to the treatment of LGBTI individuals in Saudi Arabia. What does country conditions information indicate about how LGBTI individuals are treated by both family members and the government in Saudi Arabia?

PART 3: Take stock of the country conditions sources that you have used in these exercises. Bookmark any that you may wish to refer to in the future. In addition, bookmark the following useful sites so that you can easily refer to them for future research: UNHCR Refworld; Open Source Center; and PiX (register for an account now so that you will have access during the Face-to-Face portion of training); Jane's Terrorism and Insurgency Centre (accessed through DHS Libraries' online journal collection).

Webinars

<i>Topic</i>	<i>Webinar and Password</i>
Refugee Definition – Persecution	<u>Webinar</u> (PW: RAIOCTPdtI9!)
Past Persecution – Rebuttable Presumption	<u>Webinar</u> (PW: ADOTPdtI!)
Evidence	<u>Webinar</u> (PW: RAIORemoteI23!)
Children’s Claims	<u>Webinar</u> (PW: RAIORemoteI23!)
Office of Security & Integrity (OSI) and Significant Incident Reporting	<u>Webinar</u> (PW: RAIOCTPdtI9!)
Asylum Process and Procedures	<u>Presentation</u> (PW: ADOTPdtI!)
India COI, Eliciting Testimony, and Fraud	<u>Webinar</u> (PW: India20I9!)

Congratulations!

You have finished the Distance Training component.

Thank you for your participation.

MATTER OF ACOSTA

In Deportation Proceedings

A-24159781

Decided by Board March 1, 1985

- (1) Construction of the provisions the United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, [1968] 19 U.S.T. 6223, T.I.A.S. No. 6577, 606 U.N.T.S. 268, is left by that agreement to each state that is party to the Protocol; accordingly, the various international interpretations of the Protocol, including the *Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* published by the Office of the United Nations High Commissioner for Refugees, are useful tools in construing our obligations under the Protocol, but they are neither binding upon the United States nor controlling as to construction of the Refugee Act of 1980.
- (2) An alien in an exclusion or deportation proceeding who seeks to demonstrate eligibility for either asylum under section 208 of the Immigration and Nationality Act, 8 U.S.C. § 1158 (1982), or withholding of deportation under section 243(h) of the Act, 8 U.S.C. § 1258(h) (1982), must make two related showings: he must meet his evidentiary burdens of proof and persuasion as to the facts, and he must meet the statutory standards of eligibility set out by the pertinent provisions in the Act.
- (3) It is the alien who bears the burdens of proof and persuasion in asylum and withholding of deportation cases and he must establish the facts by a preponderance of the evidence.
- (4) In order to meet the statutory standard of eligibility for asylum, an alien must satisfy each of the following four elements in the definition of a refugee created by section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A) (1982): (1) the alien must have a "fear" of "persecution"; (2) the fear must be "well founded"; (3) the persecution feared must be "on account of race, religion, nationality, membership in a particular social group, or political opinion"; and (4) the alien must be unable or unwilling to return to his country of nationality or to the country in which he last habitually resided because of persecution or his well-founded fear of persecution.
- (5) The statutory standard for asylum requires the facts to show that an alien's primary motivation for requesting refuge in the United States is "fear," i.e., a genuine apprehension or awareness of danger in another country; no other motivation will suffice.
- (6) The term "persecution" in the definition of a refugee under the Act means harm or suffering that is inflicted upon an individual in order to punish him for pos-

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sessing a belief or characteristic a persecutor seeks to overcome; the word does not encompass the harm that arises out of civil or military strife in a country.

- (7) The requirement of a "well-founded fear of persecution" in section 101(a)(42)(A) of the Act means that an individual's fear of persecution must have its basis in external, or objective, facts that show there is a realistic likelihood he will be persecuted upon his return to a particular country; this requires an alien to show that his fear has a solid basis in objective facts or events and that it is likely he will become the victim of persecution.
- (8) In order for an alien to show that it is likely he will become the victim of persecution, his evidence must demonstrate that (1) the alien possesses a belief or characteristic a persecutor seeks to overcome in others by means of punishment of some sort; (2) the persecutor is already aware, or could easily become aware, that the alien possesses this belief or characteristic; (3) the persecutor has the capability of punishing the alien; and (4) the persecutor has the inclination to punish the alien.
- (9) The well-founded fear standard for asylum and the clear probability standard for withholding of deportation are not meaningfully different and, in practical application, converge.
- (10) "Persecution on account of membership in a particular social group" refers to persecution that is directed toward an individual who is a member of a group of persons, all of whom share a common, immutable characteristic, i.e., a characteristic that either is beyond the power of the individual members of the group to change or is so fundamental to their identities or consciences that it ought not be required to be changed.
- (11) In order for an alien to show persecution on account of "political opinion" within the meaning of the Act, it is not sufficient to show that a persecutor's conduct furthers his goals in a political controversy; rather, the alien must show that it is his own, individual political opinion that a persecutor seeks to overcome by the infliction of harm or suffering.
- (12) The requirement that an alien must be unable or unwilling to return to a particular country because of persecution or a well-founded fear of persecution requires an alien to do more than show a threat of persecution in a particular place or abode within a country—he must show that the threat of persecution exists for him country-wide.

CHARGE:

Order: Act of 1952 - Sec. 241(a)(2) [8 U.S.C. § 1251(a)(2)]—Entered without inspection

ON BEHALF OF RESPONDENT:

Evangeline G. Abrial, Esquire
Catherine Lampard, Esquire
Ecumenical Immigration Services, Inc.
821 General Pershing Street
New Orleans, Louisiana 70115

ON BEHALF OF SERVICE:

William M. Darlington
District Counsel

BY: Milhollan, Chairman; Maniatis, Dunne, Morris, and Vacca, Board Members

In a decision dated December 22, 1983, the immigration judge found the respondent deportable pursuant to section 241(a)(2) of the

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Immigration and Nationality Act, 8 U.S.C. § 1251(a)(2) (1982), for entering the United States without inspection, denied the respondent's applications for a grant of asylum and for withholding of deportation to El Salvador, but granted the respondent the privilege of departing voluntarily in lieu of deportation. The respondent has appealed from that portion of the immigration judge's decision denying the applications for asylum and withholding of deportation. The appeal will be dismissed.

The respondent is a 36-year-old male native and citizen of El Salvador. In a deportation hearing held before an immigration judge over the course of 2 days in July and August 1983, the respondent conceded his deportability for entering the United States without inspection and accordingly was found deportable as charged. The respondent sought relief from deportation by applying for a discretionary grant of asylum pursuant to section 208 of the Act, 8 U.S.C. § 1158 (1982), and for mandatory withholding of deportation to El Salvador pursuant to section 243(h) of the Act, 8 U.S.C. § 1253(h) (1982).¹ In an oral decision, the immigration judge denied the respondent's applications for these two forms of relief finding that he had failed to meet his burden of proof for such relief. It is this finding that the respondent has challenged on appeal.

In order to be eligible for withholding of deportation to any country, an alien must show that his "life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 243(h)(1) of the Act. We have held, and the Supreme Court of the United States has recently affirmed, that this statutory provision requires an alien to demonstrate "a clear probability" of persecution on account of one of the five grounds enumerated in the Act. *INS v. Stevic*, 467 U.S. 407 (1984). The Court has construed the clear probability standard to require a showing that it is more likely than not an alien would be subject to persecution. *Id.* at 424.

In order to be eligible for a grant of asylum, an alien must show he or she is a "refugee" as defined by section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A) (1982). *See* section 208 of the Act. That definition includes the requirement that an alien must have "a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." *See* section 101(a)(42)(A) of the Act. In *INS v. Stevic*, *supra*,

¹ Under the regulations of the Immigration and Naturalization Service, any asylum request made after the institution of deportation proceedings is also considered to be a request for withholding of deportation under section 243(h) of the Act. 8 C.F.R. § 208.9(b) (1984).

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the Supreme Court did not find it necessary to construe the meaning of the phrase "well-founded fear of persecution." Rather, the Court assumed for the purposes of analysis that the well-founded fear standard for asylum is more generous than the clear probability standard for withholding of deportation. *INS v. Stevic, supra*, at 425.

It has been our position that as a practical matter the showing contemplated by the phrase "a well-founded fear" of persecution converges with the showing described by the phrase "a clear probability" of persecution. See, e.g., *Kashani v. INS*, 547 F.2d 376, 379 (7th Cir. 1977); *Matter of Dunar*, 14 I&N Dec. 310, 319-20 (BIA 1973). Accordingly, we have not found a significant difference between the showings required for asylum and withholding of deportation. *Matter of Salim*, 18 I&N Dec. 311, 314 (BIA 1982); *Matter of Lam*, 18 I&N Dec. 15 (BIA 1981); accord *Matter of Portales*, 18 I&N Dec. 239, 241 (BIA 1982).

The United States Court of Appeals for the Third Circuit has agreed with this position, holding that there is no difference between the standards for asylum and withholding of deportation. *Sotto v. INS*, 748 F.2d 882, 886 (3d Cir. 1984); see also *Rejaie v. INS*, 691 F.2d 139, 146 (3d Cir. 1982). The Seventh Circuit has concluded that the well-founded fear standard for asylum is not identical, but "very similar," to the clear probability standard for withholding of deportation and has described the showing for asylum as one requiring actual persecution or some other "good reason" to fear persecution. *Carvajal-Munoz v. INS*, 743 F.2d 562, 574-76 (7th Cir. 1984). This position also appears to have been adopted by the Sixth Circuit. *Youkhanna v. INS*, 749 F.2d 360, 362 (6th Cir. 1984). The Ninth Circuit, however, which has indicated that the well-founded fear standard requires a "valid reason" to fear persecution, has concluded that this standard is more generous to the alien than the clear probability standard for withholding of deportation. *Bolanos-Hernandez v. INS*, 749 F.2d 1316, 1321 (9th Cir. 1984). In light of the conflicting positions over the standards controlling asylum and withholding of deportation, we shall reexamine our position on the showings required for these forms of relief.

We begin with the understanding that an alien in an exclusion or a deportation proceeding who seeks to demonstrate eligibility for either asylum or withholding of deportation must necessarily make two related showings. First, the alien must go forward with his evidence and initially persuade the immigration judge that the facts alleged to be the basis of the claim for asylum or withholding of deportation are true, i.e., the alien must meet his evidentiary burdens of proof and persuasion. See generally, E. Cleary, *McCormick's*

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Handbook of the Law of Evidence § 336, at 783-85 (2d ed. 1975). Second, the alien must demonstrate that the facts found to be true meet the tests of eligibility for asylum or withholding of deportation set out in the Act, i.e., the alien must meet the statutory standards of eligibility for these forms of relief. See sections 208 and 243(h) of the Act.

THE EVIDENTIARY BURDENS OF PROOF AND PERSUASION
FOR ASYLUM AND WITHHOLDING OF DEPORTATION

Case law and the regulations have always made clear that it is the alien who bears the burden of proving that he would be subject to, or fears, persecution. See *INS v. Stevic*, *supra*, at 422 n.16; 8 C.F.R. §§ 208.5, 242.17(c) (1984); see also *Matter of Nagy*, 11 I&N Dec. 888, 889 (BIA 1966); *Matter of Sihasale*, 11 I&N Dec. 759, 760-62 (BIA 1966). However, to date our decisions have not articulated the burden of persuasion an alien must meet in order to convince the trier of fact of the truth of the allegations that form the basis of the claim for asylum or withholding of deportation.

It is the general rule in both administrative and immigration law that the party charged with the burden of proof must establish the truth of his allegations by a preponderance of the evidence. See E. Cleary, *supra*, § 355, at 853; 1A C. Gordon & H. Rosenfield, *Immigration Law and Procedure* § 5.10b, at 5-121 (rev. ed. 1984).² This is the burden of persuasion generally applied to aliens when they seek to prove their admissibility to the United States or when they seek relief from deportation through such means as suspension of deportation under section 244(a) of the Act, 8 U.S.C. § 1254(a) (1982), or adjustment of status under section 245 of the Act, 8 U.S.C. § 1255 (1982). See *Matter of Vorrats*, 12 I&N Dec. 84 (BIA 1967); 1A C. Gordon & H. Rosenfield, *supra*, §§ 3.20d, 5.10b, at 5-121. We see no reason to depart from this burden of persuasion when aliens seek asylum and withholding of deportation. Thus, in such cases we consider it to be incumbent upon an alien to establish the facts supporting his claim by a preponderance of the evidence.³ Cf. *Bolanos-Hernandez v. INS*, *supra*, at 1320 n.5. In deter-

² The Service's burden of proving an alien's deportability by clear, unequivocal, and convincing evidence is an exception to this general rule. See *Woodby v. INS*, 385 U.S. 276 (1966).

³ We note that in *McMullen v. INS*, 658 F.2d 1312, 1316 (9th Cir. 1981), the Ninth Circuit held that a "substantial evidence" standard of review applies in cases in which aliens seek withholding of deportation under section 243(h) of the Act. See also *Carvajal-Munoz v. INS*, *supra*, at 567. The standard of review employed by a

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mining whether a preponderance of the evidence supports an alien's allegations, it is necessary to assess the credibility and the probative force of the evidence put forward by the alien. *See, e.g., Saballo-Cortez v. INS*, 749 F.2d 1354, 1357 (9th Cir. 1984).

In order to prove the facts underlying his applications for asylum and withholding of deportation, the respondent testified, and attested in an affidavit attached to his asylum application, to the following facts. In 1976 he, along with several other taxi drivers, founded COTAXI, a cooperative organization of taxi drivers of about 150 members. COTAXI was designed to enable its members to contribute the money they earned toward the purchase of their taxis. It was one of five taxi cooperatives in the city of San Salvador and one of many taxi cooperatives throughout the country of El Salvador. Between 1978 and 1981, the respondent held three management positions with COTAXI, the duties of which he described in detail, and his last position with the cooperative was that of general manager. He held that position from 1979 through February or March of 1981. During the time he was the general manager of COTAXI, the respondent continued on the weekends to work as a taxi driver.

Starting around 1978, COTAXI and its drivers began receiving phone calls and notes requesting them to participate in work stoppages. The requests were anonymous but the respondent and the other members of COTAXI believed them to be from anti-government guerrillas who had targeted small businesses in the transportation industry for work stoppages, in hopes of damaging El Salvador's economy. COTAXI's board of directors refused to comply with the requests because its members wished to keep working, and as a result COTAXI received threats of retaliation. Over the course of several years, COTAXI was threatened about 15 times. The other taxi cooperatives in the city also received similar threats.

Beginning in about 1979, taxis were seized and burned, or used as barricades, and COTAXI drivers were assaulted or killed. Ultimately, five members of COTAXI were killed in their taxis by unknown persons. Three of the COTAXI drivers who were killed were friends of the respondent and, like him, had been founders and officers of COTAXI. Each was killed after receiving an anonymous note threatening his life. One of these drivers, who died from injuries he sustained when he crashed his cab in order to avoid being

court in reviewing our decision is a separate and distinct standard from that imposed upon a party to measure his burden of persuasion on issues of fact. *Woodby v. INS*, *supra*, at 282-83. Thus, the Ninth Circuit's decision in *McMullen* has no bearing on the issue of an alien's burden of persuasion in withholding or asylum cases.

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shot by his passengers, told his friends before he died that three men identifying themselves as guerrillas had jumped into his taxi, demanded possession of his car, and announced they were going to kill him.

During January and February 1981, the respondent received three anonymous notes threatening his life. The first note, which was slipped through the window of his taxi and was addressed to the manager of COTAXI, stated: "Your turn has come, because you are a traitor." The second note, which was also put on the respondent's car, was directed to "the driver of Taxi No. 95," which was the car owned by the respondent, and warned: "You are on the black list." The third note was placed on the respondent's car in front of his home, was addressed to the manager of COTAXI, and stated: "We are going to execute you as a traitor." In February 1981, the respondent was beaten in his cab by three men who then warned him not to call the police and took his taxi. The respondent is of the opinion that the men who threatened his life and assaulted him were guerrillas who were seeking to disrupt transportation services in the city of San Salvador. He also has the impression, however, that COTAXI was not favored by some government officials because they viewed the cooperative as being too socialistic.

After being assaulted and receiving the three threatening notes, the respondent left El Salvador because he feared for his life. He declared at the hearing that he would not work as a taxi driver if he returned to El Salvador because he understands that there is little work for taxi drivers now. He explained that the people are too poor to call taxis. Additionally, he stated that the terrorists are no longer active.

As evidence of the truth of his version of the facts, the respondent submitted a letter from the present manager of COTAXI, stating that the respondent was a member of that organization for 3 years. The respondent also submitted several articles reporting that leftist guerrillas had threatened to kill American advisors and personnel in El Salvador, had launched an offensive in three of the provinces in the country, and had engaged in a campaign designed to sabotage the transportation industry and the country's economy.

The Service did not submit any evidence refuting the respondent's testimony. As required by regulation, the Service did submit a written advisory opinion from the Bureau of Human Rights and Humanitarian Affairs in the Department of State pertaining to the respondent's Request for Asylum in the United States (Form I-589). See 8 C.F.R. §§ 208.7, 208.10(b) (1983). That opinion states that the respondent does not appear to qualify for asylum because he failed to show a well-founded fear of persecution in El Salvador on ac-

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count of race, religion, nationality, membership in a particular social group, or political opinion.

The immigration judge found the respondent's testimony sufficient to prove that he was a founder and member of COTAXI but insufficient to prove that he had received several death threats and had been assaulted by guerrillas. The immigration judge did not make any finding that the respondent lacked credibility; rather, he rejected a substantial portion of the respondent's testimony solely because it was self-serving.

While the immigration judge's assessment of the evidence deserves deference, we disagree with his conclusion that the respondent's testimony should be rejected solely because it is self-serving. The respondent described in specific detail the circumstances surrounding the deaths of his three friends shortly after they received threatening notes, the threats he received, and the facts surrounding his assault. His testimony as to these matters was logically consistent with his testimony about the threats made to COTAXI and its members for failing to participate in guerrilla-sponsored work stoppages. Moreover, the respondent submitted objective evidence to establish his membership in COTAXI and to corroborate his testimony that the guerrillas sought to disrupt the public transportation system of El Salvador. Thus, absent an adverse credibility finding by the immigration judge, we find the respondent's testimony, which was corroborated by other objective evidence in the record, to be worthy of belief. It remains to be determined, however, whether the respondent's facts are sufficient to meet the statutory standards of eligibility for asylum and withholding of deportation.

THE STATUTORY STANDARD FOR ASYLUM

A grant of asylum is a matter of discretion. *See* section 208 of the Act; *INS v. Stevic, supra*, at 423 n.18. However, an alien is eligible for a favorable exercise of discretion only if he qualifies as a "refugee" under section 101(a)(42)(A) of the Act. Therefore, that section establishes the statutory standard of eligibility for asylum. The pertinent portion of section 101(a)(42) provides as follows:

The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.... The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any

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person on account of race, religion, nationality, membership in a particular social group, or political opinion.

This section creates four separate elements that must be satisfied before an alien qualifies as a refugee: (1) the alien must have a "fear" of "persecution"; (2) the fear must be "well founded"; (3) the persecution feared must be "on account of race, religion, nationality, membership in a particular social group, or political opinion"; and (4) the alien must be unable or unwilling to return to his country of nationality or to the country in which he last habitually resided because of persecution or his well-founded fear of persecution.⁴

(1) *The alien must have a "fear" of "persecution."*

Initially, we note that Congress added the elements in the definition of a refugee to our law by means of the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102. In so doing Congress intended to conform the Immigration and Nationality Act to the United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, [1968] 19 U.S.T. 6223, T.I.A.S. No. 6577, 606 U.N.T.S. 268 ("Protocol"), to which the United States had acceded in 1968. H.R. Rep. No. 781, 96th Cong., 2d Sess. 19, *reprinted in* 1980 U.S. Code Cong. & Ad. News 160, 160; S. Rep. No. 256, 96th Cong., 1st Sess. 4, 14-15, *reprinted in* 1980 U.S. Code Cong. & Ad. News 141, 144, 154-55; H.R. Rep. No. 608, 96th Cong., 1st Sess. 9-10 (1979); *see also INS v. Stevic, supra*, at 422-23. Article 1.2 of the Protocol⁵ defines a refugee as one who

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

Compare 19 U.S.T. 6225 with 6261.⁶

⁴ While the language of section 101(a)(42)(A) excludes from the definition of a refugee any person who "ordered, incited, assisted, or otherwise participated in the persecution of any person," we do not construe this language as establishing a fifth statutory element an alien must initially prove before he qualifies as a refugee. This provision is one of exclusion, not one of inclusion, and thus requires an alien to prove he did not participate in persecution only if the evidence raises that issue.

⁵ Article 1.2 of the Protocol largely incorporated the definition of a refugee contained in Article 1A(2) of the United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150 ("U.N. Convention"), to which the United States was not a party.

⁶ Despite Congress' intention to conform our law to the Protocol, the actual definition of "refugee" adopted in the Act differs in several significant respects from that

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Since Congress intended the definition of a refugee in section 101(a)(42)(A) of the Act to conform to the Protocol, it is appropriate for us to consider various international interpretations of that agreement. However, these interpretations are not binding upon us in construing the elements created by section 101(a)(42)(A) of the Act, for the determination of who should be considered a refugee is ultimately left by the Protocol to each state in whose territory a refugee finds himself. See Young, *Between Sovereigns: A Reexamination of the Refugee's Status*, Transnat'l Legal Probs. of Refugees: 1982 Mich. Y.B. Int'l Legal Stud. 339, 344-45 (1982); Office of the United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* 1, 3-4 (Geneva, 1979) ("*Handbook*"); *INS v. Stevic*, *supra*, at 428 n.22.

In adding the definition of a refugee to the Act, Congress did not identify what one must show in order to establish a "fear of persecution." The phrase "fear of persecution" is not new to the Act. Prior to 1980, it appeared in former section 203(a)(7), which provided for the conditional admission to the United States of certain aliens if they fled a country because of persecution or "fear of persecution." See 8 U.S.C. § 1153(a)(7)(A)(i) (1976) (repealed by the Refugee Act of 1980, Pub. L. No. 96-212, § 203(c)(3), 94 Stat. 102, 107).⁷ Former section 203(a)(7) was applied by Service officers in allocating visas to immigrants abroad and by district directors in determining eligibility for adjustment of status under section 245 of the Act. See, e.g., *Matter of Ugricic*, 14 I&N Dec. 384 (D.D. 1972); *Matter*

in the Protocol and the U.N. Convention. First, the U.N. Convention excludes from all of its provisions several groups of persons: (1) those who have committed crimes against humanity; (2) those who have committed a serious nonpolitical crime; and (3) those who are guilty of acts contrary to the principles of the United Nations. Article 1F of the U.N. Convention at 19 U.S.T. 6263-64. Thus, these groups are not eligible for refugee status under the U.N. Convention or the Protocol. The language in section 101(a)(42)(A) of the Act does not contain this exclusion. Second, in a provision that does not pertain to grants of asylum, Congress provided that a person may qualify as a refugee even if he is still inside his country of nationality or of habitual residence so long as he has been specially designated by the President. Section 101(a)(42)(B) of the Act. Neither the Protocol nor the U.N. Convention definition of "refugee" reaches persons still within the borders of their own countries. Martin, *The Refugee Act of 1980: Its Past and Future*, Transnat'l Legal Probs. of Refugees: 1982 Mich. Y.B. Int'l Legal Stud. 91, 101-03 (1982).

⁷ Specifically, former section 203(a)(7) allowed 17,400 persons each year to be conditionally admitted to the United States if they could demonstrate that (1) they had fled from a communist or communist-dominated country or from any country in the Middle East, and (2) they had fled these countries because of persecution or fear of persecution. See former section 203(a)(7) of the Act.

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of *Adamska*, 12 I&N Dec. 201 (R.C. 1967). Immigration judges and the Board were without authority to decide applications brought under former section 203(a)(7), and accordingly the meaning of the phrase "fear of persecution" was never directly at issue, or construed, in proceedings before the Board. See *Matter of Guiragossian*, 17 I&N Dec. 161, 163 (BIA 1979).

"Fear" is a subjective condition, an emotion characterized by the anticipation or awareness of danger. *Webster's Third New International Dictionary* 831 (16th ed. 1971). The Office of the United Nations High Commissioner for Refugees ("UNHCR") has suggested in the *Handbook* that the definition of a refugee found in the Protocol requires fear to be a person's primary motivation for seeking refugee status. See *Handbook, supra*, at 11-12. While we do not consider the UNHCR's position in the *Handbook* to be controlling,⁸ the *Handbook* nevertheless is a useful tool to the extent that it provides us with one internationally recognized interpretation of the Protocol.

Given the prominence of the word "fear" in the definition of a refugee created by Congress, and given the *Handbook's* persuasive assessment in this instance that "fear" should be a refugee's primary motivation, we conclude that an alien seeking to qualify under section 101(a)(42)(A) of the Act must demonstrate that his primary motivation for requesting refuge in the United States is "fear," i.e., a genuine apprehension or awareness of danger in another country. No other motivation, such as dissent or disagreement with the conditions in another country or a desire to experience greater economic advantage or personal freedom in the

⁸ The *Handbook* was issued in September 1979, whereas hearings on the Refugee Act were held in March and May 1979, and the Senate Judiciary Committee issued its report in July 1979. Thus, it is highly unlikely that Congress consulted the *Handbook* while drafting the definition of a refugee in the Refugee Act of 1980. But see *United States Refugee Program, Oversight Hearings before the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary*, 97th Cong., 1st Sess. 24, 26 (1981) (memorandum from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, to David W. Crosland, General Counsel, Immigration and Naturalization Service) (assuming Congress was aware of the criteria articulated in the *Handbook* at the time of passage of the Refugee Act in 1980, but nonetheless concluding the *Handbook* is only a guideline).

In addition, the jurisdiction of the UNHCR has been expanded over the years and now encompasses large groups of persons displaced by civil strife or natural disasters who simply do not qualify under the Protocol's limited definition of a "refugee." Special Project, *Displaced Persons: "The New Refugees,"* 13 Ga. J. Int'l and Comp. Law 755, 763-71 (1983) and authorities cited therein. Thus, it cannot be certain to what extent the position in the *Handbook* reflects concepts that are outside the strict definition of a "refugee" under the Protocol. See *infra* p. 228.

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United States, satisfies the definition of a refugee created in the Act.

Prior to 1980, "persecution" was construed to mean either a threat to the life or freedom of, or the infliction of suffering or harm upon, those who differ in a way regarded as offensive. *See, e.g., Kovac v. INS*, 407 F.2d 102, 107 (9th Cir. 1969); *Matter of Maccaud*, 14 I&N Dec. 429, 434 (BIA 1973); *Matter of Dunar*, *supra*, at 320; *Matter of Diaz*, 10 I&N Dec. 199, 200 n.1 (BIA 1963); *see also Matter of Laipenieks*, 18 I&N Dec. 433, 456-57 (BIA 1983).⁹ The harm or suffering inflicted could consist of confinement or torture. *See Blazina v. Bouchard*, 286 F.2d 507, 511 (3d Cir. 1961). It also could consist of economic deprivation or restrictions so severe that they constitute a threat to an individual's life or freedom. *See, e.g., Dunat v. Hurney*, 297 F.2d 744, 746 (3d Cir. 1961); *Matter of Salama*, 11 I&N Dec. 536 (BIA 1966); *Matter of Eusaph*, 10 I&N Dec. 453, 454 (BIA 1964). Generally harsh conditions shared by many other persons did not amount to persecution. *See Cheng Kai Fu v. INS*, 386 F.2d 750, 753 (2d Cir. 1967), *cert. denied*, 390 U.S. 1003 (1968). Prosecution for violating travel restrictions and laws of general applicability did not constitute persecution, unless the punishment was imposed for invidious reasons. *See Soric v. INS*, 346 F.2d 360, 361 (7th Cir. 1965); *Matter of Janus and Janek*, 12 I&N Dec. 866, 876 (BIA 1968).

Two significant aspects of this accepted construction of the term "persecution" were as follows. First, harm or suffering had to be inflicted upon an individual in order to punish him for possessing a belief or characteristic a persecutor sought to overcome. *See, e.g., Matter of Diaz*, *supra*, at 204. Thus, physical injury arising out of civil strife or anarchy in a country did not constitute persecution. *Id.* at 203. Second, harm or suffering had to be inflicted either by the government of a country or by persons or an organization that the government was unable or unwilling to control. *See, e.g., McMullen v. INS*, *supra*, at 1315 n.2; *Rosa v. INS*, 440 F.2d 100, 102 (1st Cir. 1971); *Matter of McMullen*, 17 I&N Dec. 542, 544-45 (BIA 1980); *Matter of Pierre*, 15 I&N Dec. 461, 462 (BIA 1975).

We conclude that the pre-Refugee Act construction of "persecution" should be applied to the term as it appears in section 101(a)(42)(A) of the Act. It is a basic rule of statutory construction that words used in an original act or section, that are repeated in

⁹ The word "persecution" appeared not only in former section 203(a)(7) but also in the predecessors to the present withholding of deportation provision in section 248(h) of the Act and in the regulatory provisions pertaining to grants of asylum. *See INS v. Stevic*, *supra*, at 414 and nn.6-7; 8 C.F.R. § 103 (1980). Prior to 1980, it was construed by us and by the courts primarily in the latter two contexts.

subsequent legislation with a similar purpose, are presumed to be used in the same sense in the subsequent legislation. *Lorillard v. Pons*, 434 U.S. 575, 581 (1978); see also 1A C. Sands, *Sutherland Statutory Construction* § 22.33 (4th ed. 1972). Thus, we presume that Congress, in using the term "persecution" in the definition of a refugee under section 101(a)(42)(A) of the Act, intended to adopt the judicial and administrative construction of that term existing prior to the Refugee Act of 1980. See *Commissioner v. Noel's Estate*, 380 U.S. 678, 681 (1965); cf. *McMullen v. INS*, *supra*, at 544-45. Our presumption is reinforced by the fact that in 1978, 2 years before enacting the Refugee Act of 1980, Congress chose not to define the word "persecution" when using it in other provisions of the Act because the meaning of the word was understood to be well established by administrative and court precedents. See *Matter of Lai-penieks*, *supra*, at 456.

As was the case prior to enactment of the Refugee Act, "persecution" as used in section 101(a)(42)(A) clearly contemplates that harm or suffering must be inflicted upon an individual in order to punish him for possessing a belief or characteristic a persecutor seeks to overcome. The word does not embrace harm arising out of civil strife or anarchy. In fact, Congress specifically rejected a definition of a refugee that would have included "displaced persons," i.e., those who flee harm generated by military or civil disturbances.¹⁰ This construction is consistent with the international interpretation of "refugee" under the Protocol, for that term does not include persons who are displaced by civil or military strife in their countries of origin. See Special Project, *supra* note 8, at 763-69, and authorities cited therein.

In the case before us, we find that the respondent has adequately established that his primary motivation for seeking asylum is fear of persecution. We must now consider whether it has been demonstrated that this fear is well founded and whether the other elements necessary to establish eligibility for asylum have been satisfied.

¹⁰ The Senate bill contained a definition of "refugee" that included "displaced persons" and referred, in part, to "any person who has been displaced by military or civil disturbance or uprooted because of arbitrary detention" who is unable to return to "his usual place of abode." See S. 643, 96th Cong., 1st Sess. § 201(a) (1979); S. Rep. No. 256, *supra*, at 4. The House bill did not contain such a provision. See H.R. 2816, 96th Cong., 1st Sess. § 201(a) (1979). The conference committee adopted the House version, thereby rejecting a definition of "refugee" that included "displaced persons." See H.R. Rep. No. 781, *supra*, at 19; see also section 101(a)(42)(A) of the Act.

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(2) *The fear of persecution must be "well founded."*

In 1973, in *Matter of Dunar, supra*, we construed the meaning of "well-founded fear of persecution," as that phrase is used in the Protocol, as follows:

[T]he requirement that the fear be "well-founded" rules out an apprehension which is purely subjective. . . . Some sort of showing must be made and this can ordinarily be done only by objective evidence. The claimant's own testimony as to the facts will sometimes be all that is available; *but the crucial question is whether the testimony, if accepted as true, makes out a realistic likelihood that he will be persecuted.*

Matter of Dunar, supra, at 319 (emphasis added). Our construction of the Protocol's well-founded fear standard was accepted by the courts and thereafter "a well-founded fear" of persecution was understood to mean that an alien had to produce objective evidence showing a likelihood or probability of persecution. See *INS v. Stevic, supra*, at 419-20 and n.12 and cases cited therein; *Kashani v. INS, supra*, at 379. Thus, during 1979 and 1980, the years in which Congress drafted, considered, and enacted the definition of "refugee" in section 101(a)(42)(A) of the Act, the accepted administrative and judicial construction in this country of the well-founded fear standard was one that linked this standard to objective facts, as opposed to purely subjective fear, and to the likelihood of persecution. See *INS v. Stevic, supra*, at 419-20 and n.12.

Congress did not indicate in the legislative history of the Refugee Act of 1980 that it intended to alter the accepted construction of "a well-founded fear of persecution" by using this phrase in the definition of a "refugee" in section 101(a)(42)(A) of the Act. Moreover, the pre-Refugee Act construction of "a well-founded fear of persecution" is nearly identical to that proposed by the authority on international refugee law, Atle Grahl-Madsen, in his treatise on the meaning of the U.N. Convention and the Protocol:

The adjective 'well-founded' suggests that it is not the frame of mind of the person concerned which is decisive for his claim to refugeehood, but that this claim should be measured with a more objective yardstick.

....

We cannot find a meaningful denominator in the minds of refugees. We must seek it in the conditions prevailing in the country whence they have fled.

'Well-founded fear of being persecuted' may therefore be said to exist, if it is likely that the person concerned will become the victim of persecution if he returns to his country of origin.

....

[T]he real test is the assessment of the likelihood of the applicant's becoming a victim of persecution upon his return to his country of origin. If there is a real

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chance that he will suffer persecution, that is reason good enough, and his 'fear' is 'well-founded'.

1 A. Grahl-Madsen, *The Status of Refugees in International Law* §§ 76, 77, at 173, 175, 181 (1966) (emphasis added) (footnote omitted). Lastly, the pre-Refugee Act construction of "a well-founded fear of persecution" is consistent with the intention of the drafters of the U.N. Convention, for by the use of this language the drafters were seeking to introduce an objective, as opposed to a purely subjective, test for the determination of refugee status. 1 A. Grahl-Madsen, *supra*, § 78, at 179.¹¹

Since there is no indication that Congress intended to depart from the accepted judicial and administrative construction of "a well-founded fear of persecution" and since this construction is consistent with the U.N. Convention and the Protocol, we see no valid reason for departing from the construction of the well-founded fear standard that prevailed in this country prior to the Refugee Act of 1980. Accordingly, we continue to construe "a well-founded fear of persecution" to mean that an individual's fear of persecution must have its basis in external, or objective, facts that show there is a realistic likelihood he will be persecuted upon his return to a particular country.

As has always been the case, our construction of the well-founded fear standard reflects two fundamental concepts. The first is that in order to be "well founded," an alien's fear of persecution cannot be purely subjective or conjectural—it must have a solid

¹¹ The committee that drafted the phrase, "a well-founded fear of persecution," in the U.N. Convention defined the phrase to mean that a person actually must have been a victim of persecution or be able to show "good reason" why he fears persecution. *Matter of Dunar, supra*, at 319. That committee considered various proposals defining refugee status in terms of being unwilling to return to one's country of origin because of "serious apprehension based on reasonable grounds of . . . persecution," or a "justifiable fear of persecution," or a "fear of persecution," before selecting the term "well-founded" to describe the nature of the fear that qualified one as a refugee. U.N. Docs. E/AC.32/L.2, E/AC.32/L.3, E/AC.32/L.4 and Add. 1 (Jan. 17, 1950). In addition, the committee was guided by prior international agreements pertaining to refugees, one of which was the Constitution of the International Refugee Organization ("IRO"). See Report of the Ad Hoc Committee on Statelessness and Related Problems, U.N. Doc. E/1618 at 37 (Feb. 17, 1950). The IRO Constitution provided that refugees and displaced persons became the concern of the IRO if, inter alia, they had valid objections to returning to their countries of origin such as "persecution or fear, based on reasonable grounds of persecution." Constitution of the IRO, ratified Dec. 16, 1946, Part I, §§ A, B, C.1(a)(1), 62 Stat. 3037, T.I.A.S. No. 1846, 18 U.N.T.S. 2 (effective Aug. 30, 1948), reprinted in 1948 U.S. Code Cong. Service 2042, 2051-52. Thus, we conclude that in using the phrase "well-founded fear of persecution," the drafters of the U.N. Convention were attempting to create an objective measure of the fear of persecution.

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basis in objective facts or events. Compare *Matter of Martinez-Romero*, 18 I&N Dec. 75, 79 (BIA 1981) (an alien did not show a well-founded fear of persecution because there were no objective facts supporting his claim to asylum) with *Matter of Dunar, supra*, at 319 (a showing of a well-founded fear of persecution rules out a purely subjective apprehension and requires a showing to be made by objective evidence). This concept, after all, is consistent with the generally understood meaning of the term "well-founded," which refers to something that has a firm foundation in fact or is based on excellent reasoning, information, judgment, or grounds. See *Webster's Third New International Dictionary, supra*, at 2595.

The second fundamental concept that is, and always has been, reflected in our construction of "a well-founded fear of persecution" is that in order to warrant the protection afforded by a grant of refuge, an alien must show it is likely he will become the victim of persecution. Compare *Matter of Salim, supra*, at 313-15 (an alien established eligibility for asylum and met the well-founded fear standard because he showed the requisite "likelihood" of persecution) with *Matter of Dunar, supra*, at 319 (the crucial question under the well-founded fear standard is whether a person has shown a realistic "likelihood" of persecution). Since language by its nature is inexact, we have used such words as "likelihood," or "realistic likelihood," or even "probability" of persecution to express this concept. See, e.g., *Matter of Salim, supra*; *Matter of Dunar, supra*. By use of such words we do not mean that "a well-founded fear of persecution" requires an alien to establish to a particular degree of certainty, such as a "probability" as opposed to a "possibility," that he will become a victim of persecution. Rather, as a practical matter, what we mean can best be described as follows: the evidence must demonstrate that (1) the alien possesses a belief or characteristic a persecutor seeks to overcome in others by means of punishment of some sort; (2) the persecutor is already aware, or could easily become aware, that the alien possesses this belief or characteristic; (3) the persecutor has the capability of punishing the alien; and (4) the persecutor has the inclination to punish the alien. The first of these factors is inherent in the showing that the conduct the alien fears amounts to "persecution" under the Act, i.e., the infliction of suffering or harm in order to punish an alien because he differs in a way a persecutor deems offensive and seeks to overcome. The second, third, and fourth factors are all indispensable in showing that there is a real chance an alien will become a victim of persecution, for if the persecutor is not aware or could not easily become aware that an alien possesses the characteristic that is the basis for persecution, or if the persecutor lacks the capa-

bility to carry out persecution, or if the persecutor has no inclination to punish the particular alien, then it cannot reasonably be found that the alien is likely to become the persecutor's victim. The issue of whether an alien's facts demonstrate these four factors is one that ordinarily must be decided on a case-by-case basis, for the question of what kinds of facts show a likelihood of persecution ultimately depends upon each alien's own particular situation. "[T]he likelihood of becoming a victim of persecution may vary from person to person. For example, a well-known personality may be more exposed to persecution than a person who has always remained obscure. . . . [T]herefore [it may be] necessary to assess the situation of each person on its own merits." 1 A. Grahl-Madsen, *supra*, § 76, at 175.

To date, the courts have not agreed upon a common description of the well-founded fear standard in section 101(a)(42)(A) of the Act. The Third Circuit has essentially adopted our language and concluded that "a realistic likelihood" of persecution accurately describes the well-founded fear standard. Compare *Rejaie v. INS*, *supra*, at 146 with *Matter of Dunar*, *supra*, at 319. The Sixth, Seventh, and Ninth Circuits, on the other hand, appear to have chosen the language "good reason" or "valid reason" to fear persecution to describe this standard. *Bolanos-Hernandez v. INS*, *supra*, at 1322; *Youkhanna v. INS*, *supra*, at 362; *Carvajal-Munoz v. INS*, *supra*, at 574, 576-77; see also *Stevic v. Sava*, 678 F.2d 401, 405-06 (2d Cir. 1982), *rev'd on other grounds*, *INS v. Stevic*, *supra*. We think that on their face descriptions such as "good reason" or "valid reason" to fear persecution do not adequately describe the well-founded fear standard. To the extent that such words could be interpreted to mean that an alien's fear of persecution need only be plausible, they do not reflect the generally understood meaning of "well-founded." See *supra* p. 226. Nor do these words reflect the understanding of Congress, and the meaning of the Protocol, that an alien must show it is likely he will become a victim of persecution before he is eligible for refuge. See *supra* pp. 224-25.

Moreover, as a practical matter, we are not certain that these descriptions most accurately describe the analysis used by the courts when ascertaining whether an alien's fear of persecution is "well founded." No matter how the courts have described the well-founded fear standard, they have required an alien to come forward with more than his purely subjective fears of persecution; he has been required to show that his fears have a sound basis in personal experience or in other external facts or events. See, e.g., *Bolanos-Hernandez v. INS*, *supra*, at 1321 and n.11; *Youkhanna v. INS*, *supra*, at 362; *Carvajal-Munoz*, *supra*, at 574, 576-77; *Rejaie v. INS*, *supra*,

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at 145-46. In addition, each of the courts has assessed an alien's facts to determine whether he is likely to become a victim of persecution and, in so doing, has looked for facts demonstrating some combination of the four factors we have used to describe a likelihood of persecution. See, e.g., *Bolanos-Hernandez v. INS*, *supra*, at 1324; *Dally v. INS*, 744 F.2d 1191, 1196 (6th Cir. 1984); *Carvajal-Munoz v. INS*, *supra*, at 577-79; *Chavez v. INS*, 723 F.2d 1431, 1433-34 (9th Cir. 1984); *Shoae v. INS*, 704 F.2d 1079, 1083-84 (9th Cir. 1983).

Our construction of "a well-founded fear of persecution" is also consistent with some aspects of the UNHCR's interpretation of the Protocol. Like us, the UNHCR is of the opinion that the term "well-founded" requires a person's fear of persecution to be more than a matter of personal conjecture and to be supported by an objective situation. *Handbook*, *supra*, para. 38, 41, at 11-13. Furthermore, the UNHCR is of the opinion that a person claiming a well-founded fear of persecution must show that he is not tolerated by, and has come to the attention of, a persecutor. *Handbook*, *supra*, para. 80, at 19. However, we are not certain that the UNHCR's position adequately reflects the concept, inherent both in the Protocol and in the construction of the well-founded fear standard at the time Congress employed it in section 101(a)(42)(A) of the Act, that refuge in this country should be dependent upon a showing of a likelihood of persecution. For example, the UNHCR advocates that a well-founded fear of persecution is established merely if an alien finds his return to a country to be "intolerable" or wishes to avoid situations entailing some risk of persecution. *Handbook*, *supra*, para. 42, 45, at 12-13. Therefore, to the extent that the UNHCR's position in the *Handbook* does not require an individual to show he is likely to become a victim of persecution, we find that position to be inconsistent with Congress' intention and with the meaning of the Protocol.

Given our construction of the showing required by the language "a well-founded fear of persecution," it remains to be determined how this showing compares with the "clear probability" of persecution required for section 243(h) withholding of deportation. The Third and Seventh Circuits view the well-founded fear and clear probability standards to be either identical or very similar to one another. *Sotto v. INS*, *supra*, at 836; *Carvajal-Munoz*, *supra*, at 574-75. The Ninth Circuit, on the other hand, has concluded that the well-founded fear standard is more generous to an alien than the clear probability standard. *Bolanos-Hernandez v. INS*, *supra*, at 1321; see also *Stevic v. Sava*, *supra*, at 406.

One might conclude that "a well-founded fear of persecution," which requires a showing that persecution is likely to occur, refers to a standard that is different from "a clear probability of persecution," which requires a showing that persecution is "more likely than not" to occur. As a practical matter, however, the facts in asylum and withholding cases do not produce clear-cut instances in which such fine distinctions can be meaningfully made. Our inquiry in these cases, after all, is not quantitative, *i.e.*, we do not examine a variety of statistics to discern to some theoretical degree the likelihood of persecution. Rather our inquiry is qualitative: we examine the alien's experiences and other external events to determine if they are of a kind that enable us to conclude the alien is likely to become the victim of persecution. In this context, we find no meaningful distinction between a standard requiring a showing that persecution is likely to occur and a standard requiring a showing that persecution is more likely than not to occur. As we construe them, both the well-founded fear standard for asylum and the clear probability standard for withholding of deportation require an alien's facts to show that the alien possesses a characteristic a persecutor seeks to overcome by punishing the individuals who possess it, that a persecutor is aware or could easily become aware the alien possesses this characteristic, that a persecutor has the capability of punishing the alien, and that a persecutor has the inclination to punish the alien. Accordingly, we conclude that the standards for asylum and withholding of deportation are not meaningfully different and, in practical application, converge.

Our position is most consistent with what we perceive to have been Congress' understanding of the relationship between asylum and withholding of deportation at the time the present provisions were enacted in the Refugee Act of 1980. Prior to 1980, asylum and withholding of deportation were closely related forms of relief, and asylum was available if an alien could show the same likelihood of persecution that was required for withholding of deportation.¹²

¹² Prior to the Refugee Act of 1980, a request for asylum filed after completion of deportation proceedings was considered to be a request for section 243(h) withholding of deportation and for, *inter alia*, the benefits of Article 33 of the Protocol and the U.N. Convention which prohibit the expulsion of a refugee to a place where his "life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion." *INS v. Stevic*, *supra*, at 416-17, 420 n.13; see also 8 C.F.R. § 108.3(a) (1980). An applicant for asylum had the burden of proving that he "would be subject to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 C.F.R. § 108.3(c) (1980).

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The legislative history of the Refugee Act does not contain any express indication that Congress intended to alter this relationship; quite the contrary, the legislative history indicates that Congress understood it was preserving this relationship.¹³

Thus, under the changes made by the Refugee Act of 1980, an alien is eligible for asylum if he meets all of the other elements in the definition of a refugee under section 101(a)(42)(A) of the Act and can show "a well-founded fear of persecution," i.e., objective facts that demonstrate it is likely he will become a victim of persecution. Section 208(a) of the Act. A grant of asylum provides him not only with temporary refuge in this country, but with the possibility of obtaining permanent refuge here, i.e., an opportunity to become a lawful permanent resident. Section 209(b) of the Act. However, asylum is ultimately a matter of discretion. Section 208(a) of the Act. An alien may be denied asylum as a matter of discretion, may be found deportable or excludable, and then may find himself in the position of being expelled. In such a situation he is nonetheless protected against expulsion to the country of persecution, so long as he qualifies for withholding of deportation. See section 243(h)(1) and (2) of the Act. However, withholding of deportation only protects the alien from being expelled to the country in which his life or freedom would be threatened, it does not prevent

Similarly, withholding of deportation under section 243(h) of the Act was construed to be comparable to the benefit afforded by Article 33 of the Protocol and the U.N. Convention. See *Matter of Dunar*, *supra*, at 319-20. An alien seeking withholding of deportation, like an alien seeking asylum, was required to show he "would be subject to persecution on account of race, religion, or political opinion." 8 C.F.R. § 242.17(c) (1980); see also *INS v. Stevic*, *supra*, at 414 nn.6 & 7, 420 n.13.

¹³ The Senate bill required that in order to be eligible for asylum an alien must meet the well-founded fear definition of a refugee and must show that his deportation or return was prohibited by the section 243(h) withholding of deportation provision. S. 643, *supra*, § 203(e); S. Rep. No. 256, *supra*, at 16. The Senate assumed that this did not change the then-existing substantive standard for asylum. S. Rep. No. 256, *supra*, at 9. The House bill contained an asylum provision that made no express reference to withholding of deportation. See H.R. 2816, *supra*, § 203(e). However, the House Judiciary Committee perceived asylum and withholding of deportation to be related forms of relief accomplishing the same end, namely that of conforming United States law to the obligation of Article 33 of the Protocol and the U.N. Convention. H.R. Rep. No. 608, *supra*, at 17-18. The conference committee adopted the House version of the asylum provision and thus in the language of the statute did not link asylum to withholding of deportation. See H.R. Rep. No. 781, *supra*, at 5. Nevertheless, in its report the committee perceived asylum and withholding of deportation to be interchangeable and did not distinguish them as separate forms of relief. *Id.* at 20. We think these facts show that Congress understood the functions of asylum and withholding of deportation to be closely related and the standards of eligibility for these forms of relief to be essentially comparable. But see *Carvajal-Munoz v. INS*, *supra*, at 574-75 n.15.

his expulsion to some other country. *Compare* sections 243(a) and (h) of the Act.

We note that the Seventh Circuit has viewed this statutory structure as lending support for the conclusion that the standards for withholding of deportation and asylum are somewhat different from one another, for the court has concluded that Congress reasonably could have intended an entitlement to withholding of deportation to be available upon a greater showing than that required for a discretionary grant of asylum. *Carvajal-Munoz, supra*, at 575. Conversely, however, the structure of the Act also lends support for the conclusion that Congress intended withholding of deportation to be available upon a lesser showing than that required for asylum, because the right to avoid deportation to one particular country, which is afforded by withholding of deportation, is a lesser benefit than the privileges of remaining in this country under a grant of refuge and of becoming a permanent resident, which are afforded by asylum. Since the structure of the Act reasonably supports two contrary conclusions about the relationship between the standards for asylum and withholding of deportation, we do not find the Act's structure to be particularly helpful in ascertaining Congress' understanding or intention. Rather, we find a better indication of Congress' intention in the legislative history showing that Congress perceived the standards for asylum and withholding of deportation to be comparable to one another.

In the case before us, the respondent claims he fears persecution at the hands of two groups: the government and the guerrillas. Therefore, under our construction of the well-founded fear standard, the respondent must show that his fear of persecution by these groups is more than a matter of personal conjecture or speculation; he must show by objective events that his fear has a sound basis in fact and that persecution by the government or by the guerrillas is likely to occur if he is returned to El Salvador. This means that he must demonstrate that (1) he possesses characteristics the government or the guerrillas seek to overcome by means of punishment of some sort; (2) the government or the guerrillas are aware or could easily become aware that he possesses these characteristics; (3) the government or the guerrillas have the capability of punishing him; and (4) the government and the guerrillas have the inclination to punish him.

The respondent's fear of persecution by the government has no basis whatsoever in either his personal experiences or in other external events. To the contrary, by the respondent's own admission, this fear is based solely on his impression that some officials in the government may have viewed COTAXI as being too socialistic. This

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purely subjective impression is not sufficient to show a well-founded fear of persecution by the government.

In addition, whatever the facts may have been prior to the respondent's departure from El Salvador, those facts have changed significantly since 1981. Most importantly, the respondent admitted that he does not intend to work as a taxi driver upon his return to El Salvador. The respondent's facts do not show that the persecution of taxi drivers continued even after they stopped working as drivers. Furthermore, the respondent testified that the guerrillas' strength has diminished significantly in El Salvador since 1981. For these reasons, the respondent has not shown that at the present time he possesses characteristics the guerrillas seek to overcome or that the guerrillas have the inclination to punish him. Thus, the facts do not demonstrate that there is a likelihood the respondent would be persecuted by the guerrillas should he be returned to El Salvador, and accordingly his fear of persecution upon deportation has not been shown to be "well founded."

(3) *The persecution feared must be "on account of race, religion, nationality, membership in a particular social group, or political opinion."*

The respondent has argued that the persecution he fears at the hands of the guerrillas is on account of his membership in a particular social group comprised of COTAXI drivers and persons engaged in the transportation industry of El Salvador and is also on account of his political opinion.

The requirement of persecution on account of "membership in a particular social group" comes directly from the Protocol and the U.N. Convention. *See supra* p. 219. Congress did not indicate what it understood this ground of persecution to mean, nor is its meaning clear in the Protocol. This ground was not included in the definition of a refugee proposed by the committee that drafted the U.N. Convention; rather it was added as an afterthought. 1 A. Grahl-Madsen, *supra*, at 219. International jurisprudence interpreting this ground of persecution is sparse. G. Goodwin-Gill, *The Refugee in International Law* 30 (1983). It has been suggested that the notion of a "social group" was considered to be of broader application than the combined notions of racial, ethnic, and religious groups and that in order to stop a possible gap in the coverage of the U.N. Convention, this ground was added to the definition of a refugee. 1 A. Grahl-Madsen, *supra*, at 219. A purely linguistic analysis of this ground of persecution suggests that it may encompass persecution seeking to punish either people in a certain relation, or

having a certain degree of similarity, to one another or people of like class or kindred interests, such as shared ethnic, cultural, or linguistic origins, education, family background, or perhaps economic activity. G. Goodwin-Gill, *supra*, at 31. The UNHCR has suggested that a "particular social group" connotes persons of similar background, habits, or social status and that a claim to fear persecution on this ground may frequently overlap with persecution on other grounds such as race, religion, or nationality. *Handbook, supra*, at 19.

We find the well-established doctrine of *ejusdem generis*, meaning literally, "of the same kind," to be most helpful in construing the phrase "membership in a particular social group." That doctrine holds that general words used in an enumeration with specific words should be construed in a manner consistent with the specific words. See, e.g., *Cleveland v. United States*, 329 U.S. 14 (1946); 2A C. Sands, *supra*, § 47.17. The other grounds of persecution in the Act and the Protocol listed in association with "membership in a particular social group" are persecution on account of "race," "religion," "nationality," and "political opinion." Each of these grounds describes persecution aimed at an immutable characteristic: a characteristic that either is beyond the power of an individual to change or is so fundamental to individual identity or conscience that it ought not be required to be changed. See 1 A. Grahl-Madsen, *supra*, at 217; G. Goodwin-Gill, *supra*, at 31. Thus, the other four grounds of persecution enumerated in the Act and the Protocol restrict refugee status to individuals who are either unable by their own actions, or as a matter of conscience should not be required, to avoid persecution.

Applying the doctrine of *ejusdem generis*, we interpret the phrase "persecution on account of membership in a particular social group" to mean persecution that is directed toward an individual who is a member of a group of persons all of whom share a common, immutable characteristic. The shared characteristic might be an innate one such as sex, color, or kinship ties, or in some circumstances it might be a shared past experience such as former military leadership or land ownership. The particular kind of group characteristic that will qualify under this construction remains to be determined on a case-by-case basis. However, whatever the common characteristic that defines the group, it must be one that the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences. Only when this is the case does the mere fact of group membership become something comparable to the other four grounds of persecution under the Act, namely, some-

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thing that either is beyond the power of an individual to change or that is so fundamental to his identity or conscience that it ought not be required to be changed. By construing "persecution on account of membership in a particular social group" in this manner, we preserve the concept that refuge is restricted to individuals who are either unable by their own actions, or as a matter of conscience should not be required, to avoid persecution.

In the respondent's case, the facts demonstrate that the guerrillas sought to harm the members of COTAXI, along with members of other taxi cooperatives in the city of San Salvador, because they refused to participate in work stoppages in that city. The characteristics defining the group of which the respondent was a member and subjecting that group to punishment were being a taxi driver in San Salvador and refusing to participate in guerrilla-sponsored work stoppages. Neither of these characteristics is immutable because the members of the group could avoid the threats of the guerrillas either by changing jobs or by cooperating in work stoppages. It may be unfortunate that the respondent either would have had to change his means of earning a living or cooperate with the guerrillas in order to avoid their threats. However, the internationally accepted concept of a refugee simply does not guarantee an individual a right to work in the job of his choice. See 1 A. Grahl-Madsen, *supra*, at 214. Therefore, because the respondent's membership in the group of taxi drivers was something he had the power to change, so that he was able by his own actions to avoid the persecution of the guerrillas, he has not shown that the conduct he feared was "persecution on account of membership in a particular social group" within our construction of the Act.

Moreover, the respondent did not demonstrate that the persecution he fears is "on account of political opinion." The fact that the respondent was threatened by the guerrillas as part of a campaign to destabilize the government demonstrates that the guerrillas' actions were undertaken to further their political goals in the civil controversy in El Salvador. However, conduct undertaken to further the goals of one faction in a political controversy does not necessarily constitute persecution "on account of political opinion" so as to qualify an alien as a "refugee" within the meaning of the Act.

As we have previously discussed, the term "persecution" means the infliction of suffering or harm in order to punish an individual for possessing a particular belief or characteristic the persecutor seeks to overcome. It follows, therefore, that the requirement of "persecution on account of political opinion" means that the particular belief or characteristic a persecutor seeks to overcome in an individual must be his political opinion. Thus, the requirement of

"persecution on account of political opinion" refers not to the ultimate political end that may be served by persecution, but to the belief held by an individual that causes him to be the object of the persecution. See 1 A. Grahl-Madsen, *supra*, at 212, 220; G. Goodwin-Gill, *supra*, at 31. This construction is consistent with the other grounds of persecution enumerated in the Act such as "race," "religion," "nationality," and "membership in a particular social group," each of which specifies a characteristic an individual possesses that causes him to be subject to persecution. Moreover, this construction is consistent with Congress' intention that not all harm with political implications, such as that which arises out of civil strife in a country, qualifies an alien as a "refugee." See discussion *supra* p. 223 & note 10.

In the respondent's case there are no facts showing that the guerrillas were aware of or sought to punish the respondent for his political opinion; nor was there any showing that the respondent's refusal to participate in the work stoppages was motivated by his political opinion. Absent such a showing, the respondent failed to demonstrate that the particular belief the guerrillas sought to overcome in him was his political opinion. Therefore he does not come within this ground of persecution.

(4) *The alien must be unable or unwilling to return to his country of nationality or to the country in which he last habitually resided because of persecution or his well-founded fear of persecution.*

Traditionally, a refugee has been an individual in whose case the bonds of trust, loyalty, protection, and assistance existing between a citizen and his country have been broken and have been replaced by the relation of an oppressor to a victim. See 1 A. Grahl-Madsen, *supra*, at 97, 100. Thus, inherent in refugee status is the concept that an individual requires international protection because his country of origin or of habitual residence is no longer safe for him. *Id.* We consider this concept to be expressed, in part, by the requirement in the Act and the Protocol that a refugee must be unable or unwilling to return to a particular "country." See section 101(a)(42)(A) of the Act. We construe this requirement to mean that an alien seeking to meet the definition of a refugee must do more than show a well-founded fear of persecution in a particular place or abode within a country—he must show that the threat of persecution exists for him country-wide.

In the respondent's case, the facts show that taxi drivers in the city of San Salvador were threatened with persecution by the leftist guerrillas. However, the facts do not show that this threat exist-

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ed in other cities in El Salvador. It may be the respondent could have avoided persecution by moving to another city in that country.¹⁴ In any event, the respondent's facts did not demonstrate that the guerrillas' persecution of taxi drivers occurred throughout the country of El Salvador. Accordingly, the respondent did not meet this element of the standard for asylum.

In summary, the respondent's facts fail to show that (1) his present fear of persecution by the government and the guerrillas is "well founded"; (2) the persecution he fears is on account of one of the five grounds specified in the Act; and (3) he is unable to return to the country of El Salvador, as opposed to a particular place in that country, because of persecution. Thus, he has not met three of the four elements in the statutory definition of a refugee created by section 101(a)(42)(A) of the Act. Accordingly, the respondent has not shown he is eligible for a grant of asylum.

THE STATUTORY STANDARD FOR WITHHOLDING OF DEPORTATION

Section 243(h) of the Act, which specifies the standard of eligibility for withholding of deportation, requires an alien to show a clear probability of persecution, *i.e.*, that it is more likely than not he will be the victim of persecution, in a particular country. *INS v. Stevic, supra*, at 425. As we indicated, *supra* p. 229, the showing of the likelihood of persecution contemplated by this standard converges, in practice, with the showing required by the well-founded fear standard for asylum. Therefore, since the respondent has not demonstrated a sufficient likelihood of persecution at the hands of either the government or the guerrillas to make his fear "well-founded," it follows that the respondent has not demonstrated the "clear probability" of persecution needed for withholding of deportation. Moreover, since the conduct the respondent fears has not been shown to be inflicted on account of "membership in a particular social group" or "political opinion" within our construction of the Act, the respondent has also failed to show that he comes within one of the five grounds of persecution specified in section 243(h). Accordingly, the respondent has not met the standard of eligibility for withholding of deportation.

¹⁴ It is unfortunate when persons may be obliged to give up their jobs and leave their homes as a result of fear. But that is not the issue here. The issue is, once that decision is made, does an individual have the right to come to the United States rather than to move elsewhere in his home country.

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For the foregoing reasons the respondent has not shown he is eligible either for asylum or withholding of deportation to El Salvador. Therefore, we shall dismiss his appeal.

ORDER: The appeal is dismissed.

MATTER OF MOGHARRABI

In Deportation Proceedings

A-23267920

A-26350376

Decided by Board June 12, 1987

- (1) In *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), the United States Supreme Court held that the "clear probability" of persecution standard employed for withholding of deportation under section 243(h) of the Immigration and Nationality Act, 8 U.S.C. § 1253(h) (1982), does not converge with, and may not be equated with, the "well-founded fear" of persecution standard used for asylum under section 208, 8 U.S.C. § 1158 (1982). *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985), is therefore overruled insofar as it held that the two standards were not meaningfully different, and in practical application converged.
- (2) The well-founded fear of persecution standard used in section 208 of the Act is significantly different from the clear probability standard used in section 243(h).
- (3) An applicant for asylum under section 208 of the Act has established a well-founded fear if a reasonable person in his circumstances would fear persecution.
- (4) A reasonable person may well fear persecution even where its likelihood is significantly less than clearly probable.
- (5) An alien's own testimony in an asylum case may be sufficient, without corroborative evidence, to prove a well-founded fear of persecution where that testimony is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for his fear.
- (6) *Matter of Acosta's* requirement that an applicant for asylum show, *inter alia*, that the potential persecutor "could easily become aware" that the applicant possesses a belief or characteristic the persecutor seeks to overcome by some punishment is changed by omitting the word "easily."

CHARGE:

Order: Act of 1952—Sec. 241(a)(2) [8 U.S.C. § 1251(a)(2)]—Nonimmigrant—remained longer than permitted (both respondents)

ON BEHALF OF RESPONDENTS:

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ON BEHALF OF SERVICE:

Arthur H. Gottlieb
General Attorney

BY: Milhollan, Chairman; Dunne, Morris, Vacca, and Heilman, Board Members

Interim Decision #3028

In a decision dated August 16, 1985, an immigration judge found the respondents deportable as charged and denied their application for asylum and withholding of deportation. Three months' voluntary departure was granted in lieu of deportation. The respondents appealed from the denial of asylum and withholding of deportation. The respondents' appeal will be sustained, and the application for asylum will be granted. Oral argument before the Board is denied.

The respondents, husband and wife, are both natives and citizens of Iran. Both respondents were admitted to the United States as nonimmigrant students on or about September 8, 1978. The female respondent's status was subsequently changed to that of a spouse of a nonimmigrant student. The respondents were authorized to remain in this country until February 27, 1982, but they remained beyond that time. Orders to Show Cause and Notice of Hearing (Forms I-221) were issued against them on August 28, 1984, charging them with deportability as overstays under section 241(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1251(a)(2) (1982). At a joint deportation hearing begun on November 5, 1984, and concluded on July 2, 1985, the respondents conceded their deportability. The only issues at the hearing, and the only issues on appeal, concern the male respondent's application for asylum and withholding of deportation.¹

An alien who is seeking withholding of deportation from any country must show that his "life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 243(h)(1) of the Act, 8 U.S.C. § 1253(h)(1) (1982). In order to make this showing, the alien must establish a "clear probability" of persecution on account of one of the enumerated grounds. *INS v. Stevic*, 467 U.S. 407, 413 (1984). This clear probability standard requires a showing that it is more likely than not that an alien would be subject to persecution. *Id.* at 429-30. Under the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102, withholding of deportation is mandatory. Thus, once an alien has established that he qualifies for that relief, and that he is not ineligible under the provisions of section 243(h)(2), it must be granted, and he cannot then be returned to the country where he would face persecution. He can, however, be sent to another country under certain circumstances. In this important regard, withholding of deportation dif-

¹ Only the male respondent submitted an application for asylum. The female respondent is included in her husband's application. See 8 C.F.R. § 208.2 (1987). References hereafter to "the respondent" refer to the male respondent.

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fers from asylum, which may be denied in the exercise of discretion to aliens who establish statutory eligibility for the relief.

In order to establish eligibility for a grant of asylum, an alien must demonstrate that he is a "refugee" within the meaning of section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A) (1982). See section 208 of the Act, 8 U.S.C. § 1158 (1982). That definition includes the requirement that an alien demonstrate that he is unwilling or unable to return to his country because of persecution or a "well-founded fear" of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The meaning of the term "well-founded fear" has been the subject of considerable controversy and litigation. The Board previously took the position that, as a practical matter, the showing required to establish a well-founded fear of persecution for asylum purposes was the same as that required to establish a clear probability of persecution for purposes of withholding of deportation. *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985). However, the Supreme Court has recently rejected this approach. In *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), the Court held that the clear probability and well-founded fear standards do in fact differ, and that it was Congress' intent that they differ. The Court found it reasonable to assume that Congress intended to make it more difficult to establish absolute entitlement to withholding of deportation under section 243(h) than to establish mere eligibility for asylum under section 208. *Id.* at 443-44. In so ruling, the Court rejected that part of our decision in *Matter of Acosta*, *supra*, wherein we held that the "clear probability" standard and the "well-founded fear" standard are not meaningfully different and, in practical application, converge. *Id.* at 229. That portion of our decision in *Matter of Acosta* has therefore been effectively overruled.

In *INS v. Cardoza-Fonseca*, *supra*, the Court reiterated the rule in *INS v. Stevic*, *supra*, that in order to establish a clear probability of persecution under section 243(h) of the Act, an alien must prove that it is "more likely than not" that he will be persecuted. However, the Court held, such a probable showing of persecution need not be made in order to establish a well-founded fear of persecution under section 208 of the Act. The Court specifically declined to attempt a detailed definition of "well-founded fear," or an explanation as to how that term should be applied. Noting that there is "obviously some ambiguity" in the term, the Court left a more concrete definition to the process of case-by-case adjudication. *Id.* at 448.

It is clear that to a large degree the meaning of "well-founded fear" can in fact only be determined in the contexts of individual

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cases. Whatever words may be used in a definition, the approach must still be to assess each case independently on its particular merits. Nevertheless, we think that some guidance can be provided and would be helpful. We do not attempt a definitive statement on the meaning of well-founded fear but rather are setting forth a starting point for use in an ongoing effort to formulate a workable and useful definition of the standard in question.

Although, as noted above, the Supreme Court in *INS v. Cardoza-Fonseca*, *supra*, did not attempt to define "well-founded fear," the Court in dictum in *INS v. Stevic*, *supra*, offered this guide for the meaning of well-founded fear: "[S]o long as an objective situation is established by the evidence, it need not be shown that the situation will probably result in persecution, but it is enough that persecution is a *reasonable possibility*." *INS v. Stevic*, *supra*, at 424-25 (emphasis added). In *INS v. Cardoza-Fonseca*, *supra*, the Court noted the "obvious focus on the individual's subjective beliefs" in assessing whether a fear is well founded. *Id.* at 431. Perhaps more helpful, however, was the direction provided by the Court in *Cardoza-Fonseca* when it compared the well-founded fear standard with the clear probability standard of section 243(h) of the Act. Not only are the two terms not identical, the Court noted, but since two different standards were used in the same Act, they must have been intended to have "significantly different" meanings. *Id.* at 448 n. 31. The Court's view that the two terms are "significantly different" thus serves as a starting point in defining the term "well-founded fear."²

As suggested by Justice Blackmun in his concurring opinion in *INS v. Cardoza-Fonseca*, *supra*, some guidance regarding the meaning of well-founded fear can be found in decisions of the United States courts of appeals. Prior to the Supreme Court's decision in

² In addition to footnote 31, the Court also indicated in the body of its decision its approval of a "significantly different" standard for asylum as opposed to withholding of deportation. In discussing the old section 203(a)(7) of the Act, 8 U.S.C. § 1153(a)(7) (1976), repealed by the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102, the Court stated that it had been "repeatedly recognized" that the "fear of persecution" requirement for refugee admissions under section 203(a)(7) was "significantly different" from the requirement in section 243(h) that the alien show that he "would be" subject to persecution. *INS v. Cardoza-Fonseca*, *supra*, at 434. The Court went on to conclude that when Congress replaced section 203(a)(7) and its "fear of persecution" with section 207, 8 U.S.C. § 1157 (1982), and its "well-founded fear of persecution," it "in no way wished to modify the standard that had been used under § 203(a)(7)." *Id.* at 434-35. Since the term "well-founded fear" is used in section 208 as well as in section 207, the Court further noted, the same lower standard of proof, "significantly different" from the section 243(h) standard, would apply to section 208 as well. *Id.* at 436 n. 18.

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Cardoza-Fonseca, and after the Court's decision in *INS v. Stevic*, *supra*, a number of the lower courts addressed the issue of the well-founded fear standard and attempted to define that term. The first court of appeals to address the question was the United States Court of Appeals for the Seventh Circuit, in *Carvajal-Munoz v. INS*, 743 F.2d 562 (7th Cir. 1984). The court there stated its view that the evidentiary burden of proof in asylum cases was not identical to that in withholding of deportation cases, although it found the two standards to be "very similar." *Id.* at 575. The Supreme Court, as just noted, has indicated that the terms are significantly different. Nevertheless, the Seventh Circuit's view of the showing necessary to establish a well-founded fear of persecution is worth considering. The court held that, in order to establish the well-founded fear of persecution required for asylum,

[t]he applicant must present *specific* facts establishing that he or she has actually been the victim of persecution or has some other good reason to fear that he or she will be *singled out* for persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Id. at 574. The court also elaborated on the type of evidence necessary to make this showing:

Ordinarily, this must be done through objective evidence supporting the applicant's contentions. Sometimes, however, the applicant's own testimony will be all that is available regarding past persecution or the reasonable possibility of persecution. In these situations, the applicant's uncorroborated testimony will be insufficient to meet the evidentiary burden unless it is credible, persuasive, and points to *specific* facts that give rise to an inference that the applicant has been or has a good reason to fear that he or she will be singled out for persecution on one of the specified grounds, or, alternatively or in addition thereto, must show through testimony and corroborative objective evidence that he or she has good reason to fear persecution on one of the specified grounds.

Id. at 574. Thus, the Seventh Circuit emphasized the need for the applicant to be specific in his claims, to show that there is a "reasonable possibility" of persecution, and to show that he has "good reason" for his fear of persecution.

The United States Court of Appeals for the Ninth Circuit, after first deciding in *Bolanos-Hernandez v. INS*, 767 F.2d 1277 (9th Cir. 1984), that the well-founded fear standard is a lesser one than the clear probability standard, turned to the meaning of well-founded fear in *Cardoza-Fonseca v. United States INS*, 767 F.2d 1448 (9th Cir. 1985). The court accepted the rationale of the Seventh Circuit that an applicant for asylum is required to "present 'specific facts' through objective evidence to prove either past persecution or 'good reason' to fear future persecution." *Id.* at 1453, citing *Carvajal-Munoz v. INS*, *supra*, at 574. Like the Seventh Circuit, the Ninth Circuit also addressed the issue of corroborative evidence. Recogniz-

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ing the difficulty of obtaining documentary evidence to support an asylum claim, the court held that if such evidence is not available, the applicant's testimony will suffice if it is credible, persuasive, and specific. The court rejected the Government's contention that such an approach to the well-founded fear standard rendered that standard wholly subjective and emphasized that applicants

must point to specific, objective facts that support an inference of past persecution or risk of future persecution. That the objective facts are established through the credible and persuasive testimony of the applicant does not make those facts less objective. "Mere assertions of possible fear" are still insufficient. *Shoae v. INS*, 704 F.2d 1079, 1084 (9th Cir. 1983). It is only after objective evidence sufficient to suggest a risk of persecution has been introduced that the alien's subjective fears and desire to avoid the risk-laden situation in his or her native land become relevant.

Cardoza-Fonseca v. United States INS, supra, at 1453.

In *Diaz-Escobar v. INS*, 782 F.2d 1488 (9th Cir. 1986), the Ninth Circuit attempted to refine its requirement that there be both subjective and objective showings, saying: The subjective component requires a showing that the alien's fear is genuine. The objective component requires a showing, by credible, direct, and specific evidence in the record, of facts that would support a *reasonable fear* that the petitioner faces persecution." *Id.* at 1492 (emphasis added). The court concluded: What is critical is that the alien prove his fear is subjectively genuine and objectively reasonable." *Id.* The inquiry into the reasonableness of an applicant's fear was also alluded to by the Ninth Circuit in *Garcia-Ramos v. INS*, 775 F.2d 1370 (9th Cir. 1985), where the court stated that the well-founded fear standard "implicates a requirement of objective reasonableness. In other words, there must be some basis in reality or reasonable possibility that a petitioner would be persecuted." *Id.* at 1374.

The Sixth Circuit has similarly embraced the notion that the "more generous" well-founded fear standard of proof comprises both a subjective and an objective element. In *Yousif v. INS*, 794 F.2d 236 (6th Cir. 1986), the court held that while an applicant for asylum "may prevail upon establishing a subjective fear of persecution, the [applicant's] assertions of fear must nonetheless be supported by objective evidence." *Id.* at 243-44; see also *Youkhanna v. INS*, 749 F.2d 360 (6th Cir. 1984).

Like the Seventh, Ninth, and Sixth Circuits, the Fifth Circuit foretold the Supreme Court's decision in *INS v. Cardoza-Fonseca, supra*, and held that the well-founded fear standard requires a lesser degree of proof than the clear probability standard. *Guevara*

Flores v. INS, 786 F.2d 1242 (5th Cir. 1986).³ The Fifth Circuit also agreed with the other courts that the concept of a well-founded fear was at least partially a subjective one, insofar as fear is a subjective matter, and partially an objective one, because the fear is required to be well founded. However, the Fifth Circuit offered a somewhat more concrete definition. The court held: An alien possesses a well-founded fear of persecution if a reasonable person in her circumstances would fear persecution if she were to be returned to her native country." *Id.* at 1249. This reasonable person standard was subsequently adopted by the Second Circuit, in *Carcamo-Flores v. INS*, 805 F.2d 60 (2d Cir. 1986).

We agree with and adopt the general approach set forth by the Fifth Circuit; that is, that an applicant for asylum has established a well-founded fear if he shows that a reasonable person in his circumstances would fear persecution. As noted by the Second Circuit, this "reasonable person standard appropriately captures the various formulations that have been advanced to explain the well-founded fear test." *Carcamo-Flores v. INS*, *supra*, at 68. It is a standard that provides a "common sense" framework for analyzing whether claims of persecution are well founded. Moreover, a reasonable person may well fear persecution even where its likelihood is significantly less than clearly probable.

In determining whether the alien has met his burden of proof, we recognize, as have the courts, the difficulties faced by many aliens in obtaining documentary or other corroborative evidence to support their claims of persecution. Although every effort should be made to obtain such evidence, the lack of such evidence will not necessarily be fatal to the application. The alien's own testimony may in some cases be the only evidence available, and it can suffice where the testimony is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for his fear.⁴ On the other hand, as pointed out in the Office of the

³ The Third Circuit is the only court which, prior to the Supreme Court's decision in *INS v. Cardoza-Fonseca*, *supra*, consistently held that the well-founded fear standard under section 208 of the Act is equivalent to the clear probability standard under section 243(h). The court first stated this view in *Rejaie v. INS*, 691 F.2d 139 (3d Cir. 1982), which was decided prior to the Supreme Court's decision in *INS v. Stevic*, *supra*. The Third Circuit specifically reaffirmed its position following *Stevic*. *Sotto v. United States INS*, 748 F.2d 832 (3d Cir. 1984); see also *Sankar v. INS*, 757 F.2d 532 (3d Cir. 1985). The Fourth Circuit declined to decide the issue. *Cruz-Lopez v. INS*, 802 F.2d 1518 (4th Cir. 1986).

⁴ The requirement that an alien provide a "plausible and coherent account" of why he fears persecution is rooted in the International Refugee Organization, Manual for Eligibility Officers No. 175, ch. IV, Annex 1, Pt. 1, § C19, p. 24 (May 1950). See *INS v. Cardoza-Fonseca*, *supra*, at 438 n. 20.

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United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* (Geneva, 1979) ("*Handbook*"), the allowance for lack of corroborative evidence does not mean that "unsupported statements must necessarily be accepted as true if they are inconsistent with the general account put forward by the applicant." *Id.* at para. 197. Similarly, very generalized statements of fear will in most cases not suffice. In general, the assessment of the application for asylum should be a qualitative, not a quantitative, one.

Where the country at issue in an asylum case has a history of persecuting people in circumstances similar to the asylum applicant's, careful consideration should be given to that fact in assessing the applicant's claims. A well-founded fear, in other words, can be based on what has happened to others who are similarly situated. The situation of each person, however, must be assessed on its own merits. *See Handbook, supra*, at para. 43.

We note that although our decision in *Matter of Acosta* has been effectively overruled by *INS v. Cardoza-Fonseca, supra*, insofar as *Acosta* held that the well-founded fear standard and the clear probability standard may be equated, much of our decision remains intact and good law. Indeed, we still find in *Acosta* some guidance regarding the meaning of a well-founded fear. In *Acosta*, we set forth four elements which an applicant for asylum must show in order to establish a well-founded fear of persecution. What we required was that the evidence establish that

- (1) the alien possesses a belief or characteristic a persecutor seeks to overcome in others by means of punishment of some sort; (2) the persecutor is already aware, or could easily become aware, that the alien possesses this belief or characteristic; (3) the persecutor has the capability of punishing the alien; and (4) the persecutor has the inclination to punish the alien.

Matter of Acosta, supra, at 226.

In our view, these requirements, for the most part, survive the Supreme Court's decision in *Cardoza-Fonseca* and are still useful guidelines in assessing an asylum application. However, we have determined that one small but significant change in these requirements should be made in view of the Court's ruling. The second requirement should be changed by omitting the word "easily." Thus, it is enough for the applicant to show that the persecutor could become aware that the applicant possesses the belief or characteristic in question. The omission of the word "easily" lightens the applicant's burden of proof and moves the requirements as a whole into line with *Cardoza-Fonseca*. Of course, all these requirements

must now be considered in light of the lower burden of proof which will be imposed on asylum applicants generally.

It must also be remembered that an alien who succeeds in establishing a well-founded fear of persecution will not necessarily be granted asylum. He must also show that the feared persecution would be on account of his race, religion, nationality, membership in a particular social group, or political opinion. Thus, for example, aliens fearing retribution over purely personal matters, or aliens fleeing general conditions of violence and upheaval in their countries, would not qualify for asylum. Such persons may have well-founded fears, but such fears would not be on account of their race, religion, nationality, membership in a particular social group, or political opinion. See, e.g., *Sanchez-Trujillo v. INS*, 801 F.2d 1571 (9th Cir. 1986); *Contreras-Aragon v. INS*, 789 F.2d 777 (9th Cir. 1986); *Diaz-Escobar v. INS*, *supra*; *Lopez v. INS*, 775 F.2d 1015 (9th Cir. 1985); *Zepeda-Melendez v. INS*, 741 F.2d 285 (9th Cir. 1984); *Martinez-Romero v. INS*, 692 F.2d 595 (9th Cir. 1982); *Matter of Pierre*, 15 I&N Dec. 461 (BIA 1975). Finally, an applicant for asylum must also show that he merits the relief as a matter of discretion.

While under *Matter of Acosta*, *supra*, we were able to consider an application for asylum and withholding of deportation as, for most purposes, one, this approach requires some modification after *INS v. Cardoza-Fonseca*, *supra*. Given that the core of evidence and testimony presented in support of the asylum and withholding applications will in almost every case be virtually the same, such evidence and testimony may still be presented in a single hearing. However, in actually adjudicating the applications, a clear delineation of the findings should be made as to each application. We anticipate that as a general rule the asylum application, with its lower burden of proof, will be adjudicated first. If the applicant is found eligible for asylum, and worthy of the relief as a matter of discretion, there may be no need to determine as well whether a clear probability of persecution exists.

We now turn to the application of these new standards to the case presently before us. The respondent fears persecution in Iran primarily because of an altercation he had with an official or agent of the regime of the Ayatollah Khomeini. The respondent testified and attested to the following facts regarding that incident. In February of 1981, while in the United States, the respondent went with an Iranian friend to the Iranian Interests Section at the Algerian Embassy. His purpose was to document his continuing student status in order to enable him to continue receiving funds from relatives in Iran. To this end, he took with him photocopies of his pass-

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port and his Arrival-Departure Record (Form I-94). When he presented the photocopies to a student who was working at the Embassy, he was told that the originals were required. According to the respondent, he was informed that the originals were necessary because students who did not have them had probably submitted them to the Immigration and Naturalization Service in connection with asylum applications. The student-employee was insistent, and the respondent's friend asked to see the supervisor. The supervisor appeared, but further trouble ensued. The student apparently grabbed the respondent's friend's neck, but the supervisor separated them. The student then told the respondent's friend that he and "his kind had better keep their eyes and ears open because 'their day' would come soon." In response, the respondent told him that "he and his kind had robbed Iran of all that was worth living for and that they were nothing more than religious fascists stuffing their pockets with the nation's wealth." According to the respondent, the student then drew a gun, and he and his friend ran out the door. The respondent testified that there were cameras all around the room recording these events. A witness for the respondent testified at the hearing that he accompanied the respondent and his friend to the Algerian Embassy, although he waited in the car and did not go inside with them. This witness testified that, when the respondent and his friend returned to the car, they were nervous, and a couple of people were following them. It is the respondent's contention that he is now known to Khomeini officials and that as a result he has good reason to fear persecution if returned to Iran. The respondent also testified that he had participated in anti-Khomeini demonstrations in the United States.

After careful consideration of the entire record, we have concluded that a reasonable person in the respondent's circumstances would fear persecution if returned to Iran. We find the respondent's account of why he fears persecution based on his political opinions to be plausible, detailed, and coherent. The respondent's account of the incident at the Embassy appears to us to be credible, and there is nothing in the record to otherwise suggest that the respondent lacks credibility. The respondent clearly expressed his political views at the Iranian Interests Section and his opinions were extremely derogatory to the regime in power. The Service does not dispute that opponents of the Ayatollah Khomeini are often persecuted for their opposition. In this case, a reasonable person in the respondent's position would fear that his opposition to that regime has become known to those who are both in a position, and who have the inclination, to punish him for it. Under these circumstances, we find that the respondent has met his burden of showing

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a well-founded fear of persecution in Iran. Given the statements made to agents of the Khomeini regime by the respondent while in the Algerian Embassy, any persecution which might occur would be on account of political opinion.

There are no adverse factors of record in this case. We find no basis for considering a discretionary denial of relief. The application for asylum will accordingly be granted. We therefore find it unnecessary to decide whether the respondent has also established a clear probability of persecution for section 243(h) purposes. Accordingly, the following orders will be entered.

ORDER: The appeal is sustained.

FURTHER ORDER: The application for asylum is granted.

Student Name: [Click here to enter text.](#)

Reading Case Law Exercise	
(Please note, this is a simplified format, not following the usual IRAC format of a law school brief that is described in your reading.)	
The facts of the case: Within the decision the court will describe the relevant facts upon which they based their decision. Do not simply copy and paste the facts found in the decision, but summarize them in your own words.	
The sources of authority: Please list any statutes, regulations, or foreign law that the decision maker relied upon in reaching their decision. Also list the major cases that were relied upon.	
The decision: How did the court resolve the controversy at issue – what did the court rule?	
The reasoning behind the decision: What explanation did the court give for their decision that would apply to future cases?	

Yasrobi, Sharon A

From: Yasrobi, Sharon A
Sent: Thursday, January 16, 2020 12:29 PM
To: Andre, Lisa S
Subject: FW: Useful information while at Dilley and additional instructions re: the training tomorrow
Attachments: Joinder Job Aid.msg; Detention and Court Addresses and Codes.pdf; Credibility sample language-HQ.docx; CARA reschedule requests.msg; Acting FDNS Officer - 9/16 - 9/26/2019.msg; G-28 from CARA.jpg; Template for child interviews.docx; IFR_SHELL_.docx; AVAYA phone info.docx; CAT Suggested Questions for police acquiescence.tif; Instructions.tif; BISC.dotm; Telephonic Procedures for USBP at Dilley 9.24.19.docx

From: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov> **On Behalf Of** TrainingOfficers.ZHN
Sent: Monday, November 18, 2019 3:50 AM
To: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>
Subject: Useful information while at Dilley and additional instructions re: the training tomorrow

We hope you have been enjoying your time at Dilley! This e-mail contains resources for your adjudications. There is one main document that I would like you to review called Procedures for USBP at Dilley. (It is separated out based on if you are doing in-person or telephonic interviews.) Also, I think you will find the checklist writing document useful.

I will need to record that each of you has completed tomorrow's training. If you are at Dilley, I will ask you to sign a sign-in sheet located in my office. If you are watching the training at another location, please e-mail me when you finished watching the training. If you are on-leave tomorrow, you will not be allowed to move forward with interviews until you complete the training.

If you have any questions, please reach out to me anytime. My office is in asilo, but I'm usually back and forth between the two buildings.

Best,
Kathleen

Avaya Phones – Merging Calls & Dropping Calls

If you are on a telephonic interview and you intend to speak to anyone beside the applicant, interpreter and lawyer/consultant you must put the telephone on mute. That is the button in the bottom right showing a telephone and a line through it.

You're on a call (e.g. detention facility) and want to add another party to the call (interpreter – attorney):

1. Hit Conference button
2. Call additional party



Conference button

Wait until you have an interpreter on the line. If the service does not have an interpreter, hit the Drop and repeat instructions above.



Drop button

To add an attorney, repeat the instructions above.

Dropping the call you just merged:

For example you merge lines with the applicant when calling the attorney and it goes to voicemail; now want to drop the attorney off the merged call:

1. **Press the transfer** on the phone - this will separate the merged call
2. Then press the **button next to the line** you want to drop

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
Aliases or Alternate DOBs (If any):			
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed: ☐ NO ☐ YES		Results Pending at Time of Decision: ☐ FBI Name Check ☐ FBI Fingerprint Check	
Mandatory Bar Flagged in Adjudication Tab ☐ NO ☐ YES Reason:			
BIOGRAPHIC CHECKS			
TECS: Must be completed for individuals age 14 and over on the primary name and DOB only			
Date/Initials	☐ Under age 14 (no TECS required) ☐ TECS check complete (Required) Documentation: ☐ CBP or ICE TECS results attached Date: _____ ☐ Manual CBP/ICE Person Query printouts ☐ I-213 ☐ Other evidence: _____ ☐ Checks tab print-out with TECS results attached (For "No Hit" results only; manual query required for "Hit" results) ☐ Manual Person Query printouts attached ☐ ROIT attached (required for all manual queries)		
9/20/2019	☐ No Hit Found ☐ DNR (Record Found Does Not Relate to Applicant) ☐ Hit (Record Found that Relates to Applicant) ☐ Hit Resolution Memorandum attached		
FBI Name Check: Must be initiated for individuals age 14-79 on the primary name and DOB only			
Date/Initials	☐ Under age 14 (no name check required) ☐ Over age 79 (no name check required) ☐ FBI Name Check Initiated (Required) Documentation: ☐ Checks tab print-out attached		
9/20/2019	☐ No Record ☐ Result not yet returned ☐ Positive Response ☐ LHM/FBI response attached (if available) ☐ LHM/FBI response not yet received ☐ Classified LHM/FBI response received (not attached)		
BIOMETRIC CHECKS			
FBI Fingerprint Check: Must be initiated for all individuals age 14 and over			
Date/Initials	☐ Under age 14 (No FBI Fingerprint check required) ☐ No evidence of fingerprint check; Arranged for ICE to initiate fingerprint check (Required prior to serving I-862 or I-863 when no evidence of FBI FP check can be found) ☐ Fingerprint Check Initiated Date: _____ Documentation: ☐ Fingerprint Card ☐ I-213 ☐ Other evidence: _____		
9/20/2019	☐ NEGATIVE/NONIDENT ☐ POSITIVE/IDENT ☐ If available, criminal history records attached (RAP sheet/IdHS, court dispositions, etc.)		
DHS-IDENT Encounter Search (access through CPMS-IVT): FIN or A# search must be completed for all individuals age 14 and over			
Date/Initials	☐ Under age 14 (search not required) ☐ FIN or A# search completed (printouts attached) ☐ No encounters found ☐ Contacted ICE to Enroll Applicant in DHS-IDENT (Required only when DHS-IDENT record cannot be found) ☐ One or more encounters found		
9/20/2019	Mark All Applicable Encounter Result Types: ☐ Watchlist ☐ Recidivist ☐ DHS Apprehension Encounters ☐ Other Applications (USCIS benefits or DOS visas) ☐ Other _____		
Identity Verification (Required For All Non-Detained Applicants Interviewed in person at a USCIS Office)			
Date/Initials	☐ CPMS-IVT Biometric Verification Completed ☐ Visual Verification Completed (Under age 14 ONLY) ☐ Identity Mismatch (screen(s) attached) – cannot be interviewed without resolution. Explain steps taken to resolve below:		
☐ CHECK HERE IF THERE IS CLASSIFIED INFORMATION ON THIS CASE.			
BACKGROUND IDENTITY AND SECURITY CHECK CLEARED FOR ADJUDICATION:			
AO: _____		DATE: <u>9/20/2019</u> SAO CONCURRENCE _____ DATE: _____	

From:

Subject: CARA reschedule requests

Attachments: CARA request for more time to speak to a lawyer.pdf; FW: Immediate implementation - Timing of the CF interview after arrival at a detention facility + Handling of requests to reschedule CF interviews .msg

Please see below and attached from Audrey.

Best,
Kathleen

Good morning,

Corecivic and ICE brought this to my attention today:

At the STFRC, the BP AOs are asking the residents if they are represented by counsel at the beginning of the interview. If the resident says yes, they are instructing the resident to leave and come back with their attorney. It is resulting in residents not returning for their scheduled interview.

It is appropriate for you to ask about counsel at the beginning of the interview. CARA prepares all the applicants onsite for their CFIs; that does not necessarily mean they are representing them, or that CARA has the bandwidth to provide in person rep to each applicant family group. A good example of how this exchange should go between you and the applicant is:

Q: Do you have counsel?

A: Yes, CARA helped me with my case.

Q: Are you comfortable continuing without counsel present today?

A: Yes.

If the applicant refuses to go forward without CARA, please get with your SAO and they will coordinate with Corecivic and ICE to get someone from CARA to come over for the interview. Please DO NOT affirmatively send the applicants away, or release, and delay the interview.

Thanks,
Audrey

From: Douglas, Audrey M

Sent: Tuesday, September 17, 2019 8:54 AM

To: Hernandez, Ruth N <ruth.n.hernandez@uscis.dhs.gov>; Espinoza, Salvador H <salvador.h.espinoza@uscis.dhs.gov>; Gutierrez, Ervey <ervey.gutierrez@uscis.dhs.gov>; Quinones, Eugenio Jr <eugenio.quinones@uscis.dhs.gov>; Sanchez, Eric A <eric.a.sanchez@uscis.dhs.gov>; [REDACTED]

[REDACTED]; Valdez, Luis S <luis.s.valdez@uscis.dhs.gov>; [REDACTED]
[REDACTED]; Etling, John E <john.e.etling@uscis.dhs.gov>; Natividad, Frank (b)(7)(c) <frank.natividad@uscis.dhs.gov>; Perez, Ubaldo <ubaldo.perez@uscis.dhs.gov>; [REDACTED]

(b)(7)(c)

Cc: Andre, Lisa S <Lisa.S.Andre@uscis.dhs.gov>; Villena, Daniel A <daniel.a.villena@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Grady Madera, Adrienne M <adrienne.m.grady-madera@uscis.dhs.gov>; Miller, Rebecca E <rebecca.e.miller@uscis.dhs.gov>; Maalona, John L <John.L.Maalona@uscis.dhs.gov>

Subject: CARA reschedule requests

Good morning,

Some of you have expressed concern that an interview should not proceed when you receive this paperwork from the applicant at Dilley.

There was a division wide policy change on 7/8/19 about reschedule requests. I will forward the email from the Chief in a separate chain. Please take time to read it today.

“The USCIS Acting Director has decided to set the minimum timeframe that an alien will have for consultation to one full calendar day after the time of arrival at all detention facilities, including the Family Residential Centers (FRCs). In practice, given USCIS business hours for conducting CF interviews, individuals will have longer than 24 hours to consult, depending on when they arrive at the facility. [...] If USCIS has already provided the alien a full calendar day, as outlined above, to consult, USCIS will normally deny requests for extensions, as unreasonably delaying the process, except in the most extraordinary circumstances.”

If you believe an extraordinary circumstance exists, please reach out to your SAO and me, and I will be the deciding official.

Thank you,

Audrey M. Douglas
Section Chief, Houston Asylum
(cell)

Estimado oficial de asilo:

No estoy lista para continuar con mi entrevista de temor creíble hoy. Le pido a la Oficina de Asilo que pospone me entrevista para tener mas tiempo para prepararme.

No he tenido tiempo de hablar con los asistentes legales en el Proyecto Dilley Por Bono sobre todos los detalles de mi caso. Tampoco he tenido tiempo de hablar con miembros de mi familia que tienen información importante sobre mi caso. Yo entiendo que tengo el derecho a hablar con cualquier persona que necesite antes de mi entrevista debajo de 8 C.F.R. § 208.30(d)(4). Me gustaría una breve extensión hasta mañana para poder consultar con la persona de mi elección.

Gracias.

Dear Asylum Officer:

I am not ready to proceed with my credible fear interview today. I am asking the Asylum Office to reschedule my interview so that I have more time to prepare.

I have not had time to speak with the legal assistants at the Dilley Pro Bono Project about all the details of my case. I also have not had time to speak with my family members who have important information about my case. I understand that I have the right to speak to anybody I need to before my interview under 8 C.F.R. § 208.30(d)(4). I would like a short delay until tomorrow so that I can consult with the person of my choosing.

Thank you.

Douglas, Audrey M

From: Douglas, Audrey M
Sent: Tuesday, September 17, 2019 8:55 AM
To: Hernandez, Ruth N; Espinoza, Salvador H; Gutierrez, Ervey; Quinones, Eugenio Jr; Sanchez, Eric A; VALDEZ, JACOB B; DOUGHERTY, STEPHEN E; CLARK, STEVEN C; LARACUENTE, HABACUC; LOPEZ, ANDRES; STEPHANY, ERIK R; TOVAR, RAFAEL; Valdez, Luis S; RODRIGUEZ, BENJAMIN; Etling, John E; Natividad, Frank; Perez, Ubaldo; LEDEZMA, ARMANDO; RIVERA4, LUIS; LEMUS, MIGUEL A; SESSION, SHONE D; Roberts, Robin J; Dickey, Johnathan E; DUTTON, JULIE L
Cc: Villena, Daniel A; Grady Madera, Adrienne M; Miller, Rebecca E; Maloney, Kathleen M; Andre, Lisa S; Maalona, John L
Subject: FW: Immediate implementation - Timing of the CF interview after arrival at a detention facility + Handling of requests to reschedule CF interviews
Attachments: Waiver of the Consultation Period (Rev. 7-8-19).docx; Updated CFPM Sections (Consultation) 7.8.19 .docx

FYI – see below and attached.

From: Lafferty, John L <John.L.Lafferty@uscis.dhs.gov>
Sent: Monday, July 8, 2019 5:37 PM
To: RAIO - Asylum Field Office Managers <RAIO-AsylumFieldOfficeManagers@uscis.dhs.gov>; RAIO - Asylum HQ <RAIO-Asylum@uscis.dhs.gov>; RAIO - Asylum Field Office Staff <RAIO-Test@uscis.dhs.gov>
Cc: Kim, Ted H <Ted.H.Kim@uscis.dhs.gov>; Higgins, Jennifer B <Jennifer.B.Higgins@uscis.dhs.gov>
Subject: Immediate implementation - Timing of the CF interview after arrival at a detention facility + Handling of requests to reschedule CF interviews

Asylum colleagues,

Effective immediately, the Asylum Division will implement consistent approaches to 1) the minimum amount of time USCIS will wait after an alien's arrival at a detention facility before conducting the credible fear (CF) interview, and 2) the consideration of requests to reschedule a CF interview. These changes are outlined in revisions to Sections III.D. and III.E. of the Credible Fear Procedures Manual, which are included in the attachment.

The USCIS Acting Director has decided to set the minimum timeframe that an alien will have for consultation to one full calendar day after the time of arrival at all detention facilities, including the Family Residential Centers (FRCs). In practice, given USCIS business hours for conducting CF interviews, individuals will have longer than 24 hours to consult, depending on when they arrive at the facility. For instance, if an alien arrives at a facility at 11 AM on a Tuesday, USCIS would not conduct the CF interview on the Tuesday or Wednesday (the full calendar day), but USCIS could proceed to scheduling the alien for a CF interview as early as any available interview time on that Thursday. If the interview was scheduled to take place before 11 AM, the alien would be interviewed in just under 48 hours after arrival at the facility. If the interview is at 11 AM or later, the alien would be interviewed 48 hours or more after arrival.

The updated Form M-444, Information About Credible Fear Interview, continues to correctly inform the alien that his or her credible fear interview "will usually occur at least 48 hours after [the aliens] arrive at the detention facility." Presently, at nearly all facilities where USCIS is asked to interview

DHS-19-1398-C, 19-1400-B-000066

aliens being detained while awaiting CF processing, the alien's CF interview is taking place well after the passage of 48 hours from the alien's arrival at the facility. When USCIS is able to proceed to an interview with an alien a bit more quickly than 48 hours after the alien's arrival, and the alien has had a full calendar day at the facility to seek to exercise his or her statutory right to consult with a person of his or her choosing, USCIS may proceed with scheduling and conducting the interview under this new guidance.

Also, please remember that an alien referred to USCIS for a credible fear interview can request to be interviewed even earlier if the alien is prepared to discuss his or her case immediately with us. A new Appendix F to the CFPM, Waiver of the Consultation Period, is attached for use.

Requests to Reschedule CF Interviews

- In conjunction with the decision on the timing of the CF interview, USCIS is also establishing a new policy that requires that an alien who is requesting to reschedule a set day and time for the CF interview must show extraordinary circumstances warranting approval of such a request so that USCIS can ensure, consistent with the statute, that the consultation period provided does not unreasonably delay the overall CF process. If USCIS has already provided the alien a full calendar day, as outlined above, to consult, USCIS will normally deny requests for extensions, as unreasonably delaying the process, except in the most extraordinary circumstances.

Asylum HQ is informing our ICE and CBP HQ contacts of these changes. Each office is asked to similarly notify your local government partners and other impacted entities.

Please submit any questions about these changes to the Asylum HQ Operations team.

John

Updated Credible Fear Procedures Manual Sections

III.D. ASYLUM OFFICE SCHEDULES INTERVIEW

1. Consultation Period (previously titled “48 Hour Hiatus”)

It is a policy of the Asylum Program to allow a minimum of one full calendar day to transpire between the arrival of an alien at a detention site or receipt of initial M-444 (whichever is later) and any credible fear interview. This consultation period provides an alien an opportunity to contact a relative, representative, attorney, or friend whom the alien may want to act as a consultant during the credible fear interview. If USCIS is prepared to proceed with the interview after the consultation period has passed, asylum offices normally will deny requests for extensions of the consultation period, as unreasonably delaying the process, except in extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, serious illness or mental or physical disability of the alien, a member of the alien’s immediate family, or the alien’s consultant, and facility issues that prevent the alien from contacting a consultant.

If DHS transfers an alien to a new detention site, the consultation period begins anew from the alien’s arrival at the new detention location.

a. Waiver of Consultation Period (previously titled “Waiver of 48-Hour Period”)

Although an asylum office must wait at least one full calendar day from the alien’s arrival at a detention site or receipt of initial M-444 (whichever is later) before interviewing the alien, an alien may, at his or her request, waive the consultation period before a credible fear interview. The asylum office should make every effort to interview the alien as soon as possible after receiving such a request.

If the interview takes place within the consultation period, the APSO asks the alien to sign a *Waiver of the Consultation Period*. Appendix F: Waiver of the Consultation Period.

III.E. APSO CONDUCTS A CREDIBLE FEAR INTERVIEW.

4. Consultants

b. Failure of Consultant to Attend Interview

If the SAPSO made previous arrangements with a consultant to appear at the interview, and the consultant does not appear, the APSO may continue with the credible fear interview, with the alien’s consent. The APSO records the alien’s consent to proceed with the interview in the interview notes, and puts a “4” in box 1.15 on Form I-870, indicating that no one other than the alien and the APSO were present at the interview.

All requests by an alien to not proceed with an interview without a consultant must be handled on a case-by-case basis. USCIS normally will deny reschedule requests, as unreasonably delaying the process, except in extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, serious illness or mental or physical disability of the alien, a member of the alien’s immediate family, or the alien’s consultant, and facility issues that prevent the alien from contacting a consultant.

A SAPSO may deny a request to reschedule an interview if the asylum office has documented chronic problems with a particular consultant who consistently submits rescheduling requests or fails to attend credible fear interviews.

July 8, 2019

Waiver of the Consultation Period

A-number: _____

Name: _____

- - DECLARATION OF ALIEN - -

- I was placed into the credible fear process upon seeking admission to the United States because I expressed a fear of harm upon return my country, or because I was unable to communicate with the inspecting officer at the time I applied for admission.
 - I understand that I will be interviewed by a specially-trained asylum officer to determine if I have a “credible fear of persecution” or a “credible fear of torture.” I also understand that I may have one full calendar day to consult with family members, friends or other representatives before this interview takes place.
 - I request to waive the consultation period, and have an interview with an asylum officer at the earliest possible time.
-

Alien's Last Name/Family Name (Print)

Alien's First Name (Print)

Alien's Signature

Asylum Officer's Last Name (Print)

Asylum Officer's First Name (Print)

____/____/____
Date

The contents of this form were read and explained to the alien in the _____ language.

Interpreter Used (if any):

☐ By telephone: (list interpreter service/ID number of interpreter) _____

☐ In person: I, _____, certify that I am fluent in both the _____ and English languages. I interpreted the above information completely and accurately to the alien.

Interpreter's Signature

____/____/____
Date

Acquiescence

Suggested Questions

- Did you report/go to authorities for help?
 - what did you tell them
 - what did they say they would do
 - what did they do
 - how do you know
 - Why did authorities not help?
- Have other people who were [harm] by [group] gone to authorities for help?
 - what did authorities tell them?
 - what did authorities do for them?
 - how do you know
 - why did authorities not help?
 - where did this happen
 - when did this happen
- Have you seen or heard about officials working with or being involved with [group]?
- Have you seen or heard about officials seeing [group] [harm] people and not helping them?
- Have you seen or heard about officials helping or assisting [group] in any way?
- Have you seen or heard about officials refusing to help someone who came to them for help against [group]?
- Have you seen or heard about officials refusing to help someone who they knew was being [harm] by [group]?
 - what specifically have you seen/heard?
 - where did you see/hear this?
 - if from someone else] how do they know?
 - why did authorities act this way?
 - where did this happen?
 - when did this happen?

Follow-up: Get details/how do they know

- Applicants often testify in generalizations: "everyone knows that police are corrupt" "police get bought off."
- Without more, these generalizations are assertions of an opinion, as opposed to supportive facts.
- We need to try to elicit testimony to determine if there are any supportive facts behind the generalizations, and in many cases there are. Applicants often have these opinions because of something they have observed, read, or heard.
- Example: Applicant states "everyone knows that the police are corrupt."
- We should follow-up:
 - How does everyone know the police are corrupt?
 - How did you find out that the police are corrupt?
 - What is it specifically that makes you believe that the police are corrupt?
 - Has anyone ever told you that the police are corrupt?
 - Who told you that the police are corrupt?
 - Can you tell me specifically what that person said?
 - How did that person know that?
 - Have you ever personally observed anything that makes you believe the police are corrupt?
 - What specifically did you observe?
 - How many times did you observe this happening?
 - Have you ever seen, read, or heard anything in the news that makes you believe that the police are corrupt?
 - Where did you see, hear, or read that specifically?
 - Can you tell me specifically what the newspaper article said?
- It is always best to start with more open, general questions. If the answers the applicant provides are generalizations, it is ok to ask more direct, more leading questions. Just make sure that when leading questions are asked, there is follow-up concerning the answer provided.

More Details!

- In general, we should ask follow-up to elicit sufficient details to allow us to provide appropriate weight to each assertion.
- Applicant testified: I read about corruption in the news.
 - Where did you read this specifically?
 - Can you tell me specifically what the news article states?
 - Was this news article referring to your community or somewhere else in your country?
 - How many times have you read news articles like this one?
 - Have you read any similar news articles about your community?
- Applicant testified: I was told that the police are corrupt.
 - Can you tell me specifically who told you that?
 - Was it only one person who told you that?
 - Can you tell me specifically what that person told you?
 - How did that person know that?
- Applicant testified: The police are bought off.
 - How do you know that the police are bought off?
 - Who are the police bought off by?
 - What do you mean specifically when you say that the police are bought off?
 - Have you ever personally observed anything that leads you to believe that the police are bought off?
 - Has anyone ever told you that the police are bought off?
 - Who was it specifically that told you this?
 - Can you tell me specifically what that person said?
 - Have you ever read, seen, or heard in the news that the police are bought off?
 - Can you tell me specifically where you read, saw, or heard this?
 - Can you tell me specifically what the news article stated?
 - Other than what you have already told me, is there anything else that leads you to believe that the police are bought off?

Positive credibility:

The applicant's testimony was internally consistent and externally consistent with CBP records that s/he was afraid to return to _____. The applicant provided details about the threats, the harm, and testified to _____ that corroborate her/his fear of _____.

Given the totality of the circumstances, including the applicant's sophistication, education, and personal circumstances, and evaluating the record as a whole, the applicant is found to be credible.

Negative credibility:

The applicant's testimony was not credible under the totality of the circumstances.

The applicant testified _____. When asked [for detail about that testimony], s/he said _____. When asked [for detail], he could not provide any details. When asked [for detail], s/he did not provide any information other than _____. When asked for more information about _____, s/he said _____. When asked why he could not provide any more detail, s/he said _____. When asked what the difference between _____, the applicant said s/he did not know. This is not a reasonable explanation because it does not explain why, as a [professed identity/membership], s/he could not provide details about _____. Considering that the applicant [claims to be a member/have the identity] for more than [timeframe], and was asked numerous, specific questions in order to elicit detail, he was not able to explain his lack of detail.

The applicant's testimony was inconsistent with his sworn statement with CBP. The applicant testified before the APSO that he had been harmed by _____. When asked how he knew _____, the applicant testified _____. When asked by CBP who _____ were, the applicant said he didn't know but guessed they were _____. When presented with this inconsistency, the applicant testified he had not told CBP he didn't know who the _____ were, only that they _____. When presented with the sworn statement indicating he was asked _____, to which the applicant responded he did not know, the applicant then explained he had been nervous at his CBP interview. While nervousness may explain some minor inconsistencies (such as the fact the applicant told CBP _____, and testified before the APSO _____), the applicant's testimony before CBP is otherwise detailed, and he indicated that his purpose in coming to the United States was to seek asylum because of his fear of _____. The identity of _____, that they were _____, is relevant to their motivation to harm him, his explanation of why he could not relocate within _____ and why he could not report to the police. Therefore, nervousness is not a reasonable explanation to such a significant inconsistency.

The applicant only fears harm from the _____ and the police, which is related to his fear of harm by _____. Given the totality of the circumstances, including the applicant's sophistication, the extent and nature of the inconsistencies and lack of detail in comparison with the record as a whole, the applicant's testimony about his claim is not credible because he did not provide reasonable explanations to address the inconsistencies and lack of detail.

Detention and Court Addresses and Codes
Houston Asylum Office

Nickname Triggering Docs Code (on S drive)	Detention Facility Address	Court Address	District Office Code	Interview Location (Global)
Brooks County BRO	Brooks County Detention Center 901 County Road 201 Falfurrias, TX, 78355	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	FLF
Cache County CCJ	Cache County Sheriff's Office 1225 West Valley View (200 North) Logan, UT 84321	Salt Lake City EOIR 2975 S Decker Lake Drive, Suite 200 West Valley, UT 84119	SLC	SLC
Cibola CCC	Otero County Processing Center 26 McGregor Range Road Chaparral, NM 88081	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	OOP	CIB
Cibola [transgender applicants] CCC	Cibola County Correctional Center 2000 Cibola Loop Milan, NM 87021	Denver EOIR 1961 Stout Street, Suite 3101 Denver, CO 80294	ELP	CIB
Coastal Bend [▲] CBD	Coastal Bend Detention Center 4909 FM 2826 Robstown, TX 78380	If file is labeled CBD/HOU: EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301 If file is labeled CBD/PIC: Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	HOU	CRP
Dallas JCJ	Johnson County Jail 1800 Ridgemark Drive Cleburne, TX 76031	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	DAL
Denver DEN	Denver Contract Detention Facility 3130 North Oakland Street Aurora, CO 80010	Denver Service Processing Center 3130 North Oakland Street Aurora, CO 80010	DEN	DEN

[▲] As of 05/14/19, Coastal Bend applicants are physically located in Robstown. Their EOIR hearings, however, will be at either **EOIR Houston in Conroe** or **Port Isabel Service Processing Center in Los Fresnos**. Please review the file label to see what address should be on the court documents.

Detention and Court Addresses and Codes
Houston Asylum Office

Nickname Triggering Docs Code (on S drive)	Detention Facility Address	Court Address	District Office Code	Interview Location (Global)
Dilley	South Texas Family Residential Center 300 El Rancho Way Dilley, TX 78017	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	ELP	TRC
East Hidalgo EHD	East Hidalgo Detention Center 1300 E Highway 107 La Villa, TX 78562	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	PIC
Eden	Eden Detention Center 702 E Broadway Street Eden, TX, 76837	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	EDN
El Paso ELP	El Paso Detention Center 8915 Montana Avenue El Paso, TX 79925	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	EPD
El Valle ELV ELValle-FEAR@ice.dhs.gov	El Valle Detention Center 1800 Industrial Drive Raymondville, TX 78580	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	PIC
Grady County GRA	Grady County Jail 215 N 3rd Street Chickasha, OK 73018	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	OKC
Greens Road HDF	Houston Contract Detention Facility 15850 Export Plaza Drive Houston, TX 77032	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	HPC
Haskell HSK	Rolling Plains Correctional Facility 118 County Road 206 Haskell, TX 79521	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	DAL
Houston airport case (Hobby)	Hobby Airport, Houston, TX	Consult EOIR venue maps to determine jurisdiction over the applicant's home address, then look up the non-detained court on DOJ's site.	HOU	HBV

Detention and Court Addresses and Codes
Houston Asylum Office

Nickname Triggering Docs Code (on S drive)	Detention Facility Address	Court Address	District Office Code	Interview Location (Global)
Houston airport case (IAH)	Bush Intercontinental Airport, Houston, TX	Consult EOIR venue maps to determine jurisdiction over the applicant's home address, then look up the non-detained court on DOJ's site.	HOU	ZHO
Hutto DHD	T. Don Hutto Residential Center 1001 Welch Street Taylor, TX 76574	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	DHD
Jena – LaSalle	LaSalle ICE Processing Center 830 Pine Hill Road Jena, LA 71342	LaSalle Service Processing Center 830 Pinehill Road Jena, LA 71342	OAK	JNA
Joe Corley (Montgomery) JCD	Joe Corley Detention Facility 500 Hilbig Road Conroe, TX 77301	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	CRE
Karnes KCD	Karnes County Residential Center 409 FM 1144 Karnes City, TX 78118	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	KCD
Kay KAY	Kay County Detention Center 1101 W Dry Road Newkirk, OK 74647	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	TLS
La Salle County (TX) STC - LAS	South Texas Detention Complex 566 Veterans Drive Pearsall, TX 78061	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	HLG
Laredo LRD	Laredo Detention Center 4702 E Saunders Street Laredo, TX 78041	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	LRD
Limestone WCT	Limestone County Detention Center 910 N Tyus Street Groesbeck, TX 76642	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	WCT
Montgomery MTG	Montgomery Processing Center 806 Hilbig Road Conroe, TX 77301	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	CRE

Detention and Court Addresses and Codes
Houston Asylum Office

Nickname Triggering Docs Code (on S drive)	Detention Facility Address	Court Address	District Office Code	Interview Location (Global)
Non-detained	Dallas non-detained Denver non-detained El Paso non-detained Houston non-detained San Antonio non-detained	Consult EOIR venue maps to determine jurisdiction over the applicant's home address, then look up the non-detained court on DOJ's site.	DAL DEN ELP HOU SNA	DAL DEN EPD ZHN SNA
Oakdale	Oakdale FDC 2105 E Whatley Road Oakdale, LA 71463	Oakdale EOIR 1900 E Whatley Road Oakdale, LA 71463	OAK	OAK
Okmulgee OCJ	Patrick C. Moore Detention Center 111 S Alabama Avenue Okmulgee, OK 74447	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	TLS
Otero OCP (OOP)	Otero County Processing Center 26 McGregor Range Road Chaparral, NM 88081	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	ELP	EPD
Pearsall STC - LAS	South Texas Detention Complex 566 Veterans Drive Pearsall, TX 78061	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	STC
Pine Prairie	Pine Prairie Correctional Center 1133 Hampton Dupre Road Pine Prairie, LA 70576	Oakdale EOIR 1900 E Whatley Road Oakdale, LA 71463	OAK	OAK
Polk LIV	IAH Secure Adult Detention Facility 3400 FM 350 S Livingston, TX 77351	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	HDF
Port Isabel PIC PIDC-FEAR@ice.dhs.gov	Port Isabel Detention Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	PIC
Prairieland PRL DALDetainedDocketUnit@ice.dhs.gov	Prairieland Detention Center 1209 Sunflower Lane Alvarado, TX 76009	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	PRL

Detention and Court Addresses and Codes
Houston Asylum Office

Nickname Triggering Docs Code (on S drive)	Detention Facility Address	Court Address	District Office Code	Interview Location (Global)
Rio Grande RGD	Rio Grande Detention Center 1001 San Rio Boulevard Laredo, TX 78046	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	LRD
Tallahatchie TAL	Tallahatchie County Correctional Facility 415 U.S. Highway 49 N Tutwiler, MS 38963	LaSalle Service Processing Center 830 Pinehill Road Jena, LA 71342	OAK	JNA
Tensas TEN	Tensas Parish Detention Center 8606 Hwy 65 S Waterproof, LA 71375	Oakdale EOIR 1900 E Whatley Road Oakdale, LA 71463	OAK	OAK
Torrance/Estancia TCD ALQasylum2@ice.dhs.gov	Torrance County Detention Facility 209 County Road A049 Estancia, NM 87016	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	ABQ
Tulsa TLS	David L. Moss Criminal Justice Center 300 N Denver Avenue Tulsa, OK 74103	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	TLS
Utah SLC	Utah County Jail 3075 N Main Street Spanish Fork, UT 84660	Salt Lake City EOIR 2975 S Decker Lake Drive, Suite 200 West Valley, UT 84119	SLC	SLC
Webb County WEB	Webb County Detention Facility 9998 S Highway 83 Laredo, TX 78041	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	LRD
West Tennessee WTN	West Tennessee Detention Facility 6299 Finde Naifeh Jr Drive Mason, TN 38049	Memphis EOIR Brinkley Plaza 80 Monroe Avenue, Suite 501 Memphis, TN 38103	MEM	MEM
West Texas WTX	West Texas Detention Facility 401 S Vaquero Street Sierra Blanca, TX 79851	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	EPD

Detention and Court Addresses and Codes
Houston Asylum Office

Update history:

09-04-19	Added non-detained codes for Dallas and San Antonio		
	Torrance/Estancia Corrected triggering-docs code: TCD (ABQ)	Otero & Cibola New court: Otero Immigration Court (EOIR)	Karnes Added triggering-docs code: KCD
	Dilley New court: Otero Immigration Court (Pearsall EOIR)	New district code: ELP (SNA)	
08-15-19	Added Eden Detention Center Removed Karnes County Correctional Center to avoid confusion Consolidated three non-detained entries into one with instructions for determining proper court jurisdiction Renamed third column to "Court Address" and fifth column to "Interview Location (Global)"		
07-12-19	Limestone Corrected triggering-docs code and interview-location code to WCT		
07-11-19	Added Kay County Detention Center		
06-26-19	Added Limestone County Detention Center		
06-14-19	Correction: Pearsall was never PRL. The editor apologizes for this regrettable error. Charging docs for both Pearsall and La Salle County can be found in the STC - LAS folder on the share drive.		
05-14-19	Renamed first column to "Triggering Docs Code"		
	Coastal Bend Added new info for CBD/HOU and CBD/PIC cases	Pearsall New triggering-docs code: STC - LAS (STC)	La Salle County New triggering-docs code: STC - LAS (LAS)
03-20-19	Added Cache County Jail		
Update history	Check the ECN to ensure you're using the latest version of this document.		Last updated 09-04-19

Detention and Court Addresses and Codes
Houston Asylum Office

01-23-19	La Salle County Changed file code to LAS		
01-09-19	Otero New court: EOIR (El Paso Service Processing Center)		
	Cibola New address: Otero County Processing Center (El Paso Detention Center)	New court: EOIR (El Paso Service Processing Center)	New district code: OOP (ELP)
11-19-18	Coastal Bend Changed font and color to help people follow instructions. I-870? Robstown address. I-862/I-863? Livingston address.		
10-24-18	Coastal Bend New court: EOIR – Immigration Court (Houston Service Processing Center)		
10-18-18	Added Montgomery Processing Center		
10-11-18	IAH Secure Adult Detention Facility New court: EOIR – Immigration Court (Houston Service Processing Center)	Joe Corley New court: EOIR – Immigration Court (Houston Service Processing Center)	
	Houston Contract Detention Facility New court: EOIR – Immigration Court (Houston Service Processing Center)		
09-25-18	El Valle Added ICE’s facility email address		
09-05-18	Corrected name of court located in Pearsall, TX		
08-22-18	Updated several court names and added column titles to each page		
	Willacy		

Update history

Check the ECN to ensure you're using the latest version of this document.

Last updated 09-04-19

Detention and Court Addresses and Codes
Houston Asylum Office

New name: El Valle Detention Center
(Willacy County Regional Detention Facility)

08-07-18	Tallahatchie New court: Jena EOIR (Oakdale EOIR)	New interview location code: JNA (MEM)
07-30-18	Added Tallahatchie County Correctional Facility	
06-26-18	Added Grady County Jail	
	Coastal Bend Added footnote instruction that charging documents (I-863 and NTA) should list the detention address as IAH	
06-18-18	Port Isabel Updated facility name: Port Isabel Detention Center (Port Isabel Service Processing Center)	
05-18-18	Okmulgee New address: Patrick C. Moore Detention Center, 111 S Alabama Avenue, Okmulgee, OK 74447 (Okmulgee County Jail, 315 W 8th Street, Okmulgee, OK 74447)	
05-09-18	Brooks County New court: Port Isabel Service Processing Center (San Antonio EOIR)	New interview location code: FLF (CRP)
05-01-18	Coastal Bend New district office code: HOU (SNA)	Greens Road New address: 15850 Export Plaza Drive (15850 Export Plaza Center)
04-30-18	Major technical revisions: alphabetized list by nickname, corrected detention facility names and addresses, standardized address abbreviations, renamed third column to "Court Name and Address," renamed final column to "Interview Location Code," and uploaded to ECN	
	Coastal Bend New court: Houston Service Processing Center (Port Isabel Service Processing Center)	La Salle County (TX) New address: South Texas Detention Complex, 566 Veterans Drive, Pearsall, TX 78061 (LaSalle County Regional Detention Facility, 832 E Texas Hwy 44, Encinal, TX 78019)

Update history

Check the ECN to ensure you're using the latest version of this document.

Last updated 09-04-19

Hough, Leslie D

From: Hough, Leslie D
Sent: Monday, September 16, 2019 9:46 AM
To: Villena, Daniel A; Maalona, John L; Miller, Rebecca E
Cc: Maloney, Kathleen M; ZHN, FDNS Duty IO South Texas
Subject: Acting FDNS Officer - 9/16 - 9/26/2019
Attachments: CF Adverse Memo.docx; RF Adverse Memo.docx; Memo to FDNS.doc

Hi SAPSOs, I was hoping you could pass this along to the Officers interviewing at Dilley this week and next. And of course please feel free to reach out with any FDNS concerns yourselves! Leslie

--

Good morning, Officers interviewing at Dilley,

I will be the Acting FDNS IO at the FRCs over the next 2 weeks while Travis Wessler is away at a training course.

Please feel free to **reach out to me directly if you encounter any National Security, Public Safety, Fraud or Trafficking concerns**. I'm also happy to do additional research on cases if you need COI or one of the applicant's sponsors, family members or associates investigated.

I'm attaching the templates for the CF and RF "**Adverse Memo to ICE**" (for all security risks and all possible mandatory bars except firm resettlement) and the "**Memo to FDNS**" (for all the rest, i.e. indicators of fraud, trafficking, or attorney/preparer misconduct) so you have them on hand.

Thanks!
Leslie

(b)(7)(c) (b)(7)(e)

--

Leslie Hough
Immigration Officer | USCIS | Fraud Detection & National Security (FDNS)
Newark Asylum Office | on detail to South Texas Detention Complex; Pearsall, Texas

1200 Wall Street West| 4th Floor | Lyndhurst, NJ 07071
Leslie.D.Hough@uscis.dhs.gov

Security Issue/Potential Asylum BAR

Place this on TOP of the Adverse Information Memo for any Credible Fear case that has Section IV. B of Form I-870 marked—this MUST be prominently included in the A-File and any packets going to Chief Counsel

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APPENDIX W – Credible Fear Applicant- Memo of Adverse Information

(Rev. 04/2015)

Subject: A	Date: 9/16/2019
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To

Field Office Director and Chief Counsel

From

Asylum Office Director

We have interviewed the case noted below and determined that the alien possibly could be barred from asylum or withholding of removal under the Convention Against Torture because one or more of the bars listed may apply.

Last Name:

Alien Number:

First Name:

Detention Facility: South Texas Family
Residential Center, 300 El
Rancho Way, Dilley, TX
78017

Mandatory Bars to Asylum or Withholding of Removal under the Convention Against Torture that May Apply (check as many as are applicable):

- ☐ Engaged in Nazi Activities, Genocide or Committed Acts of Torture or Extrajudicial Killings (this is a bar to withholding but not asylum)
- ☐ Persecutor
- ☐ Convicted of Particularly Serious Crime
- ☐ Commission of Serious Non-political Crime outside the U.S. (includes human rights abuser)
- ☐ Security Risk (including terrorism-related inadmissibility grounds)
- ☐ Terrorist Related Inadmissibility Ground

Explanation for believing that this alien may be subject to a bar:



U.S. Citizenship
and Immigration
Services

U.S. Department of Homeland Security
P. O. Box 670626
Houston, TX 77267

MEMO TO FDNS

(Place on right side of file with security checks)

DATE: 9/16/2019

FROM: Name, Officer Number

TO: FDNS

RE: Applicant's Name and A number

Summary of Facts Raising Concerns

(Note: This is not a summary of the interview. Only include facts that raise concerns which prompted the submission)

Type of Concern:

(i.e. Fraud, Trafficking, Attorney/Preparer Misconduct or anything OTHER THAN National Security, Public Safety and Mandatory Bars (which instead go in an Adverse Memo))

Facts from case causing concern:

(Explain the concern briefly, feel free to include excerpts from Interview Notes)

*****FOR OFFICIAL USE ONLY*****LAW ENFORCEMENT SENSITIVE*****

For information regarding the contents of this memo please contact STDC-FDNS at

zhnfdnsdutyiosouthtexas@uscis.dhs.gov

Security Issue/Potential Withholding-of- Removal BAR

Place this on TOP of the Adverse Information Memo for any Reasonable Fear case in which the APSO, in conjunction with the SAPSO, has reasonable grounds to believe that a mandatory bar may apply to the alien—this MUST be prominently included in the A-File and any packets going to Chief Counsel.

~~Limited Official Use~~

FOR OFFICIAL USE ONLY

APPENDIX R – Reasonable Fear Applicant- Memo of Adverse Information

(Rev. 04/2015)

Subject: BRIEF REASON FOR MEMO A number	Date: 9/16/2019
--	---------------------------

To

Field Office Director and Chief Counsel

From

Asylum Office Director

We have interviewed the case noted below and determined that the applicant possibly could be barred from withholding of removal because one or more of the bars listed may apply.

Last Name:

Alien Number: A

First Name:

Detention Facility: South Texas Family
Residential Center, 300 El
Rancho Way, Dilley, TX
78017

Mandatory Bars to Withholding of Removal that May Apply (check all that apply):

- ☐ Engaged in Nazi Activities, Genocide or Committed Acts of Torture or Extrajudicial Killings
- ☐ Persecutor
- ☐ Convicted of Particularly Serious Crime
- ☐ Commission of Serious Non-political Crime outside the U.S. (includes human rights abuser)
- ☐ Security Risk (including terrorism-related inadmissibility grounds)

Explanation for believing that this alien may be subject to a bar:



Notice of Entry of Appearance
as Attorney or Accredited Representative
Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1: Information About Attorney or
Accredited Representative

1. USCIS Online Account Number (if any)

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name) Barro

2.b. Given Name (First Name) Allison

2.c. Middle Name S

Address of Attorney or Accredited Representative

3.a. Street Number and Name PO Box 18070

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town Dilley

3.d. State TX 3.e. ZIP Code 78017

3.f. Province

3.g. Postal Code

3.h. Country USA

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number 5138070369

5. Mobile Telephone Number (if any) 5138070369

6. Email Address (if any) otg@caraprobono.org

7. Fax Number (if any) 3302991438

Part 2: Eligibility Information for Attorney or
Accredited Representative

Select all applicable items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in Part 6, Additional Information.

Licensing Authority

Supreme Court of Ohio

1.b. Bar Number (if applicable)

0091557

1.c. I (select only one box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in Part 6, Additional Information to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

Dilley Pro Bono Project

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1.292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate

Language Line Dialing Instructions:

- Call Phone #:
- Enter 6 digit client ID# (b)(6)
 - ZAR/ZAC:
 - ZHC
 - ZCH
 - ZHM
 - ZLA
 - ZM
 - ZNV
 - ZNH
 - ZSF
- Select Language
- Enter 4 digit pin#
- Enter 2 digit interview code
 - 11 – Affirmative Asylum
 - 22 – Credible Fear
 - 33 – Reasonable Fear
 - 44 – Safe Third Country
 - 55 – I-730 Petition
 - 66 – Other
 - 77 – Termination

Lionbridge Dialing Instructions

➤ Call Toll Free #:

➤ Site Pin #: (b)(6)

- ZAR
- ZCH
- ZHQ
- ZHN
- ZLA
- ZMI
- ZOL
- ZNY
- ZNK
- ZSF

➤ Enter Pin #

➤ Select Interview Type

➤ Select Language

- Press 1 for Spanish
- Press 2 for Mandarin
- Press 3 for Arabic
- Press 4 for Punjabi
- Press 5 for Gujarati
- Press 6 for Russian
- Press 7 for Amharic
- Press 8 for Nepalese
- Press 9 for French
- For any other language needs or concerns, press 0 for operator assistance

Transperfect Dialing Instructions

➤ Call the phone number associated with the office:

- ZAR:
- ZBO:
- ZCH:
- ZHQ:
- ZHN:
- ZLA:
- ZMI:
- ZOL:
- ZNY:
- ZNK:
- ZSF:

(b)(6)

➤ Enter the four digit pin number

➤ Service Type:

- 1 = On Demand
- 2 = Scheduled

➤ Call Type:

- 1 = Credible Fear
- 2 = Reasonable Fear
- 3 = Safe 3rd Country
- 4 = Affirmative Asylum

➤ Need to add third party:

- 1 = Yes
- 2 = No

➤ Select language:

- Spanish = 772
- Mandarin = 626
- Russian = 787
- Punjabi = 786
- Arabic = 272
- Gujarati = 485
- Haitian Creole = 424
- Hindi = 446
- Portuguese = 767

USCIS All Phone Numbers

USCIS Account	Telephone Number	Account Number		
USCIS Arlington	844-830-8033			
USCIS Boston	844-884-4453			
USCIS Chicago	844-830-8036			
USCIS Headquarters	844-789-1960			
USCIS Houston	844-842-1196			
USCIS Los Angeles	844-877-2705			
USCIS Miami	844-884-4409			
USCIS New Orleans	844-884-4452			
USCIS New York	844-899-2298			
USCIS Newark	844-877-2696			
USCIS San Francisco	844-884-4405			

(b)(6)

Clements, Cory S

From: Clements, Cory S
Sent: Friday, August 16, 2019 12:01 PM
To: #ZHN-SAOandAO; #ZHN TDY Officers
Cc: TrainingOfficers.ZHN
Subject: Joinder Job Aid
Attachments: Joinder_Job_Aid.pdf

Dear Officers,

We are pleased to bring you the attached job aid for joinder cases. You may also find this resource [on the ECN](#). Many of you have been requesting this for a long time, and we sincerely appreciate your patience.

Please let us know if you have any questions.

Best wishes,
Cory

Training Officers | Houston Asylum Office



**U.S. Citizenship
and Immigration
Services**

joinder *n.* (17c) The uniting of parties or claims in a single lawsuit. Cf. [CONSOLIDATION \(3\)](#).
— **join**, *vb.*

A spouse or child of an alien may be included in that alien's credible fear evaluation and determination, if such spouse or child:

- (1) Arrived in the United States concurrently with the principal alien; and
- (2) Desires to be included in the principal alien's determination. However, any alien may have his or her credible fear evaluation and determination made separately, if he or she expresses such a desire.

Sources:

- [8 C.F.R. § 208.30\(b\)](#)
- [Credible Fear Procedures Manual, III.E.2. Family Members Arriving Concurrently with the Applicant](#)

Joinder overview:

- You must ask every applicant: Did you enter the U.S. with your spouse, child, or parent?
 - If no, continue with the interview as normal.
 - If yes, follow the joinder procedures below.
- Joinder is for CF positives only. We exercise our discretion and do not include dependents in CF negatives.
- Two joinder scenarios:
 - **"Principal joinder."** Your applicant is the first family member to be interviewed. You must determine whether any family member is eligible to be included as a dependent in the applicant's CF positive.
 - **"Dependent joinder."** A family member has already received a CF positive. After confirming the familial relationship, concurrent entry, and the applicant's desire to be included as a dependent, you need only ask the bar questions.

Principal joinder (your applicant is receiving the first CF interview):

- Verify the relationship (only the applicant's spouse and unmarried children under 21 may be dependents)
- Confirm concurrent entry into the United States (entry on the same date, time, and place)
- Ask whether the applicant desires to include each family member as a dependent
- Check Global to ensure we have not already interviewed any family members
- Conduct a full CF interview
- Determine whether there are any domestic violence (DV) issues (We do not want to include as a dependent someone who physically abused the principal applicant.)
- Email your SAO and [#ZHN-MPA](#) each family member's name and A# so they can schedule a joinder interview
- Update Global Entry tab (scroll down to link cases and add each dependent if possible)
- Update Global Adjudications tab

Joinder of Credible Fear Cases

- Enter interview details using the date you interviewed your applicant
- Enter decision using the date you interviewed your applicant
 - In decision notes, enter joinder to {Relationship} and A#
 - In decision notes, enter any DV issues

Dependent joinder (a family member already received a CF positive):

- Verify the relationship (the applicant may be included in the CF positive of a spouse or, if unmarried and under 21, a parent)
- Confirm concurrent entry into the United States (entry on the same date, time, and place)
- Ask whether the applicant desires to be included in the principal's CF positive
- Ensure there are no DV issues noted in Global (We do not want to include as a dependent someone who physically abused the principal applicant.)
- Check with your SAO for approval to ask just the bar questions
- Ask just the bar questions
- Obtain a copy of the principal's CF determination service packet (Ask your SAO or support-staff supervisors for help as these are sometimes at other asylum offices.)
- Ensure your applicant is listed on the principal's I-870
- Complete paperwork for your applicant
 - NTA
 - Dependent memo (see page 4 below)
 - Security checks
 - Principal applicant's service packet (the one who has the CF positive)
 - Q&A from your applicant
- Update Global Entry tab (scroll down to link cases and add the principal applicant)
- Update Global Adjudication tab
 - Enter interview details using the date you interviewed your applicant
 - Make note in interview notes of joinder interview
 - Enter decision using date you interviewed your applicant BUT the basis of claim from the principal's CF positive
 - In decision notes, enter joinder to {Relationship} and A#

How to verify the relationship:

- Name, DOB, POE, and DOE of each family member
- For spouse/partner:
 - Were you legally married or were you living together?
 - When did you begin living together?
 - Were you living together when you left your country?
 - Were you still in a relationship when you left your country?
- For child:
 - Is your child married? (The INA defines "child" as "an unmarried person under twenty-one years of age.")

How to confirm concurrent entry into the United States:

- Use [EARM](#) to search by Event Number
 - Search for your applicant's A#
 - Go to the Encounters tab and copy the Event Number
 - Go to the search function, paste the Event Number, and change the drop down box next to it from A-Number to Event ID
 - This will bring up all aliens apprehended at the same time (for inland cases only)
 - Scroll through the list and find each family member's name and A#
 - Please Note: This does not always work for POE cases as they sometimes have individual Event Numbers
 - Same Event Number confirms concurrent entry
 - If different Event Numbers, review the information on each EARM record for the date, time, and place each person entered
- Use [CIS2](#) (or [PCQS-CIS](#)) to search for name and DOB of each family member
 - CIS2 is kinder with spelling as it uses a sounds-like search; PCQS-CIS needs the exact spelling as ICE entered it into EARM
 - Use DOB range rather than exact DOB
- Occasionally, the name and A# of each family member is listed in your applicant's I-213 narrative
- Sometimes A#s are sequential; try searching one number higher and lower in EARM to find each family member (ex: your applicant's A# is 000-000-004; you should search 000-000-003 and 000-000-005)

“Joinder only” interview (must cover the following):

- Your applicant's name and DOB
- Testimony regarding relationship and concurrent entry with principal applicant
- Your applicant's desire to be included in the principal's CF determination
- Mandatory bar questions

No joinder in these circumstances:

- Your applicant's spouse/child did not enter the U.S. concurrently with the applicant
- Your applicant's spouse/child was issued an I-862 by ICE or CBP and is not in ER/CF
- Your applicant entered with a sibling, cousin, aunt, etc. (spouse/child are the only eligible relationships)
- Your applicant's spouse/child is in RF (a person subject to reinstatement (RF) cannot be a dependent in a CF claim)
- Your applicant is in RF (RF cases cannot have dependents)
- Your applicant's spouse/child was issued a rare-language NTA

Discretionary NTAs (aka family-unity NTAs):

- At the family residential centers (FRC), sometimes a parent who does not establish a CF positive can still receive an NTA based on the CF positive of his or her minor child (under 18 years old).
- USCIS can exercise discretion to issue an NTA in the interest of family unity.
- Before proceeding with a joinder-only interview, you must determine whether your applicant's spouse or parent received a discretionary NTA at an FRC as a result of a minor child's CF positive.
- If your applicant's parent received a discretionary NTA:
 - You must conduct a full interview.
 - You cannot issue a discretionary NTA to an 18-or-older child if the parent received a discretionary NTA. That is, you cannot include an 18-or-older applicant in a minor sibling's CF positive.
 - Note: You also cannot issue a discretionary NTA to a parent or a sibling based on the CF positive of an 18-or-older applicant.
- If your applicant's spouse received a discretionary NTA:
 - You must conduct a full interview.
 - If the full interview results in a negative for your applicant, ONLY THEN can you issue a discretionary NTA to your applicant (based on the minor child's CF positive).
 - Complete paperwork for your applicant
 - NTA (box indicating the applicant established a credible fear is NOT checked)
 - Family-unity memo (see below)
 - Q&A from your applicant
 - Security checks
 - Minor child's service packet (the one who has the CF positive)

Dependent memo:

"The applicant claimed fear. Government records indicate that the applicant's spouse (AXXX XXX XXX, Last-Name, First Middle) already received a credible fear determination at (facility) and that they entered the country together on XX/XX/XX. The applicant desires to be included in the spouse's determination. Therefore, the applicant is being added as a dependent to the spouse's case."

Family-unity memo:

"The applicant is being issued an NTA because records indicate that the applicant's child (AXXX XXX XXX, Last-Name, First Middle) received a positive CF determination. The applicant did not establish a credible fear of persecution or torture 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. Therefore, we are exercising discretion to issue an NTA and place the applicant into 240 proceedings in the interest of family unity."

Telephonic Procedures for USBP at Dilley

- **Pre-interview process**

- You will have a daily schedule of the applicants you will interview. (You will receive this via e-mail the day before a scheduled interview.)
 - You will not be scheduled any families from Cuba, or Reasonable Fear case. If you receive a case from Cuba, or an RF, this is an error and you should immediately alert your supervisor.
- You will be able to view and print the triggering documents via Global. (Use Chrome.)
 1. Click on the Adjudication tab of the relevant case in Global
 2. Scroll down to the “Document Upload” card
 3. Click “Okay” because now you being walked through the process

4. After you click okay, it will take you to the screen below. Look in the Uploaded CF Documents box and click on your triggering documents.
5. The name of the document will appear in the bottom left side of your computer screen. Click once to open and print the documents.

- Review the documents — specifically the I-860, I-867A, I-867B, M-444, legal service providers list and I-213.
 - Make sure the applicant signed and dated the M-444.
 - If not, follow procedures to orient the applicant and add the newly signed and dated M-444 to the file. Send all forms for signature to the Supervisory Asylum Officers (“SAOs”)

- The I-867A/I-867B may show that the applicant did not express fear at the time of apprehension, or may contain additional information about any claimed fear. Plan to elicit testimony regarding the info you find.
- Look for potential bars or national-security issues (these may require an adverse memo depending on a memo to FDNS on the testimony).
- Firm resettlement is the only bar that doesn't require an adverse memo. You simply check boxes 4.13 and 4.19 of the I-870, annotate the BISC, and flag the potential bar in the Global Adjudications tab. Review the Detention and Court Addresses and Codes to ensure you are using the most up-to date information. This [ECN Link](#) lists the different detention facilities and their corresponding addresses and EOIR locations.
- **Security checks**
 - Must be completed for each applicant.
 - If the child is under 14 years old, you will not need to run security checks for the child, but you will need to complete the BISC.
 - TECS works better in Internet Explorer.
 - On the BISC, please ensure that any printouts are SINGLE-SIDED and stamped FOUO. If you don't have an FOUO stamp, please handwrite it OR set up a watermark on your printer.
 - In each applicable box, you will need to check at least two separate boxes and you will need to write-in some information, so pay careful attention to the requirements.
 - Make sure you sign the BISC at the bottom.
- **Interviews**
 - At the time of your scheduled interview please sit at your desk so CoreCivic can call you when the applicant arrives.
 - If the applicant has not arrived fifteen minutes after the scheduled interview start, alert your SAOs and they will assist. Remain at your desk because when the applicant is located, you will be called.
 - Once connected, ask CoreCivic for the interview room telephone number in case the call is disconnected. (During the introduction of your interview, instruct the applicant to answer the telephone if it rings.) Also, ask CoreCivic to inform you who is in the room.
 - If you are looking for a word or phrase in your notes, touch "Control" and "F" at the same time. In the left a Navigation box will pop up and you can use the up and down arrows to find what you are looking for.
- **Telephones**
 - Once connected to the applicant, call the interpreter by touching the conference button. Dial 9 + 1 + area code and telephone number.
 - Keep your interpreter pins and dialing instructions close by (Interpreter priority—must call them in this order: (1) Language Line, (2) Lionbridge, & (3) Transperfect. Be sure to maintain your interpreter log.
 - Once the interpreter is on the line, touch the button under join to merge the applicant and interpreter.
 - Be sure to maintain your [Interpreter Log](#). On this site you can find your interpreter pins and dialing instructions. (Also see Instructions, attached.)

- To call another person in Dilley, dial 6 + the last four digits of the telephone number.
- **Start/end of Interview**
 - At the start of an interview, the applicant may hand you a paper stating they need additional time to consult with their lawyer or they may tell you they need more time to see a lawyer. (See attached CARA Reschedule requests.)
 - Audrey Douglas sent e-mail specifically addressing the request to delay an interview for counsel (see above), but here is an excerpt from the e-mail dated 9/18/2019.
 - It is appropriate for you to ask about counsel at the beginning of the interview. CARA prepares all the applicants onsite for their CFIs; that does not necessarily mean they are representing them, or that CARA has the bandwidth to provide in person rep to each applicant family group. A good example of how this exchange should go between you and the applicant is:
 - Q: Do you have counsel?
 - A: Yes, CARA helped me with my case.
 - Q: Are you comfortable continuing without counsel present today?
 - A: Yes.
 - If the applicant refuses to go forward without CARA, please speak to your SAO and they will coordinate with CoreCivic and ICE to get someone from CARA to come over for the interview. Please DO NOT affirmatively send the applicants away, or release, and delay the interview.
 - When the interview is complete, ask the applicant to open the door and stand in the doorway, so CoreCivic knows that the applicant has completed her interview and can be escorted out of the building.
- **Times to be aware of**
 - Applicant must eat lunch by 1:00 PM CT, so if you have not finished your interview by 12:30 PM CT, take a break and instruct the applicant to bring her child to lunch and then return to the interview after bringing the child back to daycare. Also, dinner ends at 6:00 PM CT, so you must break by 5:30 PM CT.
 - Daycare closes at 6:00 PM CT, so if the mother indicated she could not speak freely in front of her child, the interview must conclude by 5:30 PM CT. If you have not completed your interview by 5:30 PM CT, then ask the applicant to return the next morning and begin your day by completing this interview.
- **Children**
 - If the child/children are in the room with the applicant, ask the applicant if it is OK for her to speak about her past with her children in the room.
 - If it is not OK, instruct the applicant to bring the child/children to daycare and return to the interviewing room by standing in the doorway and waiting for CoreCivic to escort them out.

- If the child is brought into the interview room because he/she is sick, ask the applicant if she is able to continue or if she needs to bring her child to the doctor immediately. Please speak with your Supervisory Asylum Officer (“SAO”) if you need to reschedule due to the child or applicant being too sick to continue.
 - Check-in with the mother to see if she can still speak freely.
- Please remember that you can use the mom’s testimony in lieu of calling in the child/teen, if the outcome is positive, and it doesn’t appear that a bar applies to the child.
- **Make sure the notes indicate that you asked the mom if she wants to answer the questions on behalf of the minor (17 and under).** (Please see separate document titled Interviews with children for sample questions to ask children.)
 - Indicate when you switched to asking questions about the child so the reviewer knows.
 - For example: “do you mind answering questions about your child’s experiences and fear of return?”
 - This applies to the bar questions as well, so make sure the notes indicate that the mom and child are included in the bar questions that you are asking to mom.
 - For example: “have you *or your child* ever committed a crime.”
- If during the interview you suspect the kid may have a bar issue (i.e. helped the gang sell drugs, watch for police) then call in the minor after you’ve finished the mother’s claim.
- When you need to speak to a child, instruct the applicant to open the door and stand in the doorway, so CoreCivic knows that the applicant needs to return to the interview room with her child. Ask her to alert CoreCivic when she returns with her child, so she can be escorted back to the interview room.
- Regardless of child’s age, ask the child if he/she wants the mother in the room or if he/she would like to speak to you alone. Every family member has the right to their own CFI and there may be instances of harm that the child would like to discuss without the mother present.
 - If this occurs, let your supervisor know.
- If the case is negative (applicant and child), you must interview the child, even if the child is one week old.
- Ask questions of the child and if there is no response, document this in your notes. If the *child* might get a negative, you must at least attempt to communicate with the child, regardless of age.
- Sometimes a child is able to answer, regardless of age.
- **NTAs and I-863s**
 - Below is the information for Dilley found on the [ECN Link](#)

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office Code	Interview Location (Global)
Dilley	South Texas Family Residential Center 300 El Rancho Way Dilley, TX 78017	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	ELP	TRC

- When filling out the NTAs and I-863, they must be accurate because your supervisor can not modify these documents and they will be returned to you.
- NTA name should match I-860.
 - For an arriving alien, fill out the port of entry and the date of arrival.
 - For EWI, use "unknown location" & "on or about" the date listed in the I-213. (As displayed below. (For step-by-step instructions on filling out these documents go the IFR Shell page 1 and 10.)

2) You are a native of Honduras and a citizen of Honduras.

3) You entered the United States at an unknown location on or about 09/07/2019;

I-863

Place and Manner of Arrival	Date of Arrival
ARR, PUT Santa Teresa, NM, afoot INL, PUT Unknown	2/15/2018

- For all negative cases, you need a complete set of all the documents for the applicant and each of the children.
- Additionally, please remember that if the bottom portion of the Expedited Removal Order has been executed/signed, then the following boxes need to be checked off on the NTA:

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

☒ Section 235(b)(1) order was vacated ☒ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

- If the bottom portion of the Expedited Removal Order has not been signed, then only the following box needs to be checked off on the NTA:

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

☐ Section 235(b)(1) order was vacated ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

• Family Unity Cases

- If the child has CF, but the mother does not, then you must revise your paperwork to make the child the principal applicant.
- The mother will receive an NTA, but it needs to be modified.
 - Please make sure you are checking the marked box when printing the NTAs for all family members.

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

- **Dissolution Processing**

- Dissolution docs are revised by the asylum officer, signed by the SAO and then signed by the applicant. (For the dissolution documents go the [IFR Shell](#) press control and F to find "Dissolution".)
- When you complete asking the questions and sign the dissolution, e-mail your SAOs. A SAO will review the document and take it to the applicant for signature. The SAO will also place the dissolution in the physical file at Dilley.
 - You must speak to the child for a dissolution regardless of age. Initially, you will be asking all of the dissolution questions to the applicant. Once all of the questions have been asked, you can have the applicant sign her dissolution.
 - You will then bring in the child (siblings interviewed separately). You will ask them the first few questions as used in the child interview. (See Interviews with children for sample questions to ask children).
 - You will explain to the child that the applicant is requesting to be returned home and requesting that the child goes home with them.
 - If the child cannot answer the above referenced questions, document this and proceed to the applicant signing on behalf of the child.
 - If the child can answer the questions, you will ask them if they are in agreement.
 - If the child is age 14-17, they should sign their own dissolution. If the child is 13 or under, the mother should sign for the child.
- Remember to complete Global and upload all additional documents.

- **Reschedules**

- If the applicant or her child are sick, ask your supervisor if you can reschedule. If approved, reach out to Adrienne Grady Madera to let her know you have rescheduled with supervisor approval.
 - Also let all supervisors know you are available to assist others.

- **Rare Languages**

- Interviews are conducted in the language the applicant requests.
- If you cannot get an interpreter for a rare language (after contacting all 3 service providers), ask your supervisor if you will be issuing a rare language NTA. If so, issue an NTA and rare language memo that same day. (For the memo go the [IFR Shell](#) press control and F to find "Rare Language".)
 - AOs update the language in Global.
 - SAOs close the case in Global as rare language.
- If not, schedule an interpreter and complete the interview on the scheduled date.
 - Alert your SAO and Adrienne Grady Madera of the new interview date, so they do not schedule a full caseload for the re-interview date

- **Joinder Cases**

- First verify that the applicant in question entered concurrently and the validity of their relationship (e.g. spouse or child under the age of 21).
- Determine type of case (Type A vs. Type B)
 - Type A
 - Your applicant has a spouse or parent that was already issued a positive decision.
 - Ask support (POC) and your SAO to get you the determination docs.
 - Proceed with asking your applicant the mandatory bar questions and if he/she would like to be joined onto his/her spouse's/parent's claim.
 - Ask questions to ensure this is not a domestic violence situation.
 - For example, "Have you ever been beaten or harmed by your spouse/parent?"
 - Issue a joinder memo/NTA.
 - Type B
 - Your applicant is going to be interviewed first and a positive decision does not yet exist for your applicant's spouse/child.
 - Record the spouse's/child's information on the I-870 and their desire to have their cases joined.
 - E-mail mission support (Adrienne Grady Madera and your SAO) the spouse's/child's information (name, A number, detention facility), only for family members not detained at Dilley.
 - If positive, support will scan the determination docs to the Asylum Office having juris over the joinder.
- **Work flow expectation**
 - Once you complete the ramp up period, everyone will generally be assigned 2 CF FAMU cases daily.
 - There should be no need for OT, unless approved by your supervisor or Section Chief Audrey Douglas.
 - You may be asked to conduct a follow-up interview instead of an initial interview. Because the follow-up interviews are less involved, you may be assigned more than three.
- **Case processing**
 - On the day you interview a case, you will need to complete all paperwork and turn it in to your supervisor by COB. Below is a list of documents you will be submitting.

Negative IFR Decisions (forms in record order)	Positive IFR Decisions (forms in record order)
Third-Country-Transit Bar Worksheet	Third-Country-Transit Bar Worksheet
I-870 – (dated 7.16.19) <i>sign/date last page</i> (flag any possible bars)	I-870 – (dated 7.16.19) <i>sign/date last page</i> (flag any possible bars)
Credible Fear Determination Checklist	Credible Fear Determination Checklist

(Effective as of May 6, 2019)	(Effective as of July 16, 2019)
Interview notes	Interview notes
I-863	I-862 (NTA - Notice to Appear)
I-869A	Orientation memo to file (if barred by IFR)
Orientation memo to file (if barred by IFR)	Adverse memo (if applicable)

- **Checklist**

- I-870 should match the CF checklist. If the checklist says torture, then the I-870 cannot say persecution.
- Please refer to the 7 page WORD document called Checklist writing.

- **Global**

- Chrome works best. If you run into any problems, switch to Chrome.
- For IFR cases
 - If the applicant is subject to the bar, select special group code “bar-13(c)(4)”
 - If the applicant is subject to the bar, but establishes an exception, select special group code “no bar-13(c)(4)”
- When you are entering in the adjudication information for Global, please be sure you are updating the religion and language for ALL applicants (mothers and children) on the “Entry” page. You will also need to update the adjudication tab for all applicants.
- When updating Global for a PSG, you are describing a group, not the individual. For example:
 - “Family of John Doe”
 - “Women who are viewed as property by virtue of their position within a domestic relationship”
 - “Salvadoran sexual minorities”



- Please update these 3 items:

Religion

CHRISTIAN

Language(s)

SPANISH

Interpreter Required

☒ Yes
☐ No

- Move to the adjudication tab to add your interview, decision details and upload documents.
 - To upload to Global, drag and drop your PDF packet into the “drop files here” field.

ENTRY CHECKS **ADJUDICATION** CASE LOG

+ ADD A CASE EVENT

Document Upload ▼

Upload Documents

Here you can select 1 or more documents to upload.

drop files here

Uploaded CF Documents

Selected Documents to Upload

- Click the “UPLOAD” button

ENTRY CHECKS **ADJUDICATION** CASE LOG

+ ADD A CASE EVENT

Document Upload ▼

Upload Documents

Here you can select 1 or more documents to upload.

drop files here

Uploaded CF

Selected Doc

DHD 203

UPLOAD

- You're done with the Upload.
 - Please email your completed cases to Dilley.intake@uscis.dhs.gov and copy your SAOs by the COB on the day of the interview.
- **FDNS**
 - For cases with FDNS issues, please ensure that you follow the steps listed in the e-mail from FDNS. (It is attached as Acting FDNS Officer-9/16 – 9/26/2019.)
 - Comply with FDNS procedures before turning in your paperwork. If you sent FDNS a memo or an adverse memo place a copy in the file. If you communicated with FDNS,

but did not send any memos, please leave a copy of the communication in the file so the supervisor can see this too.

- You may have a follow-up interview based on additional questions from FDNS.

- **Re-interview**

- When applicant arrives confirm her name. Explain you need to conduct a re-interview because you have some additional questions about her credible fear claim. If she had a lawyer before, ask if the lawyer is coming into the re-interview. (If the applicant requests that CARA accompany them for the re-interview, speak with your SAO and they will coordinate with CoreCivic and ICE to get someone from CARA to come over for the re-interview.) If the lawyer is not coming to the re-interview or they were unrepresented previously, ask the applicant if she is comfortable answering your questions without a lawyer.
- Ask if the applicant is comfortable speaking to a male/female officer and a male/female interpreter. Confirm that she will continue to answer questions on behalf of her child/children.
- Swear in applicant and begin asking the additional questions that you were asked to cover.
 - Do not cover any information covered in a prior interview, unless directed by a SAO. Please do not go over the I-870, the M-444 or ask the mandatory bar questions for a second time.
- You **MUST** read a summary of the applicant's testimony at the end of the re-interview because this is a requirement for all credible fear interviews.
 - You only need to summarize what the applicant testified to at the re-interview.
- You will always need to update Global in the adjudication tab.
 - If you do not change the decision, in the interview section, type your identifying information, re-interview and the date. (I would type-ZHN866-Reinterviewed applicant on 9/23/2019.
 - If you change the decision, let your supervisor know and they will remove the decision, so you can add the new interview date and your new decision.
- You will also need to modify the forms as follows:
 - I-870
 - New interview date;
 - Interpreter added and times added;
 - If the applicant had a new or different consultant/lawyer add this and update the information in Global;
 - Sign the last page of I-870 and date it for today; and
 - If you change the decision, you will need to modify the relevant sections.
 - Checklist
 - Update if there are new facts during the re-interview that are relevant to the decision analysis.
 - NTA and referral documents
 - Needs to be submitted **only** if the NTA in the file was dated.

- If you change the decision to a negative, you will have to create those service documents instead of the NTA.

(If necessary) **Child Testimony**

Vary questions according to age.

A baby a week will not be able to answer any questions, but the child must be interviewed if you are going negative. Ask a few questions and document no response and you can continue with the interview.

If *telephonic*, confirm with the adult that the child could hear your questions before moving on.

Officer to child	Child
Hi <i>Brad</i> , how are you?	
I will ask you questions today about why you left your country. Your mother has already given me some information about you.	
Do you want to have your interview with your parent, or do you want to have the interview separately with just me?	
If there's ever something private you want to tell me without your parent in the room, let me know, ok?	
Do you promise to tell the truth today?	
What is your full name?	
How are you feeling today?	
How old are you?	
I will be asking you several questions. Are you willing to answer them?	
Are you attending school?	
Do you like it?	
What's your favorite subject?	
If there's ever anything you want to tell me in private without your parent here, just let me know, OK?	
Do you know what it means to tell the truth?	
Do you promise to tell the truth, the whole truth, and nothing but the truth?	
Did anyone ever do something bad to you in your country?	
Do you know why they wanted to hurt you?	
Did anyone ever say anything to you that made you afraid?	
What are you afraid will happen to you if you go back to Korea?	

(b)(6)

Possible Bars

Officer	Applicant
These are questions I ask everyone I speak to. I'd like you to respond for both you and your child. Has any country in the world, other than your native country, ever offered you citizenship, permanent residence, asylum or refugee status?	

Maloney, Kathleen M

From: Maloney, Kathleen M
Sent: Tuesday, January 21, 2020 11:16 AM
To: MEDINA, AARON A; EWING, SENORINA; MARTINEZ JR, PORFIRIO; PEREZ, LARRY E.; SALAZAR, BENITO E; FALCON, ORLANDO; MENDOZA, ROBERT L; GONZALES, RUTH A; ZUNIGA, NANCY; OCHOA, ADRIAN; HOWDEN, JESSICA; NGUYEN, MINH H; ARROYO, ARNALDO; PAEZ, MACEDONIO; TORRES, RAFAEL E; LILLY, MARTIN C; EISER, ANA J; BOYD, WARD C; O'NEAL, LACEY E; OSTROWSKI, BRANDON A; FRANCO, RICARDO; CARRILLO, MARIO A; NUNEZ2, SERGIO
Cc: Alexander, Shannon; Roberts, Rhonda J; Gordon, Jonathan; Maalona, John L; Hemming, Bryan D; Leigh, Francis W; Douglas, Audrey M; Andre, Lisa S
Subject: Dilley Procedures
Attachments: In-Person Procedures for USBP at Dilley 1.21.2020.docx

Please read this when you finish checking your systems.

Best,
Kathleen

In-Person Procedures for USBP at Dilley

- **Pre-interview Process**

- You will have a daily schedule of the applicants you will interview. (You will receive this via e-mail the day before a scheduled interview.)
 - You will not be scheduled any families from Cuba, or Reasonable Fear case. If you receive a case from Cuba, or an RF, this is an error and you should immediately alert your supervisor.
- You will be given a file with the triggering documents. In Corte, the file will be on the shelf outside Mission Support (behind Core Civic). In Asilo, the file will be on a shelf between the two Supervisory Asylum Officers' offices. The documents are also available in Global.
- Review the documents — specifically the I-860, I-867A, I-867B, M-444, legal service providers list and I-213.
 - Make sure the applicant signed and dated the M-444.
 - If not, follow procedures to orient the applicant and add the newly signed and dated M-444 to the file. (Telephonic-send forms for signature by replying to all on the scheduling email.)
- The I-867A/I-867B may show that the applicant did not express fear at the time of apprehension, or may contain additional information about any claimed fear. Plan to elicit testimony regarding the info you find.
- Look for potential bars or national-security issues (these may require an adverse memo depending on a memo to FDNS on the testimony).
- Firm resettlement is the only bar that doesn't require an adverse memo. You simply check boxes 4.13 and 4.19 of the I-870, annotate the BISC, and flag the potential bar in the Global Adjudications tab. Review the Detention and Court Addresses and Codes to ensure you are using the most up-to date information. This [ECN Link](#) lists the different detention facilities and their corresponding addresses and EOIR locations.

- **Security checks**

- Must be completed for each applicant.
 - If the child is under 14 years old, you will not need to run security checks for the child, but you will need to complete the BISC.
 - TECS works better in Internet Explorer.
 - On the BISC, please ensure that any printouts are SINGLE-SIDED and stamped FOUO. If you don't have an FOUO stamp, please handwrite it OR set up a watermark on your printer.
 - In each applicable box, you will need to check at least two separate boxes and you will need to write-in some information, so pay careful attention to the requirements.
 - Make sure you sign the BISC at the bottom.

- **Interviews**

- At the time of your scheduled interview, you will walk out to Core Civic and give them the last three digits of the A# and ask if the applicant arrived. If the applicant arrived, escort them to your office. If the applicant has not arrived ten minutes after the

scheduled interview start, ask Core Civic to find the applicant. If, after thirty minutes, the applicant has not arrived, alert your SAOs.

- If you are looking for a word or phrase in your notes, touch “Control” and “F” at the same time. In the left a Navigation box will pop up and you can use the up and down arrows to find what you are looking for.
- **Telephones**
 - To call another person in Dilley, dial 6 + the last four digits of the telephone number.
 - To call the interpreter, dial 9 + 1 + area code and telephone number.
 - Keep your interpreter pins and dialing instructions close by (Interpreter priority—must call them in this order: (1) Language Line, (2) Lionbridge, & (3) Transperfect) so you are ready to conference in an interpreter as soon as you get the facility on the phone.
 - Be sure to maintain your [Interpreter Log](#). On this site you can find your interpreter pins and dialing instructions. (Also see Instructions, attached.)
- **Start of Interview**
 - At the start of an interview, the applicant may hand you a paper stating they need additional time to consult with their lawyer or they may tell you they need more time to see a lawyer. (See attached CARA Reschedule requests.)
 - Audrey Douglas sent e-mail specifically addressing the request to delay an interview for counsel (see above), but here is an excerpt from the e-mail dated 9/18/2019.
 - It is appropriate for you to ask about counsel at the beginning of the interview. CARA prepares all the applicants onsite for their CFIs; that does not necessarily mean they are representing them, or that CARA has the bandwidth to provide in person rep to each applicant family group. A good example of how this exchange should go between you and the applicant is:
 - Q: Do you have counsel?
 - A: Yes, CARA helped me with my case.
 - Q: Are you comfortable continuing without counsel present today?
 - A: Yes.
 - If the applicant refuses to go forward without CARA, please get with your SAO and they will coordinate with Corecivic and ICE to get someone from CARA to come over for the interview. Please DO NOT affirmatively send the applicants away, or release, and delay the interview.
- **Times to be aware of**
 - Applicant must eat lunch by 1:00 PM CT, so if you have not finished your interview by 12:30 PM CT, take a break and instruct the applicant to bring her child to lunch and then return to the interview after bringing the child back to daycare. Also, dinner ends at 6:00 PM CT, so you must break by 5:30 PM CT.

- Daycare closes at 6:00 PM CT, so if the mother indicated she could not speak freely in front of her child, the interview must conclude by 5:30 PM CT. If you have not completed your interview by 5:30 PM CT, then ask the applicant to return the next morning and begin your day by completing this interview.
- **Children**
 - If the child/children are in the room with the applicant, ask the applicant if it is OK for her to speak about her past with her children in the room.
 - If it is not OK, instruct the applicant to bring the child/children to daycare and return to the interviewing room.
 - If the child is brought into the interview room because he/she is sick, ask the applicant if she is able to continue or if she needs to bring her child to the doctor immediately. Please speak to your SAO if you need to reschedule due to the child or applicant being too sick to continue.
 - Check-in with the mother to see if she can still speak freely.
 - Please remember that you can use the mother's testimony in lieu of calling in the child/teen, if the outcome is positive, and it doesn't appear that a bar applies to the child.
 - If negative, you do not need to speak to infants and children who cannot speak for themselves. You must interview all other children.
 - **Make sure the notes indicate that you asked the mom if she wants to answer the questions on behalf of the minor (17 and under).** (Please see separate document titled Interviews with children for sample questions to ask children.)
 - Indicate when you switched to asking questions about the child so the reviewer knows.
 - For example: "do you mind answering questions about your child's experiences and fear of return?"
 - This applies to the bar questions as well, so make sure the notes indicate that the mom and child are included in the bar questions that you are asking to mom.
 - For example: "have you **or your child** ever committed a crime."
- If during the interview you suspect the kid may have a bar issue (i.e. helped the gang sell drugs, watch for police) then call in the minor after you've finished the mother's claim.
- Regardless of child's age, ask the child if he/she wants the mother in the room or if he/she would like to speak to you alone. Every family member has the right to their own CFI and there may be instances of harm that the child would like to discuss without the mother present.
 - If this occurs, let your supervisor know.
- If the case is negative (applicant and child), you must interview the child, even if the child is one week old.
- Ask questions of the child and if there is no response, document this in your notes. If the *child* might get a negative, you must at least attempt to communicate with the child, regardless of age.
- Sometimes a child is able to answer, regardless of age.

- **NTAs and I-863s**

- Below is the information for Dilley found on the [ECN Link](#)

Detention and Court Addresses
Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Denver DEN	Denver Contract Detention Facility 3130 N Oakland Street Aurora, CO 80010	Denver Service Processing Center 3130 N Oakland Street Aurora, CO 80010	DEN	DEN
Dilley	South Texas Family Residential Center 300 El Rancho Way Dilley, TX 78017	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	TRC

- When filling out the NTAs and I-863, they must be accurate because your supervisor can not modify these documents and they will be returned to you.
- NTA name should match I-860.
 - For an arriving alien, fill out the port of entry and the date of arrival.
 - For EWI, use "unknown location" & "on or about" the date listed in the I-213. (as displayed below. (For step-by-step instructions on filling out these documents go the [IFR Shell](#) page 1 and 10.)

2) You are a native of Honduras and a citizen of Honduras.

3) You entered the United States at an unknown location on or about 09/07/2019;

I-863

Place and Manner of Arrival ARR, PUT Santa Teresa, NM, afoot INL, PUT Unknown	Date of Arrival 2/15/2018
--	------------------------------

- For all negative cases, you need a complete set of all the documents for the applicant and each of the children.
- Additionally, please remember that if the bottom portion of the Expedited Removal Order has been executed/signed, then the following boxes need to be checked off on the NTA:

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

☒ Section 235(b)(1) order was vacated ☒ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

- If the bottom portion of the Expedited Removal Order has not been signed, then only the following box needs to be checked off on the NTA:

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

☐ Section 235(b)(1) order was vacated ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

- **Family Unity Cases**

- If the child has CF, but the mother does not, then you must revise your paperwork to make the child the principal applicant.
- The mother will receive an NTA, but it needs to be modified.
 - Please make sure you are checking the marked box when printing the NTAs for all family members.

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

- **Dissolution Processing**

- Dissolution documents are signed by the AO and applicant and turned into the SAO immediately for review, prior to the applicant departing.
- If concurring, the SAO will sign the dissolution form.
 - You must speak to the child for a dissolution regardless of age. Initially, you will be asking all of the dissolution questions to the applicant. Once all of the questions have been asked, you can have the applicant sign her dissolution.
 - You will then bring in the child (siblings interviewed separately). You will ask them the first few questions as used in the child interview. (See Interviews with children for sample questions to ask children).
 - You will explain to the child that the applicant is requesting to be returned home and requesting that the child goes home with them.
 - If the child cannot answer the above referenced questions, document this and proceed to the applicant signing on behalf of the child.
 - If the child can answer the questions, you will ask them if they are in agreement.
 - If the child is age 14-17, they should sign their own dissolution. If the child is 13 or under, the mother should sign for the child.
- Once you have the applicant, AO and SAO signature on the dissolutions, please turn them into the SAO because the applicant can't be returned until the paperwork has been completed.

- **Reschedules**

- If the applicant or her child are sick, ask your supervisor if you can reschedule. If approved, reach out to Adrienne Grady Madera to let her know you have rescheduled **with supervisor approval.**
 - Also let all supervisors know you are available to assist others.

- **Rare Languages**

- Interviews must be conducted in the language the applicant requests.
- If you cannot get an interpreter for a rare language (after contacting all 3 service providers), you must contact your supervisor to see if you can issue a rare language

NTA. If so, issue an NTA and rare language memo that same day. (For the memo go the [IFR Shell](#) press control and F to find “Rare Language”.)

- AOs update the language in Global.
- SAOs close the case in Global as rare language.
- If not, schedule an interpreter and complete the interview on the scheduled date.
 - Alert your SAO and Adrienne Grady Madera of the new interview date, so they do not schedule a full caseload for the re-interview date.
- **Joinder Cases**
 - First verify that the applicant in question entered concurrently and the validity of their relationship (e.g. spouse or child under the age of 21).
 - Determine type of case (Type A vs. Type B)
 - Type A
 - Your applicant has a spouse or parent that was already issued a positive decision.
 - Ask support (POC) and your SAO to get you the determination docs.
 - Proceed with asking your applicant the mandatory bar questions and if he/she would like to be joined onto his/her spouse’s/parent’s claim.
 - Ask questions to ensure this is not a domestic violence situation.
 - For example, “Have you ever been beaten or harmed by your spouse/parent?”
 - Issue a joinder memo/NTA.
 - Type B
 - Your applicant is going to be interviewed first and a positive decision does not yet exist for your applicant’s spouse/child.
 - Record the spouse’s/child’s information on the I-870 and their desire to have their cases joined.
 - E-mail mission support (Adrienne Grady Madera and your SAO) the spouse’s/child’s information (name, A number, detention facility), only for family members not detained at Dilley.
 - If positive, support will scan the determination docs to the Asylum Office having juris over the joinder.
- **Work flow expectation**
 - Once you complete the ramp up period, everyone will generally be assigned 3 CF FAMU cases.
 - There should be no need for OT, unless approved by your supervisor or Section Chief Audrey Douglas.
 - You may be asked to conduct a follow-up interview instead of an initial interview. Because the follow-up interviews are less involved, you may be assigned more than three.

- **Case processing**

- On the day you interview a case, you will need to complete all paperwork and turn it in to your supervisor by COB. Below is a list of documents you will be submitting.

Negative IFR Decisions (forms in record order)	Positive IFR Decisions (forms in record order)
Third-Country-Transit Bar Worksheet	Third-Country-Transit Bar Worksheet
I-870 – (dated 7.16.19) <i>sign/date last page</i> (flag any possible bars)	I-870 – (dated 7.16.19) <i>sign/date last page</i> (flag any possible bars)
Credible Fear Determination Checklist (Effective as of May 6, 2019)	Credible Fear Determination Checklist (Effective as of July 16, 2019)
Interview notes	Interview notes
I-863	I-862 (NTA - Notice to Appear)
I-869A	Orientation memo to file (if barred by IFR)
Orientation memo to file (if barred by IFR)	Adverse memo (if applicable)

- **Checklist**

- I-870 should match the CF checklist. If the checklist says torture, then the I-870 cannot say persecution.
- Please refer to the 7 page WORD document called Checklist writing.

- **Global**

- Chrome works best. If you run into any problems, switch to Chrome.
- For IFR cases
 - If the applicant is subject to the bar, select special group code “bar-13(c)(4)”
 - If the applicant is subject to the bar, but establishes an exception, select special group code “no bar-13(c)(4)”
- When you are entering in the adjudication information for Global, please be sure you are updating the religion and language for ALL applicants (mothers and children) on the “Entry” page. You will also need to update the adjudication tab for all applicants.
 - Move to the adjudication tab to add your interview and decision details.
- When updating Global for a PSG, you are describing a group, not the individual. For example:
 - “Family of John Doe”
 - “Women who are viewed as property by virtue of their position within a domestic relationship”
 - “Salvadoran sexual minorities”



- Please update these 3 items:

Religion	Language(s)	Interpreter Required
CHRISTIAN	SPANISH	☒ Yes ☐ No

- After Global is updated turn the packets in on the file review shelf located between the two supervisor's offices, by COB.
- **FDNS**
 - For cases with FDNS issues, please ensure that you follow the steps listed in the e-mail from FDNS. (It is attached as Acting FDNS Officer-9/16 – 9/26/2019.)
 - Comply with FDNS procedures before turning in your paperwork. If you sent FDNS a memo or an adverse memo place a copy in the file. If you communicated with FDNS, but did not send any memos, please leave a copy of the communication in the file so the supervisor can see this too.
 - You may have a follow-up interview based on additional questions from FDNS.
- **Re-interview**
 - When applicant arrives confirm her name. Explain you need to conduct a re-interview because you have some additional questions about her credible fear claim. If she had a lawyer before, ask if the lawyer is coming into the re-interview. (If the applicant requests that CARA accompany them for the re-interview, speak with your SAO and they will coordinate with CoreCivic and ICE to get someone from CARA to come over for the re-interview.) If the lawyer is not coming to the re-interview or they were unrepresented previously, ask the applicant if she is comfortable answering your questions without a lawyer.
 - Ask if the applicant is comfortable speaking to a male/female officer and a male/female interpreter. Confirm that she will continue to answer questions on behalf of her child/children.
 - Swear in applicant and begin asking the additional questions that you were asked to cover.
 - Do not cover any information covered in a prior interview, unless directed by a SAO. Please do not go over the I-870, the M-444 or ask the mandatory bar questions for a second time.
 - You MUST read a summary of the applicant's testimony at the end of the re-interview because this is a requirement for all credible fear interviews.
 - You only need to summarize what the applicant testified to at the re-interview.
 - You will always need to update Global in the adjudication tab.
 - If you do not change the decision, in the interview section, type your identifying information, re-interview and the date. (I would type-ZHN866-Reinterviewed applicant on 9/23/2019.
 - If you change the decision, let your supervisor know and they will remove the decision, so you can add the new interview date and your new decision.
 - You will also need to modify the forms as follows:
 - I-870
 - New interview date;
 - Interpreter added and times added;

- If the applicant had a new or different consultant/lawyer add this and update the information in Global;
 - Sign the last page of I-870 and date it for today; and
 - If you change the decision, you will need to modify the relevant sections.
- Checklist
 - Update if there are new facts during the re-interview that are relevant to the decision analysis.
 - NTA and referral documents
 - Needs to be submitted **only** if the NTA in the file was dated.
 - If you change the decision to a negative, you will have to create those service documents instead of the NTA.

Maloney, Kathleen M

From: Maloney, Kathleen M
Sent: Friday, January 24, 2020 5:21 PM
To: Tchindebet, Samuel A; Gamez, Mayra A; Andre, Lisa S; Smelas, Katherine A (Katie); Jadhav, Ajita K; Raney, Lisa M; Aruch, Jaclyn B; Faltas, Iberkis M; Sutherland, Christopher L; Cardona, Christopher R (Chris)
Cc: Leigh, Francis W; Andre, Lisa S
Subject: IFR & trafficking
Attachments: Third Country Asylum Bar Training 2019-07-16.pptx; IFR_SHELL_FRC BP.docx

Hi all,

Attached is the template BP will be using when they interview. We spent a lot of time going over exceptions to IFR, especially trafficking.

If you do not have the questions below in your template, can you please add them to teach BP.

Entry / Encounter / Third Country Transit Bar

When did you last leave Guatemala?	
Where and when did you enter the U.S.?	On 8/22/2019 at Unknown.
Is this the first time you entered the United States?	
Did you ever apply for any immigration status in the United States before?	
Which countries did you travel through on your way to the United States?	
Who did you travel with?	
Did anyone hurt or threaten you on your way to the U.S.?	
In any of the countries you traveled through, did you apply for asylum, refugee status, protection from torture, or any other kind of humanitarian protection?	
(If sought protection) Did you get a final decision regarding your application for protection?	
Did you ever work for someone against your will?	
Did you ever work to pay off a debt you owed someone?	
Did you work to pay back someone who lent you money to come to the U.S.?	
Did you ever do domestic work as a household servant or caretaker of children?	
(If yes to any of the above labor questions) You said you worked doing WORK for PERSON. Did that person force, coerce, or trick you into working for	

them at any point, even if you initially agreed to do the work?	
(If yes to any of the above labor questions) How so?	
(If yes to any of the above labor questions) Did that person ever hold onto your identity or travel documents, withhold pay unfairly, say you owed them money, threaten or physically hurt you, or make you keep working for them in any other way?	
Anywhere in the world, did you ever do anything sexual in exchange for money or something of value, even if it was against your will?	
(If yes to sex act question) How old were you at the time?	
(If yes to sex act question) Did someone force, coerce, or trick you into doing that sex act?	
(If yes to sex act question) How so?	
When you were a child under the age of 18, did anyone ever make you work more than you should have as a child?	
Particularly when you were a child, but even as an adult, did anyone ever make you get married against your will?	
Particularly when you were a child, but even as an adult, did anyone ever make you work or fight for a military or armed group?	
Particularly when you were a child, but even as an adult, did anyone ever make you beg on the streets?	
Particularly when you were a child, but even as an adult, did anyone ever make you do anything for a criminal organization or gang, even if it was an illegal activity?	
(If yes to any of the above child exploitation questions) You said when you were AGE, PERSON made you ACT. How did they make you do that?	
(If yes to any of the above child exploitation questions) Did they force, coerce, or trick you somehow into doing that?	

Thanks.

Kathleen

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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

(b)(6)

File No. A

In the Matter of:

Respondent: **MUST MATCH NAME AS LISTED ON I-860 (delete this note!)** currently residing at:

South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of (b)(6)
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
- 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 after inspection by an immigration officer. **INL, LEAVE THIS; ARR, DELETE THIS**

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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Otero Immigration Court, 26 McGregor Range Road, Door #1, Chaparral, NM 88081

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

on TBD at TBD 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 Dilley, TX
 (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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

(b)(6)

File No. A

In the Matter of:

Respondent: **MUST MATCH NAME AS LISTED ON I-860 (delete this note!)** currently residing at:South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of (b)(6)
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
- 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 after inspection by an immigration officer. **INL, LEAVE THIS; ARR, DELETE THIS**

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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Otero Immigration Court, 26 McGregor Range Road, Door #1, Chaparral, NM 88081

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

on TBD at TBD 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 Dilley, TX
(City and State)

Notice to Respondent

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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.

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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.

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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).

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Request for Prompt Hearing

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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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

(b)(6)

File No. A

In the Matter of:

Respondent: MUST MATCH NAME AS LISTED ON I-860 (delete this note!) currently residing at:South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of ; (b)(6)
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
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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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Otero Immigration Court, 26 McGregor Range Road, Door #1, Chaparral, NM 88081

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

on TBD at TBD 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 Dilley, TX
 (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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

(b)(6)

File No. A

In the Matter of:

Respondent: MUST MATCH NAME AS LISTED ON I-860 (delete this note!) currently residing at:

South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of ; (b)(6)
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
- 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 after inspection by an immigration officer. **INL, LEAVE THIS; ARR, DELETE THIS**

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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Otero Immigration Court, 26 McGregor Range Road, Door #1, Chaparral, NM 88081

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

on TBD at TBD 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 Dilley, TX
 (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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

Name LAST, First Middle South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 780170	Date 1/10/2018 A-File A [] (b)(6) Country of Citizenship Korea
Place and Manner of Arrival ARR, PUT Santa Teresa, NM, afoot INL, PUT Unknown	Date of Arrival 2/15/2018

To immigration judge:

- ☒ 1. The above-named alien has been found inadmissible to the United States and ordered removed pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act). A copy of the removal order is attached. The alien has requested asylum and/or protection under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act and 8 CFR § 208.30(g).
- ☐ 2. The above-named alien arrived in the United States as a stowaway and has been ordered removed pursuant to section 235(a)(2) of the Act. The alien has requested asylum and/or withholding of removal under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act.
- ☐ 3. The above-named alien arrived in the United States in the manner described below and has requested asylum and/or withholding of removal under the Convention against Torture. The matter is referred for a determination in accordance with 8 CFR § 208.2(c).
Arrival category (check one):
- | | | |
|---|--|---|
| ☐ Crewmember/applicant | ☐ Crewmember/refused | ☐ Crewmember/landed |
| ☐ Crewmember/violator | ☐ VWP/applicant | ☐ VWP/violator |
| ☐ 235(c) order | ☐ S-visa nonimmigrant | ☐ Stowaway: credible fear determination attached |
- ☐ 4. The above-named alien has been ordered removed by an immigration officer pursuant to section 235(b)(1) of the Act. A copy of the removal order is attached. In accordance with section 235(b)(1)(C) of the Act, the matter is referred for review of that order. The above-named alien claims to be (check one):
- | | |
|---|---|
| ☐ a United States citizen | ☐ a lawful permanent resident alien |
| ☐ an alien granted refugee status under section 207 of the Act | ☐ an alien granted asylum under section 208 of the Act |
- ☐ 5. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the Department of Homeland Security (DHS) has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien **does not** have a reasonable fear of persecution or torture. The alien has requested a review of that determination in accordance with 8 CFR §§ 208.31(f) and (g).
- ☐ 6. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the DHS has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien **has** a reasonable fear of persecution or torture. The matter has been referred for a determination in accordance with 8 CFR § 208.31(e).
- ☐ 7. The Secretary of Homeland Security has determined that the release from custody of the above-named alien who is under a final order of removal would pose a special danger to the public according to the standards set in 8 CFR § 241.14(f)(1). The DHS has therefore invoked procedures to continue the alien's detention even though there is no significant likelihood that the alien will be removed from the United States in the reasonably foreseeable future. The matter is referred to the immigration judge for a review of this determination in accordance with 8 CFR § 241.14(g).

NOTICE TO APPLICANT

You are ordered to report for a hearing before an immigration judge for the reasons stated above. Your hearing is scheduled on

TBD at TBD You are to appear at _____
(Date) (Time)

Otero Immigration Court, 26 McGregor Range Road, Door #1, Chaparral, NM 88081
(Complete office address)

- ☒ 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 an Immigration Court. If you wish to be so represented, your attorney or representative should appear with you at this hearing. In the event of your release from custody, you must immediately report any change of your address to the Immigration Court on Form EOIR-33, which is provided with this notice. If you fail to appear for a scheduled hearing, a decision may be rendered in your absence.
- ☒ You may consult with a person or persons of your own choosing prior to your appearance in Immigration Court. Such consultation is at no expense to the government and may not unreasonably delay the process.
- ☒ Attached is a list of recognized organizations and attorneys that provide free legal service.

(Signature and title of immigration officer)

CERTIFICATE OF SERVICE

- ☒ The contents of this notice were read and explained to the applicant in the Korean language.
- ☒ The original of this notice was delivered to the above-named applicant by the undersigned on and the alien has been advised of communication privileges pursuant to 8 CFR 236.1(e). Delivery was made:
 - ☐ in person ☐ by certified mail, return receipt # _____ requested ☐ by regular mail

(Signature and title of immigration officer)

Attachments to copy presented to immigration judge:

- | | |
|---|--|
| ☐ Passport | ☒ Form I-860 |
| ☐ Visa | ☐ Form I-869 |
| ☐ Form I-94 | ☐ Form I-898 |
| ☐ Forensic document analysis | ☐ Asylum Officer's reasonable fear determination worksheet (I-899) |
| ☐ Fingerprints and photographs | ☒ Asylum officer's credible fear determination worksheet (I-870) |
| ☐ EOIR-33 | |
| ☐ FOR 8 CFR 241.14(f) CASES ONLY: Written statement including summary of the basis for the Secretary's determination to continue the alien in detention, and description of the evidence relied on in finding the alien specially dangerous (with supporting documents attached). | |
| ☐ FOR 8 CFR 241.14(f) CASES ONLY: Written notice advising the alien of initiation of proceedings and informing alien of procedures governing the Reasonable Cause Hearing at 8 CFR 241.14(h). | |
| ☒ Other APSO Interview Notes
(specify): _____ | |

**Record of Negative Credible Fear Finding
and Request for Review by Immigration Judge**

Alien File Number: A (b)(6)

1. To be explained to the alien by the asylum officer:

U.S. Citizenship and Immigration Services (USCIS) has determined that you do not have a credible fear of persecution or torture pursuant to 8 CFR 208.30 for the following reason(s):

- A. ☒ You have not established a credible fear of persecution in your country of nationality, country of last habitual residence, or a country to which you have been ordered removed because:
- ☐ You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
 - ☐ There is no significant possibility that you could establish in a full hearing that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.
 - ☐ You have not indicated that you were harmed in the past, and there is no significant possibility that you could establish in a full hearing that the harm you fear is well founded.
 - ☐ There is no significant possibility that you could establish in a full hearing that the harm you experienced or fear was/is sufficiently serious to amount to persecution.
 - ☐ There is no significant possibility that you could establish in a full hearing that the entity that harmed you or would harm you was/is an agent of the government or an entity the government was/is unable or unwilling to control.

AND

- ☒ You have not established a credible fear of torture in a country to which you have been ordered removed because you have not established that there is a significant possibility that:
- ☐ You would suffer severe physical or mental pain or suffering.
 - ☐ The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
 - ☐ The harm you fear 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.
 - ☐ The harm you fear would be inflicted while you are in the custody or physical control of the offender.
 - ☐ The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.
- B. ☐ Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision.

If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision.

If you do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

- ☐ **Yes, I request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.
- ☐ **No, I do not request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.

LAST
Applicant's Last Name/ Family Name (Print)

First
Applicant's First Name (Print)

Applicant's Signature

Officer
Asylum Officer's Last Name (Print)

Great
Asylum Officer's First Name, (Print)

Date

The contents of this form were read and explained to the applicant in the Korean Language

Interpreter used:

By telephone (list interpreter service /ID number used _____).

In person (I, _____, certify that I am fluent in both the Korean and English languages. I interpreted the above information completely and accurately to the alien.)

Interpreter's Signature

Date

**Record of Negative Credible/Reasonable Fear Finding and
Request For Review by Immigration Judge for Aliens Barred
From Asylum Pursuant to 8 CFR 208.13(c)(4)**

Alien File Number: (b)(6)

1. To be explained to the alien by the asylum officer:

A. U.S. Citizenship and Immigration Services (USCIS) has determined that you are an alien described in 8 CFR 208.13(c)(4) and therefore, you have not established a credible fear because you cannot show a significant possibility of establishing eligibility for asylum.

B. You have not established a reasonable fear with respect to your application for withholding of removal under INA 241(b)(3) or withholding or deferral of removal under the Convention Against Torture pursuant to 8 CFR 208.16 for the following reason(s):

- ☐ You have not established a reasonable fear of persecution in a country to which you have been ordered removed because:
- ☐ You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
 - ☐ There is no reasonable possibility that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.
 - ☐ You have not indicated that you were harmed in the past, or there is no reasonable possibility that the past harm or the harm you fear in the future constitutes persecution.
 - ☐ There is no reasonable possibility that you would suffer the harm you fear.
 - ☐ You could reasonably avoid persecution by relocating within your country.

AND

- ☐ You have not established a reasonable fear of torture in a country to which you may be removed because you have not established that there is a reasonable possibility that:
- ☐ You would suffer severe physical or mental pain or suffering.
 - ☐ The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
 - ☐ The harm you fear 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.
 - ☐ The harm you fear would be inflicted while you are in the custody or physical control of the offender.
 - ☐ The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.

C. ☐ Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision.

If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision.

If you indicate below that do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

- ☐ **Yes, I request Immigration Judge review** of the decisions that I do not have a credible fear of persecution or torture and that I do not have a reasonable fear of persecution or torture.
- ☐ **No, I do not request Immigration Judge review** of the decisions that I do not have a credible fear of persecution or torture and that I do not have a reasonable fear of persecution or torture.

LAST
Applicant's Last Name/ Family Name (Print)

First
Applicant's First Name (Print)

Applicant's Signature

Officer
Asylum Officer's Last Name (Print)

Great
Asylum Officer's First Name, (Print)

Date

The contents of this form were read and explained to the applicant in the Korean Language

Interpreter used:

By telephone (list interpreter service /ID number used _____).

In person (I, _____, certify that I am fluent in both the Korean and English languages. I interpreted the above information completely and accurately to the alien.)

Interpreter's Signature

Date

Record of Determination/Credible Fear Worksheet

ELP	«CCO»	«A_num»	«PA_last»
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
«AO_last»	«AO_first»	«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	<u>2/15/2018</u>	1.2	<u>ARR, PUT Santa Teresa, NM INL, PUT Unknown</u>
	Date of arrival [MM/DD/YY]		Port of arrival
1.3	<u>2/15/2018</u>	1.4	<u>STFRC Dilley, Texas</u>
	Date of detention [MM/DD/YY]		Place of detention
1.5	<u>2/21/2018</u>	1.6	<u>Lack of resources</u>
	Date of AO orientation [MM/DD/YY]		If orientation more than one week from date of detention, explain delay
1.7	<u>1/10/2018</u>	1.8	<u>Dilley, Texas</u>
	Date of interview [MM/DD/YY]		Interview site
1.9	☒ Applicant received and signed Form M-444 and relevant <i>pro bono</i> list on		<u>2/21/2018</u>
			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		
	<u>Counselor Atlaw Wise Counsel Dr. Money, MN 12345 987-654-3219</u>		
1.12	Persons present at the interview (check which apply)		
1.13	☐ Consultant(s) (b)(6)		
1.14	☐ Other(s), list: 		
1.15	☐ No one other than applicant and asylum officer		
1.16	Language used by applicant in interview: <u>Korean</u>		
1.17	<u>Lion Bridge, ###</u>	☒ Yes ☐ No	<u>TIME</u>
	Interpreter Service, Interpreter ID Number.	Interpreter Has Forms	<u>Time Started</u>
1.18		☒ Yes ☐ No	<u>TIME</u>
	Interpreter Service, Interpreter ID Number.	Interpreter Has Forms	<u>Time Started</u>
1.19		☒ Yes ☐ No	<u>TIME</u>
	Interpreter Service, Interpreter ID Number.	Interpreter Has Forms	<u>Time Started</u>
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 <i>vice versa</i>		
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

Last Name/ Family Name [ALL CAPS] (b)(6)

2.2 2.3

First Name Middle Name

2.4 2.5 Gender ☐ Male ☐ Female

Date of birth [MM/DD/YY]

2.6 None

Other names and dates of birth used

2.7 2.8

Country of birth (b)(6) Country (countries) of citizenship (list all)

2.9

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

2.10 Race 2.11 Religion 2.12 : No other language

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):
SPOUSE NAME, CITIZENSHIP, LOCATION, A# IF ENTERED U.S. WITH APPLICANT

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 (b)(6)	Citizenship	Present location (if w/PA, list A-Numbers)	Did child arrive with PA?	Is child included in PA's claim?
				☐	☐
				Yes	No
				☐	☐
				Yes	No
				☐	☐
				Yes	No
				☐	☐
				Yes	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):

Name	Relationship
Name	Relationship
City, State	Phone
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 a. 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 Interview Notes

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

☒ Yes ☐ No

See Interview Notes

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

See Interview Notes

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, or, where applicable, a reasonable 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, and, where applicable, you do not have a reasonable 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, where applicable, you do not have a reasonable fear of persecution or torture, 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.

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 (and reasonable fear determination, where applicable):

Credibility

- 4.1 ☐ Applicant found credible.
- 4.2 ☐ Applicant found **not** credible.

Nexus

- 4.3 ☐ Race 4.4 ☐ Religion 4.5 ☐ Nationality 4.6 ☐ Membership in a Particular Social Group

(Define the social group): GROUP

- 4.7 ☐ Political Opinion 4.8 ☐ Coercive Family Planning [CFP] 4.9 ☐ No Nexus

Credible Fear Finding

- 4.10 ☐ Credible fear (or in the case of an alien determined to have no credible fear of persecution because he or she is barred from asylum pursuant to 8 CFR 208.13(c)(4), reasonable fear) of **persecution** established.

OR

- 4.11 ☐ Credible fear (or in the case of an alien determined to have no credible fear of persecution because he or she is barred from asylum pursuant to 8 CFR 208.13(c)(4), reasonable fear) of **torture** established.

OR

- 4.12 ☐ No fear of persecution or torture established.

B. Possible Bars:

- 4.13 ☐ 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):
- 4.14 ☐ Particularly Serious Crime 4.15 ☒ Security Risk 4.16 ☐ Aggravated Felon
- 4.17 ☐ Persecutor 4.18 ☐ Terrorist 4.19 ☐ Firmly Resettled
- 4.20 ☐ Serious Non-Political Crime Outside the United States
- 4.21 ☒ Applicant does **not** appear to be subject to a bar(s) to asylum or withholding of removal.

C. Identity:

- 4.22 ☒ Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.23 ☒ 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).
- 4.24 ☐ Passport which appears to be authentic.
- 4.25 ☐ Other evidence presented by applicant or in applicant's file (List): _____
- 4.26 ☐ 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 | Great Officer, ZNK 111 | 5.2 | _____ | 5.3 | 1/10/2018 |
| | Asylum officer name and ID CODE (print) | | Asylum officer's signature | | Decision date |
| 5.4 | _____ | 5.5 | _____ | 5.6 | _____ |
| | Supervisory asylum officer name | | Supervisor's signature | | Date supervisor approved decision |

Alien's File Number: «A_num»

ADDITIONAL INFORMATION/CONTINUATION

4.13 - Possible Bars:

(b)(6)

(If third country transit bar applies)

4.26 - Identity:

Other:

(IF FLIP)

(b)(6)

CREDIBLE FEAR INTERVIEW NOTES

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.

KEY: Officer Applicant Interpreter: Lionbridge, ###

Child1: Eduard Octavio PEREZ-VICCENTE Child2: Child3: Child4:

Lawyer:

START TIME
TIME:

Interpreter

Interpreter, do you have Form I-870 dated 7/16/19?	
Do you swear to interpret accurately and faithfully to the best of your ability, keep everything you hear confidential, and alert me if you're ever unable to proceed in a neutral manner?	
Interpreter, please introduce yourself to the applicant and ask the applicant to pause during testimony so you have time to translate.	

Introduction

(b)(6)

Hello, what is your name?	
What is your preferred language?	
What other languages do you speak, if any?	
Do you understand the interpreter?	
What country are you from?	
Are you afraid to return to Guatemala?	
Have you had an opportunity to speak with someone from CARA?	.
Did an attorney or consultant assist you prepare for your interview?	
Did an attorney or a consultant tell you they were coming with you to this interview?	
Do you have an attorney or a consultant?	
An attorney is not required for this interview. Would you like to proceed today without a lawyer?	

(b)(6)

(If applicant wants a lawyer) CARA is located in the legal trailer. I can give you 15 minutes to go to CARA and return with a lawyer. If you do not return, I will make my decision based on the information we have in your file. Come back because I need to ask you questions to determine if you have a credible fear. Do you understand?	
(If applicant wants a lawyer) Do you agree to come back in 15 minutes?	
Did you come to the U.S. with any of your children or a spouse?	(b)(6)
(If child) How old is your child?	
(If outside) Where is your child now?	
(If outside) Would you like your child to stay outside of the room and I can call your child later to testify if necessary?	
(If inside) Who is here in the room with us?	
(If inside) There may be private or sensitive subjects we discuss today. Do you want your child in the room during our interview?	
Were you ever separated from your child?	
(If yes) Do you need help locating your child?	
Your child may be included in your claim if they came to the U.S. with you. If I determine that you have a credible fear, I will also determine that that they have a credible fear. If I determine that you do not have a credible fear, I will make a separate determination for them. Do you understand and agree?	
Do you want to testify on your child's behalf, and may I use any information you give me today for your child's case?	
(To child) Hi Eduard, how are you?	Child:
(To child) Do you want to have your interview with your parent, or do you want to have the interview separately with just me?	Child:
(To child) I may ask you questions today about why you left country. Generally though, I'll be asking your parent questions. Would you like your parent to respond for you?	Child:

(To child) If there's ever something private you want to tell me without your parent in the room, let me know, ok?	
How are you being treated in this facility?	
Do you have any medical or health conditions?	
(If yes) Have you notified this facility of the condition?	
(If yes) Is the condition related to the harm you suffered in the past?	
Are you taking any medications?	
(If yes) Will your condition or any medications you're taking affect your ability to proceed with today's interview?	
The interpreter will explain the purpose of this interview. Interpreter, please read Section 1.28 from Form I-870.	
[Interpreter read 1.28] <i>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 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.</i>	
Do you have any questions about what was read to you?	
(If oriented) I see that you had your Credible Fear Orientation, where you were given information about the process and were provided with a list of attorneys. You also signed a form called the M444 saying you received this information on 8/25/2019. Do you have any questions about the forms you signed?	
(If NOT oriented) I understand that you have not yet had a Credible Fear Orientation, which gives you detailed information about this interview. I'm going to ask you to listen to the interpreter read a form called the M-444. [Interpreter read M-444]. Do you have any questions about the information the interpreter just read for you?	

(If NOT oriented) Please sign the M-444. This is a list of attorneys who may be able to represent you at little or no cost. We provide this list to all applicants. Please initial each page.	[Applicant signed M-444 & Legal Service Providers List.]
Before we begin, I am going to place you under oath. Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?	

Biographic Review

(b)(6)

What is your true and complete name?	
What is your correct date of birth?	
Have you ever used any other names or dates of birth?	
What country were you born in?	
Are you a citizen of Guatemala?	
Are you a citizen of any other country?	
What country were your parents born in?	
Are they citizens of Guatemala?	
Have either of your parents ever been to the United States or been U.S. citizens?	
Are you married, either a legal or common-law marriage?	
(If married) What is your spouse's name, citizenship, and current location?	
How many children do you have? [Officer recorded name, date of birth, citizenship, and current location for each child on I-870.]	
Who would receive you here in the U.S. if you are released from the facility you're staying at?	
What is your relationship to the sponsor?	
Where does your sponsor live?	
What is your sponsor's phone number?	
Is your sponsor a U.S. citizen, permanent resident, or holder of any other immigration status?	
What city or town did you live in before you left to come here?	
What is your religion, if you have one?	
What is your race or ethnicity?	
What type of work did you do in Guatemala?	

What is your highest level of education?	
--	--

Entry / Encounter / Third Country Transit Bar

When did you last leave Guatemala?	
Where and when did you enter the U.S.?	
Is this the first time you entered the United States?	
Did you ever apply for any immigration status in the United States before?	
Which countries did you travel through on your way to the United States?	
Who did you travel with?	
Did anyone hurt or threaten you on your way to the U.S.?	
In any of the countries you traveled through, did you apply for asylum, refugee status, protection from torture, or any other kind of humanitarian protection?	
(If sought protection) Did you get a final decision regarding your application for protection?	
Did you ever work for someone against your will?	
Did you ever work to pay off a debt you owed someone?	
Did you work to pay back someone who lent you money to come to the U.S.?	
Did you ever do domestic work as a household servant or caretaker of children?	
(If yes to any of the above labor questions) You said you worked doing WORK for PERSON. Did that person force, coerce, or trick you into working for them at any point, even if you initially agreed to do the work?	
(If yes to any of the above labor questions) How so?	
(If yes to any of the above labor questions) Did that person ever hold onto your identity or travel documents, withhold pay unfairly, say you owed them money, threaten or physically hurt you, or make you keep working for them in any other way?	

(b)(6)

Anywhere in the world, did you ever do anything sexual in exchange for money or something of value, even if it was against your will?	
(If yes to sex act question) How old were you at the time?	
(If yes to sex act question) Did someone force, coerce, or trick you into doing that sex act?	
(If yes to sex act question) How so?	
When you were a child under the age of 18, did anyone ever make you work more than you should have as a child?	
Particularly when you were a child, but even as an adult, did anyone ever make you get married against your will?	
Particularly when you were a child, but even as an adult, did anyone ever make you work or fight for a military or armed group?	
Particularly when you were a child, but even as an adult, did anyone ever make you beg on the streets?	
Particularly when you were a child, but even as an adult, did anyone ever make you do anything for a criminal organization or gang, even if it was an illegal activity?	
(If yes to any of the above child exploitation questions) You said when you were AGE, PERSON made you ACT. How did they make you do that?	
(If yes to any of the above child exploitation questions) Did they force, coerce, or trick you somehow into doing that?	
(If third country transit bar applies) I' after you show them how to complete the case. m going to read you some information now. I have determined, based upon your testimony and the other evidence in the record, that you are barred from asylum under 8 CFR § 208.13(c)(4), and therefore you are unable to establish a credible fear with respect to your application for asylum. The purpose of the remainder of the interview is to determine if you have a reasonable fear of persecution or torture. If it is determined that you have a reasonable possibility of being persecuted or tortured in the country to which you will be ordered removed, you will receive a Notice to Appear for a hearing in immigration court for consideration of your claim for withholding of removal under section 241(b)(3) of the Act, or for withholding or deferral of removal under the Convention Against Torture. If it is determined that you do not have a reasonable possibility of being persecuted or tortured, then you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are barred from asylum under 8 CFR § 208.13(c)(4).	
Do you have any questions about the information I just read for you? [Officer verified all biographic information on Page 2 of the I-870.]	

Claim for Protection

Please tell me briefly why you are afraid to return to Guatemala.	

Fear of Return / Internal Relocation

Besides what we have already discussed, have you ever experienced any other mistreatment, threats or harm at any time in your life in Guatemala?	
I know it may be difficult to think about, but what do you think would happen to you if you had to return to Guatemala?	
How will the people you fear know you returned to Guatemala?	
Have you received any threats since you left your country, like by phone or social media?	
I read a few articles about your country. I understand that today, COI. Are you aware of these reports?	
Is there anywhere you could go in Guatemala and be safe?	
Why not?	
When you were having the problems you told me about today did you ever try to relocate to avoid the people you fear?	
Have you ever heard of the people you fear chasing after other people who try to flee them?	
Is the threat against you throughout all of Guatemala, or just in certain areas?	
Do you think if you moved far away from your home, say on the other side of your country, that the people you fear would be able to find you?	
Are the people you fear are connected to networks of other bad actors in Guatemala?	

Have you ever lived in another part of Guatemala?	
(If yes) Would you be safe if you lived there?	
Do you have family in any other part of Guatemala?	
(If yes) Would you be safe if you lived with them?	
Have any of your family still in Guatemala been targeted since you left?	
Besides what you told me so far, would your life be difficult in any other way if you moved to another part of your country?	
Would you be able to find a house, work, go to school, provide for yourself, etc.?	

State Protection

(If gov't persecutor/torturer) You told me about problems you had with the government. How do you know that the people threatening you are actually government officials?	
Is there another branch of government that could hold the officials threatening you accountable for their actions?	
(If reported non-gov't persecutor/torturer to police) Did you ever report the harm you experienced to the police?	
When did you report this incident to the police?	
What did the police say and do when you reported?	
What did you expect the police to do?	
Did you give the police details about what happened so they could investigate?	
How do you know the police did not do anything?	
Did you ever follow up with the police to see if they were investigating?	
Did the police ask for money to investigate?	
(If did NOT report non-gov't persecutor/torturer to police) Did you ever report the harm you experienced to the police?	
Why didn't you report?	
Had you reported this incident to the police, what do you believe the police would have done?	

(b)(6)

(b)(6)

Do you know anyone in your country who has reported similar incidents to the police, but the police did not help them?	
How far away is the nearest police station to your house?	
How often do the police patrol your area?	
Did you ever report another incident to the police, even if it was not so serious?	
(General police questions whether or not reported non-gov't persecutor/torturer) Do you think the people threatening you have influence with the police or government?	
Have you heard reports about police corruption in your area or police collaboration with the people threatening you?	
Have you ever seen someone pay off the police with a bribe, even if it's to get out of something not too serious like a traffic violation?	
(CAT questions, as necessary) Do you think officials besides the police, like the mayor or the national government, would protect you if you reported the people threatening you?	
Would government officials direct the people threatening you to harm you?	
Would government officials think it's OK for you to be harmed by the people threatening you?	
Why do you think that?	
Have you ever had any problems with the government of your country or with anyone who works for the government?	
Do you believe government officials or someone who is associated with the government would harm you in the future?	

Other Protected Grounds

These are questions for both you and your child. You told me you are Religion. Have you ever been threatened or harmed or do you fear harm because of your religion?	
You told me you are Race. Have you ever been threatened or harmed or do you fear harm because of your race, ethnicity, or nationality?	
Have you ever been threatened or harmed or do you fear harm because of your political beliefs?	

Have you ever been threatened or harmed by a family member or someone you lived with?	
Have you ever been threatened or harmed by a romantic partner?	
Was anyone in your family ever physically harmed in your country?	
Besides what we talked about today, is there anything else that makes you different or more vulnerable to harm than other people in your community?	
Is there anything else you are afraid of, other than what we've already discussed?	
(other than what you have told me) has anyone ever harmed or threatened your child in the past?	
What do you fear would happen to your child in the future?	
(If no fear in I-867A&B) Do you remember the border patrol asked you some questions after you were apprehended at the border?	
(If no fear in I-867A&B) Do you remember signing the record of the questions they asked you and the answers you gave?	
(If no fear in I-867A&B) Did they ask if you were afraid to return to your country?	
(If no fear in I-867A&B) DHS records indicate that after being apprehended by the border patrol, you were asked if you had any fear or concern about returning to your country and you answered no. However, today, you indicated that you are afraid to return. Apart from what you've told me so far, do you have any other explanation for this difference?	
(If no fear in I-867A&B) Did you experience any difficulties when you crossed the border or when border patrol apprehended you?	
(If no fear in I-867A&B) Did you have any difficulty understanding the border patrol officer who asked you questions?	

(If necessary) **Child Testimony**

(b)(6)

Do you promise to tell the truth today?	
What is your full name?	
How are you feeling today?	
How old are you?	

I will be asking you several questions. Are you willing to answer them?	
Are you attending school?	
Do you like it?	
What's your favorite subject?	
If there's ever anything you want to tell me in private without your parent here, just let me know, OK?	
Do you know what it means to tell the truth?	
Do you promise to tell the truth, the whole truth, and nothing but the truth?	
Did anyone ever do something bad to your in your country?	
Do you know why they wanted to hurt you?	
What are you afraid will happen to you if you go back to Guatemala?	

Possible Bars

These are questions I ask everyone I speak to. I'd like you to respond for both you and your child. Has any country in the world, other than your native country, ever offered you citizenship, permanent residence, asylum or refugee status?	
Have you ever harmed anyone?	
Have you ever committed or been convicted of a crime anywhere in the world? other than what we talked about today?	
Have you ever been arrested or detained in any country, besides U.S. immigration? other than what we talked about today?	
Have you ever worked for any government?	
Have you ever served in a military, police or security forces?	
Have you ever done something violent like: use an explosive, hijack a vehicle, kidnap or assassinate someone?	
Have you ever helped or belonged to a militia or violent group?	
Do you plan to do anything illegal or harmful in the U.S.?	

Conclusion

Is there anything else that you would like to tell me about your claim that we have not yet discussed?	
(If attorney) Counsel, I'm going to give you an opportunity to make a closing statement after I read the summary of testimony. For now though, do you have any questions for the applicant?	
The interpreter will explain the possible outcomes of your case.	OK
[Interpreter read Paragraph 3.2 from I-870.] <i>If the Department of Homeland Security determines you have a credible fear of persecution or torture, or, where applicable, a reasonable 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, and, where applicable, you do not have a reasonable 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, where applicable, you do not have a reasonable fear of persecution or torture, 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?</i>	
Do you have any questions about what the interpreter just read for you?	No.
I am going to read to you a brief summary of what you described as the reasons you do not want to return to your country.	OK
You testified: Harm. Severity. Nexus/reason. You fear if you return to Guatemala, HARM. You do not believe the government authorities will protect you if you go back to Guatemala, because REASON. You do not believe there is a safe place you could go in Guatemala, because REASON.	
Is this summary of your testimony accurate?	
(If attorney) Counsel, would you like to make a closing statement?	
Did you understand all the questions I asked today?	
Did you understand the interpreter?	
Interpreter, did you understand the Applicant?	
(If telephonic and unsigned orientation docs) I'm now going to ask the detention officer to have you sign the M-444 and pro bono attorney list from the orientation I gave you earlier. Do you understand the nature of the documents I'm asking you to sign?	
That concludes our interview. Thank you so much for sharing everything with me today.	
END TIME: TIME	

A#: «A_num»
Applicant: «PA_last», «PA_first» «PA_mid»
Officer: «AO_first» «AO_last», «CCO» «AO_num»
Date of Interview: «Intvw_dt»
Page: 13 of TOTALNUMPAGES

(b)(6) CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

A	COUNTRY	APSO: OFFICER	DATE: 1/10/2018
- If there is a significant possibility of establishing eligibility for asylum or withholding under 241(b)(3), complete A., B., and C only. - If there is a significant possibility of establishing eligibility for protection under the Convention Against Torture, complete A., B., and D only. - If there is not a significant possibility of establishing eligibility for asylum or withholding of removal under 241(b)(3) or for withholding or deferral of removal under the CAT pursuant to 8 CFR 208.16(c) or 208.17, complete Sections A., B., C., and D. unless the claim fails in Section A (Harm) or Section B. (Credibility), in which case, stop and complete Form I-870.			
A. Harm (If yes to A.1. and/or A.2., move to Part B. If no to A.1. and A.2., STOP, and complete Form I-870.)			
1. Has the applicant testified that he or she has experienced <u>past</u> harm in his or her country? If yes, identify any past harm or mistreatment suffered, and identify all relevant entit(ies). Harm: Entit(ies):			Yes ☐ No ☐
2. Has the applicant testified that he or she fears <u>future</u> harm if returned to his or her country? If yes, identify any harm or mistreatment feared, and identify all relevant entit(ies). Harm: Entit(ies):			Yes ☐ No ☐
B. Credibility (Select the appropriate box. If testimony was credible and the overall determination is positive, check box B.1. and briefly explain what evidence supports this determination including addressing any credibility concerns and why in the totality of circumstances the applicant's testimony is credible despite these concerns. If testimony was credible but the overall determination is negative, check box B.1. and proceed to section C. If testimony was not credible, (1) check box B.2., (2) identify the credibility concern(s), (3) provide the applicant's explanation(s), and (4) address if the explanation is reasonable for each concern. After analyzing all relevant credibility factors, consider them in the totality of the circumstances.)			
1. Applicant's testimony was credible: Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible. (Check box, explain only if overall decision is positive, and move to Section C. and/or D.) The applicant testified plausibly and provided detail related to SPECIFIC ASPECT OF CLAIM . The testimony was internally consistent throughout the interview [OR] The applicant resolved an initial inconsistency regarding APPARENT INCONSISTENCY by explaining that ANALYZE . There were no external inconsistencies between the testimony and other evidence in the record, including the I-867A&B [OR] The applicant provided a reasonable explanation for the external inconsistency between testimony regarding fear of return and the I-867A&B indicating no fear of return, specifically that the applicant ANALYZE EXPLANATION . The applicant was responsive, not evasive. [IF NEEDED] The testimony is corroborated by relevant country condition reports, which indicate that COL. CITATION . Therefore, the applicant's testimony is found credible in the totality of the circumstances.			☐
2. Applicant's testimony was not credible: Considering the identified credibility concern(s), the absence of reasonable explanations for those concerns, and taking into consideration the applicant's individual circumstances, the applicant's testimony is found not credible under the totality of the circumstances and all relevant factors. (Check box, explain, STOP, and complete Form I-870.)			☐
C. Persecution (If yes to C.1. or C.2., complete C.3. If no to C.1. and C.2., complete C.3.)			
1.a. Past Persecution: There is a significant possibility the applicant can establish in a full hearing that: - The harm experienced was sufficiently serious to amount to persecution; - The entity that harmed the applicant was motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion; and - The entity that harmed the applicant was an agent of the government or an entity that the government was unable or unwilling to control. AND			Yes ☐ No ☐

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

1.b. There is no evidence so substantial that the presumption of well-founded fear can be rebutted. <i>or</i> If the presumption of well-founded fear has been rebutted, there is a significant possibility that asylum could be granted based on: (1) the severity of the past persecution; or (2) a reasonable possibility of other serious harm.	
2. <u>Future Persecution</u>: There is a significant possibility that the applicant can establish in a full hearing that: • The applicant fears harm that is sufficiently serious to amount to persecution; • The applicant 1) <u>possesses</u> a protected characteristic, 2) of which the feared entity is or could become <u>aware</u> or the feared entity believes that the applicant possess a protected characteristic, 3) the feared entity has the <u>capability</u> to persecute the applicant, 4) the feared entity has the <u>inclination</u> to persecute the applicant, OR there is a pattern or practice of persecution of a group of persons similarly situated to the applicant on account of a protected ground; • The entity would be motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion; • The entity that would harm the applicant would be an agent of the government or an entity that the government would be unable or unwilling to control; <i>and</i> • Under all the circumstances, it would not be reasonable for the applicant to relocate within the applicant's country to avoid future persecution.	Yes ☐ No ☐
3. <u>Written Analysis</u>: Race ☐ Religion ☐ Nationality ☐ Membership in a Particular Social Group ☐ Political Opinion ☐ <i>If credible fear of persecution established, identify the protected ground and specify:</i> SPECIFIC GROUND, or PSG: GROUP <i>As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.</i> <u>Past Persecution</u>: The applicant testified that PAST HARM. This harm is on account of the applicant's GROUND [OR] membership in the particular social group: GROUP. The members of this group share a common immutable characteristic given that ANALYZE IMMUTABILITY ONLY IF NOVEL PSG. The applicant testified that NEXUS. At least one reason for the harm the applicant suffered was the applicant's GROUND, given that ANALYZE (e.g., there was a short proximity in time between the harm's occurrence and the persecutor's words directly related to the protected characteristic [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor targeted the applicant when the applicant was CIRC EVID). It is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that RELOCATION. This testimony indicates that ANALYZE. Thus, there is a significant possibility that the applicant can establish persecution on account of a protected ground in a full hearing. <u>Future Persecution</u>: The applicant testified that PAST HARM. As an initial matter, the harm the applicant experienced in the past CONCLUSION (e.g., is not serious enough to rise to the level of persecution [OR] is not on account of a protected ground), given the applicant's testimony that ANALYZE (e.g., the applicant was not physically harmed and the persecutor did not attempt to carry out the threats [OR] the persecutor did not say anything related to a protected characteristic at the time of the harm and the circumstantial evidence does not indicate a nexus). Nevertheless, the future harm the applicant fears – namely FUTURE HARM – is serious enough to rise to the level of persecution because it threatens the applicant's life and freedom. Additionally, the applicant possesses a protected characteristic the feared persecutor is or could become aware of, specifically the applicant's GROUND [OR] membership in the	

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

particular social group: GROUP. The members of this group share a common immutable characteristic given that **ANALYZE IMMUTABILITY ONLY IF NOVEL PSG.** Furthermore, the feared persecutor has the inclination to persecute the applicant on account of this protected ground. The applicant testified that **NEXUS.** At least one reason for the harm the applicant fears is the applicant's **GROUND,** given that **ANALYZE (e.g., the persecutor's threatening words directly relate to the protected ground [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor threatened the applicant when the applicant was CIRC EVID).** Relevant country condition reports indicate that **COI. CITATION.** Finally, it is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that **RELOCATION.** This testimony indicates that **ANALYZE.** Therefore, there is a significant possibility that the applicant can establish persecution on account of a protected ground in a full hearing.

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

D. Torture *(Make a selection in D.1. and, as needed, complete D.2.)*

D.1. There is a significant possibility the applicant can establish in a full hearing that:

- The feared harm would be specifically intended to inflict severe pain or suffering on the applicant;
- The feared harm would constitute severe physical or mental pain or suffering;
- The feared harm 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;
- The applicant would be in the offender's custody or physical control; **and**
- The harm would not arise only from or be inherent in or incidental to lawful sanctions.

In making this determination, the following evidence must be considered:

- Evidence of past torture inflicted upon the applicant;
- Evidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured;
- Evidence of gross, flagrant or mass violations of human rights within the country of removal; and other relevant information regarding conditions in the country of removal.

If the applicant has demonstrated that there is a **significant possibility** of establishing past torture **AND** there are no changes in circumstances so substantial such that the applicant does not have a credible fear of torture, the applicant will be found to have established a credible fear of torture.

Yes ☐

No ☐

D.2. Written Analysis: *As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.*

The applicant testified that **PAST HARM**. The applicant fears that if the applicant returns to **COUNTRY**, **FUTURE HARM**. This harm will be inflicted with the acquiescence or consent of public officials in the country. The applicant testified that **STATE PROTECTION**. This testimony indicates that public officials **CONCLUSION** (e.g., **turn a blind eye to such violence [OR] are themselves the ones targeting the applicant**), given that **ANALYZE**. Relevant country condition evidence corroborates that the authorities in the country **COI. CITATION**. The applicant cannot relocate within the country to avoid future torture. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Thus, there is a significant possibility that the applicant can establish eligibility for protection under the Convention Against Torture in a full hearing.

Memo to File
For Alien
Barred From Asylum Pursuant to 8 CFR 208.13(c)(4)

From: **Houston Asylum Office**

RE:

(b)(6)

At the interview:

- The Asylum Officer informed the individual that the officer had determined, based upon the individual's testimony and the other evidence in the record, that the individual is barred from asylum under 8 CFR § 208.13(c)(4), and therefore unable to establish a credible fear with respect to his or her application for asylum.
- As a result of the above determination, the Asylum Officer read the following paragraph to the individual:

The purpose of the remainder of the interview is to determine if you have a reasonable fear of persecution or torture. If it is determined that you have a reasonable possibility of being persecuted or tortured in the country to which you will be ordered removed, you will receive a Notice to Appear for a hearing in immigration court for consideration of your claim for withholding of removal under section 241(b)(3) of the Act, or for withholding or deferral of removal under the Convention Against Torture. If it is determined that you do not have a reasonable possibility of being persecuted or tortured, then you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are barred from asylum under 8 CFR § 208.13(c)(4).

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
(b)(6) [JULY 16, 2019] [CHECKLIST 3]

A#:	COUNTRY	APSO Name: OFFICER	DATE: 1/10/2018
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By using this checklist, the adjudicator has determined that the applicant is barred for asylum pursuant to 8 C.F.R. 208.13(c)(4).

If there is a reasonable possibility of persecution, complete Sections A., B., and C. If there is a reasonable possibility of torture, complete Sections A., B., and D. If there is not a reasonable possibility of persecution or torture, complete Sections A., B., C., and D. unless the claim fails in Section A.2. (Future Harm) or Section B. (Credibility), in which case, stop and complete Form I-870.

A. Harm *(If yes to A.2., proceed with the analysis. If no to A.2., STOP and complete Form I-870.)*

1. Has the applicant testified that he or she has experienced <u>past</u> harm in his or her country? <i>If yes, identify any past harm or mistreatment suffered, and identify the relevant entity.</i>	Yes ☐ No ☐
2. Has the applicant testified that he or she fears <u>future</u> harm if returned to his or her country? <i>If yes, identify any harm or mistreatment feared, and identify the relevant entity. If no, explain and complete Form I-870.</i>	Yes ☐ No ☐

B. Credibility *(Select the appropriate box and analyze whether the applicant's testimony was credible or not credible.)*

Applicant's testimony was credible: Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible. <i>(Check box, explain only if overall decision is positive, and move to Section C. or D.)</i> The applicant testified plausibly and provided detail related to SPECIFIC ASPECT OF CLAIM. The testimony was internally consistent throughout the interview [OR] The applicant resolved an initial inconsistency regarding APPARENT INCONSISTENCY by explaining that ANALYZE. There were no external inconsistencies between the testimony and other evidence in the record, including the I-867A&B [OR] The applicant provided a reasonable explanation for the external inconsistency between testimony regarding fear of return and the I-867A&B indicating no fear of return, specifically that the applicant ANALYZE EXPLANATION. The applicant was responsive, not evasive. [IF NEEDED] The testimony is corroborated by relevant country condition reports, which indicate that COI. CITATION. Therefore, the applicant's testimony is found credible in the totality of the circumstances.	☐
Applicant's testimony was not credible: Considering the identified credibility concern(s), the absence of reasonable explanations for those concerns, and taking into consideration the applicant's individual circumstances, the applicant's testimony is found not credible under the totality of the circumstances and all relevant factors. <i>(Check box, explain, STOP and complete Form I-870.)</i>	☐

C. Persecution *(Select as needed. If yes to C.1. or C.2., complete C.3. If no to C.1 and C.2., complete C.3.)*

1. a. <u>Past Persecution:</u> The applicant established that: - The harm experienced was sufficiently serious to amount to persecution; - The entity that harmed the applicant was motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion, applying the one central reason standard; and - The entity that harmed the applicant was an agent of the government or an entity that the government was unable or unwilling to control. AND 1. b. The presumption of well-founded fear has not been rebutted by a preponderance of the evidence that 1) there has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear, or 2) it would be reasonable, under all the circumstances, for the applicant to relocate within the applicant's country to avoid future persecution.	Yes ☐ No ☐
2. <u>Future Persecution:</u> The applicant established a reasonable possibility of persecution on account of a protected ground:	Yes ☐

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]

- The harm feared is sufficiently serious to amount to persecution; - The applicant 1) either possesses a protected characteristic of which the feared entity is or could become aware or the feared entity believes that the applicant possesses a protected characteristic, and 2) the feared entity has the <u>capability</u> and <u>inclination</u> to persecute the applicant, OR there is a <u>pattern or practice</u> of persecution of a group of persons similarly situated to the applicant on account of a protected ground; and - Under all the circumstances, it would not be reasonable for the applicant to relocate within the applicant's country to avoid future persecution.	No ☐
---	------------------------------------

C.3. Written Analysis:

Race ☐ Religion ☐ Nationality ☐ Membership in a Particular Social Group ☐ Political Opinion ☐

If reasonable possibility of persecution established, identify the protected ground and specify: SPECIFIC GROUND, or PSG: GROUP

As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.

Past Persecution: The applicant testified that **PAST HARM**. As an initial matter, this harm is serious enough to rise to the level of persecution because it threatens the applicant's life and freedom. **ANALYZE (e.g., the threats were imminent, serious, and menacing given that FILL [OR] the physical harm was so severe it resulted in injury such as FILL)**. Furthermore, this harm is on account of the applicant's **GROUND [OR] membership in the particular social group: GROUP**. The members of this group share a common immutable characteristic given that **ANALYZE IMMUTABILITY ONLY IF NOVEL PSG**. The applicant testified that **NEXUS**. At least one central reason for the harm the applicant suffered was the applicant's **GROUND**, given that **ANALYZE (e.g., there was a short proximity in time between the harm's occurrence and the persecutor's words directly related to the protected characteristic [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor targeted the applicant when the applicant was CIRC EVID)**. Moreover, the government of **COUNTRY** is unwilling or unable to protect the applicant. The applicant testified that **STATE PROTECTION**. Having demonstrated past persecution, there is a presumption of the applicant's possession of a well-founded fear of future persecution. There has not been a fundamental change in circumstances such that the applicant no longer has a well-founded fear. Relevant country condition reports indicate that **COI. CITATION**. Finally, it is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Thus, there is a reasonable possibility that the applicant can establish persecution on account of a protected ground in a full hearing.

Future Persecution: The applicant testified that **PAST HARM**. As an initial matter, the harm the applicant experienced in the past **CONCLUSION (e.g., is not serious enough to rise to the level of persecution [OR] is not on account of a protected ground)**, given the applicant's testimony that **ANALYZE (e.g., the applicant was not physically harmed and the persecutor did not attempt to carry out the threats [OR] the persecutor did not say anything related to a protected characteristic at the time of the harm and the circumstantial evidence does not indicate a nexus)**. Nevertheless, the future harm the applicant fears – namely **FUTURE HARM** – is serious enough to rise to the level of persecution because it threatens the applicant's life and freedom. Additionally, the applicant possesses a protected characteristic the feared persecutor is or could become aware of, specifically the applicant's **GROUND [OR] membership in the particular social group: GROUP**. The members of this group share a common immutable characteristic given that **ANALYZE IMMUTABILITY ONLY IF NOVEL PSG**. Furthermore, the feared persecutor has the

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]

inclination to persecute the applicant on account of this protected ground. The applicant testified that **NEXUS**. At least one central reason for the harm the applicant fears is the applicant's **GROUND**, given that **ANALYZE** (e.g., the persecutor's threatening words directly relate to the protected ground [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor threatened the applicant when the applicant was **CIRC EVID**). Relevant country condition reports indicate that **COI. CITATION**. Moreover, the feared persecutor has the capability to persecute the applicant, because the government of the country is unwilling or unable to protect the applicant. The applicant testified that **STATE PROTECTION**. Finally, it is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Therefore, there is a reasonable possibility that the applicant can establish persecution on account of a protected ground in a full hearing.

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]

D. Torture *(Select D.1. as needed and complete D.2.)*

D.1. There is a **reasonable possibility** that:

- The feared harm would be specifically intended to inflict severe pain or suffering on the applicant;
- The feared harm would constitute severe physical or mental pain or suffering;
- The feared harm 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;
- The applicant would be in the offender's custody or physical control; *and*
- The harm would not arise only from or be inherent in or incidental to lawful sanctions.

In making this determination, the following evidence must be considered:

- Evidence of past torture inflicted upon the applicant;
- Evidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured;
- Evidence of gross, flagrant or mass violations of human rights within the country of removal; and other relevant information regarding conditions in the country of removal.

If the applicant has established past torture *AND* there are no changes in circumstances so substantial such that the applicant does not have a reasonable fear of torture, the applicant will be found to have established a reasonable fear of torture.

Yes ☐

No ☐

D.2. Written Analysis: *As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.*

The applicant testified that **PAST HARM**. The applicant fears that if the applicant returns to **COUNTRY**, **FUTURE HARM**. As an initial matter, this harm is sufficiently severe pain or suffering to constitute torture given that **ANALYZE**. Additionally, this harm is specifically intended for the applicant. The applicant testified that the applicant was individually targeted when **TARGETING**. Furthermore, this harm will be inflicted with the acquiescence or consent of public officials in the country. The applicant testified that **STATE PROTECTION**. This testimony indicates that public officials **CONCLUSION (e.g., turn a blind eye to such violence [OR] are themselves the ones targeting the applicant)**, given that **ANALYZE**. Relevant country condition evidence corroborates that the authorities in the country **COI. CITATION**. Finally, the applicant cannot relocate within the country to avoid future torture. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Thus, there is a reasonable possibility that the applicant can establish eligibility for protection under the Convention Against Torture in a full hearing.

(b)(6)

Third-Country Transit Bar Worksheet (8 CFR 208.13(c)(4))

A#:	Alien Name: First Middle LAST	AO Name/Number: Great Officer, ZNK 111	Date: 1/10/2018
A. Arrival Date (If checking "no", bar does not apply and this form does not need to be completed.)			
Did the alien enter, attempt to enter, or arrive in the United States <i>across the southern land border</i> on or after July 16, 2019?			Yes ☐
Explanation:			No ☐
B. 8 CFR 208.13(c)(4) Mandatory Bar Analysis (If checking "no" in box B.1, do not complete boxes B.2, B.3 and B.4 as an exception applies. If checking "yes" in boxes B.1 and B.2, B.3 or B.4, then an exception applies. If checking "yes" in boxes B.1 and "no" in boxes B.2, B.3 and B.4, then bar applies and there is no exception available.)			
1. Transit: Did the alien transit through any country apart from his or her country of nationality (or last habitual residence) en route to the United States?			Yes ☐
List all applicable countries:			No ☐
2. Protection Sought: Did the alien demonstrate that s/he applied for protection in at least one country and received a final judgment denying protection?			Yes ☐
Evidence or Explanation:			No ☐
3. Severe Trafficking Victim: Did the alien demonstrate that s/he meets the definition of "victim of a severe form of trafficking in persons", as defined in 8 CFR § 214.11?			Yes ☐
A severe form of trafficking in persons is defined as either:			No ☐
a) Sex trafficking in which a commercial sex act is induced by: ○ Force, fraud, or coercion, or ○ Person induced is under the age of 18; or,			
b) Recruiting, harboring, transporting, provisioning, or obtaining a person for labor or services through the use of force, fraud, or coercion for subjection to: ○ Involuntary servitude; peonage; debt bondage; or slavery			
Explanation:			
4. Protection Unavailable in Countries Transited:			Yes ☐
The only countries through which the alien transited en route to the United States, were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.			No ☐

Third-Country Transit Bar Worksheet (8 CFR 208.13(c)(4))

C. Decision

If the alien established that the bar does not apply, or if an exception applies, continue processing as a credible fear or affirmative case.

If the alien failed to establish that s/he is not barred:

- *If the alien is in expedited removal, continue screening for withholding and CAT using the **reasonable fear** standard.*
- *If the alien filed affirmatively, complete interview and address the mandatory bar in the referral/denial.*

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):	(b)(7)(c)		
Aliases or Alternate DOBs (If any):			
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☒ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

BIOGRAPHIC CHECKS

TECS: Must be completed for individuals age 14 and over on the primary name and DOB only

Identity Verification (Required For All Non-Detained Applicants Interviewed in person at a USCIS Office)

Date/Initials	☐ CPMS-IVT Biometric Verification Completed ☐ Visual Verification Completed (Under age 14 ONLY)	☐ Identity Mismatch (screen(s) attached) – cannot be interviewed without resolution. Explain steps taken to resolve below: (b)(7)(c) (b)(7)(e)
N/A		

☐ CHECK HERE IF THERE IS CLASSIFIED INFORMATION ON THIS CASE.

BACKGROUND IDENTITY AND SECURITY CHECK CLEARED FOR ADJUDICATION:

AO: (b)(7)(c) DATE: 1/10/2018 SAO CONCURRENCE _____ DATE: _____

(b)(7)(c)

~~For Official Use Only // Law Enforcement Sensitive~~



~~WARNING~~

~~TECS documents are LAW ENFORCEMENT SENSITIVE (LES) information. They contain information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). TECS documents are to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and are not to be released to the public or other personnel who do not have a valid "need-to know" without prior approval of an authorized CBP official.~~

~~For Official Use Only // Law Enforcement Sensitive~~

**Record of
Inquiry -
TECS
(ROIT)**

~~FOR OFFICIAL USE ONLY~~

Do Not Distribute Beyond DHS without Prior Authorization from the Originator

**Record of
Inquiry -
TECS
(ROIT)**

Record of Inquiry - TECS (ROIT)

(b)(7)(c)

(b)(7)(c) (b)(7)(e)

A-Number or Receipt Number:

#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
1						
	☒ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				
#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
						☐
	☐ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				
#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
						☐
	☐ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				
#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
						☐
	☐ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				
#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
						☐
	☐ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				

Properly annotate TECS results on the ROIT:

- *Include the date of query in the appropriate box (NO MATCH, DNR or RELATES).
- *Include the initials or identifying number of the USCIS personnel conducting the query in the same box as the date.
- *If the hit was a RELATES and a resolution memo was completed, check the Resolution Memo Completed Box in the last column.

NO MATCH - No information found in TECS

DNR - Information found in TECS but does not relate to the subject

RELATES - Information found in TECS that relates to the subject, case referred for resolution

A = Applicant

P = Petitioner

B = Beneficiary

D = Derivative/Household Member

R = Requestor

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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A# [redacted] Name: [redacted]
DOB: [redacted]

APP/PET TYPE: APSO – Credible Fear

FROM: AO [redacted] (b)(7)(c) (b)(7)(e)

[redacted]

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability: _____

☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

[redacted]

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other: _____

I have verified and concur with resolution as stated above _____
(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
Aliases or Alternate DOBs (If any):	(b)(6)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☐ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

BIOGRAPHIC CHECKS

Identity Verification (Required For All Non-Detained Applicants Interviewed in person at a USCIS Office)

Date/Initials	☐ CPMS-IVT Biometric Verification Completed			☐ Identity Mismatch (screen(s) attached) – cannot be interviewed without resolution . Explain steps taken to resolve below:		
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BACKGROUND IDENTITY AND SECURITY CHECK CLEARED FOR ADJUDICATION:

AO: DATE: 1/10/2018 SAO CONCURRENCE _____ DATE: _____

(b)(7)(c)

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(ROIT)**

Record of Inquiry - TECS (ROIT)

(b)(7)(c)

(b)(7)(c) (b)(7)(e)

A-Number or Receipt Number:

#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
1						
	☐ A ☐ P ☐ B ☒ D ☐ R	2 nd Check 3 rd Check				
#	Last Name, First Name	DOB	NO MATCH	DNR	RELATES	Resolution Memo Completed?
						☐
	☐ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				
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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A# [redacted] Name: [redacted]

APP/PET TYPE: APSO – Credible Fear

FROM: AO [redacted]

SUBJECT: [redacted] (b)(7)(c) (b)(7)(e)

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability: _____

☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

[redacted] (b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other: _____

I have verified and concur with resolution as stated above _____
(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
Aliases or Alternate DOBs (If any):	(b)(7)(c)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☐ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

BIOGRAPHIC CHECKS

TECS: Must be completed for individuals age 14 and over on the primary name and DOB only

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Record of Inquiry - TECS (ROIT)

(b)(7)(c)

A-Number or Receipt Number:

(b)(7)(c) (b)(7)(e)

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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A# [redacted] Name: [redacted]

APP/PET TYPE: APSO – Credible Fear

FROM: AO [redacted] (b)(7)(c) (b)(7)(e)

SUBJECT: [redacted]
[redacted]

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability: _____

☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

[redacted]

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other: _____

I have verified and concur with resolution as stated above _____
(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
Aliases or Alternate DOBs (If any):	(b)(7)(c)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☐ YES		Results Pending at Time of Decision: ☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

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Record of Inquiry - TECS (ROIT)

(b)(7)(c)

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(b)(7)(c) (b)(7)(e)

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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
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Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A [redacted] Name: [redacted]

APP/PET TYPE: APSO – Credible Fear

FROM: AO [redacted] (b)(7)(c) (b)(7)(e)

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

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I have verified and concur with resolution as stated above _____
(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
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(b)(7)(c)

(b)(7)(c) (b)(7)(e)

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MEMORANDUM FOR: File A# [redacted] Name: [redacted]

APP/PET TYPE: APSO – Credible Fear

FROM: AO [redacted] (b)(7)(c) (b)(7)(e)

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

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☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other: _____

I have verified and concur with resolution as stated above _____
(Approving Official)

APPENDIX W – Credible Fear Applicant – Memo of Adverse Information
(Rev. 4/2015)

Subject: (b)(6)	Date: 1/10/2018
--	----------------------------------

To
Field Office Director and Chief Counsel,

From
Great Officer, Asylum Officer
for ZHN Asylum Office Director

We have interviewed the case noted below and determined that the alien possibly could be barred from asylum or withholding of removal under the Convention Against Torture because one or more of the bars listed may apply.

Last Name: (b)(6) First Name
A-Number: Detention Location: Berks Family Shelter, 1040 Berks Road, Leesport, PA 19533

Mandatory Bars to Asylum or Withholding of Removal under the Convention Against Torture that May Apply (check as many as are applicable):

- ☐ Persecutor
- ☐ Convicted of Particularly Serious Crime
- ☐ Commission of Serious Non-political Crime outside the U.S. (includes human rights abuser)
- ☐ Security Risk
- ☐ Terrorist Related Inadmissibility Ground
- ☐ Engaged in Nazi Activities, Genocide or Committed Acts of Torture or Extrajudicial Killings (this is a bar to withholding but not asylum)

Explanation for the basis for believing that this alien may be subject to a bar or bars is as follows:

DHS-19-1398-C, 19-1400-B-000187

CREDIBLE FEAR DISSOLUTION QUESTIONS

O: How have you been treated in the detention facility?

A: .

O: You told me that you are not afraid to return to Korea. Is that right?

A: .

O: Did anything happen to you while you were in the detention facility that caused you to change your mind about staying in the U.S. or being afraid to return to Korea?

A: .

O: Have you been coerced, intimidated, threatened, or persuaded by anyone to dissolve your case?

A: .

O: I'm now going to have the Interpreter read every word of a form requesting the end or dissolution of the credible fear process.

A: OK.

[Interpreter read Request for Dissolution of Credible Fear Process form.]

O: Do you have any questions about the form that was just read to you?

A: .

O: I'm going to ask the detention officer with you to have you sign the form today.

A: OK.

O: Thank you very much for speaking with me today. Have a great day.

A: .



U.S. Citizenship
and Immigration
Services

U.S. Department of Homeland Security
Houston Asylum Office
Houston, TX

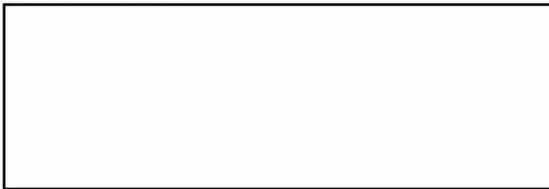
MEMORANDUM

TO: MEMO TO FILE

FROM: Great Officer, ZNK 111

DATE: 1/10/2018

RE:



(b)(6)



(b)(6)



U.S. Citizenship
and Immigration
Services

U.S. Department of Homeland Security
Newark Asylum Office **Houston**
Asylum Office if SWB
Lyndhurst, NJ **Houston, TX if SWB**

MEMO TO FILE

DATE: 1/10/2018

FROM: Great Officer, ZNK 111

RE:



(b)(6)





U.S. Citizenship
and Immigration
Services

Third-Country Transit bar



Guidance for Asylum Officers and Asylum Office Staff

07/16/2019

Roadmap



U.S. Citizenship
and Immigration
Services

- Background/Legal Framework
- Overview of Third-Country Transit Bar
- Exceptions to Bar
- Revised Credible Fear Process
- Mandatory Bar Determination
- Screening Interview and Evidence
- Case Processing
- Post-Decision and Service

FOUO

2

Background/Legal Framework



U.S. Citizenship
and Immigration
Services

- INA §§ 208(b)(2)(C), (d)(5)(B) – Delegation of authority to Attorney General and Secretary of Homeland Security ("Secretary") to promulgate regulations establishing additional bars to asylum
- 8 CFR § 208.13(c)(4) – "Notwithstanding the provisions of 8 CFR 208.15, any alien who enters, attempts to enter, or arrives in the United States across the southern land border on or **after July 16, 2019**, shall be found ineligible for asylum
- 8 CFR § 208.30(e)(5) – "If the alien is found to be an alien described as ineligible for asylum in 8 CFR 208.13(c)(4), then the asylum officer shall enter a negative credible-fear determination with respect to the alien's application for asylum. The Department shall nonetheless place the alien in proceedings under section 240 of the Act for consideration of the alien's claim for withholding of removal under section 241(b)(3) of the Act, or for withholding or deferral of removal under the Convention Against Torture, if the alien establishes, respectively, a reasonable fear of persecution or torture. "

FOUO

3

Overview of Bar



U.S. Citizenship
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- With limited exceptions, aliens who enter or attempt to enter the United States across the southern border after failing to apply for protection in a country through which they transited en route to the United States are ineligible for asylum.
- Applies to affirmative asylum applications and credible fear screenings
- Does not modify withholding or deferral of removal proceedings
- Applies only prospectively to aliens who enter or arrive in the United States on or after effective date of this rule.
- Exceptions may apply

FOUO

4

Exceptions to Bar



U.S. Citizenship
and Immigration
Services

- A) Applied for protection in at least one country en route to the United States and received final judgment denying protection in such country
- B) Found to be a "victim of a severe form of trafficking in persons" (8 CFR § 214.11)
- C) En route to the United States only transited through countries were, at the time of transit, not a party to the Refugee Convention/Protocol, or the Convention Against Torture (CAT)

FOUO

5

Exception A: Application for Protection



U.S. Citizenship
and Immigration
Services

- The alien demonstrates that:
 - He or she applied for protection from persecution or torture in at least one country outside of the alien's country of nationality or last habitual residence through which the alien transited en route to the U.S., *and*
 - The alien received a final judgment denying the alien protection in such country, *and*

FOUO

6

Exception B: Trafficking



U.S. Citizenship
and Immigration
Services

- The alien demonstrates that:
 - He or she satisfies the definition of “victim of a severe form of trafficking in persons” provided by 8 CFR 214.11

FOUO

7

Exception C: Non-Party Transit Countries



U.S. Citizenship
and Immigration
Services

- The alien demonstrates that:
 - The only transit countries through which the alien transited en route to the U.S., at the time of transit, were not parties to the
 - 1951 UN Convention Relating to the Status of Refugees;
 - 1967 Protocol Relating to the Status of Refugees; or
 - UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.
- Note: Mexico is a party to the Conventions and Protocol

FOUO

8

Revised CF Screening for Aliens Subject to the New Asylum Bar



U.S. Citizenship
and Immigration
Services

- Under amended 8 CFR 208.30(e)(5), any alien placed into expedited removal who is referred for a CF screening and who is determined to be ineligible for asylum under the new 8 CFR 208.13(c)(4) shall
 - Receive a negative credible fear determination with respect to the alien's intention to apply for asylum; and
 - Have any claim to eligibility for withholding of removal or protection under CAT considered under the reasonable possibility reasonable fear standard **instead of** the significant possibility credible fear standard

FOUO

9

Credible Fear Process – Jurisdiction and Family Cases



U.S. Citizenship
and Immigration
Services

- Jurisdiction: no change
 - Interim Final Rule does not alter the referral process
 - Asylum Office must receive all jurisdictional documents listed at CFPM III.B. prior to adjudicating the case
 - AO and SAO must confirm that the Asylum Division has proper jurisdiction in each case

- Family Cases: no change

FOUO

10

Credible Fear Process—Application of Bar



U.S. Citizenship
and Immigration
Services

- Determine if bar applies by completing Third-Country Transit Bar Worksheet
 - *Note: If alien did not enter or attempt to enter the United States across the southern border on or after implementation date, then bar does not apply. Do not fill out a Third-Country Transit Bar Worksheet*
- If entered by land from Mexico, bar applies unless exception found
- Ensure record supports determination alien entered, attempted to enter, or arrived in the United States *across the southern land border*
- Will need to elicit testimony to determine if bar applies and if there is exception
- Elicit enough testimony to make a determination whether the applicant is a trafficking victim if bar applies and no other exception available to alien

FOUO

11

Credible Fear Process – Application of Bar - Worksheet



U.S. Citizenship
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Services

- Did alien enter or attempt to enter the United States across the southern border on or after implementation date?
 - *I-213, I-867A/B, other documents*
 - *Interview*
- Did the individual transit through any country apart from his or her country of nationality (or last habitual residence) en route to the United States?
 - *I-213, I-867A/B, other documents*
 - *Interview*

FOUO

12

Credible Fear Process– Application of Bar - Worksheet



U.S. Citizenship
and Immigration
Services

- If alien transited through at least one country en route that is a party to the Refugee Convention/Protocol or CAT, did alien apply for and was s/he denied protection in at least one such country?
 - *If yes → Exception A found*
- Did the alien establish that s/he meets the definition of "victim of a severe form of trafficking in persons"?
 - *If yes → Exception B found*
- The only countries through which the alien transited en route to the United States, at the time of the transit, were not parties a party to the Refugee Convention/Protocol or CAT?
 - *If yes → Exception C found*

FOUO

13

Credible Fear Process– Application of Bar - Worksheet



U.S. Citizenship
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Services

- Conduct interview to determine if bar applies and whether there is an exception
- Complete Third-Country Transit Bar Worksheet
- If no exception applies, complete Orientation Memo to File and proceed with RF interview
- Complete applicable CF Checklist

FOUO

14

Credible Fear Process – CF Checklist



U.S. Citizenship
and Immigration
Services

- If bar does not apply because the alien is eligible for exception
 - → use *Credible Fear Checklist 1 (dated 5.6.19)*
- If bar does apply because no exception is available
 - → use *Credible Fear Checklist 3 (Where a determination is made that the bar applies, limits screening to solely determine eligibility for withholding of removal and protection under the Convention Against Torture using the "reasonable possibility" standard)*
- Note: Credible Fear Checklist 2 relates to 8 CFR 208.13(c)(3) (EWI proclamation)

FOUO

15

Screening Interview and Evidence



U.S. Citizenship
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Services

- As always, will need to determine if applicant is credible as to both bar determination and screening determination
- If bar applies → reasonable possibility standard
- If bar does not apply or bar applies and there is an exception → significant possibility standard

FOUO

16

Case Processing



U.S. Citizenship
and Immigration
Services

- Orientation Memo to File: When the AO determines that the bar applies, the adjudicator must explain to the alien that he or she will be screened according to the reasonable possibility standard and complete and memo to file.
- Note: Orientation Memo to File is not required if the alien is not subject to the bar or if the individual establishes an exception to the bar.

FOUO

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Case Processing



U.S. Citizenship
and Immigration
Services

■ Forms:

- Use I-870 dated 7.16.19 for all cases
- Orientation memo to file for individuals who subject to the bar
- When the bar applies, use I-869A instead of I-869 to document negative determinations
- NTA for all positive determinations, regardless of whether bar applies

■ Global:

- If individual is barred: select special group code "bar - 13(c)(4)"
- If individual establishes an exception to the bar: select special group code "no bar - 13(c)(4)"
- NOTE: if individual is not subject to the bar do not select either special group code

FOUO

18

Post-Interview and Service



U.S. Citizenship
and Immigration
Services

- Include in File
 - *Third-Country Transit Bar Worksheet should be placed in the file*
 - *Orientation Memo to File should be placed in the file*
- No change to service of determination otherwise
- Additional guidance
 - *Check box 1 on I-863*

FOUO

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Guidance on electronically signing PDFs is available here:
<https://helpx.adobe.com/acrobat/11/using/signing-pdfs.html>.
Provide Assessment Worksheet and Assessment Notice to CBP.



NOT SUBJECT TO 208.13(c)(4) Bar	SUBJECT TO 208.13(c)(4) Bar
M-444	M-444 + Memo to File
I-870 dated 7.11.19	I-870 dated 7.11.19
Global: If individual is subject to the bar but establishes an exception, select special group code "no bar - 3(c)(4)"	Global: Select special group code "bar - 13(c)(4)"
Credible Fear Standard	Reasonable Fear Standard (no Chen/OSH)
Screen for asylum, withholding, CAT	Screen for withholding and CAT
Checklist 1	Checklist 3
Positive Determination: I-862 (NTA)	Positive Determination: I-862 (NTA)
Negative Determination: I-869 + I-863	Negative Determination: I-869A + I-863
Flag other possible mandatory bars	Flag other possible mandatory bars

FOUO

Additional Resources



U.S. Citizenship
and Immigration
Services

- Trafficking Lesson Plan
- RAIO Research Unit ECN country pages

ther Asylum and RAIO Lesson Plans

FOUO

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Maloney, Kathleen M

From: Maloney, Kathleen M
Sent: Sunday, January 26, 2020 11:57 PM
To: MEDINA, AARON A; EWING, SENORINA; MARTINEZ JR, PORFIRIO; PEREZ, LARRY E.; SALAZAR, BENITO E; FALCON, ORLANDO; MENDOZA, ROBERT L; GONZALES, RUTH A; ZUNIGA, NANCY; OCHOA, ADRIAN; HOWDEN, JESSICA; NGUYEN, MINH H; ARROYO, ARNALDO; PAEZ, MACEDONIO; TORRES, RAFAEL E; LILLY, MARTIN C; EISER, ANA J; BOYD, WARD C; O'NEAL, LACEY E; OSTROWSKI, BRANDON A; FRANCO, RICARDO; CARRILLO, MARIO A; NUNEZ2, SERGIO
Cc: Demchak, Tony E; Leigh, Francis W; Andre, Lisa S; Gordon, Jonathan; Alexander, Shannon; Douglas, Audrey M; Baines, Melodee M; TrainingOfficers.ZHN; Roberts, Rhonda J; Maloney, Kathleen M
Subject: Resources for Dilley
Attachments: Mail Merge Instructions.docx; Work Log - PUT YOUR INITIALS HERE.xlsx; Detention & Court Addresses001.pdf; In-Person Procedures for USBP at Dilley 1.26.2020.docx; Interpreter Dialing Instructions for HQ.docx; APSO Adjudicative Forms Aid.docx; IFR_SHELL_FRC BP.docx

Hi all,

Happy Monday! Welcome back. Here are some things you will find helpful while at Dilley.

I attach the template you must use while at Dilley, starting on Monday (IFR shell FRC BP). Let me know if you have any questions.

As promised, attached are resources on typing:

- Resources to work on typing skills:
 - Typingtest.com - <https://www.typingtest.com/>
 - Typing.com - <https://www.typing.com/>
 - Typingclub.com - <https://www.typingclub.com/>
 - Keybr.com - <https://www.keybr.com/>

Best,
Kathleen

Kathleen M. Maloney | Training Officer
South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017

kathleen.m.maloney@uscis.dhs.gov

Desk Phone:

Cell Phone: (b)(6)

Positive CF:

- Interview notes
- CF Checklist 1
- I-870
- I-862 (POE or Inland)
- BISC
- TECS Hit Resolution Memo and ROIT*
- Memo of Adverse Information*

Positive CF IFR:

- Interview notes
- CF Checklist 3
- I-870
- I-862 (POE or Inland)
- IFR Orientation Memo to File
- 3rd Country Worksheet
- BISC
- TECS Hit Resolution Memo and ROIT*
- Memo of Adverse Information*

Positive RF:

- Interview notes
- RF Checklist
- I-899
- I-863
- BISC
- TECS Hit Resolution Memo and ROIT*
- Memo of Adverse Information*

Dissolution (CF):

- Dissolution interview notes
- Request for Dissolution of Credible Fear Process form

*If applicable for the specific case

- If negative, each person gets an individualized packet of all of the required documents.
- If positive, the primary applicant gets a full packet and the dependent/s get only a NTA.

Negative CF:

- Interview notes
- CF Checklist 1
- I-870
- I-869
- I-863
- BISC
- TECS Hit Resolution Memo and ROIT*
- Memo of Adverse Information*

Negative CF IFR:

- Interview notes
- CF Checklist 3
- I-870
- I-869A
- I-863
- 3rd Country Worksheet
- BISC
- TECS Hit Resolution Memo and ROIT*
- Memo of Adverse Information*

Negative RF:

- Interview notes
- RF Checklist
- I-899
- I-898
- I-863
- BISC
- TECS Hit Resolution Memo and ROIT*
- Memo of Adverse Information*

Withdrawal (RF):

- Withdrawal interview notes
- Withdrawal of Request for Reasonable Fear Determination

RL NTA:

- RL memo
- Modified NTA for each applicant

Detention and Court Addresses
Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Bluebonnet	Bluebonnet Detention Center 400 2nd Street Anson, TX 79501	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	DAL
Brooks County BRO	Brooks County Detention Center 901 County Road 201 Falfurrias, TX 78355	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	FLF
Cache County CCJ	Cache County Sheriff's Office 1225 West Valley View (200 North) Logan, UT 84321	Salt Lake City EOIR 2975 S Decker Lake Drive, Suite 200 West Valley, UT 84119	SLC	SLC
Central Processing Center CPC	USCBP Central Processing Center 3700 W Ursula Avenue McAllen, TX 78503	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	ELP	MCA
Cibola CCC	Otero County Processing Center 26 McGregor Range Road Chaparral, NM 88081	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	ELP	CIB
Cibola [transgender applicants] CCC	Cibola County Correctional Center 2000 Cibola Loop Milan, NM 87021	Denver EOIR 1961 Stout Street, Suite 3101 Denver, CO 80294	ELP	CIB
Coastal Bend [▲] CBD	Coastal Bend Detention Center 4909 FM 2826 Robstown, TX 78380	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301 Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	HOU	CRP
Dallas JCJ	Johnson County Jail 1800 Ridgemar Drive Cleburne, TX 76031	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	DAL

▲ As of 05/14/19, EOIR hearings for Coastal Bend will be at either **EOIR Houston in Conroe** or **Port Isabel Service Processing Center in Los Fresnos**. Please review the Docket in EARM to see what address should be on the court documents (PIC or HOU).

Detention and Court Addresses
Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Denver DEN	Denver Contract Detention Facility 3130 N Oakland Street Aurora, CO 80010	Denver Service Processing Center 3130 N Oakland Street Aurora, CO 80010	DEN	DEN
Dilley	South Texas Family Residential Center 300 El Rancho Way Dilley, TX 78017	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	TRC
East Hidalgo EHD	East Hidalgo Detention Center 1300 E Highway 107 La Villa, TX 78562	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	PIC
Eden	Eden Detention Center 702 E Broadway Street Eden, TX, 76837	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	EDN
El Paso ELP	El Paso Detention Center 8915 Montana Avenue El Paso, TX 79925	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	EPD
El Valle ELV ELValle-FEAR@ice.dhs.gov	El Valle Detention Center 1800 Industrial Drive Raymondville, TX 78580	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	PIC
Grady County GRA	Grady County Jail 215 N 3rd Street Chickasha, OK 73018	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	OKC
Greens Road HDF	Houston Contract Detention Facility 15850 Export Plaza Drive Houston, TX 77032	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	HPC
Haskell HSK	Rolling Plains Correctional Facility 118 County Road 206 Haskell, TX 79521	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	DAL
Houston airport case (Hobby)	Hobby Airport, Houston, TX	Use EOIR venue maps to determine jurisdiction over the applicant's home address, then look up the non-detained court on DOJ's site.	HOU	HBV

Detention and Court Addresses
Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Houston airport case (IAH)	Bush Intercontinental Airport, Houston, TX	Use EOIR venue maps to determine jurisdiction over the applicant's home address, then look up the non-detained court on DOJ's site.	HOU	ZHO
Hutto DHD	T. Don Hutto Residential Center 1001 Welch Street Taylor, TX 76574	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	DHD
Jena – LaSalle	LaSalle ICE Processing Center 830 Pinehill Road Jena, LA 71342	LaSalle Service Processing Center 830 Pinehill Road Jena, LA 71342	OAK	JNA
Joe Corley (Montgomery) JCD	Joe Corley Detention Facility 500 Hilbig Road Conroe, TX 77301	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	CRE
Karnes KCD	Karnes County Residential Center 409 FM 1144 Karnes City, TX 78118	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	KCD
Kay KAY	Kay County Detention Center 1101 W Dry Road Newkirk, OK 74647	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	TLS
La Salle County (TX) STC - LAS	South Texas Detention Complex 566 Veterans Drive Pearsall, TX 78061	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	HLG
Laredo LRD	Laredo Detention Center 4702 E Saunders Street Laredo, TX 78041	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	LRD
Limestone WCT	Limestone County Detention Center 910 N Tyus Street Groesbeck, TX 76642	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	WCT
Montgomery MTG	Montgomery Processing Center 806 Hilbig Road Conroe, TX 77301	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	CRE

Detention and Court Addresses

Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Non-detained	Dallas non-detained Denver non-detained El Paso non-detained Houston non-detained San Antonio non-detained	Use EOIR venue maps to determine jurisdiction over the applicant's home address, then look up the non-detained court on DOJ's site.	DAL DEN ELP HOU SNA	DAL DEN EPD ZHN SNA
Oakdale	Oakdale FDC 2105 E Whatley Road Oakdale, LA 71463	Oakdale EOIR 1900 E Whatley Road Oakdale, LA 71463	OAK	OAK
Okmulgee OCJ	Patrick C. Moore Detention Center 111 S Alabama Avenue Okmulgee, OK 74447	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	TLS
Otero OCP (OOP)	Otero County Processing Center 26 McGregor Range Road Chaparral, NM 88081	Otero Immigration Court 26 McGregor Range Road, Door #1 Chaparral, NM 88081	ELP	EPD
Pearsall STC - LAS	South Texas Detention Complex 566 Veterans Drive Pearsall, TX 78061	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	STC
Pine Prairie	Pine Prairie Correctional Center 1133 Hampton Dupre Road Pine Prairie, LA 70576	Oakdale EOIR 1900 E Whatley Road Oakdale, LA 71463	OAK	OAK
Polk LIV	IAH Secure Adult Detention Facility 3400 FM 350 S Livingston, TX 77351	EOIR – Immigration Court 806 Hilbig Road, Suite 2-300 Conroe, TX 77301	HOU	HDF
Port Isabel PIC PIDC-FEAR@ice.dhs.gov	Port Isabel Detention Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	Port Isabel Service Processing Center 27991 Buena Vista Boulevard Los Fresnos, TX 78566	SNA	PIC
Prairieland PRL dalddetaineddocketunit@ice.dhs.gov	Prairieland Detention Center 1209 Sunflower Lane Alvarado, TX 76009	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	PRL

Detention and Court Addresses
Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Rio Grande RGD	Rio Grande Detention Center 1001 San Rio Boulevard Laredo, TX 78046	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	LRD
Tallahatchie TAL	Tallahatchie County Correctional Facility 415 U.S. Highway 49 N Tutwiler, MS 38963	LaSalle Service Processing Center 830 Pinehill Road Jena, LA 71342	OAK	JNA
Tensas TEN	Tensas Parish Detention Center 8606 U.S. Highway 65 Waterproof, LA 71375	Oakdale EOIR 1900 E Whatley Road Oakdale, LA 71463	OAK	OAK
Torrance/Estancia TCD ALQasylum2@ice.dhs.gov	Torrance County Detention Facility 209 County Road A049 Estancia, NM 87016	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	ABQ
Tulsa TLS	David L. Moss Criminal Justice Center 300 N Denver Avenue Tulsa, OK 74103	Dallas EOIR 1100 Commerce Street, Suite 1060 Dallas, TX 75242	DAL	TLS
Utah SLC	Utah County Jail 3075 N Main Street Spanish Fork, UT 84660	Salt Lake City EOIR 2975 S Decker Lake Drive, Suite 200 West Valley, UT 84119	SLC	SLC
Webb County WEB	Webb County Detention Facility 9998 U.S. Highway 83 Laredo, TX 78041	San Antonio EOIR 800 Dolorosa Street, Suite 300 San Antonio, TX 78207	SNA	LRD
West Tennessee WTN	West Tennessee Detention Facility 6299 Finde Naifeh Jr Drive Mason, TN 38049	Memphis EOIR Brinkley Plaza 80 Monroe Avenue, Suite 501 Memphis, TN 38103	MEM	MEM
West Texas WTX	West Texas Detention Facility 401 S Vaquero Street Sierra Blanca, TX 79851	El Paso Service Processing Center 8915 Montana Avenue, Suite 100 El Paso, TX 79925	ELP	EPD

Detention and Court Addresses

Houston Asylum Office

Update history:

01-07-19	Central Processing Center Corrected district code: ELP (OOP)	Cibola Corrected district code: ELP (OOP)	
01-02-20	Added Central Processing Center		
	Renamed document to "Detention and Court Addresses" and renamed fourth column to "District Office (I-870/I-899)"		
	Bluebonnet Corrected interview location (Global) to DAL		
12-30-19	Added Bluebonnet Detention Center		
	Dilley New court: Pearsall EOIR (Otero Immigration Court)	New district code: SNA (ELP)	
09-11-19	Kay New court: El Paso Service Processing Center (Dallas EOIR)	New district code: ELP (DAL)	
09-04-19	Added non-detained codes for Dallas and San Antonio		
	Torrance/Estancia Corrected file code: TCD (ABQ)	Otero & Cibola New court: Otero Immigration Court (EOIR)	Karnes Added file code: KCD
	Dilley New court: Otero Immigration Court (Pearsall EOIR)	New district code: ELP (SNA)	
08-15-19	Added Eden Detention Center		
	Removed Karnes County Correctional Center to avoid confusion		

Update history

Last updated 01-07-20

Check the ECN to ensure you're using the latest version of this document.

Detention and Court Addresses

Houston Asylum Office

Consolidated three non-detained entries into one with instructions for determining proper court jurisdiction

Renamed third column to “Court Address” and fifth column to “Interview Location (Global)”

07-12-19	Limestone Corrected file code and interview-location code to WCT		
07-11-19	Added Kay County Detention Center		
06-26-19	Added Limestone County Detention Center		
06-14-19	Correction: Pearsall was never PRL. The editor apologizes for this regrettable error. Charging docs for both Pearsall and La Salle County can be found in the STC - LAS folder on the share drive.		
05-14-19	Coastal Bend Added new info for CBD/HOU and CBD/PIC cases	Pearsall New file code: STC - LAS (STC)	La Salle County New file code: STC - LAS (LAS)
03-20-19	Added Cache County Jail		
01-23-19	La Salle County Changed file code to LAS		
01-09-19	Otero New court: EOIR (El Paso Service Processing Center)		
	Cibola New address: Otero County Processing Center (El Paso Detention Center)	New court: EOIR (El Paso Service Processing Center)	New district code: OOP (ELP)
11-19-18	Coastal Bend Changed font and color to help people follow instructions. I-870? Robstown address. I-862/I-863? Livingston address.		
10-24-18	Coastal Bend New court: EOIR – Immigration Court (Houston Service Processing Center)		

Update history

Last updated 01-07-20

Check the ECN to ensure you’re using the latest version of this document.

Detention and Court Addresses
Houston Asylum Office

10-18-18	Added Montgomery Processing Center	
10-11-18	IAH Secure Adult Detention Facility New court: EOIR – Immigration Court (Houston Service Processing Center)	Joe Corley New court: EOIR – Immigration Court (Houston Service Processing Center)
	Houston Contract Detention Facility New court: EOIR – Immigration Court (Houston Service Processing Center)	
09-25-18	El Valle Added ICE’s facility email address	
09-05-18	Corrected name of court located in Pearsall, TX	
08-22-18	Updated several court names and added column titles to each page	
	Willacy New name: El Valle Detention Center (Willacy County Regional Detention Facility)	
08-07-18	Tallahatchie New court: Jena EOIR (Oakdale EOIR)	New interview location code: JNA (MEM)
07-30-18	Added Tallahatchie County Correctional Facility	
06-26-18	Added Grady County Jail	
	Coastal Bend Added footnote instruction that charging documents (I-863 and NTA) should list the detention address as IAH	
06-18-18	Port Isabel Updated facility name: Port Isabel Detention Center (Port Isabel Service Processing Center)	

Update history

Last updated 01-07-20

Check the ECN to ensure you’re using the latest version of this document.

Detention and Court Addresses

Houston Asylum Office

05-18-18

Okmulgee

New address: Patrick C. Moore Detention Center, 111 S Alabama Avenue, Okmulgee, OK 74447
(Okmulgee County Jail, 315 W 8th Street, Okmulgee, OK 74447)

05-09-18

Brooks County

New court: Port Isabel Service Processing Center
(San Antonio EOIR)

New interview location code: FLF
(CRP)

05-01-18

Coastal Bend

New district office code: HOU
(SNA)

Greens Road

New address: 15850 Export Plaza Drive
(15850 Export Plaza Center)

04-30-18

Major technical revisions: alphabetized list by nickname, corrected detention facility names and addresses, standardized address abbreviations, renamed third column to "Court Name and Address," renamed final column to "Interview Location Code," and uploaded to ECN

Coastal Bend

New court: Houston Service Processing Center
(Port Isabel Service Processing Center)

La Salle County (TX)

New address: South Texas Detention Complex, 566 Veterans Drive, Pearsall, TX 78061
(LaSalle County Regional Detention Facility, 832 E Texas Hwy 44, Encinal, TX 78019)

Update history

Last updated 01-07-20

Check the ECN to ensure you're using the latest version of this document.

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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No. A (b)(6)

In the Matter of:

(b)(6)

Respondent: (b)(6) MUST MATCH NAME AS LISTED ON I-860 (delete this note!) currently residing at:

South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of Korea and a citizen of Korea;
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
- 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 after inspection by an immigration officer. **INL, LEAVE THIS; ARR, DELETE THIS**

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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Pearsall EOIR, 566 Veterans Drive, Pearsall, TX 78061

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

on TBD at TBD 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 _____

Dilley, TX

(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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

(b)(6)

File No. A (b)(6)

In the Matter of:

Respondent: MUST MATCH NAME AS LISTED ON I-860 (delete this note!) currently residing at:

South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of Korea and a citizen of Korea;
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
- 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 after inspection by an immigration officer. **INL, LEAVE THIS; ARR, DELETE THIS**

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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Pearsall EOIR, 566 Veterans Drive, Pearsall, TX 78061

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

on TBD at TBD 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 Dilley, TX
(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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

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

File No. A (b)(6)

In the Matter of:

Respondent: (b)(6) MUST MATCH NAME AS LISTED ON I-860 (delete this note!) currently residing at:

South Texas Family Residential Center, 300 El Rancho Way, Dilley, Texas 780170

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien. **ARR, PUT "X" IN FIRST BOX; INL, PUT "X" IN SECOND BOX**
- ☐ You are an alien present in the United States who has not been admitted or paroled. You are an applicant for admission.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of Korea and a citizen of Korea;
- 3) You applied for admission at Santa Teresa, NM on 2/15/2018; **ARR, LEAVE THIS; INL, DELETE THIS**
- 3) You entered the United States at an unknown location on or about 2/15/2018; **INL, LEAVE THIS; ARR, DELETE THIS.**
- 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 after inspection by an immigration officer. **INL, LEAVE THIS; ARR, DELETE THIS**

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 an 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.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General. **INL, LEAVE THIS; ARR, DELETE IT**

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture. **UNCHECK THIS BOX IF RARE LANGUAGE NTA**

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)
IF BOTTOM HALF OF I-860 IS SIGNED, CHECK BOXES BEFORE "SECTION 235(B)(1)" & "8 CFR 208.30"; LEAVE THE THIRD BOX BLANK

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

Pearsall EOIR, 566 Veterans Drive, Pearsall, TX 78061

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

on TBD at TBD 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 _____

Dilley, TX

(City and State)

Notice to Respondent

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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.

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U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

Notice to Respondent

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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).

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise DHS by calling the ICE Law Enforcement Support Center toll free at (855)448-6903.

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)

Name LAST, First Middle South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 780170	Date 1/10/2018 A-File A [] (b)(6) Country of Citizenship Korea
Place and Manner of Arrival ARR, PUT Santa Teresa, NM, afoot INL, PUT Unknown	Date of Arrival 2/15/2018

To immigration judge:

- ☒ 1. The above-named alien has been found inadmissible to the United States and ordered removed pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act). A copy of the removal order is attached. The alien has requested asylum and/or protection under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act and 8 CFR § 208.30(g).
- ☐ 2. The above-named alien arrived in the United States as a stowaway and has been ordered removed pursuant to section 235(a)(2) of the Act. The alien has requested asylum and/or withholding of removal under the Convention against Torture and the matter has been reviewed by an asylum officer who has concluded the alien does not have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act.
- ☐ 3. The above-named alien arrived in the United States in the manner described below and has requested asylum and/or withholding of removal under the Convention against Torture. The matter is referred for a determination in accordance with 8 CFR § 208.2(c).
Arrival category (check one):
- | | | |
|---|--|---|
| ☐ Crewmember/applicant | ☐ Crewmember/refused | ☐ Crewmember/landed |
| ☐ Crewmember/violator | ☐ VWP/applicant | ☐ VWP/violator |
| ☐ 235(c) order | ☐ S-visa nonimmigrant | ☐ Stowaway: credible fear determination attached |
- ☐ 4. The above-named alien has been ordered removed by an immigration officer pursuant to section 235(b)(1) of the Act. A copy of the removal order is attached. In accordance with section 235(b)(1)(C) of the Act, the matter is referred for review of that order. The above-named alien claims to be (check one):
- | | |
|---|---|
| ☐ a United States citizen | ☐ a lawful permanent resident alien |
| ☐ an alien granted refugee status under section 207 of the Act | ☐ an alien granted asylum under section 208 of the Act |
- ☐ 5. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the Department of Homeland Security (DHS) has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien **does not** have a reasonable fear of persecution or torture. The alien has requested a review of that determination in accordance with 8 CFR §§ 208.31(f) and (g).
- ☐ 6. The above-named alien has been ordered removed pursuant to section 238(b) of the Act, or the DHS has reinstated a prior exclusion, deportation, or removal order of the above-named alien pursuant to section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture and the claim has been reviewed by an asylum officer who has concluded the alien **has** a reasonable fear of persecution or torture. The matter has been referred for a determination in accordance with 8 CFR § 208.31(e).
- ☐ 7. The Secretary of Homeland Security has determined that the release from custody of the above-named alien who is under a final order of removal would pose a special danger to the public according to the standards set in 8 CFR § 241.14(f)(1). The DHS has therefore invoked procedures to continue the alien's detention even though there is no significant likelihood that the alien will be removed from the United States in the reasonably foreseeable future. The matter is referred to the immigration judge for a review of this determination in accordance with 8 CFR § 241.14(g).

NOTICE TO APPLICANT

You are ordered to report for a hearing before an immigration judge for the reasons stated above. Your hearing is scheduled on

TBD at TBD You are to appear at _____
 (Date) (Time)

Pearsall EOIR, 566 Veterans Drive, Pearsall, TX 78061
 (Complete office address)

- ☒ 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 an Immigration Court. If you wish to be so represented, your attorney or representative should appear with you at this hearing. In the event of your release from custody, you must immediately report any change of your address to the Immigration Court on Form EOIR-33, which is provided with this notice. If you fail to appear for a scheduled hearing, a decision may be rendered in your absence.
- ☒ You may consult with a person or persons of your own choosing prior to your appearance in Immigration Court. Such consultation is at no expense to the government and may not unreasonably delay the process.
- ☒ Attached is a list of recognized organizations and attorneys that provide free legal service.

 (Signature and title of immigration officer)

CERTIFICATE OF SERVICE

- ☒ The contents of this notice were read and explained to the applicant in the Korean language.
- ☒ The original of this notice was delivered to the above-named applicant by the undersigned on and the alien has been advised of communication privileges pursuant to 8 CFR 236.1(e). Delivery was made:
 - ☐ in person ☐ by certified mail, return receipt # _____ requested ☐ by regular mail

 (Signature and title of immigration officer)

Attachments to copy presented to immigration judge:

- | | |
|---|--|
| ☐ Passport | ☒ Form I-860 |
| ☐ Visa | ☐ Form I-869 |
| ☐ Form I-94 | ☐ Form I-898 |
| ☐ Forensic document analysis | ☐ Asylum Officer's reasonable fear determination worksheet (I-899) |
| ☐ Fingerprints and photographs | ☒ Asylum officer's credible fear determination worksheet (I-870) |
| ☐ EOIR-33 | |
| ☐ FOR 8 CFR 241.14(f) CASES ONLY: Written statement including summary of the basis for the Secretary's determination to continue the alien in detention, and description of the evidence relied on in finding the alien specially dangerous (with supporting documents attached). | |
| ☐ FOR 8 CFR 241.14(f) CASES ONLY: Written notice advising the alien of initiation of proceedings and informing alien of procedures governing the Reasonable Cause Hearing at 8 CFR 241.14(h). | |
| ☒ Other APSO Interview Notes
(specify): _____ | |

Record of Negative Credible Fear Finding and Request for Review by Immigration Judge

Alien File Number: A (b)(6)

1. To be explained to the alien by the asylum officer:

U.S. Citizenship and Immigration Services (USCIS) has determined that you do not have a credible fear of persecution or torture pursuant to 8 CFR 208.30 for the following reason(s):

- A. ☒ You have not established a credible fear of persecution in your country of nationality, country of last habitual residence, or a country to which you have been ordered removed because:
- ☐ You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
 - ☐ There is no significant possibility that you could establish in a full hearing that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.
 - ☐ You have not indicated that you were harmed in the past, and there is no significant possibility that you could establish in a full hearing that the harm you fear is well founded.
 - ☐ There is no significant possibility that you could establish in a full hearing that the harm you experienced or fear was/is sufficiently serious to amount to persecution.
 - ☐ There is no significant possibility that you could establish in a full hearing that the entity that harmed you or would harm you was/is an agent of the government or an entity the government was/is unable or unwilling to control.

AND

- ☒ You have not established a credible fear of torture in a country to which you have been ordered removed because you have not established that there is a significant possibility that:
- ☐ You would suffer severe physical or mental pain or suffering.
 - ☐ The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
 - ☐ The harm you fear 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.
 - ☐ The harm you fear would be inflicted while you are in the custody or physical control of the offender.
 - ☐ The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.
- B. ☐ Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision.

If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision.

If you do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

- ☐ **Yes, I request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.
- ☐ **No, I do not request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.

LAST
Applicant's Last Name/ Family Name (Print)

First
Applicant's First Name (Print)

Applicant's Signature

Officer
Asylum Officer's Last Name (Print)

Great
Asylum Officer's First Name, (Print)

Date

The contents of this form were read and explained to the applicant in the Korean Language

Interpreter used:

By telephone (list interpreter service /ID number used _____).

In person (I, _____, certify that I am fluent in both the Korean and English languages. I interpreted the above information completely and accurately to the alien.)

Interpreter's Signature

Date

**Record of Negative Credible/Reasonable Fear Finding and
Request For Review by Immigration Judge for Aliens Barred
From Asylum Pursuant to 8 CFR 208.13(c)(4)**

Alien File Number:

(b)(6)

1. To be explained to the alien by the asylum officer:

A. U.S. Citizenship and Immigration Services (USCIS) has determined that you are an alien described in 8 CFR 208.13(c)(4) and therefore, you have not established a credible fear because you cannot show a significant possibility of establishing eligibility for asylum.

B. You have not established a reasonable fear with respect to your application for withholding of removal under INA 241(b)(3) or withholding or deferral of removal under the Convention Against Torture pursuant to 8 CFR 208.16 for the following reason(s):

- ☐ You have not established a reasonable fear of persecution in a country to which you have been ordered removed because:
- ☐ You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
 - ☐ There is no reasonable possibility that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.
 - ☐ You have not indicated that you were harmed in the past, or there is no reasonable possibility that the past harm or the harm you fear in the future constitutes persecution.
 - ☐ There is no reasonable possibility that you would suffer the harm you fear.
 - ☐ You could reasonably avoid persecution by relocating within your country.

AND

- ☐ You have not established a reasonable fear of torture in a country to which you may be removed because you have not established that there is a reasonable possibility that:
- ☐ You would suffer severe physical or mental pain or suffering.
 - ☐ The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
 - ☐ The harm you fear 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.
 - ☐ The harm you fear would be inflicted while you are in the custody or physical control of the offender.
 - ☐ The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.

C. ☐ Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision.

If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision.

If you indicate below that do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

- ☐ **Yes, I request Immigration Judge review** of the decisions that I do not have a credible fear of persecution or torture and that I do not have a reasonable fear of persecution or torture.
- ☐ **No, I do not request Immigration Judge review** of the decisions that I do not have a credible fear of persecution or torture and that I do not have a reasonable fear of persecution or torture.

LAST

Applicant's Last Name/ Family Name (Print)

First

Applicant's First Name (Print)

Applicant's Signature

Officer

Asylum Officer's Last Name (Print)

Great

Asylum Officer's First Name, (Print)

Date

The contents of this form were read and explained to the applicant in the Korean Language

Interpreter used:

By telephone (list interpreter service /ID number used _____).

In person (I, _____, certify that I am fluent in both the Korean and English languages. I interpreted the above information completely and accurately to the alien.)

Interpreter's Signature

Date

Record of Determination/Credible Fear Worksheet

ELP	«CCO»	«A_num»	«PA_last»
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
«AO_last»	«AO_first»	«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	<u>2/15/2018</u>	1.2	<u>ARR, PUT Santa Teresa, NM INL, PUT Unknown</u>
	Date of arrival [MM/DD/YY]		Port of arrival
1.3	<u>2/15/2018</u>	1.4	<u>STFRC Dilley, Texas</u>
	Date of detention [MM/DD/YY]		Place of detention
1.5	<u>2/21/2018</u>	1.6	<u>Lack of resources or N/A</u>
	Date of AO orientation [MM/DD/YY]		If orientation more than one week from date of detention, explain delay
1.7	<u>1/10/2018</u>	1.8	<u>Dilley, Texas</u>
	Date of interview [MM/DD/YY]		Interview site
1.9	☒ Applicant received and signed Form M-444 and relevant <i>pro bono</i> list on		<u>2/21/2018</u>
			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		
	<u>Counselor Atlaw Wise Counsel Dr. Money, MN 12345 987-654-3219</u>		
1.12	Persons present at the interview (check which apply)		
1.13	☐ Consultant(s)		
1.14	☐ Other(s), list: 		
1.15	☐ No one other than applicant and asylum officer		
1.16	Language used by applicant in interview: (b)(6)		
1.17	<u>Lion Bridge, ###</u>	☒ Yes ☐ No	<u>TIME</u>
	Interpreter Service, Interpreter ID Number.	Interpreter Has Forms	<u>Time Started</u>
1.18		☒ Yes ☐ No	<u>TIME</u>
	Interpreter Service, Interpreter ID Number.	Interpreter Has Forms	<u>Time Started</u>
1.19		☒ Yes ☐ No	<u>TIME</u>
	Interpreter Service, Interpreter ID Number.	Interpreter Has Forms	<u>Time Started</u>
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 <i>vice versa</i>		
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 LAST

Last Name/ Family Name [ALL CAPS]

2.2 First

First Name

2.3 Middle

Middle Name

2.4 1/1/2001

Date of birth [MM/DD/YY]

2.5 Gender ☐ Male ☐ Female

2.6 None

Other names and dates of birth used

2.7

Country of birth

2.8

Country (countries) of citizenship (list all)

2.9

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

2.10 Race

2.11 Religion

2.12 No other language

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):

SPOUSE NAME, CITIZENSHIP, LOCATION, A# IF ENTERED U.S. WITH APPLICANT

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

(b)(6)

Citizenship

Present location (if w/PA, list
A-Numbers)

Did child arrive
with PA?

Is child included
in PA's claim?

☐	☐	☐	☐
Yes	No	Yes	No
☐	☐	☐	☐
Yes	No	Yes	No
☐	☐	☐	☐
Yes	No	Yes	No
☐	☐	☐	☐
Yes	No	Yes	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):

Name

Relationship

Name

Relationship

City, State

Phone

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 a. 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 Interview Notes

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

☒ Yes ☐ No

See Interview Notes

- 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

See Interview Notes

- 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, or, where applicable, a reasonable 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, and, where applicable, you do not have a reasonable 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, where applicable, you do not have a reasonable fear of persecution or torture, 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.

- 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 (and reasonable fear determination, where applicable):

Credibility

- 4.1 ☐ Applicant found credible.
- 4.2 ☐ Applicant found **not** credible.

Nexus

- 4.3 ☐ Race 4.4 ☐ Religion 4.5 ☐ Nationality 4.6 ☐ Membership in a Particular Social Group

(Define the social group): GROUP

- 4.7 ☐ Political Opinion 4.8 ☐ Coercive Family Planning [CFP] 4.9 ☐ No Nexus

Credible Fear Finding

- 4.10 ☐ Credible fear (or in the case of an alien determined to have no credible fear of persecution because he or she is barred from asylum pursuant to 8 CFR 208.13(c)(4), reasonable fear) of **persecution** established.

OR

- 4.11 ☐ Credible fear (or in the case of an alien determined to have no credible fear of persecution because he or she is barred from asylum pursuant to 8 CFR 208.13(c)(4), reasonable fear) of **torture** established.

OR

- 4.12 ☐ No fear of persecution or torture established.

B. Possible Bars:

- 4.13 ☐ 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):
- 4.14 ☐ Particularly Serious Crime 4.15 ☒ Security Risk 4.16 ☐ Aggravated Felon
- 4.17 ☐ Persecutor 4.18 ☐ Terrorist 4.19 ☐ Firmly Resettled
- 4.20 ☐ Serious Non-Political Crime Outside the United States
- 4.21 ☒ Applicant does **not** appear to be subject to a bar(s) to asylum or withholding of removal.

C. Identity:

- 4.22 ☒ Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.23 ☒ 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).
- 4.24 ☐ Passport which appears to be authentic.
- 4.25 ☐ Other evidence presented by applicant or in applicant's file (List): _____
- 4.26 ☐ 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 | Great Officer, ZNK 111 | 5.2 | | 5.3 | 1/10/2018 |
| | Asylum officer name and ID CODE (print) | | Asylum officer's signature | | Decision date |
| 5.4 | | 5.5 | | 5.6 | |
| | Supervisory asylum officer name | | Supervisor's signature | | Date supervisor approved decision |

Alien's File Number: «A_num»

ADDITIONAL INFORMATION/CONTINUATION

4.13 - Possible Bars:

(If third country transit bar applies)

4.26 - Identity:

(b)(6)

Other:

(IF FLIP)

CREDIBLE FEAR INTERVIEW NOTES

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.

KEY: Officer Applicant Interpreter: Lionbridge, ###
Child1: Eduard Octavio PEREZ-VICCENTE Child2: Child3: Child4:
Lawyer:

START TIME
TIME:

Interpreter

Interpreter, do you have Form I-870 dated 7/16/19?	Yes.
Do you swear to interpret accurately and faithfully to the best of your ability, keep everything you hear confidential, and alert me if you're ever unable to proceed in a neutral manner?	Yes.
Interpreter, please introduce yourself to the applicant and ask the applicant to pause during testimony so you have time to translate.	OK.
If interpreter is disconnected, you must repeat this section with new interpreter.	

Introduction

Hello, what is your name?	Maria Hermina VICENTE-CHILEL.
What is your preferred language?	Mam.
What other languages do you speak, if any?	No other language
Do you understand the interpreter?	
What country are you from?	Guatemala.
Are you afraid to return to Guatemala?	
Have you had an opportunity to speak with someone from CARA?	.
Did an attorney or consultant assist you prepare for your interview?	
Did an attorney or a consultant tell you they were coming with you to this interview?	
Do you have an attorney or a consultant?	

An attorney is not required for this interview. Would you like to proceed today without a lawyer?	
(If applicant wants a lawyer) CARA is located in the legal trailer. I can give you 15 minutes to go to CARA and return with a lawyer. If you do not return, I will make my decision based on the information we have in your file. Come back because I need to ask you questions to determine if you have a credible fear. Do you understand?	
(If applicant wants a lawyer) Do you agree to come back in 15 minutes?	
Did you come to the U.S. with any of your children or a spouse?	
(If child) How old is your child?	
(If outside) Where is your child now?	
(If outside) Would you like your child to stay outside of the room and I can call your child later to testify if necessary?	(b)(6)
(If inside) Who is here in the room with us?	
(If inside) There may be private or sensitive subjects we discuss today. Do you want your child in the room during our interview?	
Were you ever separated from your child?	
(If yes) Do you need help locating your child?	
Your child may be included in your claim if they came to the U.S. with you. If I determine that you have a credible fear, I will also determine that that they have a credible fear. If I determine that you do not have a credible fear, I will make a separate determination for them. Do you understand and agree?	
Do you want to testify on your child's behalf, and may I use any information you give me today for your child's case?	
(To child) Hi Eduard, how are you?	Child:
(To child) Do you want to have your interview with your parent, or do you want to have the interview separately with just me?	Child:
(To child) I may ask you questions today about why you left country. Generally though, I'll be asking your parent questions.	Child:

Would you like your parent to respond for you?	
(To child) If there's ever something private you want to tell me without your parent in the room, let me know, ok?	Child:
How are you being treated in this facility?	
Do you have any medical or health conditions?	None
(If yes) Have you notified this facility of the condition?	
(If yes) Is the condition related to the harm you suffered in the past?	
Are you taking any medications?	
(If yes) Will your condition or any medications you're taking affect your ability to proceed with today's interview?	
The interpreter will explain the purpose of this interview. Interpreter, please read Section 1.28 from Form I-870.	
[Interpreter read 1.28] <i>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 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.</i>	
Do you have any questions about what was read to you?	
(If oriented) I see that you had your Credible Fear Orientation, where you were given information about the process and were provided with a list of attorneys. You also signed a form called the M444 saying you received this information on 8/25/2019. Do you have any questions about the forms you signed?	
(If NOT oriented) I understand that you have not yet had a Credible Fear Orientation, which gives you detailed information about this interview. I'm going to ask you to listen to the interpreter read a form called the M-444.	
[Interpreter read M-444]. Do you have any	

questions about the information the interpreter just read for you?	
(If NOT oriented) Please sign the M-444. This is a list of attorneys who may be able to represent you at little or no cost. We provide this list to all applicants. Please initial each page.	[Applicant signed M-444 & Legal Service Providers List.]
Before we begin, I am going to place you under oath. Please raise your right hand. Do you promise to tell the truth, the whole truth, and nothing but the truth?	

(b)(6)

Biographic Review

What is your true and complete name?	
What is your correct date of birth?	
Have you ever used any other names or dates of birth?	
What country were you born in?	
Are you a citizen of Guatemala?	
Are you a citizen of any other country?	
What country were your parents born in?	
Are they citizens of Guatemala?	
Have either of your parents ever been to the United States or been U.S. citizens?	
Are you married, either a legal or common-law marriage?	
(If married) What is your spouse's name, citizenship, and current location?	
How many children do you have? [Officer recorded name, date of birth, citizenship, and current location for each child on I-870.]	
Who would receive you here in the U.S. if you are released from the facility you're staying at?	
What is your relationship to the sponsor?	
Where does your sponsor live?	
What is your sponsor's phone number?	
Is your sponsor a U.S. citizen, permanent resident, or holder of any other immigration status?	
What city or town did you live in before you left to come here?	
What is your religion, if you have one?	
	Kengron

What is your race or ethnicity?	Race
What type of work did you do in Guatemala?	
What is your highest level of education?	

Entry / Encounter / Third Country Transit Bar (Cut all questions after the 5th question if applicant is from Mexico.)

(b)(6)

When did you last leave Guatemala?	
Where and when did you enter the U.S.?	
Is this the first time you entered the United States?	
Did you ever apply for any immigration status in the United States before?	
Which countries did you travel through on your way to the United States?	
Who did you travel with?	
Did anyone hurt or threaten you on your way to the U.S.?	
In any of the countries you traveled through, did you apply for asylum, refugee status, protection from torture, or any other kind of humanitarian protection?	
(If sought protection) Did you get a final decision regarding your application for protection?	
Did you ever work for someone against your will?	
Did you ever work to pay off a debt you owed someone?	
Did you work to pay back someone who lent you money to come to the U.S.?	
Did you ever do domestic work as a household servant or caretaker of children?	
(If yes to any of the above labor questions) You said you worked doing WORK for PERSON. Did that person force, coerce, or trick you into working for them at any point, even if you initially agreed to do the work?	
(If yes to any of the above labor questions) How so?	
(If yes to any of the above labor questions) Did that person ever hold onto your identity or travel documents, withhold pay unfairly, say you owed them money, threaten or physically hurt you, or	

make you keep working for them in any other way?	
Anywhere in the world, did you ever do anything sexual in exchange for money or something of value, even if it was against your will?	
(If yes to sex act question) How old were you at the time?	
(If yes to sex act question) Did someone force, coerce, or trick you into doing that sex act?	
(If yes to sex act question) How so?	
When you were a child under the age of 18, did anyone ever make you work more than you should have as a child?	
Particularly when you were a child, but even as an adult, did anyone ever make you get married against your will?	
Particularly when you were a child, but even as an adult, did anyone ever make you work or fight for a military or armed group?	
Particularly when you were a child, but even as an adult, did anyone ever make you beg on the streets?	
Particularly when you were a child, but even as an adult, did anyone ever make you do anything for a criminal organization or gang, even if it was an illegal activity?	
(If yes to any of the above child exploitation questions) You said when you were AGE, PERSON made you ACT. How did they make you do that?	
(If yes to any of the above child exploitation questions) Did they force, coerce, or trick you somehow into doing that?	
(If third country transit bar applies) I' after you show them how to complete the case. m going to read you some information now. I have determined, based upon your testimony and the other evidence in the record, that you are barred from asylum under 8 CFR § 208.13(c)(4), and therefore you are unable to establish a credible fear with respect to your application for asylum. The purpose of the remainder of the interview is to determine if you have a reasonable fear of persecution or torture. If it is determined that you have a reasonable possibility of being persecuted or tortured in the country to which you will be ordered removed, you will receive a Notice to Appear for a hearing in immigration court for consideration of your claim for withholding of removal under section 241(b)(3) of the Act, or for withholding or deferral of removal under the Convention Against Torture. If it is determined that you do not have a reasonable possibility of being persecuted or tortured, then you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are barred from asylum under 8 CFR § 208.13(c)(4).	
Do you have any questions about the information I just read for you?	

[Officer verified all biographic information on Page 2 of the I-870.]	
--	--

Claim for Protection

Please tell me briefly why you are afraid to return to Guatemala.	

Fear of Return / Internal Relocation

Besides what we have already discussed, have you ever experienced any other mistreatment, threats or harm at any time in your life in Guatemala?	
I know it may be difficult to think about, but what do you think would happen to you if you had to return to Guatemala?	
How will the people you fear know you returned to Guatemala?	
Have you received any threats since you left your country, like by phone or social media?	
I read a few articles about your country. I understand that today, COI. Are you aware of these reports?	
Is there anywhere you could go in Guatemala and be safe?	
Why not?	
When you were having the problems you told me about today did you ever try to relocate to avoid the people you fear?	
Have you ever heard of the people you fear chasing after other people who try to flee them?	
Is the threat against you throughout all of Guatemala, or just in certain areas?	

Do you think if you moved far away from your home, say on the other side of your country, that the people you fear would be able to find you?	
Are the people you fear are connected to networks of other bad actors in Guatemala?	
Have you ever lived in another part of Guatemala?	
(If yes) Would you be safe if you lived there?	
Do you have family in any other part of Guatemala?	
(If yes) Would you be safe if you lived with them?	
Have any of your family still in Guatemala been targeted since you left?	
Besides what you told me so far, would your life be difficult in any other way if you moved to another part of your country?	
Would you be able to find a house, work, go to school, provide for yourself, etc.?	

State Protection

(If gov't persecutor/torturer) You told me about problems you had with the government. How do you know that the people threatening you are actually government officials?	
Is there another branch of government that could hold the officials threatening you accountable for their actions?	
(If reported non-gov't persecutor/torturer to police) Did you ever report the harm you experienced to the police?	(b)(6)
When did you report this incident to the police?	
What did the police say and do when you reported?	
What did you expect the police to do?	
Did you give the police details about what happened so they could investigate?	
How do you know the police did not do anything?	
Did you ever follow up with the police to see if they were investigating?	
Did the police ask for money to investigate?	

(If did NOT report non-gov't persecutor/torturer to police) Did you ever report the harm you experienced to the police?	☐ (b)(6)
Why didn't you report?	
Had you reported this incident to the police, what do you believe the police would have done?	
Do you know anyone in your country who has reported similar incidents to the police, but the police did not help them?	
How far away is the nearest police station to your house?	
How often do the police patrol your area?	
Did you ever report another incident to the police, even if it was not so serious?	
(General police questions whether or not reported non-gov't persecutor/torturer) Do you think the people threatening you have influence with the police or government?	
Have you heard reports about police corruption in your area or police collaboration with the people threatening you?	
Have you ever seen someone pay off the police with a bribe, even if it's to get out of something not too serious like a traffic violation?	
(CAT questions, as necessary) Do you think officials besides the police, like the mayor or the national government, would protect you if you reported the people threatening you?	
Would government officials direct the people threatening you to harm you?	
Would government officials think it's OK for you to be harmed by the people threatening you?	
Why do you think that?	
Have you ever had any problems with the government of your country or with anyone who works for the government?	
Do you believe government officials or someone who is associated with the government would harm you in the future?	

Other Protected Grounds

These are questions for both you and your child or children. You told me you are Religion. Have you or your child/children ever been threatened	
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or harmed or do you fear harm because of your religion?	
You told me you are Race. Have you or your child/children ever been threatened or harmed or do you fear harm because of your race, ethnicity, or nationality?	
Have you or your child/children ever been threatened or harmed or do you fear harm because of your political beliefs?	
Have you or your child/children ever been threatened or harmed by a family member or someone you lived with?	
Have you or your child/children ever been threatened or harmed by a romantic partner?	
Was anyone in your family or your or your child's/children's family ever physically harmed in your country?	
Besides what we talked about today, is there anything else that makes you or your child/children different or more vulnerable to harm than other people in your community?	
Is there anything else you or your child/children are afraid of, other than what we've already discussed?	
(other than what you have told me) has anyone ever harmed or threatened your child in the past?	
What do you fear would happen to your child in the future?	
(If no fear in I-867A&B) Do you remember the border patrol asked you some questions after you were apprehended at the border?	
(If no fear in I-867A&B) Do you remember signing the record of the questions they asked you and the answers you gave?	
(If no fear in I-867A&B) Did they ask if you were afraid to return to your country?	
(If no fear in I-867A&B) DHS records indicate that after being apprehended by the border patrol, you were asked if you had any fear or concern about returning to your country and you answered no. However, today, you indicated that you are afraid to return. Apart from what you've told me so far, do you have any other explanation for this difference?	

(If no fear in I-867A&B) Did you experience any difficulties when you crossed the border or when border patrol apprehended you?	
(If no fear in I-867A&B) Did you have any difficulty understanding the border patrol officer who asked you questions?	

(If necessary) **Child Testimony**

(b)(6)

Do you promise to tell the truth today?	
What is your full name?	
How are you feeling today?	
How old are you?	
I will be asking you several questions. Are you willing to answer them?	
Are you attending school?	
Do you like it?	
What's your favorite subject?	
If there's ever anything you want to tell me in private without your parent here, just let me know, OK?	
Do you know what it means to tell the truth?	
Do you promise to tell the truth, the whole truth, and nothing but the truth?	
Did anyone ever do something bad to your in your country?	
Do you know why they wanted to hurt you?	
What are you afraid will happen to you if you go back to Guatemala?	

Possible Bars

These are questions I ask everyone I speak to. I'd like you to respond for both you and your child. Has any country in the world, other than your native country, ever offered you citizenship, permanent residence, asylum or refugee status?	
Have you or your child/children ever harmed anyone?	
Have you or your child/children ever committed or been convicted of a crime anywhere in the world? other than what we talked about today?	
Have you or your child/children ever been arrested or detained in any country, besides U.S.	

immigration? other than what we talked about today?	
Have you or your child/children ever worked for any government?	
Have you ever served in a military, police or security forces?	
Have you or your child/children ever done something violent like: use an explosive, hijack a vehicle, kidnap or assassinate someone?	
Have you or your child/children ever helped or belonged to a militia or violent group?	
Do you or your child/children plan to do anything illegal or harmful in the U.S.?	

Conclusion

Is there anything else that you would like to tell me about your claim that we have not yet discussed?	
(If attorney) Counsel, I'm going to give you an opportunity to make a closing statement after I read the summary of testimony. For now though, do you have any questions for the applicant?	
The interpreter will explain the possible outcomes of your case.	OK
[Interpreter read Paragraph 3.2 from I-870.] <i>If the Department of Homeland Security determines you have a credible fear of persecution or torture, or, where applicable, a reasonable 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, and, where applicable, you do not have a reasonable 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, where applicable, you do not have a reasonable fear of persecution or torture, 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?</i>	
Do you have any questions about what the interpreter just read for you?	No.
I am going to read to you a brief summary of what you described as the reasons you do not want to return to your country.	OK
You testified: Harm. Severity. Nexus/reason. You fear if you return to Guatemala, HARM. You do not believe the government authorities will protect you if you go back to Guatemala, because REASON. You do not believe there is a safe place you could go in Guatemala, because REASON.	
Is this summary of your testimony accurate?	
(If attorney) Counsel, would you like to make a closing statement?	

Did you understand all the questions I asked today?	
Did you understand the interpreter?	
Interpreter, did you understand the Applicant?	
(If telephonic and unsigned orientation docs) I'm now going to ask the detention officer to have you sign the M-444 and pro bono attorney list from the orientation I gave you earlier. Do you understand the nature of the documents I'm asking you to sign?	
That concludes our interview. Thank you so much for sharing everything with me today.	
END TIME: TIME	

A#: «A_num»
Applicant: «PA_last», «PA_first» «PA_mid»
Officer: «AO_first» «AO_last», «CCO» «AO_num»
Date of Interview: «Intvw_dt»
Page: 14 of TOTALNUMPAGES

(b)(6) CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

A	COUNTRY:	APSO: OFFICER	DATE: 1/10/2018
- If there is a significant possibility of establishing eligibility for asylum or withholding under 241(b)(3), complete A., B., and C only. - If there is a significant possibility of establishing eligibility for protection under the Convention Against Torture, complete A., B., and D only. - If there is not a significant possibility of establishing eligibility for asylum or withholding under 241(b)(3) or for withholding or deferral of removal under the CAT pursuant to 8 CFR 208.16(c) or 208.17, complete Sections A., B., C., and D. unless the claim fails in Section A (Harm) or Section B. (Credibility), in which case, stop and complete Form I-870.			
A. Harm (If yes to A.1. and/or A.2., move to Part B. If no to A.1. and A.2., STOP, and complete Form I-870.)			
1. Has the applicant testified that he or she has experienced <u>past</u> harm in his or her country? If yes, identify any past harm or mistreatment suffered, and identify all relevant entit(ies). Harm: Entit(ies):			Yes ☐ No ☐
2. Has the applicant testified that he or she fears <u>future</u> harm if returned to his or her country? If yes, identify any harm or mistreatment feared, and identify all relevant entit(ies). Harm: Entit(ies):			Yes ☐ No ☐
B. Credibility (Select the appropriate box. If testimony was credible and the overall determination is positive, check box B.1. and briefly explain what evidence supports this determination including addressing any credibility concerns and why in the totality of circumstances the applicant's testimony is credible despite these concerns. If testimony was credible but the overall determination is negative, check box B.1. and proceed to section C. If testimony was not credible, (1) check box B.2., (2) identify the credibility concern(s), (3) provide the applicant's explanation(s), and (4) address if the explanation is reasonable for each concern. After analyzing all relevant credibility factors, consider them in the totality of the circumstances.)			
1. Applicant's testimony was credible: Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible. (Check box, explain only if overall decision is positive, and move to Section C. and/or D.) The applicant testified plausibly and provided detail related to SPECIFIC ASPECT OF CLAIM . The testimony was internally consistent throughout the interview [OR] The applicant resolved an initial inconsistency regarding APPARENT INCONSISTENCY by explaining that ANALYZE . There were no external inconsistencies between the testimony and other evidence in the record, including the I-867A&B [OR] The applicant provided a reasonable explanation for the external inconsistency between testimony regarding fear of return and the I-867A&B indicating no fear of return, specifically that the applicant ANALYZE EXPLANATION . The applicant was responsive, not evasive. [IF NEEDED] The testimony is corroborated by relevant country condition reports, which indicate that COL. CITATION . Therefore, the applicant's testimony is found credible in the totality of the circumstances.			☐
2. Applicant's testimony was not credible: Considering the identified credibility concern(s), the absence of reasonable explanations for those concerns, and taking into consideration the applicant's individual circumstances, the applicant's testimony is found not credible under the totality of the circumstances and all relevant factors. (Check box, explain, STOP, and complete Form I-870.)			☐
C. Persecution (If yes to C.1. or C.2., complete C.3. If no to C.1. and C.2., complete C.3.)			
1.a. Past Persecution: There is a significant possibility the applicant can establish in a full hearing that: - The harm experienced was sufficiently serious to amount to persecution; - The entity that harmed the applicant was motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion; and - The entity that harmed the applicant was an agent of the government or an entity that the government was unable or unwilling to control. AND			Yes ☐ No ☐

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

1.b. There is no evidence so substantial that the presumption of well-founded fear can be rebutted. <i>or</i> If the presumption of well-founded fear has been rebutted, there is a significant possibility that asylum could be granted based on: (1) the severity of the past persecution; or (2) a reasonable possibility of other serious harm.	
2. <u>Future Persecution</u>: There is a significant possibility that the applicant can establish in a full hearing that: • The applicant fears harm that is sufficiently serious to amount to persecution; • The applicant 1) <u>possesses</u> a protected characteristic, 2) of which the feared entity is or could become <u>aware</u> or the feared entity believes that the applicant possess a protected characteristic, 3) the feared entity has the <u>capability</u> to persecute the applicant, 4) the feared entity has the <u>inclination</u> to persecute the applicant, OR there is a pattern or practice of persecution of a group of persons similarly situated to the applicant on account of a protected ground; • The entity would be motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion; • The entity that would harm the applicant would be an agent of the government or an entity that the government would be unable or unwilling to control; <i>and</i> • Under all the circumstances, it would not be reasonable for the applicant to relocate within the applicant's country to avoid future persecution.	Yes ☐ No ☐
3. <u>Written Analysis</u>: Race ☐ Religion ☐ Nationality ☐ Membership in a Particular Social Group ☐ Political Opinion ☐ <i>If credible fear of persecution established, identify the protected ground and specify:</i> SPECIFIC GROUND, or PSG: GROUP <i>As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.</i> <u>Past Persecution</u>: The applicant testified that PAST HARM. This harm is on account of the applicant's GROUND [OR] membership in the particular social group: GROUP. The members of this group share a common immutable characteristic given that ANALYZE IMMUTABILITY ONLY IF NOVEL PSG. The applicant testified that NEXUS. At least one reason for the harm the applicant suffered was the applicant's GROUND, given that ANALYZE (e.g., there was a short proximity in time between the harm's occurrence and the persecutor's words directly related to the protected characteristic [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor targeted the applicant when the applicant was CIRC EVID). It is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that RELOCATION. This testimony indicates that ANALYZE. Thus, there is a significant possibility that the applicant can establish persecution on account of a protected ground in a full hearing. <u>Future Persecution</u>: The applicant testified that PAST HARM. As an initial matter, the harm the applicant experienced in the past CONCLUSION (e.g., is not serious enough to rise to the level of persecution [OR] is not on account of a protected ground), given the applicant's testimony that ANALYZE (e.g., the applicant was not physically harmed and the persecutor did not attempt to carry out the threats [OR] the persecutor did not say anything related to a protected characteristic at the time of the harm and the circumstantial evidence does not indicate a nexus). Nevertheless, the future harm the applicant fears – namely FUTURE HARM – is serious enough to rise to the level of persecution because it threatens the applicant's life and freedom. Additionally, the applicant possesses a protected characteristic the feared persecutor is or could become aware of, specifically the applicant's GROUND [OR] membership in the	

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

particular social group: GROUP. The members of this group share a common immutable characteristic given that **ANALYZE IMMUTABILITY ONLY IF NOVEL PSG.** Furthermore, the feared persecutor has the inclination to persecute the applicant on account of this protected ground. The applicant testified that **NEXUS.** At least one reason for the harm the applicant fears is the applicant's **GROUND,** given that **ANALYZE (e.g., the persecutor's threatening words directly relate to the protected ground [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor threatened the applicant when the applicant was CIRC EVID).** Relevant country condition reports indicate that **COI. CITATION.** Finally, it is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that **RELOCATION.** This testimony indicates that **ANALYZE.** Therefore, there is a significant possibility that the applicant can establish persecution on account of a protected ground in a full hearing.

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

D. Torture *(Make a selection in D.1. and, as needed, complete D.2.)*

D.1. There is a significant possibility the applicant can establish in a full hearing that:

- The feared harm would be specifically intended to inflict severe pain or suffering on the applicant;
- The feared harm would constitute severe physical or mental pain or suffering;
- The feared harm 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;
- The applicant would be in the offender's custody or physical control; **and**
- The harm would not arise only from or be inherent in or incidental to lawful sanctions.

In making this determination, the following evidence must be considered:

- Evidence of past torture inflicted upon the applicant;
- Evidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured;
- Evidence of gross, flagrant or mass violations of human rights within the country of removal; and other relevant information regarding conditions in the country of removal.

If the applicant has demonstrated that there is a **significant possibility** of establishing past torture **AND** there are no changes in circumstances so substantial such that the applicant does not have a credible fear of torture, the applicant will be found to have established a credible fear of torture.

Yes ☐

No ☐

D.2. Written Analysis: *As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.*

The applicant testified that **PAST HARM**. The applicant fears that if the applicant returns to **COUNTRY**, **FUTURE HARM**. This harm will be inflicted with the acquiescence or consent of public officials in the country. The applicant testified that **STATE PROTECTION**. This testimony indicates that public officials **CONCLUSION** (e.g., **turn a blind eye to such violence [OR] are themselves the ones targeting the applicant**), given that **ANALYZE**. Relevant country condition evidence corroborates that the authorities in the country **COI. CITATION**. The applicant cannot relocate within the country to avoid future torture. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Thus, there is a significant possibility that the applicant can establish eligibility for protection under the Convention Against Torture in a full hearing.

Memo to File
For Alien
Barred From Asylum Pursuant to 8 CFR 208.13(c)(4)

From: **Houston Asylum Office**

RE: [REDACTED]

[REDACTED] (b)(6)

At the interview:

- The Asylum Officer informed the individual that the officer had determined, based upon the individual's testimony and the other evidence in the record, that the individual is barred from asylum under 8 CFR § 208.13(c)(4), and therefore unable to establish a credible fear with respect to his or her application for asylum.
- As a result of the above determination, the Asylum Officer read the following paragraph to the individual:

The purpose of the remainder of the interview is to determine if you have a reasonable fear of persecution or torture. If it is determined that you have a reasonable possibility of being persecuted or tortured in the country to which you will be ordered removed, you will receive a Notice to Appear for a hearing in immigration court for consideration of your claim for withholding of removal under section 241(b)(3) of the Act, or for withholding or deferral of removal under the Convention Against Torture. If it is determined that you do not have a reasonable possibility of being persecuted or tortured, then you may ask to have an immigration judge review that decision. During that immigration judge review, you may also request review of the determination that you do not have a credible fear of persecution because you are barred from asylum under 8 CFR § 208.13(c)(4).

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]
(b)(6)

A#:		COUNTRY:		APSO Name: OFFICER	DATE: 1/10/2018
<i>By using this checklist, the adjudicator has determined that the applicant is barred for asylum pursuant to 8 C.F.R. 208.13(c)(4).</i> <i>If there is a reasonable possibility of persecution, complete Sections A., B., and C. If there is a reasonable possibility of torture, complete Sections A., B., and D. If there is not a reasonable possibility of persecution or torture, complete Sections A., B., C., and D. unless the claim fails in Section A.2. (Future Harm) or Section B. (Credibility), in which case, stop and complete Form I-870.</i>					
A. Harm <i>(If yes to A.2., proceed with the analysis. If no to A.2., STOP and complete Form I-870.)</i>					
1. Has the applicant testified that he or she has experienced <u>past</u> harm in his or her country? <i>If yes, identify any past harm or mistreatment suffered, and identify the relevant entity.</i>					Yes ☐ No ☐
2. Has the applicant testified that he or she fears <u>future</u> harm if returned to his or her country? <i>If yes, identify any harm or mistreatment feared, and identify the relevant entity. If no, explain and complete Form I-870.</i>					Yes ☐ No ☐
B. Credibility <i>(Select the appropriate box and analyze whether the applicant's testimony was credible or not credible.)</i>					
Applicant's testimony was credible: Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible. <i>(Check box, explain only if overall decision is positive, and move to Section C. or D.)</i> The applicant testified plausibly and provided detail related to SPECIFIC ASPECT OF CLAIM. The testimony was internally consistent throughout the interview [OR] The applicant resolved an initial inconsistency regarding APPARENT INCONSISTENCY by explaining that ANALYZE. There were no external inconsistencies between the testimony and other evidence in the record, including the I-867A&B [OR] The applicant provided a reasonable explanation for the external inconsistency between testimony regarding fear of return and the I-867A&B indicating no fear of return, specifically that the applicant ANALYZE EXPLANATION. The applicant was responsive, not evasive. [IF NEEDED] The testimony is corroborated by relevant country condition reports, which indicate that COI. CITATION. Therefore, the applicant's testimony is found credible in the totality of the circumstances.					☐
Applicant's testimony was not credible: Considering the identified credibility concern(s), the absence of reasonable explanations for those concerns, and taking into consideration the applicant's individual circumstances, the applicant's testimony is found not credible under the totality of the circumstances and all relevant factors. <i>(Check box, explain, STOP and complete Form I-870.)</i>					☐
C. Persecution <i>(Select as needed. If yes to C.1. or C.2., complete C.3. If no to C.1 and C.2., complete C.3.)</i>					
1. a. <u>Past Persecution:</u> The applicant established that: • The harm experienced was sufficiently serious to amount to persecution; • The entity that harmed the applicant was motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion, applying the one central reason standard; and • The entity that harmed the applicant was an agent of the government or an entity that the government was unable or unwilling to control. AND 1. b. The presumption of well-founded fear has not been rebutted by a preponderance of the evidence that 1) there has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear, or 2) it would be reasonable, under all the circumstances, for the applicant to relocate within the applicant's country to avoid future persecution.					Yes ☐ No ☐
2. <u>Future Persecution:</u> The applicant established a reasonable possibility of persecution on account of a protected ground:					Yes ☐

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]

- The harm feared is sufficiently serious to amount to persecution; - The applicant 1) either possesses a protected characteristic of which the feared entity is or could become aware or the feared entity believes that the applicant possesses a protected characteristic, and 2) the feared entity has the <u>capability</u> and <u>inclination</u> to persecute the applicant, OR there is a <u>pattern or practice</u> of persecution of a group of persons similarly situated to the applicant on account of a protected ground; and - Under all the circumstances, it would not be reasonable for the applicant to relocate within the applicant's country to avoid future persecution.	No ☐
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C.3. Written Analysis:

Race ☐ Religion ☐ Nationality ☐ Membership in a Particular Social Group ☐ Political Opinion ☐

If reasonable possibility of persecution established, identify the protected ground and specify: SPECIFIC GROUND, or PSG: GROUP

As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.

Past Persecution: The applicant testified that **PAST HARM**. As an initial matter, this harm is serious enough to rise to the level of persecution because it threatens the applicant's life and freedom. **ANALYZE (e.g., the threats were imminent, serious, and menacing given that FILL [OR] the physical harm was so severe it resulted in injury such as FILL)**. Furthermore, this harm is on account of the applicant's **GROUND [OR] membership in the particular social group: GROUP**. The members of this group share a common immutable characteristic given that **ANALYZE IMMUTABILITY ONLY IF NOVEL PSG**. The applicant testified that **NEXUS**. At least one central reason for the harm the applicant suffered was the applicant's **GROUND**, given that **ANALYZE (e.g., there was a short proximity in time between the harm's occurrence and the persecutor's words directly related to the protected characteristic [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor targeted the applicant when the applicant was CIRC EVID)**. Moreover, the government of **COUNTRY** is unwilling or unable to protect the applicant. The applicant testified that **STATE PROTECTION**. Having demonstrated past persecution, there is a presumption of the applicant's possession of a well-founded fear of future persecution. There has not been a fundamental change in circumstances such that the applicant no longer has a well-founded fear. Relevant country condition reports indicate that **COI. CITATION**. Finally, it is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Thus, there is a reasonable possibility that the applicant can establish persecution on account of a protected ground in a full hearing.

Future Persecution: The applicant testified that **PAST HARM**. As an initial matter, the harm the applicant experienced in the past **CONCLUSION (e.g., is not serious enough to rise to the level of persecution [OR] is not on account of a protected ground)**, given the applicant's testimony that **ANALYZE (e.g., the applicant was not physically harmed and the persecutor did not attempt to carry out the threats [OR] the persecutor did not say anything related to a protected characteristic at the time of the harm and the circumstantial evidence does not indicate a nexus)**. Nevertheless, the future harm the applicant fears – namely **FUTURE HARM** – is serious enough to rise to the level of persecution because it threatens the applicant's life and freedom. Additionally, the applicant possesses a protected characteristic the feared persecutor is or could become aware of, specifically the applicant's **GROUND [OR] membership in the particular social group: GROUP**. The members of this group share a common immutable characteristic given that **ANALYZE IMMUTABILITY ONLY IF NOVEL PSG**. Furthermore, the feared persecutor has the

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]

inclination to persecute the applicant on account of this protected ground. The applicant testified that **NEXUS**. At least one central reason for the harm the applicant fears is the applicant's **GROUND**, given that **ANALYZE** (e.g., the persecutor's threatening words directly relate to the protected ground [OR] there is circumstantial evidence of a motivation to punish possession of the protected characteristic, namely the fact that the persecutor threatened the applicant when the applicant was **CIRC EVID**). Relevant country condition reports indicate that **COI. CITATION**. Moreover, the feared persecutor has the capability to persecute the applicant, because the government of the country is unwilling or unable to protect the applicant. The applicant testified that **STATE PROTECTION**. Finally, it is not reasonable, under all the circumstances, for the applicant to relocate within the country to avoid future persecution. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Therefore, there is a reasonable possibility that the applicant can establish persecution on account of a protected ground in a full hearing.

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS
FOR APPLICANTS IN EXPEDITED REMOVAL FOUND BARRED FROM ASYLUM PURSUANT TO 208.13(c)(4)
[JULY 16, 2019] [CHECKLIST 3]

D. Torture *(Select D.1. as needed and complete D.2.)*

D.1. There is a **reasonable possibility** that:

- The feared harm would be specifically intended to inflict severe pain or suffering on the applicant;
- The feared harm would constitute severe physical or mental pain or suffering;
- The feared harm 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;
- The applicant would be in the offender's custody or physical control; **and**
- The harm would not arise only from or be inherent in or incidental to lawful sanctions.

In making this determination, the following evidence must be considered:

- Evidence of past torture inflicted upon the applicant;
- Evidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured;
- Evidence of gross, flagrant or mass violations of human rights within the country of removal; and other relevant information regarding conditions in the country of removal.

If the applicant has established past torture **AND** there are no changes in circumstances so substantial such that the applicant does not have a reasonable fear of torture, the applicant will be found to have established a reasonable fear of torture.

Yes ☐

No ☐

D.2. Written Analysis: *As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the eligibility elements to the facts.*

The applicant testified that **PAST HARM**. The applicant fears that if the applicant returns to **COUNTRY**, **FUTURE HARM**. As an initial matter, this harm is sufficiently severe pain or suffering to constitute torture given that **ANALYZE**. Additionally, this harm is specifically intended for the applicant. The applicant testified that the applicant was individually targeted when **TARGETING**. Furthermore, this harm will be inflicted with the acquiescence or consent of public officials in the country. The applicant testified that **STATE PROTECTION**. This testimony indicates that public officials **CONCLUSION (e.g., turn a blind eye to such violence [OR] are themselves the ones targeting the applicant)**, given that **ANALYZE**. Relevant country condition evidence corroborates that the authorities in the country **COI. CITATION**. Finally, the applicant cannot relocate within the country to avoid future torture. The applicant testified that **RELOCATION**. This testimony indicates that **ANALYZE**. Thus, there is a reasonable possibility that the applicant can establish eligibility for protection under the Convention Against Torture in a full hearing.

(b)(6) Third-Country Transit Bar Worksheet (8 CFR 208.13(c)(4))

A#:	Alien Name: First Middle LAST	AO Name/Number: Great Officer, ZNK 111	Date: 1/10/2018
A. Arrival Date (If checking "no", bar does not apply and this form does not need to be completed.)			
Did the alien enter, attempt to enter, or arrive in the United States <i>across the southern land border</i> on or after July 16, 2019?			Yes ☐
Explanation:			No ☐
B. 8 CFR 208.13(c)(4) Mandatory Bar Analysis (If checking "no" in box B.1, do not complete boxes B.2, B.3 and B.4 as an exception applies. If checking "yes" in boxes B.1 and B.2, B.3 or B.4, then an exception applies. If checking "yes" in boxes B.1 and "no" in boxes B.2, B.3 and B.4, then bar applies and there is no exception available.)			
1. Transit: Did the alien transit through any country apart from his or her country of nationality (or last habitual residence) en route to the United States?			Yes ☐
List all applicable countries:			No ☐
2. Protection Sought: Did the alien demonstrate that s/he applied for protection in at least one country and received a final judgment denying protection?			Yes ☐
Evidence or Explanation:			No ☐
3. Severe Trafficking Victim: Did the alien demonstrate that s/he meets the definition of "victim of a severe form of trafficking in persons", as defined in 8 CFR § 214.11?			Yes ☐
A severe form of trafficking in persons is defined as either: a) Sex trafficking in which a commercial sex act is induced by: ○ Force, fraud, or coercion, or ○ Person induced is under the age of 18; or , b) Recruiting, harboring, transporting, provisioning, or obtaining a person for labor or services through the use of force, fraud, or coercion for subjection to: ○ Involuntary servitude; peonage; debt bondage; or slavery			No ☐
Explanation:			
4. Protection Unavailable in Countries Transited:			Yes ☐
The only countries through which the alien transited en route to the United States, were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.			No ☐

Third-Country Transit Bar Worksheet (8 CFR 208.13(c)(4))

C. Decision

If the alien established that the bar does not apply, or if an exception applies, continue processing as a credible fear or affirmative case.

If the alien failed to establish that s/he is not barred:

- *If the alien is in expedited removal, continue screening for withholding and CAT using the **reasonable fear** standard.*
- *If the alien filed affirmatively, complete interview and address the mandatory bar in the referral/denial.*

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):	LAST, First Middle		
Aliases or Alternate DOBs (If any):	(b)(7)(c)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☒ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

BIOGRAPHIC CHECKS

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	(b)(7)(c) (b)(7)(e)		

☐ CHECK HERE IF THERE IS CLASSIFIED INFORMATION ON THIS CASE.

BACKGROUND IDENTITY AND SECURITY CHECK CLEARED FOR ADJUDICATION:

AO: DATE: 1/10/2018 SAO CONCURRENCE _____ DATE: _____

(b)(7)(c)

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(ROIT)**

Record of Inquiry - TECS (ROIT)

(b)(7)(c)

(b)(7)(c) (b)(7)(e)

A-Number or Receipt Number:

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1						
	☒ A ☐ P ☐ B ☐ D ☐ R	2 nd Check 3 rd Check				
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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A#

Name:

APP/PET TYPE: APSO – Credible Fear

FROM:

(b)(7)(c) (b)(7)(e)

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability: _____

☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other: _____

I have verified and concur with resolution as stated above _____

(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
Aliases or Alternate DOBs (If any):	(b)(7)(c)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☐ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

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AO: DATE: 1/10/2018 SAO CONCURRENCE _____ DATE: _____

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Record of Inquiry - TECS (ROIT)

(b)(7)(c)

(b)(7)(c) (b)(7)(e)

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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A#

Name:

APP/PET TYPE: APSO – Credible Fear

FROM:

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability:

☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other:

I have verified and concur with resolution as stated above

(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):			
Aliases or Alternate DOBs (If any):	(b)(7)(c)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☐ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
Mandatory Bar Flagged in Adjudication Tab	☐ NO ☐ YES Reason:		

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U.S. Citizenship
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Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A# [redacted] Name: [redacted]

APP/PET TYPE: APSO – Credible Fear
FROM: AO [redacted]

[redacted]

(b)(7)(c) (b)(7)(e)

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability: _____

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[redacted]

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other: _____

I have verified and concur with resolution as stated above _____
(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

Name (LN1, LN2, Fn, Mn):	(b)(7)(c)		
Aliases or Alternate DOBs (If any):	(b)(7)(c)		
A-Number(s):		Date of Birth:	
Memo of Adverse Information Completed:	☐ NO ☐ YES	Results Pending at Time of Decision:	☐ FBI Name Check ☐ FBI Fingerprint Check
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N/A		

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AO: (b)(7)(c) DATE: 1/10/2018 SAO CONCURRENCE _____ DATE: _____

(b)(7)(c)

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(b)(7)(c)

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Services

Date: 1/10/2018
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Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A# [redacted] Name: [redacted]

APP/PET TYPE: APSO – Credible Fear

FROM: [redacted]

[redacted]

(b)(7)(c) (b)(7)(e)

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[redacted]

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(Approving Official)

Credible Fear/Reasonable Fear Background Identity and Security Checklist

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1						
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U.S. Citizenship
and Immigration
Services

Date: 1/10/2018
Date of last TECS query: 1/10/2018
Date TECS expires: 180 days

(b)(7)(c)

MEMORANDUM FOR: File A: Name:

APP/PET TYPE: APSO – Credible Fear

FROM:

(b)(7)(c) (b)(7)(e)

☐ Hit indicates Aggravated Felony or Terrorist activity. Contact made with FDNS-IO:

☐ Hit indicates grounds of inadmissibility/removability:

☐ Appropriate law enforcement agency (ORI), record owner or contact advised. (see attachments)

(b)(7)(e)

☐ Information in hit is material to eligibility for benefit sought, as described below.

☐ Other:

I have verified and concur with resolution as stated above

(Approving Official)

APPENDIX W – Credible Fear Applicant – Memo of Adverse Information
(Rev. 4/2015)

Subject: (b)(6)	Date: 1/10/2018
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To
Field Office Director and Chief Counsel,

From
Great Officer, Asylum Officer
for ZHN Asylum Office Director

We have interviewed the case noted below and determined that the alien possibly could be barred from asylum or withholding of removal under the Convention Against Torture because one or more of the bars listed may apply.

Last Name: (b)(6) First Name:
A-Number: Detention Location: Berks Family Shelter, 1040 Berks Road, Leesport, PA 19533

Mandatory Bars to Asylum or Withholding of Removal under the Convention Against Torture that May Apply (check as many as are applicable):

- ☐ Persecutor
- ☐ Convicted of Particularly Serious Crime
- ☐ Commission of Serious Non-political Crime outside the U.S. (includes human rights abuser)
- ☐ Security Risk
- ☐ Terrorist Related Inadmissibility Ground
- ☐ Engaged in Nazi Activities, Genocide or Committed Acts of Torture or Extrajudicial Killings
(this is a bar to withholding but not asylum)

Explanation for the basis for believing that this alien may be subject to a bar or bars is as follows:

CREDIBLE FEAR DISSOLUTION QUESTIONS

O: How have you been treated in the detention facility?

A: .

O: You told me that you are not afraid to return to Korea. Is that right?

A: .

O: Did anything happen to you while you were in the detention facility that caused you to change your mind about staying in the U.S. or being afraid to return to Korea?

A: .

O: Have you been coerced, intimidated, threatened, or persuaded by anyone to dissolve your case?

A: .

O: I'm now going to have the Interpreter read every word of a form requesting the end or dissolution of the credible fear process.

A: OK.

[Interpreter read Request for Dissolution of Credible Fear Process form.]

O: Do you have any questions about the form that was just read to you?

A: .

O: I'm going to ask the detention officer with you to have you sign the form today.

A: OK.

O: Thank you very much for speaking with me today. Have a great day.

A: .



U.S. Citizenship
and Immigration
Services

U.S. Department of Homeland Security
Houston Asylum Office
Houston, TX

MEMORANDUM

TO: MEMO TO FILE

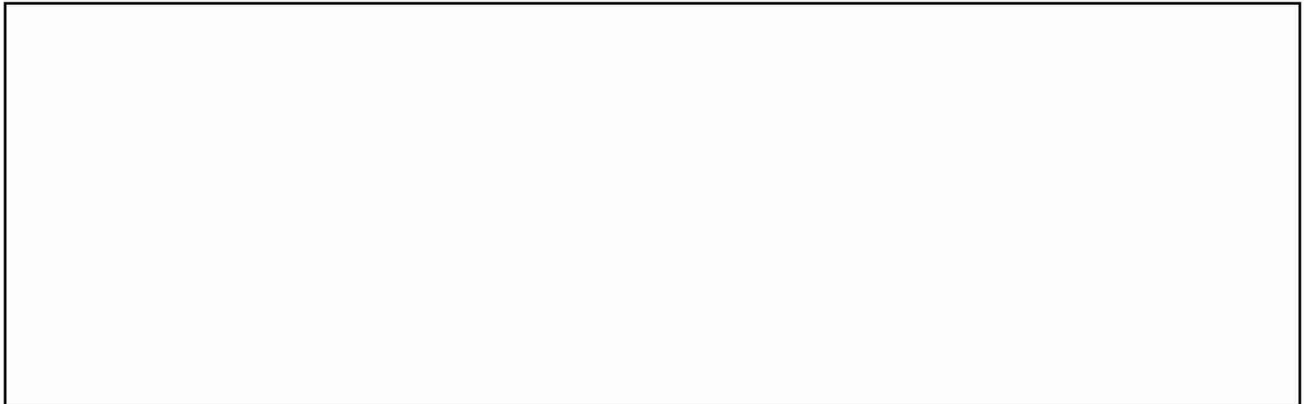
FROM: Great Officer, ZNK 111

DATE: 1/10/2018

RE:



(b)(6)





U.S. Citizenship
and Immigration
Services

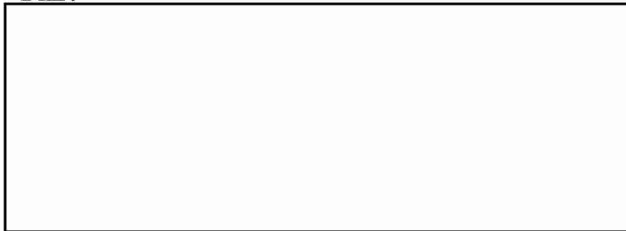
U.S. Department of Homeland Security
Newark Asylum Office Houston
Asylum Office if SWB
Lyndhurst, NJ Houston, TX if SWB

MEMO TO FILE

DATE: 1/10/2018

FROM: Great Officer, ZNK 111

RE:



(b)(6)



In-Person Procedures for USBP at Dilley

- **Pre-interview Process**

- You will have a daily schedule of the applicants you will interview. (You will receive this via e-mail the day before a scheduled interview.)
 - You will not be scheduled any families from Cuba, or Reasonable Fear case. If you receive a case from Cuba, or an RF, this is an error and you should immediately alert your supervisor.
- You will be given a file with the triggering documents. In Corte, the file will be on the shelf outside Mission Support (behind Core Civic). In Asilo, the file will be on a shelf between the two Supervisory Asylum Officers' offices. The documents are also available in Global.
- Review the documents — specifically the I-860, I-867A, I-867B, M-444, legal service providers list and I-213.
 - Make sure the applicant signed and dated the M-444.
 - If not, follow procedures to orient the applicant and add the newly signed and dated M-444 to the file. (Telephonic-send forms for signature by replying to all on the scheduling email.)
- The I-867A/I-867B may show that the applicant did not express fear at the time of apprehension, or may contain additional information about any claimed fear. Plan to elicit testimony regarding the info you find.
- Look for potential bars or national-security issues (these may require an adverse memo depending on a memo to FDNS on the testimony).
- Firm resettlement is the only bar that doesn't require an adverse memo. You simply check boxes 4.13 and 4.19 of the I-870, annotate the BISC, and flag the potential bar in the Global Adjudications tab. Review the Detention and Court Addresses and Codes to ensure you are using the most up-to date information. This [ECN Link](#) lists the different detention facilities and their corresponding addresses and EOIR locations. Below is the information for Dilley today.

- **Security checks**

- Must be completed for each applicant.
 - If the child is under 14 years old, you will not need to run security checks for the child, but you will need to complete the BISC.
 - TECS works better in Internet Explorer.
 - On the BISC, please ensure that any printouts are SINGLE-SIDED and stamped FOUO. If you don't have an FOUO stamp, please handwrite it OR set up a watermark on your printer.
 - In each applicable box, you will need to check at least two separate boxes and you will need to write-in some information, so pay careful attention to the requirements.
 - Make sure you sign the BISC at the bottom.

- **Interviews**

- At the time of your scheduled interview, you will walk out to Core Civic and give them the last three digits of the A# and ask if the applicant arrived. If the applicant arrived,

escort them to your office. If the applicant has not arrived ten minutes after the scheduled interview start, ask Core Civic to find the applicant. If, after thirty minutes, the applicant has not arrived, alert your SAOs.

- If you are looking for a word or phrase in your notes, touch “Control” and “F” at the same time. In the left a Navigation box will pop up and you can use the up and down arrows to find what you are looking for.

- **Telephones**

- To call another person in Dilley, dial 6 + the last four digits of the telephone number.
- To call the interpreter, dial 9 + 1 + area code and telephone number.
- Keep your interpreter pins and dialing instructions close by (Interpreter priority—must call them in this order: (1) Language Line, (2) Lionbridge, & (3) Transperfect) so you are ready to conference in an interpreter as soon as you get the facility on the phone.
 - Be sure to maintain your [Interpreter Log](#). On this site you can find your interpreter pins and dialing instructions. (Also see Instructions, attached.)

- **Start of Interview**

- At the start of an interview, the applicant may hand you a paper stating they need additional time to consult with their lawyer or they may tell you they need more time to see a lawyer. (See attached CARA Reschedule requests.)
 - Audrey Douglas sent e-mail specifically addressing the request to delay an interview for counsel (see above), but here is an excerpt from the e-mail dated 9/18/2019.
 - It is appropriate for you to ask about counsel at the beginning of the interview. CARA prepares all the applicants onsite for their CFIs; that does not necessarily mean they are representing them, or that CARA has the bandwidth to provide in person rep to each applicant family group. A good example of how this exchange should go between you and the applicant is:
 - Q: Do you have counsel?
 - A: Yes, CARA helped me with my case.
 - Q: Are you comfortable continuing without counsel present today?
 - A: Yes.
- If the applicant refuses to go forward without CARA, please get with your SAO and they will coordinate with Corecivic and ICE to get someone from CARA to come over for the interview. Please DO NOT affirmatively send the applicants away, or release, and delay the interview.

- **Times to be aware of**

- Applicant must eat lunch by 1:00 PM CT, so if you have not finished your interview by 12:30 PM CT, take a break and instruct the applicant to bring her child to lunch and then return to the interview after bringing the child back to daycare. Also, dinner ends at 6:00 PM CT, so you must break by 5:30 PM CT.

- Daycare closes at 6:00 PM CT, so if the mother indicated she could not speak freely in front of her child, the interview must conclude by 5:30 PM CT. If you have not completed your interview by 5:30 PM CT, consult with the late night SAO, then ask the applicant to return the next morning and begin your day by completing this interview.
- **Children**
 - If the child/children are in the room with the applicant, ask the applicant if it is OK for her to speak about her past with her children in the room.
 - If it is not OK, instruct the applicant to bring the child/children to daycare and return to the interviewing room.
 - If the child is brought into the interview room because he/she is sick, ask the applicant if she is able to continue or if she needs to bring her child to the doctor immediately. Please speak to your SAO if you need to reschedule due to the child or applicant being too sick to continue.
 - Check-in with the mother to see if she can still speak freely.
 - Please remember that you can use the mother's testimony in lieu of calling in the child/teen, if the outcome is positive, and it doesn't appear that a bar applies to the child.
 - If negative, you do not need to speak to infants and children who cannot speak for themselves. (You must ask the applicant if her child is verbal and be sure to document her answer.) You must interview all children who can speak for themselves.
 - **Make sure the notes indicate that you asked the mom if she wants to answer the questions on behalf of the minor (17 and under).** (Please see separate document titled Interviews with children for sample questions to ask children.)
 - Indicate when you switched to asking questions about the child so the reviewer knows.
 - For example: "do you mind answering questions about your child's experiences and fear of return?"
 - This applies to the bar questions as well, so make sure the notes indicate that the mom and child are included in the bar questions that you are asking to mom.
 - For example: "have you *or your child* ever committed a crime."
 - Sometimes the mother and child are citizens of different countries, so you will be asking the mother about the country where she is a citizen and you will switch to asking the mother about the child's experiences in the country where the child holds citizenship.
- If during the interview you suspect the kid may have a bar issue (i.e. helped the gang sell drugs, watch for police) then call in the minor after you've finished the mother's claim.
- Regardless of child's age, ask the child if he/she wants the mother in the room or if he/she would like to speak to you alone. Every family member has the right to their own CFI and there may be instances of harm that the child would like to discuss without the mother present.
 - If this occurs, let your supervisor know.
- **NTAs and I-863s**
 - Below is the information for Dilley found on the [ECN Link](#)

Detention and Court Addresses
Houston Asylum Office

Nickname File Code (on S drive)	Detention Facility Address	Court Address	District Office (I-870/I-899)	Interview Location (Global)
Denver DEN	Denver Contract Detention Facility 3130 N Oakland Street Aurora, CO 80010	Denver Service Processing Center 3130 N Oakland Street Aurora, CO 80010	DEN	DEN
Dilley	South Texas Family Residential Center 300 El Rancho Way Dilley, TX 78017	Pearsall EOIR 566 Veterans Drive Pearsall, TX 78061	SNA	TRC

- When filling out the NTAs and I-863, they must be accurate because your supervisor can not modify these documents and they will be returned to you.
- NTA name should match I-860.
 - For an arriving alien, fill out the port of entry and the date of arrival.
 - For EWI, use "unknown location" & "on or about" the date listed in the I-213. (as displayed below. (For step-by-step instructions on filling out these documents go the [IFR Shell](#) page 1 and 10.)

2) You are a native of Honduras and a citizen of Honduras.

3) You entered the United States at an unknown location on or about 09/07/2019;

I-863

Place and Manner of Arrival ARR, PUT Santa Teresa, NM, afoot INL, PUT Unknown	Date of Arrival 2/15/2018
--	------------------------------

- For all negative cases, you need a complete set of all the documents for the applicant and each of the children.
- Additionally, please remember that if the bottom portion of the Expedited Removal Order has been executed/signed, then the following boxes need to be checked off on the NTA:

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

☒ Section 235(b)(1) order was vacated ☒ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

- If the bottom portion of the Expedited Removal Order has not been signed, then only the following box needs to be checked off on the NTA:

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

☐ Section 235(b)(1) order was vacated ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

- Family Unity Cases

- If the child has CF, but the mother does not, then you must revise your paperwork to make the child the principal applicant.
- The mother will receive an NTA, but it needs to be modified.
 - Please make sure you are checking the marked box when printing the NTAs for all family members.

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

- **Dissolution Processing**

- Dissolution documents are signed by the AO and applicant and turned into the SAO immediately for review, prior to the applicant departing.
- If concurring, the SAO will sign the dissolution form.
 - You must speak to the child for a dissolution regardless of age. Initially, you will be asking all of the dissolution questions to the applicant. Once all of the questions have been asked, you can have the applicant sign her dissolution.
 - You will then bring in the child (siblings interviewed separately). You will ask them the first few questions as used in the child interview. (See Interviews with children for sample questions to ask children).
 - You will explain to the child that the applicant is requesting to be returned home and requesting that the child goes home with them.
 - If the child cannot answer the above referenced questions, document this and proceed to the applicant signing on behalf of the child.
 - If the child can answer the questions, you will ask them if they are in agreement.
 - If the child is age 14-17, they should sign their own dissolution. If the child is 13 or under, the mother should sign for the child.
- Once you have the applicant, AO and SAO signature on the dissolutions, please turn them into the SAO because the applicant can't be returned until the paperwork has been completed.

- **Reschedules**

- If the applicant or her child are sick, ask your supervisor if you can reschedule. If approved, reach out to Adrienne Grady Madera to let her know you have rescheduled **with supervisor approval.**
 - Also let all supervisors know you are available to assist others.

- **Rare Languages**

- Interviews must be conducted in the language the applicant requests.
- Call all three service providers, if an interpreter is unavailable, ask if they service the language. If they say yes, ask the earliest date they can schedule an interpreter. (Do not schedule, but provide this information to your supervisor.)
- If you cannot get an interpreter for a rare language (after contacting all 3 service providers), you must contact your supervisor and provide information for each of the three service providers to see if you can issue a rare language NTA. If so, issue an NTA

and rare language memo that same day. (For the memo go the [IFR Shell](#) press control and F to find “Rare Language”.)

- AOs update the language in Global.
 - SAOs close the case in Global as rare language.
- If not, schedule an interpreter and complete the interview on the scheduled date.
 - Alert your SAO and Adrienne Grady Madera of the new interview date, so they do not schedule a full caseload for the re-interview date.
- **Joinder Cases**
 - First verify that the applicant in question entered concurrently and the validity of their relationship (e.g. spouse or child under the age of 21).
 - Determine type of case (Type A vs. Type B)
 - Type A
 - Your applicant has a spouse or parent that was already issued a positive decision.
 - Ask support (POC) and your SAO to get you the determination docs.
 - Proceed with asking your applicant the mandatory bar questions and if he/she would like to be joined onto his/her spouse’s/parent’s claim.
 - Ask questions to ensure this is not a domestic violence situation.
 - For example, “Have you ever been beaten or harmed by your spouse/parent?”
 - Issue a joinder memo/NTA.
 - Type B
 - Your applicant is going to be interviewed first and a positive decision does not yet exist for your applicant’s spouse/child.
 - Record the spouse’s/child’s information on the I-870 and their desire to have their cases joined.
 - E-mail mission support (Adrienne Grady Madera and your SAO) the spouse’s/child’s information (name, A number, detention facility), only for family members not detained at Dilley.
 - If positive, support will scan the determination docs to the Asylum Office having juris over the joinder.
- **Work flow expectation**
 - Once you complete the ramp up period, everyone will generally be assigned 3 CF FAMU cases.
 - There should be no need for OT, unless approved by your supervisor or Section Chief Audrey Douglas.
 - You may be asked to conduct a follow-up interview instead of an initial interview. Because the follow-up interviews are less involved, you may be assigned more than three.

- **Case processing**

- On the day you interview a case, you will need to complete all paperwork and turn it in to your supervisor by COB. Below is a list of documents you will be submitting.
- For a negative, each applicant and child gets their own full individualized packet. For a positive, applicant gets a full packet and the others get only a NTA.

Negative IFR Decisions (forms in record order)	Positive IFR Decisions (forms in record order)
Third-Country-Transit Bar Worksheet	Third-Country-Transit Bar Worksheet
I-870 – (dated 7.16.19) <i>sign/date last page</i> (flag any possible bars)	I-870 – (dated 7.16.19) <i>sign/date last page</i> (flag any possible bars)
Credible Fear Determination Checklist (Effective as of May 6, 2019)	Credible Fear Determination Checklist (Effective as of July 16, 2019)
Interview notes	Interview notes
I-863	I-862 (NTA - Notice to Appear)
I-869A	Orientation memo to file (if barred by IFR)
Orientation memo to file (if barred by IFR)	Adverse memo (if applicable)

- **Checklist**

- I-870 should match the CF checklist. If the checklist says torture, then the I-870 cannot say persecution.
- Please refer to the examples provided by HQ.

- **Global (A.K.A Checkers/Checks tab print-out in the BISC)**

- Chrome works best. If you run into any problems, switch to Chrome.
- For IFR cases
 - If the applicant is subject to the bar, select special group code “bar-13(c)(4)”
 - If the applicant is subject to the bar, but establishes an exception, select special group code “no bar-13(c)(4)”
- When you are entering in the adjudication information for Global, please be sure you are updating the religion and language for ALL applicants (mothers and children) on the “Entry” page. You will also need to update the adjudication tab for all applicants.
 - Move to the adjudication tab to add your interview and decision details.
- When updating Global for a PSG, you are describing a group, not the individual. For example:
 - “Family of John Doe”
 - “Women who are viewed as property by virtue of their position within a domestic relationship”
 - “Salvadoran sexual minorities”



- Please update these 3 items:

Religion	Language(s)	Interpreter Required
CHRISTIAN	SPANISH	☒ Yes ☐ No

- After Global is updated turn the packets in on the file review shelf located between the two supervisor's offices, by COB.
- **FDNS**
 - For cases with FDNS issues, please ensure that you follow the steps listed in the e-mail from FDNS.
 - Comply with FDNS procedures before turning in your paperwork. If you sent FDNS a memo or an adverse memo place a copy in the file. If you communicated with FDNS, but did not send any memos, please leave a copy of the communication in the file so the supervisor can see this too.
- **Re-interview**
 - When applicant arrives confirm her name. Explain you need to conduct a re-interview because you have some additional questions about her credible fear claim. If she had a lawyer before, ask if the lawyer is coming into the re-interview. (If the applicant requests that CARA accompany them for the re-interview, speak with your SAO and they will coordinate with CoreCivic and ICE to get someone from CARA to come over for the re-interview.) If the lawyer is not coming to the re-interview or they were unrepresented previously, ask the applicant if she is comfortable answering your questions without a lawyer.
 - Ask if the applicant is comfortable speaking to a male/female officer and a male/female interpreter. Confirm that she will continue to answer questions on behalf of her child/children.
 - Swear in applicant and begin asking the additional questions that you were asked to cover.
 - Do not cover any information covered in a prior interview, unless directed by a SAO. Please do not go over the I-870, the M-444 or ask the mandatory bar questions for a second time.
 - You **MUST** read a summary of the applicant's testimony at the end of the re-interview because this is a requirement for all credible fear interviews.
 - You only need to summarize what the applicant testified to at the re-interview.
 - You will always need to update Global in the adjudication tab.
 - If you do not change the decision, in the interview section, type your identifying information, re-interview and the date. (I would type-ZHN866-Reinterviewed applicant on 1/23/2020.
 - If you change the decision, let your supervisor know and they will remove the decision, so you can add the new interview date and your new decision.
 - You will also need to modify the forms as follows:
 - I-870
 - New interview date;
 - Interpreter added and times added;
 - If the applicant had a new or different consultant/lawyer add this and update the information in Global;

- Sign the last page of I-870 and date it for today; and
- If you change the decision, you will need to modify the relevant sections.
- Checklist
 - Update if there are new facts during the re-interview that are relevant to the decision analysis.
- NTA and referral documents
 - Needs to be submitted **only** if the NTA in the file was dated.
 - If you change the decision to a negative, you will have to create those service documents instead of the NTA.

**Interpreter Vendor Dialing Instructions
(For TDY Employees Under HQ Billing Code)**

Language Line:

- Call Phone #: 1-866-874-3972
- Enter 6 digit client ID#
 - ZHQ: (b)(6)
- Select Language
- Enter 4 digit pin#
- Enter 2 digit interview code
 - – Affirmative Asylum
 - – Credible Fear
 - – Reasonable Fear
 - – Safe Third Country
 - – I-730 Petition
 - – Other
 - – Termination

(b)(6)

Lionbridge:

- Call Toll Free #: 1-877-347-5264
- Enter Pin #
- Select Interview Type
- Select Language
 - Press 1 for Spanish
 - Press 2 for Mandarin
 - Press 3 for Arabic
 - Press 4 for Punjabi
 - Press 5 for Gujarati
 - Press 6 for Russian
 - Press 7 for Amharic
 - Press 8 for Nepalese
 - Press 9 for French
 - For any other language needs or concerns, press 0 for operator assistance

Transperfect:

- Call the phone number associated with the office:
 - ZHQ: 844-789-1960
- Enter the four digit pin number
- Service Type:
 - 1 = On Demand
 - 2 = Scheduled
- Call Type:
 - 1 = Credible Fear
 - 2 = Reasonable Fear
 - 3 = Safe 3rd Country
 - 4 = Affirmative Asylum
- Need to add third party:
 - 1 = Yes
 - 2 = No
- Select language:
 - Spanish = 772
 - Mandarin = 626
 - Russian = 787
 - Punjabi = 786
 - Arabic = 272
 - Gujarati = 485
 - Haitian Creole = 424
 - Hindi = 446
 - Portuguese = 767

MAIL MERGE

1. **Save Work Log & Shells** to your Work Folders.
2. **Open Work Log.** Open the Case Tracker tab. If you're doing affirmative, fill in all the columns with data from the I-589 in the orange section (and green if dependents). If you're doing APSO, use data from the I-213 and be sure to fill out the pink section too. Save.

Intvw_dt	Day	Intvw_time	A_num	Intvw_type	PA_first	PA_mid	PA_last
1/10/2018	M	8:30 AM					

(b)(6)

Dep1_A	Dep1_DOB	Dep1_first	Dep1_mid	Dep1_last

(b)(6)

(APSO ONLY)

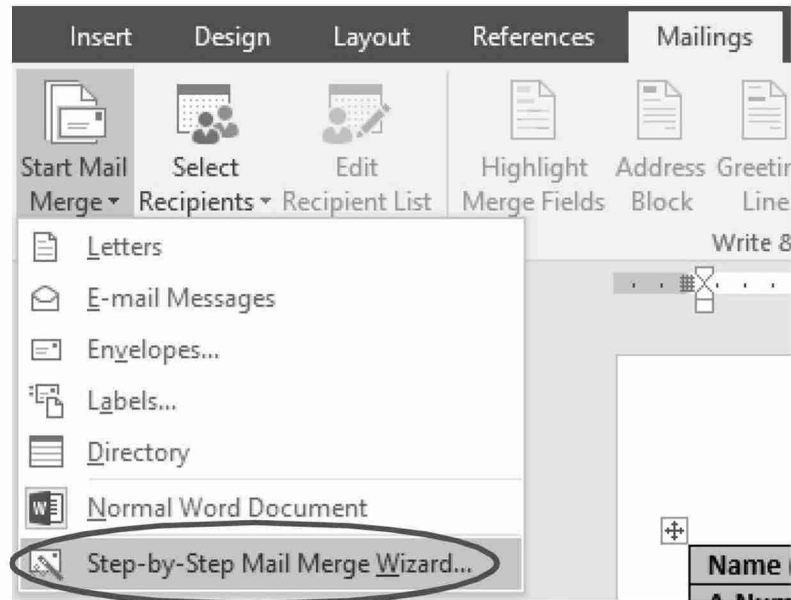
DOE	POE	MOE	Apprehend_d	Orient_dt	District_office	Detention_site	Detention_phone	EOIR_court

3. **Open the Shell.** This is a shell document to be used for all applicants. Thus, you generally don't want to make any changes to it (unless you want those changes to be permanent for all applicants in the future – for example, you can copy and paste your own interview template if you don't like the template that's already there). The shells have limits to the number of dependents they will auto-fill the documents for:
 - a) The standard Affirmative Shell has capacity for the primary and one dependent. If you have more than one dependent, use the Affirmative Shell/4 Deps.
 - b) The CF Shells (Inland and Arriving Alien) have capacity for the primary and up to two dependents. If you have more than two dependents, use the CF Shell/4 Deps, which has both Inland and Arriving Alien documents.
 - c) The RF Shell has capacity for the primary and also has a set of CF documents for one child. The reason is that most RF family interviews involve one parent subject to RF and one child subject to CF. If you have more than one child in CF, you will have to generate that child's documents separately.

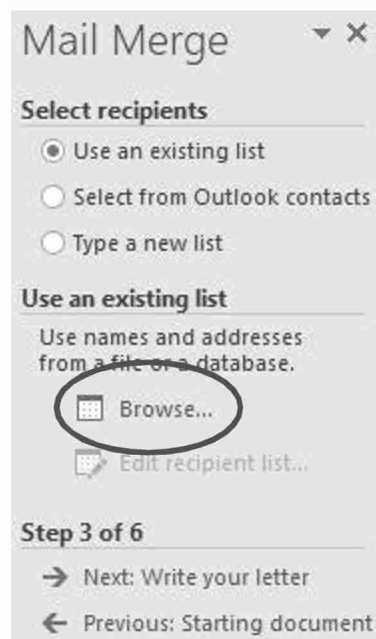
 AF_SHELL - 1 DEP
 AF_SHELL - UP TO 4 DEPS
 AF_SHELL_UAC
 CF_SHELL_ARR
 CF_SHELL_INL
 CF_SHELL_UP TO 4 DEPS
 RF_SHELL

4. **Link the Shell to the Case Tracker:**

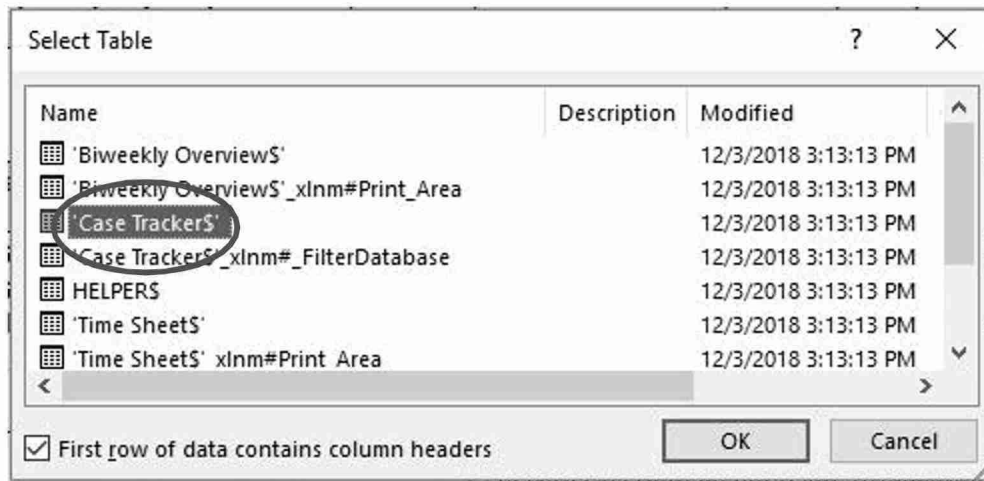
- a) If a box pops up telling you to browse for your Database, do so. (You may have to click through a few error messages before it will let you browse).
- b) Go to the “Mailings” tab. Select “Start Mail Merge.” Click “Step by Step Mail Merge Wizard”



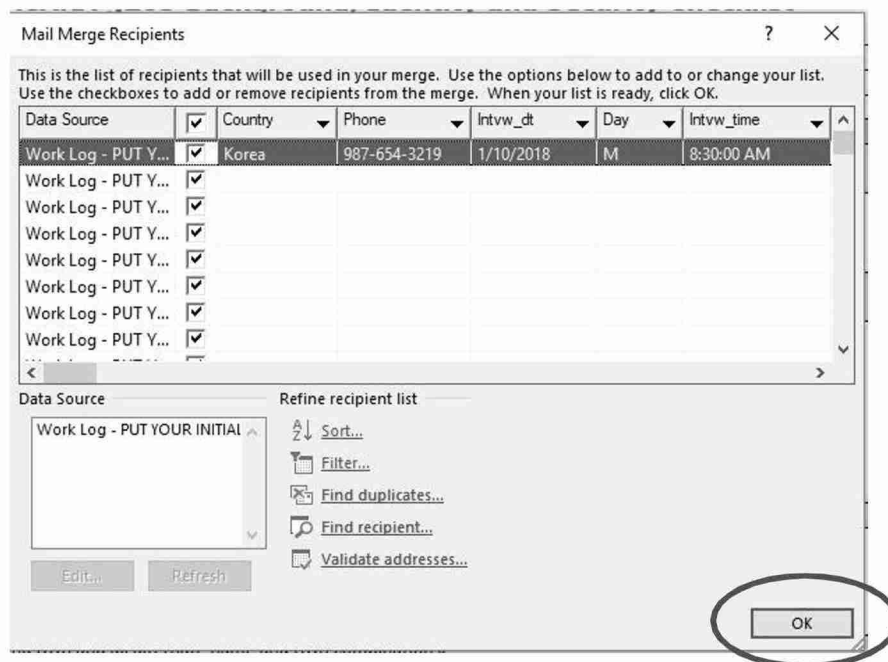
- c) Scroll through to step 3 of 6, unless you're already there. Select “Use an existing list” and BROWSE for your Work Log wherever you saved it.



- d) Choose “Case Tracker” tab” and hit “OK”

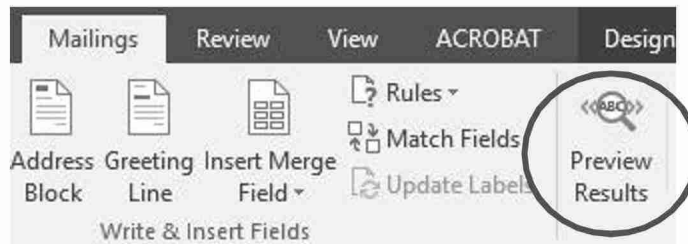


- e) When the “Mail Merge Recipients” box pops up, leave everything checked and click “OK”

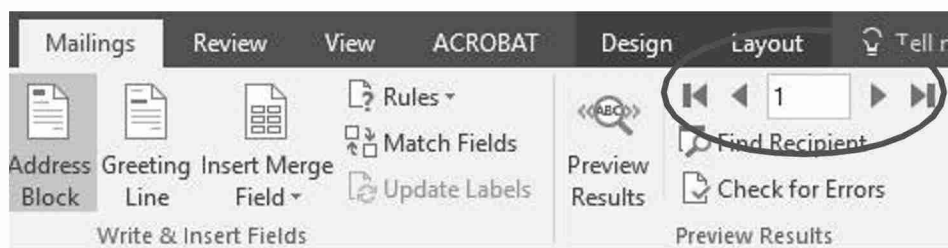


- f) Save your Shell so that it will be automatically connected to your Case Tracker in the future. Now when you open this shell in the future, you can skip to the next step. You shouldn't have to use the Wizard to connect your Case Tracker to your Shell.

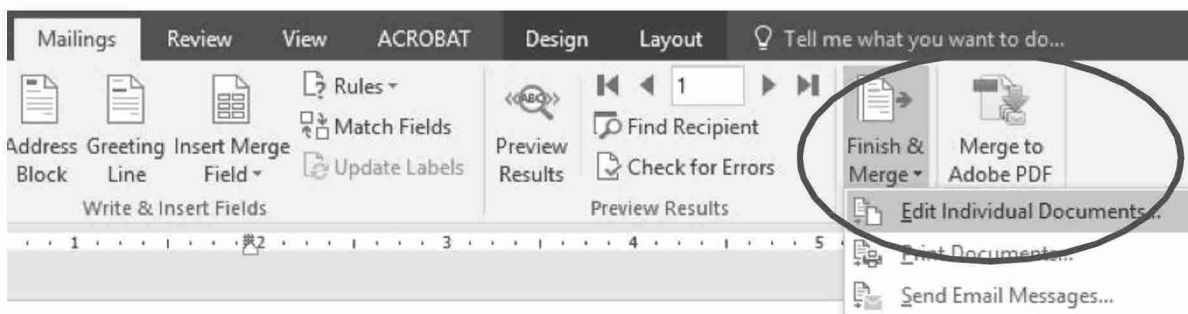
5. **Hit “Preview Results”** under the “Mailings” tab. Instead of code, now you should see names, numbers, and dates appear in the Shell.



6. **Sync your applicant’s data** with your Shell by typing in the number of the row for your applicant from the Case Tracker into the space with the number in it under the “Mailings” tab in your Document. Or scroll through with the “>” button until you find the applicant.



7. **Hit the “Finish & Merge” button** → “Edit Individual Documents” → “Current Record.” The document that opens is the document you can edit and customize for your individual applicant.



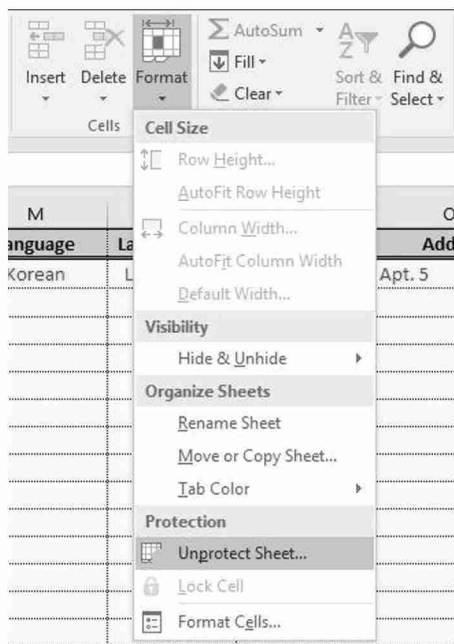
- This step is very important. If you just (improperly) SAVE AS then work within your shell, the code will be retained, and your document may not open properly in the future.
- If by chance you should (improperly) SAVE AS and do your interview in a document containing code rather than text, you can convert the code to text by selecting all (CTRL + A) then hitting: CTRL + SHIFT + F9. Note that even if you select all, you may not select individual headers, so you should open up the headers and repeat the CTRL + SHIFT + F9 step throughout your document.

8. **Save your individual Document.** Recommended title: XXXX-XXX-XXX_Year-Mo-Da_CForRF_PERorCAT_GRANTorDENY_Country_Nexus_SalientFact. Do all of your work in this individual document, and upload this to your L: Drive after you are done your assessment.
9. **Deleting** is a little tricky. You can highlight and delete, but if you're trying to delete a table, the better strategy is to highlight and CUT. Whether you delete or cut, you must be careful that by doing so you are not shifting the headers from one document to the next. Keep your UNDO button handy if you should mistakenly move a header from one document to another by deleting. Note that deleting is not required. If you are having difficulty with deleting pages, you can just keep them in there on your computer, then once you print, manually remove the pages you don't need.
10. **Printing** is a little tricky.
 - a) One strategy is to print everything at the end after you are done writing up your assessment and just manually remove the pages you don't need.
 - b) A second strategy is to delete pages you don't need then at the end just print everything (though be careful when you delete that it doesn't cause a heading or footer from another section to creep onto your remaining pages – you may have to play with it a bit; sometimes “cutting” is the best way to delete; keep the “undo” button handy).
 - c) A third strategy is to print page ranges as needed:
 - 1) On the bottom of your MS Word screen, you will see a bar with the page number, word count, language, etc. Right-click on that bar and check the first two options: “formatted page number” and “section.” Now you will see on that bar two important data points: page# and section#.
 - 2) Click anywhere on the first page you want to start printing at. Note the p# and s#.
 - 3) Click anywhere on the last page you want to print. Note the p# and s#.
 - 4) Hit CTRL+P.
 - 5) In the print range, enter “p#s# - p#s#” and print.

Drop-Down List Override for Mail Merge

If you're using Mail Merge and find that your court, detention site, or another criterion is not in the list of a drop-down options, you can override the list:

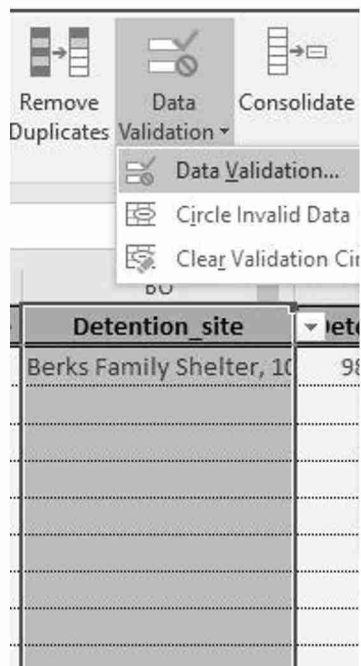
1) First, you have to “unprotect” your Case Tracker by going to Home → Format → Unprotect Sheet.



2) Highlight the column you want to remove the Drop-Down from.

[illegible]

3) At the top of the document, select: Data → Data Validation → Data Validation.



4) In the box that opens, click “Clear All.” Now you can type whatever you would like in the cells in that column.



Andre, Lisa S

From: Andre, Lisa S
Sent: Wednesday, January 29, 2020 8:49 AM
To: MEDINA, AARON A; EWING, SENORINA; MARTINEZ JR, PORFIRIO; PEREZ, LARRY E.; SALAZAR, BENITO E; FALCON, ORLANDO; MENDOZA, ROBERT L; GONZALES, RUTH A; ZUNIGA, NANCY; OCHOA, ADRIAN; HOWDEN, JESSICA; NGUYEN, MINH H; ARROYO, ARNALDO; PAEZ, MACEDONIO; TORRES, RAFAEL E; LILLY, MARTIN C; EISER, ANA J; BOYD, WARD C; O'NEAL, LACEY E; OSTROWSKI, BRANDON A; FRANCO, RICARDO; CARRILLO, MARIO A; NUNEZ2, SERGIO
Cc: Maloney, Kathleen M; Leigh, Francis W
Subject: Self-Study Materials for This Week
Attachments: CF for CBP Self Study.docx

All –

Attached are the self-study materials that you can work on over the next few days when you are not working on your interviews. Shannon initially sent this to you to work on after your DT but I know most of you did not have time to complete it. Please concentrate on the COI portion, and work on the typing exercises if you think they would be beneficial for you. You may also use this time to complete your vouchers, to revise your templates and to finish any mandatory PALMS trainings that you need to complete while you are on detail with us.

I will be in and out of the training room all day. If you have any questions, or want to go over anything specific, just let me know. I will also be returning your checklist exercises throughout the day and discussing them with you individually.

Thanks!
Lisa

From: Andre, Lisa S
Sent: Sunday, January 26, 2020 6:00 PM (b)(7)(c)
To: [REDACTED]

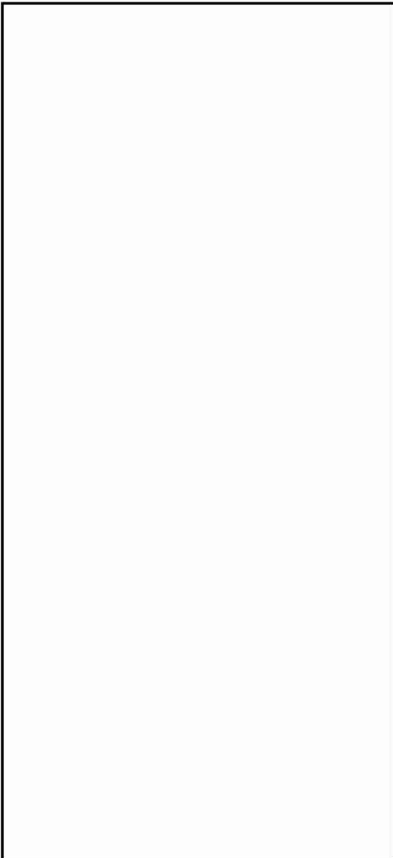
Cc: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Tchindebet, Samuel A <samuel.a.tchindebet@uscis.dhs.gov>; Gamez, Mayra A <mayra.a.gamez@uscis.dhs.gov>; Smelas, Katherine A (Katie) <katherine.a.smelas@uscis.dhs.gov>; Jadhav, Ajita K <ajita.k.jadhav@uscis.dhs.gov>; Raney, Lisa M <lisa.m.raney@uscis.dhs.gov>; Aruch, Jaclyn B <jaclyn.b.aruch@uscis.dhs.gov>; Faltas, Iberkis M <iberkis.m.faltas@uscis.dhs.gov>; Sutherland, Christopher L <christopher.l.sutherland@uscis.dhs.gov>

Subject: Schedule for Monday 1/27

Hi all –

You will be practicing interviewing on Monday. During one half of the day, you will be practicing the claim portion of the interview in pairs. Each pair will be assigned to an AO who will provide you with feedback. These interviews will take place in the AO's office. During the other half of the day, you will practicing the introduction and biographical portion of the interview in pairs. This portion will be in the large training room. A couple AOs as well as Kathleen and I will be rotating between pairs, and providing feedback. Please note you will still be in Group A and B. Please see your assignments for the day below (note you will work in the same pairs all day):

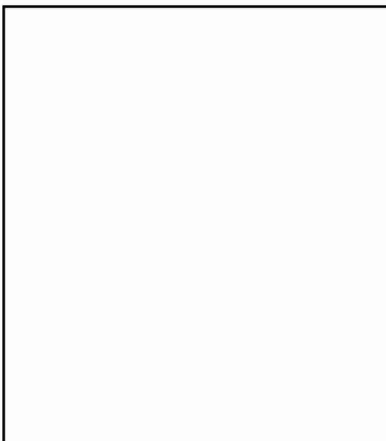
Group B – Claim Mocks with AO in Asilo – 8:00 AM to 11:30 AM



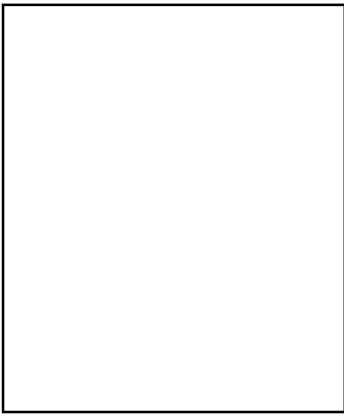
(b)(7)(c)

Ajita Jadhav and Christopher Sutherland will be with Group A for Intro & Biographical Portion in Corte Training Room

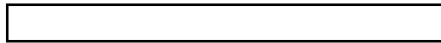
Group B – Claim Mocks with AO in Asilo – 12:30 PM AM to 4:00 PM



(b)(7)(c)



(b)(7)(c)



will be with Group B for Intro & Biographical Portion in Corte Training Room

Thanks,
Lisa

CF for CBP Self Study

After you complete your Distance Training, you must complete as much of the following self-guided training as your schedule permits. These selections are relevant to current Asylum caseloads and will provide helpful background information you can use in screening credible fear cases.

If your time is limited, please prioritize and complete tasks 1 through 3.

1. Mock Interview Transcript

- Print out a copy of this transcribed interview (click to access):



Alieva_Transcript_u
pdate10_4_12_RAIO.

- Please read the transcription of the mock interview of Tatyana Alieva. Indicate on the transcription:
 - *Questions that you think are particularly good, and why;*
 - *Whether you would have asked some questions differently; and*
 - *If you would have asked additional questions to elicit more information on the same topic, or moved on to a new topic.*

This exercise is best done in a pair or group, so that you can discuss answers with each other. If we have time, we will go over this in face to face training.

Group Assignments:

- ★ Please reach out to the people listed in your group to complete the exercise.
- ★ As some agents and officers may be taking substantial holiday leave, we encourage you to reach out to your group members early on in the process. If you cannot reach any of your team members, please inform Shannon and Jonathan.
- ★ Designate one member of your group to record your answers to the questions above on directly on the transcript.
- ★ Scan and send the completed exercise *with your group number and the names of those who completed the exercise* to Shannon, Jonathan and the Asylum Training Coordinators inbox.

(b)(7)(c)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

(b)(7)(c)

Group 10

(b)(7)(c)

Group 11

Group 12

(b)(7)(c)

2. Typing skills

Please practice typing for **at least 1 hour per day**. Suggested resources:

- Typingtest.com - <https://www.typingtest.com/>
- Typing.com - <https://www.typing.com/>
- Typingclub.com - <https://www.typingclub.com/>
- Keybr.com - <https://www.keybr.com/>

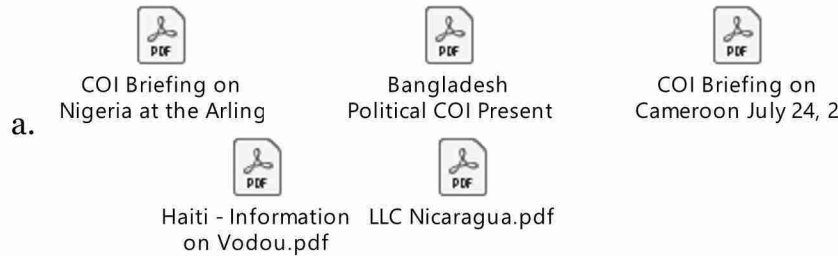
3. COI

Read the State Department Reports for these countries, which you can access by clicking the hyperlink. Then, conduct COI research on the common claims listed to begin to build your reference library on common claims:

- Honduras
 - Domestic violence
 - LGBTQI
 - Gang violence
- Guatemala
 - Domestic violence
 - LGBTQI
 - Indigenous peoples
 - Gang violence

- El Salvador
 - Domestic violence
 - LGBTI
 - Gang violence
- China
 - Christian
 - Uyghur
 - One child policy
 - Political opinion
- India
 - Political opinion
 - Race
 - Religion
- Venezuela
 - Political opinion
- Nicaragua
 - Political opinion
- Democratic Republic of the Congo
 - Domestic violence
 - Ethnicity
 - Political opinion
- Brazil
 - Political opinion
- Mexico
 - Domestic violence
 - Cartel violence
- Ecuador
 - Political Opinion
- Haiti
 - Political opinion
 - Religion

4. **COI Briefings and Reports** (click to access):



5. Cases and Memos (in attached zip drive)

a. Particular Social Group

- *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)
- *Matter of L-E-A-*, 27 I&N Dec. 581, 594 (A.G. 2019)
- USCIS Memorandum, *Guidance for Processing Reasonable Fear, Credible Fear, Asylum, and Refugee Claims in Accordance with Matter of L-E-A-* (undated, issued Sept. 30, 2019).

b. Political Opinion

- *Saldarriaga v. Gonzales*, 402 F.3d 46 (4th Cir. 2005).
- *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993).
- *Regalado-Escobar v. Holder*, 717 F.3d 724, 729 (9th Cir. 2013)

c. Religion

- *Bastanipour v. INS*, 980 F.2d 1129 (7th Cir. 1992) (prosecution under law against apostasy found to be persecution “on account of” religion).
- International Religious Freedom Act of 1998, Pub. L. 105-292.

d. Nationality/Ethnicity

- *Matter of S-A-*, 22 I&N Dec. 1328 (BIA 2000).
- *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 n.5 (9th Cir. 1999) (noting that ethnicity may be analyzed as both race and nationality).

e. Race

- *Matter of S-P-*, 21 I & N Dec. 486, 495–96 (BIA 1996) (finding that although the applicant may have been initially detained for intelligence gathering purposes, the severity and duration of harm suffered exceeded any legitimate intelligence motive).

- *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 n.5 (9th Cir. 1999).

6. Interviewing Children



2015-fi-structure.pdf
f

7. Videos:

- Edeos- Digital Education, *Human Rights Explainer*, July 22, 2011, available at: <https://www.youtube.com/watch?v=kbul3hxYGNU&list=PLSOknOL7CeZMOWQVegNFRyigaoGg2RTCQ> (9 minutes)
 - Explanation of the Universal Declaration of Human Rights
- Benedetta Berti, *What are the universal human rights?*, Oct 15, 2015 at: <https://www.youtube.com/watch?v=nDgIVseTkuE> (5 minutes)
- Courses of Ireland, *The 30 Articles of the Universal Declaration of Human Rights*, April 30, 2013, available at: <https://www.youtube.com/watch?v=hyVJHpiHO8I> (29 minutes)
 - Simplified reading and explanation of the Universal Declaration of Human Rights
 - The Economist, *How China is crushing the Uighurs*, July 09, 2019, available at: <https://www.youtube.com/watch?v=GRBcP5Brffi> (9 minutes)
 - Related article: Lindsay Maizland, *China's Repression of Uighurs in Xinjiang*, COUNCIL ON FOREIGN RELATIONS (last updated 25 November 2019), available at: <https://www.cfr.org/backgrounders/chinas-repression-uighurs-xinjiang>
 - Directed by Pamela Yates & Thomas Sigel, *When the Mountains Tremble*, April 28, 2014, available at: <https://www.youtube.com/watch?v=7u-O8mbpi6w>
 - VICE News, *Gangs of El Salvador*, Nov. 30, 2015, available at: <https://www.youtube.com/watch?v=HGG7lRJJkJK>
 - Al Jazeera, *Life on the line: Inside Venezuela's crisis, Talk to Al Jazeera*, July 16, 2016, available at: <https://www.youtube.com/watch?v=dowPU3KOr9o>
 - ABC News In-Depth, *Going Undercover In Venezuela* | Foreign Correspondent, March 20, 2017, available at: <https://www.youtube.com/watch?v=3QjufxrigE4>

8. UNHCR Reports

- a. UNHCR, *Women on the Run: First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*, Oct. 26, 2015, available at <http://www.refworld.org/docid/56307e2a4.html> (last accessed December 20, 2019) (60 pages) (1.5 hours)
 - i. This report is based on information provided by women fleeing violence, including gender-based violence, in El Salvador, Guatemala, and Honduras.
 - b. UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, Mar. 13, 2014, available at <http://www.refworld.org/docid/532180c24.html> (last accessed December 20, 2019) (120 pages) (3 hours). In addition to the full report, officers should read Appendix III, “UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs.”
9. PALMS trainings as required

Andre, Lisa S

From: Andre, Lisa S
Sent: Monday, February 3, 2020 11:50 AM
To: MEDINA, AARON A; EWING, SENORINA; MARTINEZ JR, PORFIRIO; PEREZ, LARRY E.; SALAZAR, BENITO E; FALCON, ORLANDO; MENDOZA, ROBERT L; GONZALES, RUTH A; ZUNIGA, NANCY; OCHOA, ADRIAN; HOWDEN, JESSICA; NGUYEN, MINH H; ARROYO, ARNALDO; PAEZ, MACEDONIO; TORRES, RAFAEL E; LILLY, MARTIN C; EISER, ANA J; BOYD, WARD C; O'NEAL, LACEY E; OSTROWSKI, BRANDON A; FRANCO, RICARDO; CARRILLO, MARIO A; NUNEZ2, SERGIO
Subject: Thank You

Hi all –

Today is my official last day working with all you. I am still working on reviewing your interviews from last week. If I find any issues with the interview/write-up, I will send an email to you as well as the AO. If you don't hear from me today, that means I signed off on the adjudication without needing to return it. 😊

On another note, I know meditation is not necessary everyone's thing, but a few of you have already mentioned the effects of hearing stories of trauma on a regular basis. RAIO started offering regular guided meditations as part of an overall resiliency program aimed at helping with the effects of secondary trauma. The FedStrive Meditation Fridays is available to all federal employees and you can register here:

<https://register.gotowebinar.com/register/2371197266106717953>. There are also other resources available through FedStrive if you find yourself needing them.

It was a pleasure working with all of you. If you ever have any questions, feel free to reach out.

Hoping this all makes sense,

Lisa

Alexander, Shannon

From: Alexander, Shannon
Sent: Friday, February 7, 2020 8:12 AM
To: Maloney, Kathleen M; Gordon, Jonathan; Leigh, Francis W; Andre, Lisa S; Baines, Melodee M; Demchak, Tony E
Subject: RE: Can someone please send me the COI exercise for tomorrow?
Attachments: CF for CBP Self Study.docx

These are the gap materials we gave the BPAs to fill the time between DT and F2F (it is derived from the gap materials that we give to AOs). There are a few COI components in it.

Thanks!

Best,

Shannon

From: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>
Sent: Friday, February 7, 2020 9:05 AM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Andre, Lisa S <Lisa.S.Andre@uscis.dhs.gov>; Baines, Melodee M <melodee.m.baines@uscis.dhs.gov>; Demchak, Tony E <tony.e.demchak@uscis.dhs.gov>
Subject: RE: Can someone please send me the COI exercise for tomorrow?

Hi Lisa, Shannon or Jonathan,

The schedule was modified to include this COI exercise. Can one of you please send that to me?

Thanks.

Best,
Kathleen

From: Maloney, Kathleen M
Sent: Thursday, February 06, 2020 4:22 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Andre, Lisa S <Lisa.S.Andre@uscis.dhs.gov>; Baines, Melodee M <melodee.m.baines@uscis.dhs.gov>; Demchak, Tony E <tony.e.demchak@uscis.dhs.gov>
Subject: Can someone please send me the COI exercise for tomorrow?

Hi all,

Tomorrow is the last day of OJT. Can you please send me the approved COI exercise listed below?

Thanks.

Best,
Kathleen

1

14) FEBRUARY 6	(DAY 15) FEBRUARY 7
<u>1 group A</u> <u>ne interview</u> <u>by an officer).</u> <u>paperwork</u> :00 pm (4.5 hrs. with ak)	<u>COI exercise</u> WORK ON PENDING REVISIONS/COMPLETIONS
<u>1 Group B and C</u> <u>2 self-guided</u> <u>1s and feedback</u> <u>tice cases</u> :00 pm (4.5 hrs. with ak)	
	LUNCH
om morning :00 pm (3.5 hrs. with ak)	Continue from morning <u>Wrap up and answer</u> <u>questions</u> 2:00 pm – 4:00 pm (2. hrs.)

Kathleen M. Maloney | Training Officer
South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017

kathleen.m.maloney@uscis.dhs.gov

Desk Phone:

Cell Phone:

(b)(6)

AMERICAN
OVERSIGHT

DHS-19-1398-C, 19-1400-B-000321

CF for CBP Self Study

After you complete your Distance Training, you must complete as much of the following self-guided training as your schedule permits. These selections are relevant to current Asylum caseloads and will provide helpful background information you can use in screening credible fear cases.

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pdate10_4_12_RAIO.

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 - *Questions that you think are particularly good, and why;*
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 - *If you would have asked additional questions to elicit more information on the same topic, or moved on to a new topic.*

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- ★ Scan and send the completed exercise *with your group number and the names of those who completed the exercise* to Shannon, Jonathan and the Asylum Training Coordinators inbox.

(b)(7)(c)

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

(b)(7)(c)

Group 9

(b)(7)(c)

Group 10

Group 11

Group 12

(b)(7)(c)

2. Typing skills

Please practice typing for **at least 1 hour per day**. Suggested resources:

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- Typing.com - <https://www.typing.com/>
- Typingclub.com - <https://www.typingclub.com/>
- Keybr.com - <https://www.keybr.com/>

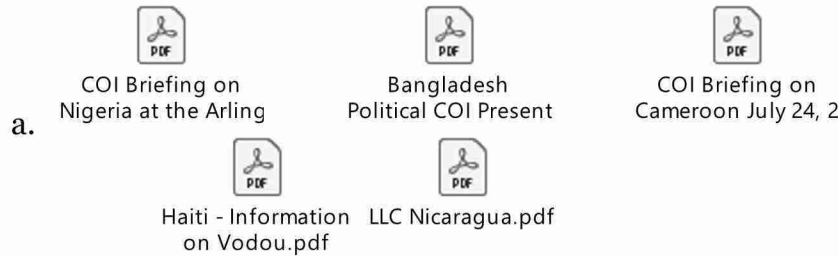
3. COI

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 - LGBTQI
 - Gang violence
- Guatemala
 - Domestic violence
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 - Indigenous peoples
 - Gang violence

- El Salvador
 - Domestic violence
 - LGBTI
 - Gang violence
- China
 - Christian
 - Uyghur
 - One child policy
 - Political opinion
- India
 - Political opinion
 - Race
 - Religion
- Venezuela
 - Political opinion
- Nicaragua
 - Political opinion
- Democratic Republic of the Congo
 - Domestic violence
 - Ethnicity
 - Political opinion
- Brazil
 - Political opinion
- Mexico
 - Domestic violence
 - Cartel violence
- Ecuador
 - Political Opinion
- Haiti
 - Political opinion
 - Religion

4. **COI Briefings and Reports** (click to access):



5. Cases and Memos (in attached zip drive)

a. Particular Social Group

- *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)
- *Matter of L-E-A-*, 27 I&N Dec. 581, 594 (A.G. 2019)
- USCIS Memorandum, *Guidance for Processing Reasonable Fear, Credible Fear, Asylum, and Refugee Claims in Accordance with Matter of L-E-A-* (undated, issued Sept. 30, 2019).

b. Political Opinion

- *Saldarriaga v. Gonzales*, 402 F.3d 46 (4th Cir. 2005).
- *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993).
- *Regalado-Escobar v. Holder*, 717 F.3d 724, 729 (9th Cir. 2013)

c. Religion

- *Bastanipour v. INS*, 980 F.2d 1129 (7th Cir. 1992) (prosecution under law against apostasy found to be persecution “on account of” religion).
- International Religious Freedom Act of 1998, Pub. L. 105-292.

d. Nationality/Ethnicity

- *Matter of S-A-*, 22 I&N Dec. 1328 (BIA 2000).
- *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 n.5 (9th Cir. 1999) (noting that ethnicity may be analyzed as both race and nationality).

e. Race

- *Matter of S-P-*, 21 I & N Dec. 486, 495–96 (BIA 1996) (finding that although the applicant may have been initially detained for intelligence gathering purposes, the severity and duration of harm suffered exceeded any legitimate intelligence motive).

- *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 n.5 (9th Cir. 1999).

6. Interviewing Children



2015-fi-structure.pdf
f

7. Videos:

- Edeos- Digital Education, *Human Rights Explainer*, July 22, 2011, available at: <https://www.youtube.com/watch?v=kbul3hxYGNU&list=PLSOknOL7CeZMOWQVegNFRyigaoGg2RTCQ> (9 minutes)
 - Explanation of the Universal Declaration of Human Rights
- Benedetta Berti, *What are the universal human rights?*, Oct 15, 2015 at: <https://www.youtube.com/watch?v=nDgIVseTkuE> (5 minutes)
- Courses of Ireland, *The 30 Articles of the Universal Declaration of Human Rights*, April 30, 2013, available at: <https://www.youtube.com/watch?v=hyVJHpiHO8I> (29 minutes)
 - Simplified reading and explanation of the Universal Declaration of Human Rights
 - The Economist, *How China is crushing the Uighurs*, July 09, 2019, available at: <https://www.youtube.com/watch?v=GRBcP5Brffi> (9 minutes)
 - Related article: Lindsay Maizland, *China's Repression of Uighurs in Xinjiang*, COUNCIL ON FOREIGN RELATIONS (last updated 25 November 2019), available at: <https://www.cfr.org/backgrounders/chinas-repression-uighurs-xinjiang>
 - Directed by Pamela Yates & Thomas Sigel, *When the Mountains Tremble*, April 28, 2014, available at: <https://www.youtube.com/watch?v=7u-O8mbpi6w>
 - VICE News, *Gangs of El Salvador*, Nov. 30, 2015, available at: <https://www.youtube.com/watch?v=HGG7lRJJkJK>
 - Al Jazeera, *Life on the line: Inside Venezuela's crisis, Talk to Al Jazeera*, July 16, 2016, available at: <https://www.youtube.com/watch?v=dowPU3KOr9o>
 - ABC News In-Depth, *Going Undercover In Venezuela* | Foreign Correspondent, March 20, 2017, available at: <https://www.youtube.com/watch?v=3QjufxrigE4>

8. UNHCR Reports

- a. UNHCR, *Women on the Run: First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*, Oct. 26, 2015, available at <http://www.refworld.org/docid/56307e2a4.html> (last accessed December 20, 2019) (60 pages) (1.5 hours)
 - i. This report is based on information provided by women fleeing violence, including gender-based violence, in El Salvador, Guatemala, and Honduras.
 - b. UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, Mar. 13, 2014, available at <http://www.refworld.org/docid/532180c24.html> (last accessed December 20, 2019) (120 pages) (3 hours). In addition to the full report, officers should read Appendix III, “UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs.”
9. PALMS trainings as required

14) FEBRUARY 6	(DAY 15) FEBRUARY 7
<u>1 group A</u> <u>one interview</u> <u>by an officer).</u> <u>paperwork</u> 2:00 pm (4.5 hrs. with ak) <u>1 Group B and C</u> <u>self-guided</u> <u>ins and feedback</u> <u>practice cases</u> 2:00 pm (4.5 hrs. with ak)	<u>COI exercise</u> WORK ON PENDING REVISIONS/COMPLETIONS
	LUNCH
3pm morning 2:00 pm (3.5 hrs. with ak)	<i>Continue from morning</i> <u>Wrap up and answer</u> <u>questions</u> 2:00 pm – 4:00 pm (2. hrs.)

From: Maloney, Kathleen M
Sent: Tuesday, February 11, 2020 4:29 PM
To: LILLY, MARTIN C
Subject: Children

Hi Martin,

I pulled the questions from the template, and I see you were following the questions below. You can keep doing this or cut some of the questions. (I put these in italics. The questions below are probably for a 10-year old or older. Only ask what is reasonable. Like, it is not reasonable to ask a three year-old to promise to tell the truth because they don't know what a promise is and may not know truth from lie—they think what the parents tell them is truth. The last three in yellow are important. First is to see if past harm. Second is nexus and third is future harm. Notice the What-This is an open-ended question. If you need to ask more, stay with the who, what, when, where, how why.

Directly under this are the questions you always want to ask the parent on behalf of the child. These are all important.

In each interview, even if the case is a positive for mom, please ask the following questions and follow-up if necessary:

Q: (other than what you have told me) has anyone ever harmed or threatened your child in the past?

Q: What do you fear would happen to your child in the future?

We just need this to be explicit in the notes. Usually mom will have already referenced these things, but we want to make sure we've gotten everything.

Also, for the bar questions, each question should read, "Have you or your child ever..."
As always, let me know if you have any questions about this.

This is the template. (b)(6)

Hi [REDACTED], how are you?	
Do you want to have your interview with your parent, or do you want to have the interview separately with just me?	
If there's ever something private you want to tell me without your parent in the room, let me know, ok?	
I asked your mother some questions earlier and I wanted to talk to you for a little while, OK	
<i>Do you promise to tell the truth today?</i>	
<i>What is your full name?</i>	[REDACTED]
<i>How are you feeling today?</i>	
<i>How old are you?</i>	
<i>I will be asking you several questions. Are you willing to answer them?</i>	
<i>Are you attending school?</i>	
<i>Do you like it?</i>	
<i>What's your favorite subject?</i>	
<i>Do you know what it means to tell the truth?</i>	

(b)(6)

<i>Do you promise to tell the truth, the whole truth, and nothing but the truth?</i>	
Did anyone ever do something bad to your in your country?	
Do you know why they wanted to hurt you?	
What are you afraid will happen to you if you go back to Guatemala?	

This is for a child too young to talk.

Interview – Process For Infants/Toddlers

If a child is an infant or toddler, the officer should:

- 1) Note that the child is X age;
- 2) Ask the parent if the child can testify and record the parent's response;
- 3) Ask the parent if the parent chooses to speak on the child's behalf to testify and to make decisions (for example, if the child chooses to be included on the parent's positive determination);
- 4) Consider the child's age and the parent's response to determine whether the child is able to testify;
- 5) Accept the parent as speaking on behalf of the child; and
- 6) Ask parent about any possible risk or fear the child may have.

If officer determines the child is unable to testify and that parent speaks on behalf of child, officer does not need to attempt to interview infant or toddler.

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Let me know if you have more questions.

Best,
Kathleen

Kathleen M. Maloney | Training Officer
South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017

kathleen.m.maloney@uscis.dhs.gov

Desk Phone:

Cell Phone: (b)(6)

Interview – Process For Infants/Toddlers

If a child is an infant or toddler, the officer should:

- 1) Note that the child is X age;
- 2) Ask the parent if the child can testify and record the parent's response;
- 3) Ask the parent if the parent chooses to speak on the child's behalf to testify and to make decisions (for example, if the child chooses to be included on the parent's positive determination);
- 4) Consider the child's age and the parent's response to determine whether the child is able to testify;
- 5) Accept the parent as speaking on behalf of the child; and
- 6) Ask parent about any possible risk or fear the child may have.

If officer determines the child is unable to testify and that parent speaks on behalf of child, officer does not need to attempt to interview infant or toddler.

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From: Maloney, Kathleen M
Sent: Tuesday, February 18, 2020 11:29 AM
To: Leigh, Francis W; NUNEZ, HECTOR I; MILLER, TIMOTHY L; SILVA1, MANUEL; COREA, GERMAN E; FLORES, ERNESTO; ESPINOSA, JORGE; MORALES, EFRAIN; SUBOH, SUBOH A; RIOS, OSCAR; LOPEZ, RICARDO G; RIOS, OSCAR; VENTO, JUAN A.; MORALES, EFRAIN; Guerra, Robert; Medrano, Rebecca A; Munoz, Anthony J; Casey, Neil J; JOHN, TYSON I; BROWN, SCOTT B; ORTIZ, JORGE X; LOPEZ, RICHARD; BAKER, BRENT A; NUNEZ, HECTOR I; AGUNDEZ, MARIO I (NGL); LOPEZ-ARAGON, JOSEFINA; VENTO, JUAN A.; MAZUR, MATTHEW T; MILLER, TIMOTHY L; COREA, GERMAN E; GONZALEZ, MARCOS A; ESPINOSA, JORGE; SILVA1, MANUEL; HAMBURGER, DANIEL; POOLEY, LEROY A; MORALES, EFRAIN; SCHROLL, JEREMY; FLORES, ERNESTO; RIOS, OSCAR; SUBOH, SUBOH A; PARTIDA, JESUS M; Malloy, John T; Henry Rivon; MEDINA, AARON A; EWING, SENORINA; MARTINEZ JR, PORFIRIO; PEREZ, LARRY E.; SALAZAR, BENITO E; FALCON, ORLANDO; MENDOZA, ROBERT L; GONZALES, RUTH A; ZUNIGA, NANCY; OCHOA, ADRIAN; HOWDEN, JESSICA; NGUYEN, MINH H; ARROYO, ARNALDO; PAEZ, MACEDONIO; TORRES, RAFAEL E; LILLY, MARTIN C; EISER, ANA J; BOYD, WARD C; O'NEAL, LACEY E; OSTROWSKI, BRANDON A; FRANCO, RICARDO; CARRILLO, MARIO A; NUNEZ2, SERGIO; Olimb, Genevieve M
Cc: Leigh, Francis W; Maalona, John L
Subject: Please read--questions re: children

Hi all,

I understand some cases are being returned for issues around interviewing children, so here is some guidance.

In each interview, even if the case is a positive for the primary applicant (mother), please ask the following questions and follow-up if necessary:

Q: (other than what you have told me) has anyone ever harmed or threatened your child/children in the past?

Q: What do you fear would happen to your child/children in the future?

We need this to be explicit in the notes. Usually the mother will have already referenced these things, but we want to make sure we've gotten everything.

Also, for the bar questions, each question should read, "Have you or your child ever..."

If you are going negative and the child is old enough to testify, please look at the template questions I sent you during OJT. (Below.) The questions below are probably for a 10-year old or older. Only ask the child questions the child can reasonably be expected to answer. For example, it is not reasonable to ask a four year-old to promise to tell the truth because he may not know what a promise is and he may not know truth from lie. Regardless of how you modify the template questions, the last three questions in yellow are important, so please ask them. Notice the last question begins with "What"; it is an open-ended question. If you need to ask more questions, stay with the who, what, when, where, how & why questions.

Hi [REDACTED], how are you? (b)(6)	
Do you want to have your interview with your parent, or do you want to have the interview separately with just me?	
If there's ever something private you want to tell me without your parent in the room, let me know, ok?	

I asked your mother some questions earlier and I wanted to talk to you for a little while, OK	
Do you promise to tell the truth today?	
What is your full name?	
How are you feeling today?	
How old are you?	
I will be asking you several questions. Are you willing to answer them?	
Are you attending school?	
Do you like it?	
What's your favorite subject?	
Do you know what it means to tell the truth?	
Do you promise to tell the truth, the whole truth, and nothing but the truth?	
Did anyone ever do something bad to you in your country?	
Do you know why they wanted to hurt you?	
What are you afraid will happen to you if you go back to Guatemala?	

(b)(6)

See below for the procedure if a child too young to answer questions.

Interview – Process For Infants/Toddlers

If a child is an infant or toddler, the officer should:

- 1) Note that the child is X age;
- 2) Ask the parent if the child can testify and record the parent's response;
- 3) Ask the parent if the parent chooses to speak on the child's behalf to testify and to make decisions (for example, if the child chooses to be included on the parent's positive determination);
- 4) Consider the child's age and the parent's response to determine whether the child is able to testify;
- 5) Accept the parent as speaking on behalf of the child; and
- 6) Ask parent about any possible risk or fear the child may have.

If officer determines the child is unable to testify and that parent speaks on behalf of child, officer does not need to attempt to interview infant or toddler.

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Just as a reminder, if the case is negative the primary applicant's forms are all completely separate for the child/children. For the children's checklist, you should still include the mother's testimony even though the paperwork has been separated because she was testifying for them. You need to address any threats and harm against the children that was included in the child's testimony and/or mother's testimony.

Let me know if you have any questions. Thank you.

Best,
Kathleen

Kathleen M. Maloney | Training Officer
South Texas Family Residential Center, 300 El Rancho Way, Dilley, TX 78017

kathleen.m.maloney@uscis.dhs.gov

Desk Phone:

Cell Phone:

(b)(6)

Interview – Process For Infants/Toddlers

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- 6) Ask parent about any possible risk or fear the child may have.

If officer determines the child is unable to testify and that parent speaks on behalf of child, officer does not need to attempt to interview infant or toddler.

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To Date 11/17/2019

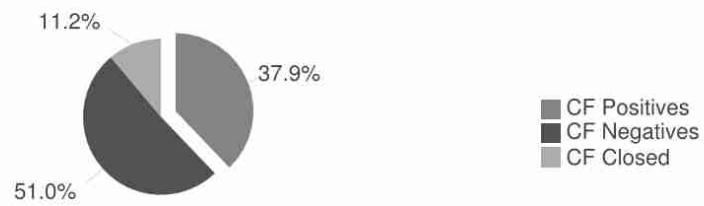
CBP Activity Summary To Date

From 06/05/2019 to 11/17/2019 - Excluding Cases Interviewed, Decided, or Closed: 06/20/2019-07/14/2019. Screen-in rate = % of positive determinations.
Date run: 11/19/2019

Total CF Decisions Completed by BP since Inception

	Cases Completed	By %
Total Completions by Location	3219	100.0%
CF Positives	1219	37.9%
CF Negatives	1641	51.0%
CF Closed	359	11.2%

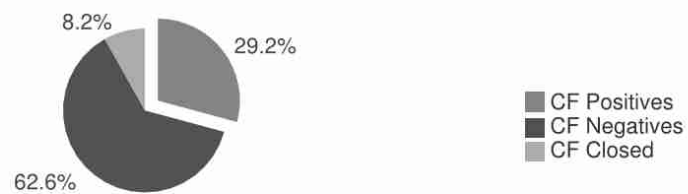
Total CF Decisions Completed by BP since Inception



BP Completions at Dilley (Subset of the data above)

	Cases Completed	By %
Total Completions by Location	1507	100.0%
CF Positives	440	29.2%
CF Negatives	944	62.6%
CF Closed	123	8.2%

BP Completions at Dilley (Subset of the data above)



BP Completions at locations other than Dilley (Subset of the data above)

	Cases Completed	By %
Total Completions by Location	1712	100.0%
CF Positives	779	45.5%
CF Negatives	697	40.7%
CF Closed	236	13.8%

BP Completions at locations other than Dilley (Subset of the data above)



Credible Fear for USBP Practical Exam - Instructions

Please follow the directions below. Wait to open the examination files until indicated by the moderator that the exam has begun.

You will have **150 minutes (2.5 hours) in total** to complete this examination. *Note the exam consists of two separate case files. You are responsible for managing your time to complete the two files within the 2.5 hour time period.*

You must use your laptop computer to complete this exam and print your completed documents for submission.

EXAMINATION FILES

This examination consists of two distinct case files.

Please complete your name and today's date on each file cover page.

ANSWERING EXAM QUESTIONS

Carefully read all of the documents in each case file.

On your laptop computer, generate all of the case documents that would be required to complete the case. Be sure to save your work electronically.

The following documents may be applicable in each case: Credible Fear Determination Checklist and Written Analysis, I-870, I-862, I-863, I-869, Background & Identity Security Checklist, Adverse Information Memo, TECS Resolution Memo

If there is any biographic or entry information not contained in the interview notes that is necessary for the completion of forms, you may rely on the information in the I-213 for that information.

You can make marks in the sample case files; however, any information handwritten in case files will not be graded.

COMPLETING THE EXAMINATION

After generating all of the documents you deem appropriate to complete the case, print the documents and place the documents loose in the appropriate case file. Complete the second case file in the same manner, generating all documents you deem appropriate for the case. Submit both case files with documents you have generated upon completion to the exam proctor.

If you finish early, you may leave the room after submitting your exam materials, and return at the designated time.

EXAM INTEGRITY

Cheating during tests will result in disciplinary action. Do not discuss or share exam materials with others. After the proctor has verified your exam materials, you will be guided to delete them from your laptop.

ASYLUM DIVISION

CF FOR USBP FEEDBACK FORM

PURPOSE

United States Border Patrol (USBP) agents are expected to perform work that meets the performance standards reflected in Asylum Officers' Performance Plan and Appraisal (PPA).

This form is designed to provide feedback to USBP agents on their performance while working on and following their completion of the CF Taskforce for the Asylum Division. The feedback form should encourage ongoing communication between the assigned supervisor and the USBP agent. It also provides a mechanism to inform the agent of areas in which he or she has failed to meet the established performance standard. The bullet points under each of the Performance Goals reflect the standards included in the PPA. The DHS Core Competencies are also included in the PPA and are included in this feedback form.

STEPS FOR PROVIDING FEEDBACK

If at any point during the assignment, the USBP Agent does not meet the established performance standards, the assigned supervisor will provide feedback to that agent and will recommend a plan for improvement. A record of the feedback will be recorded on the last page of the form and should be signed by the agent to acknowledge receipt of the feedback.

At the end of the assignment, a USBP Agent Feedback Form will be completed for each USBP Agent. Feedback provided during participation in the task force, including recommendations for an agent's improvement, should be noted on the last page of the feedback form under "Written Feedback." The "End of Assignment Feedback" section should be completed for each agent. This section will serve as a brief, but inclusive, summary of the agent's overall performance while on assignment with the Asylum Division.

The Asylum Division will provide a copy of this form to USBP for each agent. Upon request, Asylum will provide a copy of the form to the agent.

ASYLUM DIVISION

USBP AGENT FEEDBACK

Name: Click here to enter text.	
Location: Click here to enter text.	Dates of Assignment: Click here to enter text.

PERFORMANCE GOALS

1) QUALITY

The USBP Agent accurately applies the appropriate rules, regulations, precedent decisions, policies, and procedures associated with the Immigration and Nationality Act (INA) in the timely completion of work assignments.

[Click here to enter text.](#)

2) NATIONAL SECURITY/FRAUD DETECTION

The USBP Agent maintains the integrity and security of the immigration system through detection and deterrence of immigration-related fraud. Accurately applies national security and public safety laws, regulations, and policies through interviews, security checks, document reviews, and other actions in accordance with established guidelines.

[Click here to enter text.](#)

3) TIMELINESS

The USBP Agent completes cases in timely manner to further the Asylum Division's compliance with deadlines imposed by statute, regulation, policy, and procedure for all matters under its jurisdiction.

[Click here to enter text.](#)

CORE COMPETENCIES

1) COMMUNICATION

Actively listens and attends to nonverbal cues when responding to questions, ideas, and concerns of others. Communicates in an influential or persuasive manner, as appropriate. Writes in a clear and concise manner. Orally communicates in a clear and concise manner. Tailors communication (e.g., language, tone, level of specificity) to the audience's level of understanding and to the communication medium.

[Click here to enter text.](#)

2) CUSTOMER SERVICE

Communicates with customers to understand their needs. Works with customers to set expectations and keeps them informed of issues or problems. Provides timely, flexible, and responsive services to customers.

Completion of CF for USBP Taskforce Assignment Feedback Form
Revised on August 20, 2019

Page 2 of 4

Click here to enter text.

3) REPRESENTING THE AGENCY

Represents the agency and its interests in interactions with external parties. Ensures that interactions with and information provided to outside parties reflect positively on the agency. Enhances trust and credibility in the agency and its mission through effective professional interactions with others outside the organization. Deals professionally and tactfully with external parties in difficult, tense, or emergency situations.

Click here to enter text.

4) TEAMWORK AND COOPERATION

Makes positive contributions to achieving team goals. Develops and maintains collaborative working relationships with others. Builds effective partnerships that facilitate working across boundaries, groups, or organizations. Respects and values individual differences and diversity by treating everyone fairly and professionally. Works constructively with others to reach mutually acceptable agreements to resolve conflicts.

Click here to enter text.

5) TECHNICAL PROFICIENCY

Demonstrates and applies relevant knowledge and skills to perform work in accordance with applicable guidelines. Uses appropriate and available technology or tools to perform work activities. Acquires, develops, and maintains relevant and appropriate job skills through training or other opportunities for learning and development. Stays up to date on developments related to own work. Demonstrates an understanding of the organization's mission, functions, and systems. Collects relevant information that is needed to identify and address problems or issues. Analyzes and integrates information to identify issues and draw sound conclusions. Identifies and evaluates alternative solutions to problems. Makes sound, well-informed, and timely decisions or recommendations. Identifies and utilizes innovative or creative methods and solutions to accomplish work, as appropriate. Maintains an awareness of available resources and the process for acquiring resources. Identifies and advocates for resources required to accomplish work activities or projects. Makes effective and efficient use of available resources. Safeguards available resources to prevent fraud, waste, and abuse.

Click here to enter text.

Assignment Supervisor: Click here to enter text.

Date: Click here to enter text.

WRITTEN FEEDBACK

Was written feedback about the agent's performance provided during the assignment?

Y ☐ N ☐

(If no, go to End of Assignment Feedback below)

RECORD OF FEEDBACK - Provide a brief record of the issues discussed with the agent:

[Click here to enter text.](#)

PLAN FOR IMPROVEMENT - Note the recommendations for improvement given to the agent:

[Click here to enter text.](#)

Agent's Signature

Date: [Click here to enter text.](#)

END OF ASSIGNMENT FEEDBACK – Summary of the agent's performance while on this Assignment. Include commendable and exemplary conduct as well as any areas requiring improvement.

[Click here to enter text.](#)

Assignment Supervisor: [Click here to enter text.](#)

Date: [Click here to enter text.](#)

CREDIBLE FEAR FOR USBP TRAINING

7:00 *	(DAY 1) JUNE 10	(DAY 2) JUNE 11	(DAY 3) JUNE 12	(DAY 4) JUNE 13	(DAY 5) JUNE 14
8:00	<u>Welcome and Overview</u> 8:00 am – 8:30 am (.5hr.) <i>John</i> <u>Tech</u> 8:30 am – 9:30 am (1 hr) <i>Henry</i> <u>Non-Adversarial Interviews, Note-Taking & Confidentiality</u> 9:45 am – 11:30 pm (1.75 hrs.) <i>Heather, Shannon</i>	<u>RAIO Travel</u> 8:00 am - 8:20 am <u>Evidence</u> 8:20 am – 9:15 am (55 mins) <i>Jonathan</i> <u>Refugee Definition & Persecution</u> 9:30 am – 12:00 pm (2.5 hrs) <i>Heather</i> <i>Discuss and complete documents from observed interview</i> RAIO Training Room (3 rd floor 20 Mass DC)	<u>Well-Founded Fear</u> 8:00 am – 10:45 am (2.75 hrs.) <i>Jonathan</i> <u>IRFA</u> 11:00 – 12:00 (1 hr.) <i>Giacomo</i> RAIO Training Room (3 rd floor 20 Mass DC)	<u>Working with Interpreters and Consultants</u> 8:00 am – 9:00 am (1 hr) <i>Jonathan</i> <u>Intro Practice</u> 9:00 am – 9:30 am (.5 hr) <i>Jonathan</i> <u>Overview of Mandatory Bars & TRIG</u> 9:30 am – 10:45 am (1.25) <i>Adverse Memo Practice</i> <i>Kate</i> <u>APSO Security Checks</u> 11:00 am – 12:00 pm (1 hr.) <i>Liz</i> RAIO Training Room (3 rd floor 20 Mass DC)	<u>Country of Origin Information in CF – Latin America</u> 8:00 am – 12:00 pm (4 hrs with 15 min break) <i>Tom</i> RAIO Training Room (3 rd floor 20 Mass DC)
12:00	<u>Lunch 11:30 AM-12:30 PM</u> RAIO Training Room (3 rd floor 20 Mass DC)				
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
1:00	<u>Group CF Interview Observation</u> 12:30 pm – 5:00 pm (4.5 hrs with 15 min break) 1:00 PM start <i>Josh Rigney</i> *Tech for part of the time if needed	<u>Nexus and Protected Grounds incl PSG</u> 1:00 pm – 5:00 pm (4 hrs with 15 min break) <i>Corey and Dylan</i> <i>If time allows, discuss and complete documents from observed interview</i>	<u>Credibility including Eliciting Testimony and Checklist Practice</u> 1:00 pm – 5:00 pm (4 hrs with 15 min break) <i>Dylan</i>	<u>Credible Fear</u> 1:00 pm – 2:15 pm (1.25 hr) <i>Kate, Liz</i> <u>Convention Against Torture</u> 2:30 pm – 4:00 pm (1.5 hrs.) <i>Dylan</i> <u>Eliciting Testimony in CF</u> 4:00 pm – 5:00 pm (1 hr) <i>Dylan</i>	<u>Latin America cont'd</u> 1:00 pm – 1:30 pm (.5 hr) <u>Exam Review</u> 1:30 pm – 2:00 pm (.5 hr) <u>India COI</u> 2:15 pm – 3:00 pm (.75 hr) <i>Bill</i> <u>Conduct COI Research on Latin America, China and India</u> 3:00 pm – 3:45 pm (.75 hr) <i>Heather, Shannon</i> <u>Eliciting Testimony- India</u> 3:45 pm – 5:00 pm (1.25 hrs) <i>Dylan</i>
5:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

Updated: 6/13/2019

SCHEDULE SUBJECT TO CHANGE

DHS-19-1398-C, 19-1400-B-000343

CREDIBLE FEAR FOR USBP TRAINING

	(DAY 6) JUNE 17	(DAY 7) JUNE 18	(DAY 8) JUNE 19	(DAY 9) JUNE 20	(DAY 10) JUNE 21
8:00	<u>Knowledge Check (Multiple Choice Exam)</u> 8:00 am- 9:00 am (1 hr) <i>Heather and Shannon</i> <u>CF Checklist: Determinations 1 (Positive and Negative)</u> 9:15 am – 12:00 pm (2.75 hrs) <i>Alyssa</i>	<u>Workflow, Local Procedures and Supervisory Review</u> 8:00 am – 9:00 am (1 hr) ZAR/ZAC <u>Global Overview</u> 9:00 am – 10:15 am (1.25 hrs) OPs <u>Security Checks Lab</u> 10:30 am – 12:00 pm (1.5 hrs) ZAR/ZAC	<u>ZAR Tech</u> 8:00 am – 9:00 am (1 hr.) ZAR/ZAC <u>Graded CF Practical</u> 9:15 am – 11:45 am (2.5 hrs) <i>Sharon</i> <u>Mock Instructions</u> 11:45 am – 12:00 pm (.25 hr) <i>Jonathan</i>	<u>Guided Mocks</u> <i>Guided Mocks</i> <i>Group A</i> 8:00 - 8:30 am: File Review 8:40 - 10:25 am: Interview 10:35 -11:50 am: Write Up <i>Group B</i> 8:00 - 9:55 am: Self Study/Admin Time 9:55 - 10:25 am: File Review 10:35 am - 12:20 pm: Interview <i>Group C</i> 8:00 - 12:00 pm: Self Study/Admin Time ZAR (Arlington, VA)	<u>CF Interview Observations with Contemporaneous Notetaking</u> 8:00 am -12:00 pm (4 hrs w/ 15 min break) ZAR/ZAC
12:00	<i>Location change! Potomac Training Room 8th Floor (20 Mass DC)</i>	<i>Potomac Training Room 8th Floor (20 Mass DC)</i>	<i>Location Change! ZAR (Arlington, VA)</i>	ZAR (Arlington, VA)	ZAR (Arlington, VA)
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
1:00	<u>Fraud Detection and National Security</u> 1:00 pm – 2:00 pm (1 hr) <i>Joe Williams/Grace Johnson</i> <u>APSO Forms (I870)</u> 2:15 pm – 3:45 pm (1.5 hrs.) <i>Ebbed/Ops</i> <u>NTAs and Forms Wrap Up</u> 3:45 pm – 4:30 pm (.75 hrs) <i>Heather</i> <u>Exam Review</u> 4:30 pm – 5:00 pm (.5 hrs) <i>Heather and Shannon</i>	<u>Dissolution and Rare Language Procedures</u> 1:00 pm – 2:00 pm (1 hr) ZAR/ZAC <u>Credible Fear Paired Mock Interview Exercise</u> 2:15 pm – 5:00 pm (2.75 hrs.) HQ and ZAR/ZAC	<u>CF Interview Observations with Contemporaneous Notetaking + Guided Paperwork*</u> <i>(Reenactment with QA provided notes)</i> 1:00 pm - 5:00 pm (3.75 hrs with a 15 min break) QA/Ops *Additional time for tech as needed	<i>Group A</i> 12:50 - 5:00 pm: Self Study/Admin time <i>Group B</i> 1:30 - 2:45 pm: Write Up 2:45 - 5:00 pm: Self Study/Admin time <i>Group C</i> 1:00 - 1:30 pm: File Review 1:40 - 3:25 pm: Interview 3:35 - 4:50 pm: Write Up 4:50 - 5:00 pm: Self Study/Admin time HQ + ZAR/ZAC + Volunteers	<u>Write up and Paperwork</u> 1:00 pm - 3:30 pm (2.5 hrs) <u>Feedback</u> 3:30 – 5:00 (1.5 hrs) ZAR/ZAC and Field Volunteers 3:30 pm – 4:00 pm Group A 4:00 pm – 4:30 pm Group B 4:30 pm – 5:00 pm Group C
5:00					

CREDIBLE FEAR FOR USBP TRAINING

	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS
	(DAY 11) JUNE 24	(DAY 12) JUNE 25	(DAY 13) JUNE 26	(DAY 14) JUNE 27	(DAY 15) JUNE 28
8:00	<u>Practice Mocks</u> <i>Group A</i> 8:00 - 8:30 am: File Review 8:40 - 10:25 am: Interview 10:35 - 11:50 am: Write Up <i>Group B</i> 8:00 - 9:55 am: Self Study/Admin time 9:55 - 10:25 am: File Review 10:35 am - 12:20 pm: Interview <i>Group C</i> 8:00 - 12:00 pm: Self Study/Admin time HQ + ZAR/ZAC + Volunteers ZAR (Arlington, VA)	Officers in Group B conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (not graded) Officers in Group A interview prep and self-study HQ + ZAR/ZAC + Volunteers ZAR (Arlington, VA)	Officers in Group B conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (not graded) Officers in Group A interview prep and self-study HQ + ZAR/ZAC + Volunteers ZAR (Arlington, VA)	Officers in Group B conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (graded) Officers in Group A interview prep and self-study HQ + ZAR/ZAC + Volunteers ZAR (Arlington, VA)	Finish Up Paperwork Feedback
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
5:00	Group A 12:50 - 5:00 pm: Self Study/Admin time Group B 1:30 - 2:45 pm: Write Up 2:45 - 5:00 pm: Self Study/Admin Time Group C 1:00 - 1:30 pm: File Review 1:40 - 3:25 pm: Interview 3:35 - 4:50 pm: Write Up 4:50 - 5:00 pm: Self Study/Admin Time HQ + ZAR/ZAC + Volunteers	Officers in Group A conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (not graded) Officers in Group B interview prep and self-study HQ + ZAR/ZAC + Volunteers	Officers in Group A conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (not graded) Officers in Group B interview prep and self-study HQ + ZAR/ZAC + Volunteers	Officers in Group A conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (graded) Officers in Group B interview prep and self-study HQ + ZAR/ZAC + Volunteers	Finish Up Paperwork Feedback
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

DISTANCE TRAINING COMPONENT WORKBOOK

Last Updated: April 2019

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I. Introduction

A. Welcome to the first component of the Distance Training component. Although you will be in your home office during the Distance Training (DT), you will not be performing your routine office duties during this time. Each office is required to allocate a certain amount of time for new officers to complete the DT—approximately 72 hours are required. The DT is designed to give you time to read and process selected training materials. This will help prepare you for attending the second component of the training, the Face-to-Face component (F2F). You will have an opportunity to raise questions during the F2F component, where the topics may be addressed again.

B. Contact Information

Asylum Division: Asylum Division Training Coordinators
asylumtraining-coordinators@uscis.dhs.gov

C. Purpose of DT

The main reasons that DT has been developed are to:

- **Give you time to read materials before attending the Face-to-Face training**

The training materials are very lengthy, and reading them is time-consuming. To fully understand the topics addressed at the training, officers must read the training materials prior to attending class. There is no class time allotted for reading materials during the Face-to Face training; if class time were given, it would make the Face-to-Face residential training much longer than it currently is. DT allows you the time needed – during work hours at your home office, rather than away from home at the Face-to-Face training – to do that reading.

- **Ensure that you begin the Face-to-Face training with a basic foundation of the subject matter**

Officers have varying levels of knowledge of the topics that are covered in class. Some of you have been involved in immigration work for many years, others have not. Because of this, instructors must teach classes with students of varying levels of knowledge, which is difficult for both the instructors and the students. The DT component prior to the Face-to-Face classroom component attempts to reduce this knowledge gap so that all of you will have a basic foundation in/understanding of the course topics prior to the start of the Face-to-Face component. If you are already familiar with the course content, and able to complete the reading and assignments for a topic quickly, utilize any additional allotted time to expand your knowledge and to help others: complete the additional activities in this workbook, read the Additional Resources in the lesson plans, and help your colleagues in your office who are new to this work. For more information about how to use your time during the DT, see section 2 – How to Use this Workbook, item 9.

- **Better utilize the Face-to-Face time for exercises and practical application of the concepts in the materials**

When all students have read the materials in advance and have a basic understanding of the course topics, instructors do not need to go over the content in great detail during class. Instead, a summary of the content can be provided and the majority of class time can be spent on discussion and practical application of the information and concepts in the training materials.

D. Content and Structure of the DT

What You Will Need:

The information and materials, including links to other materials that you will need for DT, are in this Workbook.

In addition to completing the reading assignments, you will listen to recorded Webinars with

instructors, read supplemental training materials, and complete exercises that you will email to the Asylum Division Training Coordinators, asylumtraining-coordinators@uscis.dhs.gov.

Time Management:

The current DT model was designed to be a flexible and self-directed program of study.

Because you are in your home office during the Distance Training (DT) rather than at a “Face-to-Face” classroom training, you will need to make a clear distinction between your office work and the time you spend on this training. **For this reason, you must use all of the allotted time to complete each respective topic** (i.e. – you cannot finish individual topics or the training early)—just as if you were at a Face-to-Face training. For those of you who may finish a topic and have extra time, there are additional assignments for you to complete in the Workbook. Additional information on how to use your time can be found below in section 2 – How to Use this Workbook.

We also recommend that you do not spend more than the allotted amount of time on any individual topic, and that you adhere to your proposed schedule as closely as possible. The Lesson Plans are intended to serve the dual purpose of both training and guidance documents, which you will be able to access throughout your training and beyond.

The time allocated for each topic includes time to read the materials, and complete the exercises. Anticipating that there will be participants with a range of backgrounds, we have kept the times for required reading and exercises at a level that should allow all participants to complete the assignments.

E. Relationship between DT and the Face-to-Face Training

The topics covered at DT will be reinforced during the Face-to-Face component that follows DT. Because you will have read the materials and completed exercises, you are expected to come to class with at least a basic knowledge of the topics and be prepared to actively participate in the discussions and exercises.

Instructors will approach the Face-to-Face classes with this in mind. The instructors will not simply lecture in class on the information in the lesson plans. Rather, instructors will help you apply the information and concepts in the lesson plans through practical exercises, case studies, discussions with subject matter experts, and problem-solving activities.

It is important that you complete the required DT reading and assignments because:

- The assignments will form the basis of Face-to-Face classroom activities.
- You will be expected to know and apply the material during the mock interviews.
- The information for the exams given will be taken from the lesson plans and will

test both your knowledge of the content of the lesson plans and your ability to apply that knowledge.

F. Lesson Plans

The RAIO Lesson Plans consist of:

- The main body of the Lesson Plan
- Other materials (e.g., glossaries, lists of cases)
- Division-specific Supplements (information specific to the divisions)

DT consists of a list of assigned topics. You are required to read the body of the Lesson Plans for each of these topics as well as the supplement for the Asylum Division, which is delineated in yellow. Reading the RAD and IO Supplements **is not** required. Supplements are located after the Lesson Plan and are color-coded by division:



G. Webinars

All webinars are pre-recorded so that participants have the flexibility to access them on their self-directed DT schedule. We use the Adobe Connect Webinar and the AT&T Connect platforms for all webinars.

H. Evaluation/Exams

Note the following about the exams:

- No exams during the Distance Training
- At least one graded Multiple Choice Exam during the Face-to-Face training
- Exam topics include Lesson Plans covered during both the Distance Training and the face to face training (e.g., includes Case Law and Sources of Authority, which are addressed during the DT, but not during the Face-to-Face training)
- All questions relate to the objectives listed in the beginning of each Lesson Plan.

2. How to Use this Workbook

For each topic:

1. **Plan your DT schedule.**
2. **Read the body of the Lesson Plans and the Supplements for the Asylum Division.**
3. **Complete any corresponding assignment(s) (e.g., exercises)** located in this Workbook in section 5 – Content.

Exercises: Some Lesson Plans contain practical exercises; do NOT complete them. You need to refer only to this Workbook to know which exercises to complete.

4. **Write down any questions you have about the content of the course.** You can send them to asylumtraining-coordinators@uscis.dhs.gov, or else ask them at the Face-to-Face residential component of the training.
5. **Be prepared to ask your questions and discuss your responses** to the exercises at the Face-to-Face component of the training.
6. **Use your time wisely.** The schedule lists the topics you should cover and the required amount of time to spend on each topic. How you use your work time to complete the listed assignments is at your discretion
However you structure your time, **all assignments must be completed and the Completion Attestation must be submitted to Asylum Training as instructed in section 3, below, by the due date established for your training class.**

3. Syllabus and Attestation Form Instructions

The syllabus provided separately provides a list of modules you are required to complete for the Distance Training component. By signing and submitting these forms, you are certifying that you have completed the Distance Training in accordance with this Workbook.

Please follow the instructions below to complete the Distance Training Syllabus and Attestation Forms.

1. Complete each topic and its corresponding assignments using the allotted time for that topic; we suggest that you complete each topic in the order listed, although you may complete them in a different order.
2. When you have completed a topic, initial and date (using MM/DD/YY format) the corresponding box to indicate that you have completed the work required for that topic.
3. Once you have completed all of Distance Training, you and the coordinating management from your office must sign and date the Completion Attestation form and verify your completion of all topics.
4. If you were unable to complete any topic, leave the corresponding box blank, and attach an explanation of why the topic was not completed.
5. Print, scan and email a copy of **all pages** of the Distance Training Syllabus and Completion Attestation to the Asylum Training Coordinator mailbox (asylumtraining-coordinators@uscis.dhs.gov) using the contact information provided in section I, part B, above. **Title your email and attachment as follows:**

Last Name, First Name_ Completion Attestation

4. Content

1. Please read all of the Lesson Plans and Asylum Supplements, as outlined in the Distance Training Attestation.
2. There are certain lessons that have corresponding exercises or webinars, which can be found below:
 - a. Reading and Using Case Law
 - b. Interviewing – Introduction to the Non-Adversarial Interview
 - c. Nexus and Protected Grounds (minus PSG)
 - d. Interviewing – Eliciting Testimony
 - e. Mass Atrocities and Genocide Awareness
 - f. Researching and Using Country of Origin Information (COI) in RAIO Adjudications
 - g. Past Persecution – Rebuttable Presumption
 - h. Asylum Process and Procedures
 - i. India COI, Eliciting Testimony & Fraud

Reading and Using Case Law

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete this Exercise

Read the attached case, *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

Summarize the facts, the sources of authority, the decision, and the reasoning behind the decision in *Matter of Mogharrabi* by completing the attached exercise form.

- *Fill out the form and save your document.*

If you finish this assignment early, use your extra time to read *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985) – a seminal case in asylum law. (**Note:** this is not a required activity.)

Interviewing – Introduction to the Non-Adversarial Interview

Have you finished reading the lesson plan?

If yes, your tasks now are to:

Complete these exercises

Exercise #1

Write a short phrase to describe two meanings of the term “non-adversarial.”

Exercise #2

Write out the introduction to your interview. The introduction should address all of the components listed in the lesson plan the Asylum Division supplement.

Nexus and the Protected Grounds (minus PSG)

Have you finished reading the lesson plan?

Complete these exercises

Exercise #1

Read this article from August 6, 2012 about the [Sikh Temple Shooting in Wisconsin](#). You should also conduct online research to read other articles about this crime. Based on the evidence, what do you think was the motive for the attack, if any, and why? Please write at least one paragraph analyzing whether the evidence indicates this attack was on account of any protected characteristic(s). You must provide facts from the source to support your answer. Please cite any sources you use.

Exercise #2 (Note: This exercise is optional, please complete if you have time)

Read this article about the [Aurora Shooting in July 2012](#). Based on the evidence, what do you think was the motive for the attack, if any, and why? You must provide facts from the source to support your answer. (Note: You may also feel free to use facts from any other articles you have read about this crime to support your answer.)

Interviewing – Eliciting Testimony

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete these exercises

Exercise #1

Label each of the following 10 questions as one of the following question types: open-ended (O); closed-ended (C); multiple choice (M); or leading (L).

- “How were you threatened?”
- “How many times did they threaten you?”
- “Why did they threaten you?”
- “What makes you think that was the motive for the threat?”
- “Did they actually say anything about your religion when making the threat?”
- “And on that occasion, did they threaten you in person, by letter, by phone or some other way?”
- “Are you Christian?”
- “Did you leave your house after the first threat or after the second threat?”
- “Is your religion written on any of your documents?”
- “You said earlier that you were threatened 2 times, correct?”

Exercise #2

Think back to an interview or conversation you have had that was adversarial. What effect did that have on the parties involved? What was the outcome? Write a short paragraph in response to these questions.

Exercise #3

Think back to an interview or conversation you have had that was difficult, but remained non-adversarial. What helped it remain non-adversarial? What was the outcome? Write a short paragraph in response to these questions.

Exercise #4

Think of broadcasters, journalists, or other professionals you know from the media, law enforcement, or other professions. Who is an example of an adversarial interviewer, and why? Who is an example of an effective non-adversarial interviewer, and why? Jot down notes regarding your two examples.

Mass Atrocities and Genocide Awareness

Read the Presidential Study Directive on Mass Atrocities (PSD-10), released August 4, 2011 ([click here](#)).

It is important for all officers to become aware of the history and content of PSD-10, which calls for the creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review.

DHS is in the process of publishing a lesson plan that will provide a general overview on mass atrocities and genocide awareness for DHS personnel, focusing primarily on the requirements of PSD-10. Additional training will be provided on procedures as they are developed to implement those requirements.

Read [this report](#) from NPR's *Morning Edition* about the work of the Human Rights Violators and War Crimes Unit at Immigration and Customs Enforcement (ICE).

If you finish this assignment early, use your time to read *Matter of Vides Casanova*, 26 I&N Dec. 494 (BIA 2015), the recent BIA case referenced in the NPR report.

Researching and Using Country of Origin Information (COI) in RAIO Adjudications

Have you finished reading the lesson plan?

If yes, your task is now to: **Complete these exercises**

Country Conditions Information Research Exercises

TRAINING OBJECTIVES:

- (1) Students will become familiar with new sources of country conditions information and Research Unit resources for accessing country conditions information.
- (2) Students will practice citing country conditions information that supports factual determinations that they make in the course of adjudicating claims and explaining the relevance of the source cited.

Complete the exercises as instructed on a separate Word document and save your document.

Complete the following exercises using the most relevant sources you can find. For each exercise, one or more factual issues will be identified. For each of those issues, cite a few sources that help you address the specific issues identified. Explain how the sources you cited, including specific quotations if possible, are relevant to the issue raised and, if applicable, what further information you would like to have in order to adequately adjudicate the issue.

Note: Use the answer in the EXAMPLE EXERCISE below as a model.

EXAMPLE EXERCISE: A 15-year old female asylum applicant from Mali expressed a fear that she would be subjected to female genital cutting against her will if she were returned to her country.

Issue: What is the likelihood that a 15-year-old Malian girl would be subjected to female genital cutting (FGC) in her country of origin?

Answer: The Department of State's Country Reports on Human Rights Practices for 2014 says the following about FGC in Mali (emphasis added):

Female Genital Mutilation/Cutting (FGM/C): FGM/C is legal in the country and, **except in certain northern areas**, was practiced widely across all religious and ethnic groups, **particularly in rural areas**. While the government took steps to raise awareness about the harmful health effects of FGM/C and successfully lowered the percentage of girls excised in at

least one region of the country, the government has not criminalized FGM/C, although FGM/C was prohibited in government-funded health centers. **FGM/C generally was performed on girls between the ages of six months and nine years.** The most common types of FGM/C were Type I and Type II. **The 2014 UNHCR report on FGM/C indicated 85 percent of girls and women ages 15 to 49 were excised, and 74 percent of girls and women in the same age group had a daughter who was excised.** Government information campaigns regarding the dangers of FGM/C reached citizens throughout the country, and human rights organizations reported decreased incidence of FGM/C among children of educated parents.

DOS considers there to be reliable evidence that the vast majority of Malian girls are subjected to FGC, which tends to support the applicant's claim to have a well-founded fear. However, the applicant is quite a bit older than the usual age at which FGC is performed in Mali. Is she from an urban area or from northern Mali, where DOS indicates that FGC is less common?

EXERCISE ONE

(b)(6)

Issue One: What does country conditions information indicate about the status of Ahmadis in Algeria today? How is the government of Algeria treating Ahmadi's today?

Issue Two: He also claims that Algerian citizens who belong to other sects of Islam in Algeria are persecuting him for his religious beliefs. What is the country conditions information regarding sectarian violence in Algeria today? And how are Ahmadis being treated in Algerian society?

EXERCISE TWO

(b)(6)

Issue One: What does country conditions information indicate about how the followers of the teaching of Fethullah Gulen are being treated today by the Turkish government?

Issue Two: What is the country conditions information regarding private schools associated

with the Gülen movement in Turkey today?

(b)(6)

EXERCISE THREE

Issue One: Identify two different sources of information pertaining to the treatment of LGBTI individuals in Saudi Arabia. What does country conditions information indicate about how LGBTI individuals are treated by both family members and the government in Saudi Arabia?

PART 3: Take stock of the country conditions sources that you have used in these exercises. Bookmark any that you may wish to refer to in the future. In addition, bookmark the following useful sites so that you can easily refer to them for future research: UNHCR Refworld; Open Source Center; and PiX (register for an account now so that you will have access during the Face-to-Face portion of training); Jane's Terrorism and Insurgency Centre (accessed through DHS Libraries' online journal collection).

**Past Persecution –
Rebuttable Presumption**

Have you finished viewing the [webinar](#)? (PW: ADOTP)

**Asylum Process and
Procedures**

Have you finished reading the lesson plan and viewing the [webinar](#)? (PW: ADOTP)

**India COI, Eliciting
Testimony & Fraud**

Have you finished viewing the [webinar](#)?

Congratulations!

You have finished the Distance Training component.

Thank you for your participation.

FINAL MULTIPLE CHOICE EXAM – CREDIBLE FEAR FOR USBP

1. A credible fear interview must be:

- a) non-adversarial.
- b) a cross-examination.
- c) an interrogation.
- d) through an interpreter.

2. In a credible fear interview, an applicant has the right to have which of the following individuals present:

- a) an attorney
- b) a consultant
- c) proceed alone
- d) all the above

3. An applicant testifies that she was granted asylum in Brazil prior to coming to the U.S. and being processed for credible fear. You conclude the applicant has a positive credible fear claim but is likely subject to a mandatory bar to asylum for firm resettlement. You should:

- a) issue a negative decision because the applicant is subject to a mandatory bar
- b) issue a positive decision and flag the bar on the I-870 and in Global
- c) issue a positive decision and do not flag it because it is not a security-related bar
- d) issue a negative decision because this person cannot be in the credible fear process

4. Which of the following is not a component of a credibility finding:

- a) level of detail
- b) consistency
- c) plausibility
- d) moral judgement of actions taken

5. An applicant in a credible fear interview describes being a member of a criminal gang who regularly committed violent crimes in his home country. The officer should:

- a) end the interview immediately because the applicant is ineligible for asylum.
- b) elicit information about the applicant's criminal activities to flag in the applicant's case.
- c) switch to a cross-examination style of questions and record answers in sworn statement.
- d) deny the applicant's credible fear claim based solely on his criminal activity.

6. To establish a claim for withholding of removal under the Convention Against Torture, an applicant must show that the feared harm:

- a) would be perpetrated by someone working as an agent or representative of the government in the applicant's home country.
- b) would be perpetrated without the knowledge of the government or public officials in the applicant's home country.
- c) would be perpetrated by someone on the orders of a public official in the applicant's home country.
- d) would be perpetrated by or with the consent or acquiescence of a public official or an individual working in his or her official capacity in the applicant's home country.

7. Which of the following is not delineated as a protected ground for asylum in U.S. law (8 U.S.C. § 1158)?

- a) ethnicity
- b) nationality
- c) religion
- d) political opinion

Use the following facts for your response to questions 8 and 9:

Peter, a citizen of Nigeria, is subject to expedited removal. He states that he fears returning to Nigeria and is referred to an asylum officer for an interview. During the interview, Peter testified that he was a military commander in Nigeria and persecuted many people. He fled his country because he was attacked and wounded by an angry mob.

8. If the asylum officer's decision is negative, it was because the asylum officer determined that Peter:

- a) does not have a credible fear.
- b) does not have a reasonable fear.
- c) is not a refugee under US law.
- d) is subject to a mandatory bar.

9. The correct legal standard the asylum officer will apply to make a decision is:

- a) a clear probability that Peter will be persecuted.
- b) a reasonable possibility that Peter will be persecuted.
- c) a clear probability that Peter could establish asylum eligibility.
- d) a significant possibility that Peter could establish asylum eligibility.

10. An applicant testifies that she did not suffer physical harm in her home country, but she was threatened on four occasions because of her religion. Which of the following is true:

- a) the applicant cannot establish that she experienced past persecution in her home country because she did not suffer any physical harm.
- b) because the applicant received four threats in her home country, the harm she suffered is necessarily serious harm that rises to the level of persecution.
- c) the officer should explore the nature of the threats and the impact they had on the applicant to determine if the harm the applicant experienced rises to the level of persecution.
- d) the applicant can only establish that the harm she experienced is serious harm that constitutes persecution if the threats were made to her in-person and by someone who worked for the government of her home country.

11. Roberto credibly testified at his credible fear interview that on many occasions in his native Caribbean country he was beaten by street gangs because his natural father is ethnic Chinese. An officer should:

- a) make a negative credible fear determination because ethnicity is not one of the five grounds.
- b) question Roberto in order to determine if he personally identifies as being ethnically Chinese
- c) question Roberto and examine country conditions to see if Roberto's government is unable or unwilling to protect him.
- d) decide that the beatings do not constitute "persecution," since the government of his country did not physically commit the abuses.

12. Thomas does not possess a political opinion. His government arrested him because his uncle is the leader of an opposition political party. He escaped, then fled to the U.S. and requested asylum. Choose the application of law that best fits these facts:

- a) The government believes that Thomas is politically neutral.
- b) The arrest occurred on account of Thomas' political opinion.
- c) Thomas may be able to establish that the arrest occurred on account of his imputed political opinion.
- d) Thomas may be subject to a mandatory bar because escaping from prison is considered a serious nonpolitical crime.

13. An officer asks an applicant about an internal inconsistency in the applicant's testimony. In response, the applicant states, "I always tell the truth!" The asylum officer should:

- a) record the response in the interview notes and afford it the appropriate probative weight.
- b) consider the response illogical and disregard in its entirety.
- c) record the response in the interview notes, consider it implausible and disregard it in its entirety.
- d) consider the remark defeats the asylum claim because it calls into question the applicant's credibility.

14. An applicant testifies that he served in the military in his home country during a time when the military was known to be committing human rights abuses against its citizenry. Which of the following mandatory bars to asylum is most likely implicated?

- a. Persecutor
- b. Conviction of a Particularly Serious Crime
- c. Danger to the Security of the U.S.
- d. Terrorism-Related Inadmissibility Grounds

15. Which of the following is not a requirement for notes taken during a credible fear interview:

- a. must accurately reflect the questions and responses
- b. must not include officer's suppositions, opinions or personal inferences
- c. must include the applicant's name, A-number, date of the interview, page number, and officer's name
- d. must be a verbatim record of the questions asked and answers given

16. In a credible fear case in which an applicant is competent to testify, in order to receive a positive credible fear finding, generally an applicant must provide, at minimum, which of the following:

- a. credible oral testimony supporting the applicant's claim
- b. a written statement supporting the applicant's claim
- c. statements from friends and family supporting the applicant's claim
- d. documentary evidence, such as news reports or photographs, supporting the applicant's claim

17. An applicant was apprehended with several other individuals from the applicant's home country. At their interviews, a few of the individuals who were apprehended together testify to similar facts regarding their claims for asylum. The officer evaluating the applicant's credible fear case should:

- a. probe the applicant's claim for credibility and evaluate the case on its own merits
- b. issue a negative decision because the similarities constitute fraud indicators in the file
- c. confront the applicant directly with quotes from the other cases and record all responses in the notes
- d. immediately stop the interview and consult FDNS personnel prior to continuing the interview

18. When conducting security checks in a case, you discover a record with derogatory information about the applicant that may be relevant to her asylum claim. The record indicates that for more information, you can contact a specific point of contact who owns the record. You should:

- a. contact FDNS personnel to reach out to the point of contact
- b. reach out directly to the point of contact listed on the record
- c. confront the applicant directly with the information contained in the record
- d. contact the individual given by the applicant as his or her sponsor in the U.S. to obtain more information about the contents of the record

Please use the following facts for Questions 19 and 20:

Maria is before you for a credible fear interview. Maria testifies credibly that she was raped on one occasion in her home country of Guatemala by member of the MS-13 gang because her brother Esteban refused to join the gang. Maria had counseled Esteban to not join the gang and threatened to report him to the police if he did so. The gang member who raped Maria was attempting to compel Esteban to join the gang by targeting Maria.

19. Which of the following is true with regards to whether Maria experienced harm serious enough to rise to the level of persecution?

- a. the harm Maria experienced is serious harm that rises to the level of persecution
- b. the officer should explore whether Maria experienced other harm that when considered cumulatively with the rape would be serious harm that rises to the level of persecution
- c. the harm Maria experienced was related to gang violence so she cannot establish a positive credible fear claim
- d. the officer should explore further the harm to Maria's brother to determine whether Maria's harm is serious harm that rises to the level of persecution

20. Which of the following is true regarding nexus to a protected ground in Maria's case?

- a. Maria cannot establish a nexus to a protected ground because the case is related to gang recruitment.
- b. Maria established that she was targeted on account of her membership in the particular social group of immediate family members of Esteban.
- c. Maria could establish that she was targeted on account of her membership in the particular social group of Guatemalan women resisting gang recruitment.
- d. Maria cannot establish a nexus to a protected ground because it was Esteban, not Maria, who was being targeted for recruitment.

21. An applicant credibly testifies during a credible fear interview that he is a gay man. When questioning the applicant, you should:

- a. refer to the applicant using the word gay because that is the term the applicant used to refer to himself
- b. refer to the applicant using the word homosexual because gay is a derogatory way to refer to members of the LGBTI community
- c. refer to the applicant using the acronym LGBTI because it is the term of art identified to refer to members of this group
- d. refer to the applicant as a sexual minority because it has been identified as a cognizable particular social group in the applicant's home country

22. An applicant testifies that he fled his home country because he had been wrongfully arrested by government agents for engaging in peaceful protests against the government. The applicant testifies he cannot return to his home country because he fears he will be arrested and tortured by the government because of his political activities. The applicant further testifies that other individuals who attended the same protests are currently being targeted by the government.

To which prong of the well-founded fear analysis is the testimony related to the current treatment of political opponents of the government most relevant?

- a. possession of a protected characteristic
- b. awareness by the feared persecutor that the applicant possesses a protected characteristic
- c. capability of the feared persecutor to harm the applicant
- d. inclination of the feared persecutor to harm the applicant

23. Which of the following is not a consideration in determining whether an applicant may be a victim of trafficking?

- a. the applicant cannot produce identity documents and testifies that the smuggler used by the applicant still has the applicant's passport
- b. the applicant is male and the record does not indicate any coercion related to sexual activity
- c. security checks indicate that the applicant has been arrested for prostitution
- d. the applicant indicates that the applicant intends to work in a profession known to the officer to be a common profession for persons trafficked to the U.S.

24. An applicant establishes she experienced past persecution, but country of origin information indicates that there has been a fundamental change of circumstance in the applicant's home country such that she no longer has a well-founded fear of future persecution. The applicant may still merit a positive credible fear determination if which of the following is true?

- a. the applicant may be entitled to a discretionary grant of asylum in a full hearing because the applicant demonstrated she could not internally relocate to avoid harm before coming to the U.S.
- b. the applicant may be entitled to a discretionary grant of asylum in a full hearing based on the severity of the harm the applicant experienced in the past
- c. the applicant may be entitled to a discretionary grant of asylum in a full hearing based on other serious harm the applicant would face if she returned to her home country
- d. B or C

25. An applicant testifies at her credible fear interview that she is from a minority indigenous population in Guatemala. The applicant indicates that she was not able to attend school, was frequently denied employment, could not obtain a rental property so was forced to live in a house with no modern conveniences, and was frequently called a derogatory term for members of the indigenous community when walking on the streets all because of her indigenous identity. The officer should:

- a. issue a negative credible fear determination because the harm the applicant experienced is mere discrimination and harassment that does not rise to the level of persecution
- b. explore the impact of the harm on the applicant and whether the harm, cumulatively, is serious harm that rises to the level of persecution
- c. explore whether the applicant experienced harm for any other reason because this harm does not have a nexus to a protected ground
- d. find that the applicant cannot establish a claim based on this harm because the harm was not committed by a government actor

26. In order to establish a credible fear based on persecution, an applicant must establish that he was harmed by:

- a. a government actor
- b. a non-government actor who was arrested and is being prosecuted for harming the applicant
- c. an actor that the government is unable or unwilling to control
- d. A or C

27. In addition to an applicant's credible testimony, which of the following is the most likely source an officer could use to determine whether an applicant could internally relocate to avoid harm?

- a. knowledge from other cases from the same country
- b. Country of Origin Information from reliable and current sources
- c. Supervisory Asylum Officer's opinion on internal relocation in that country
- d. Twitter, Facebook or other social media posts the officer finds about events in that country

28. When evaluating whether an applicant can internally relocate to avoid harm, officers should consider each of the following factors except:

- a. an applicant's membership in a disfavored minority ethnic group
- b. an applicant's marital status and cultural norms related to unmarried individuals in the applicant's home country
- c. civil strife in an applicant's home country
- d. the applicant's knowledge of how to obtain a driver's license in a different part of the applicant's home country

29. An applicant who establishes eligibility under the Convention Against Torture is entitled to:

- a. Withholding of Removal
- b. Cancellation of Removal
- c. Asylum
- d. A or B

30. When interviewing someone over the phone in a credible fear interview and an applicant is not responding directly to the questions asked, an officer should then:

- a. find the applicant not credible for non-responsiveness
- b. check with the applicant to ensure understanding of the interpreter and/or the officer
- c. hang up the phone and have the applicant rescheduled for a later date
- d. confront the applicant about why the applicant is being so difficult and not answering the officer's questions

31. Which of the following would not be a mandatory bar to a grant of asylum?

- a. a prior negative finding in a credible fear case in the U.S.
- b. commission of terrorist activity by the applicant
- c. a prior conviction in the U.S. for first degree murder
- d. commission of armed robbery in the applicant's home country without conviction

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CREDIBLE FEAR FOR USBP TRAINING

7:00 *	(Day 1) MAY 13 *Early Arrival for PIV and laptop issuance	(DAY 2) MAY 14	(DAY 3) MAY15	(DAY 4) MAY 16	(Day 5) MAY17
8:00	<u>Welcome and Overview</u> 8:00 am – 8:30 am (.5hr.) <u>USCIS Director Cissna Remarks</u> 8:30 am – 9:00 am (.5hr.) <u>Non-Adversarial Interviews, Note-Taking & Confidentiality</u> 9:15 am – 11:00 am (1.75 hrs.)1.5 hours <u>USCIS CSAT &MyIT</u> 11:00 am – 12:00 pm (1hr) IRFA-30-45 Mins	<u>Nexus and Protected Grounds</u> 8:00 am – 12:00 pm (3.75 hrs. and one .25 hr. break) <u>3.25 hours with break</u>	<u>IRFA</u> 8:00 am – 9:00 am (1 hr.) Done on Monday <u>Well-Founded Fear</u> 9:15 am – 12:00 pm (2.75 hrs.) 8-11am with Break 11-1130 REAL ID Lunch 1130-1230	<u>Overview of Mandatory Bars & TRIG</u> 8:00 am – 10:00 am (2 hrs.) 8-945 <u>Fraud Detection and National Security</u> 10:15 am – 12:00 pm (1.75 hrs.) 10:05-11:05 Tech issues 11:05-11:30 Lunch 1130-1230	<u>Country of Origin Information in CF</u> 8:00 am – 12:00 pm (3.75 hrs. and one .25 hr. break) 8-11:30 Latin America COI with break Lunch 11:30-12:30
12:00	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00	<u>Refugee Definition & Persecution</u> 1:00 pm – 3:45 pm (2.75 hrs.) <u>Evidence</u> 4:00 pm – 5:00 pm (1 hr.) Finished at 4:00	<u>Nexus Continued & Particular Social Group</u> 1:00 pm – 5:00 pm (3.75 hrs. and one .25 hr. break) 3.25 hours with break	<u>Credibility</u> 1:00 pm – 5:00 pm (3.75 hrs. and one .25 hr. break) 1230-345 Interpreters and Attorneys 3:45-4:15 Intro to protection screenings. 4:15-4:35	<u>Credible Fear</u> 1:30 pm – 3:15 pm (1.75 hrs.) <u>Convention Against Torture</u> 3:30 pm – 5:00 pm (1.5 hrs.) 1230-215 CAT 225-315 CF TECH 315-415	COI cont 12:30-1:00 Systems Access 1:00-1:45 India COI video 2-3:00 <u>Conduct COI Research on Northern Triangle, China and India</u> 1:00 pm – 4:00 pm (2.75 hrs. and one .25 hr. break) <u>Eliciting Testimony- India</u> 4:00 pm – 5:00 pm (1hr) 3:15-5:00
5:00	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

CREDIBLE FEAR FOR USBP TRAINING

	(DAY 6) MAY 20	(Day 7) MAY 21	(DAY 8) MAY 22	(Day 9) MAY 23	(Day 10) MAY 24
8:00	Tech 8:00-8:15 <u>CF Checklist: Determinations 1 (Positive and Negative)</u> 8:00 am – 10:15 am (2.25 hrs.) 9:45-12:00 <u>APSO Forms (I870)</u> 10:30 am – 12:00 pm (1.5 hrs.) 8:15-9:30	<u>Affirmative Interview Observation with Contemporaneous Notetaking</u> 8:00 am – 11:00 am (3 hrs.) 8-8:20 Intro to affirmative 8:30-11 affirmative interview observation (AOs did not finish interview) <u>Affirmative Interview Group Debrief</u> 11:15 am – 12:00 pm (.75hrs.) 11:10-11:30	<u>Review CF Procedures</u> 8:00 am – 9:00 am (1 hr.) <u>CF Interview Observations with Contemporaneous Notetaking</u> 9:00/9:30 – 1:15 <u>Workflow, Local Procedures and Supervisory Review</u> (timing dependent on interview observation – can also be covered on ramp up days)	<u>Graded Exam (multiple choice)</u> 8:00 am – 9:00 am (1 hr.) <u>Global Overview</u> 9:15 am – 10:30 am (1.25 hrs.) 9:15-10:05 <u>Security Checks Lab</u> 10:30 am – 12:00 pm (1.5 hrs) 10:10-11:10 Exam Review 11:10-11:30	<u>CF Interview Observations (2)</u> Reviewed notes/templates 8-9 Interview Observations 9-12 All officers observed 1 to completion, 7 officers only observed the half of a second one and will get AOs notes
12:00					
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
1:00	Systems/CSAT 1-1:45 <u>APSO Security Checks</u> 1:00 pm – 2:00 pm (1 hr.) 2:00-3:00 Checklist cont'd 3:15-4:00 <u>Eliciting CF Testimony</u> 2:15 pm – 4:15 pm (2hrs) 4:00-5:00	<u>Briefing on Non-Detained CF Interview Procedures</u> 1:00 pm – 2:45 pm (1.75 hrs.) 12:30-2:15 <u>Credible Fear Paired Mock Interview Exercise</u> 3:00 pm – 5:00 pm (2 hrs.) 2:30-4:30	<u>Interview Write Ups and Feedback</u> Interview write-ups 2:15-3:00 Workflow/local procedures 3:15-4 Feedback 4:10-5	Office set-up/tech issues 12:30-1:30 <u>Graded Practical CF Exam</u> 1:00 pm – 3:30 pm (2.5 hrs.) 1:30-4:00 <u>Dissolution and Rare Language Procedures</u> 3:45 pm – 5:00 pm (1.25 hrs.) 4:00-5:00	<u>Write-up</u> 1:00-2:30 <u>Form Filler</u> 2:30-3:45 <u>Individual Feedback</u> 4:00-5:00
5:00					

Updated: 5/09/2019

SCHEDULE SUBJECT TO CHANGE

DHS-19-1398-C, 19-1400-B-000378

CREDIBLE FEAR FOR USBP TRAINING

	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS
	(DAY 11) MAY 27	(DAY 12) MAY 28	(DAY 13) MAY 29	(DAY 14) MAY 30	(DAY 15) MAY 31
8:00	Federal Holiday-Memorial Day OFFICE CLOSED	Group A Guided Mock Interview 8:00-10:30 Write-up Mock 10:30-12:00 Self-Study 12:00-1:00 Group B Write-Up Sample Case 8:00-9:30 Self-Study 9:30-10:30 Guided Mock Interview 10:30-1:00	Officer conducts one CF interview (observed) and completes paperwork, submits for evaluation and feedback (not graded)	Officer conducts one CF interview (observed) and completes paperwork, submits for evaluation and feedback (graded)	Officer conducts one CF interview and completes paperwork, submits for review
	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
5:00		Write-Up Sample Case (Group A) / Mock (Group B) 2:00-3:30 Self-Study/Individual Feedback 3:30-5:00	Officer conducts one CF interview (observed) and completes paperwork, submits for evaluation and feedback (graded)	Officer conducts one CF interview (observed) and completes paperwork, submits for evaluation and feedback (graded)	Complete revisions/ self-study 1:00-3:00 SAO Feedback/ Q&A 3:00 – 4:30 End of course feedback evaluation 4:30-5:00
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

CF for USBP Distance Training Syllabus and Completion Attestation – Instructions for Students

Introduction

The CF training for CBP Officers includes a 2-week reading component that must be completed prior to the Face-to-Face Classroom component. This document contains information you will need to complete the reading.

Procedures for Completing the ADOTP Distance Training

The syllabus for the CF for USBP Distance Training is on the following pages. Please follow these instructions to complete the DT:

- Complete each unit and any corresponding assignments within the proscribed timeframes. The units are not currently listed in any preferred order.
- When you have completed a unit, initial and date the corresponding box.
- Once you have completed all of the Distance Training units, you and a Manager from your office must sign and date the Completion Attestation form to verify proper completion of all units.
- Scan and email a copy of all pages of the CF for USBP Distance Training Syllabus and Completion Attestation to Asylumtraining-coordinators@uscis.dhs.gov. **Title your email and attachment as follows: Last Name, First Name - ADOTP DT – Completion Attestation.** Please CC your CBP and Asylum POCs.
- The CF for USBP Distance Training schedule totals approximately 80 hours (around 10 business days, depending upon work schedules). *To be used in conjunction with the CF for USBP Distance Training Component Workbook.*

Topic	Time Allocated	Initial & Date Upon Completion (MM/DD/YY)
Sources of Authority: <i>reading</i>	<i>1.25 hours</i>	
Reading and Using Case Law: <i>reading + exercise</i>	<i>2.75 hours</i>	
International Human Rights Law: <i>reading</i>	<i>1.5 hours</i>	
UNHCR Overview: <i>reading</i>	<i>1.5 hours</i>	
Refugee Definition: <i>reading</i>	<i>2 hours</i>	
Persecution: <i>reading</i>	<i>2.25 hours</i>	
Refugee Definition; Persecution: <i>Webinar + exercise</i>	<i>1.5 hours</i>	
Interviewing – Intro to the Non- Adversarial Interview: <i>reading + exercises</i>	<i>2.5 hours</i>	
Nexus and the Protected Grounds (minus PSG): <i>reading + exercises</i>	<i>3.5 hours</i>	
Nexus – PSG: <i>reading</i>	<i>4 hours</i>	
Well-Founded Fear: <i>reading</i>	<i>2.5 hours</i>	
Interviewing – Survivors of Torture: <i>reading</i>	<i>1 hour</i>	
Interviewing – Note Taking: <i>reading</i>	<i>1 hour</i>	

Interviewing – Eliciting Testimony: <i>reading + exercises</i>	2 hours	
Interviewing – Working with an Interpreter: <i>reading</i>	2 hours	
Detecting Possible Victims of Trafficking: <i>reading</i>	1.5 hours	
Cross-Cultural Communication: <i>reading</i>	.75 hours	
Evidence: <i>reading</i>	2 hours	
Fraud and FDNS Overview: <i>reading</i>	2.5 hours	
International Religious Freedom Act (IRFA): <i>reading</i>	2 hours	
Persecutor Bar: <i>reading</i>	2 hours	
Mass Atrocities and Genocide Awareness: <i>reading</i>	.5 hours	
LGBTI Claims: <i>reading</i>	2 hours	
Gender-Related Claims: <i>reading</i>	1.75 hours	
Children’s Claims: <i>reading</i>	3.5 hours	
National Security, Part 1: <i>reading</i>	1.25 hours	
National Security, Part 2 (TRIG): <i>reading</i>	3.25 hours	

Researching and Using Country of Origin Information (COI) in RAO Adjudications: <i>reading + exercises</i>	<i>1.5 hours</i>	
Firm Resettlement: <i>reading</i>	<i>1.25 hours</i>	
Discretion: <i>reading</i>	<i>.5 hours</i>	
Decision-Making: <i>reading + exercise</i>	<i>1.5 hours</i>	
Office of Security & Integrity (OSI) and Significant Incident Reporting: <i>webinar</i>	<i>1 hour</i>	
Past Persecution - Rebuttable Presumption: <u>Presentation</u> (PW: ADOTP)	<i>2 hours</i>	
LP Asylum Process and Procedures: <i>reading</i>	<i>.75 hour</i>	
Asylum Process and Procedures Manual and Introduction to the AAPM Wiki: <u>Presentation</u> (PW: ADOTP)	<i>1.5 hours</i>	
LP Mandatory Bars Overview and Criminal Bars: <i>reading</i>	<i>1.25 hours</i>	
LP Credibility – ASYLUM SUPPLEMENT: <i>reading</i>	<i>1 hour</i>	
LP Credible Fear: <i>reading</i>	<i>1.25 hours</i>	
LP ABC/NACARA: <i>reading</i> • Pages 2-16	<i>.5 hours</i>	
LP – Reasonable Fear: <i>reading</i> • Pages 20-40 “Convention Against Torture” • Pages 45-47 “Eliciting Information”	<i>.75 hours</i>	
India COI, Eliciting Testimony, and Fraud <u>Webinar</u> (PW: IndiaCOI2019)	<i>3 hours</i>	

COMPLETION ATTESTATION

I hereby attest by my signature below that all of the CF for CBP Distance Training units, initialed and dated in the preceding pages, have been duly completed by me according to the requirements of the CF for CBP Distance Training guidelines.

Printed Name of Training Participant

Signature of Training Participant

Date

I hereby attest by my signature below that the above-named officer has been allotted the required time for completion of all of the CF for CBP Distance Training lesson units and hereby verify that the officer has completed all such required lesson units according to the requirements of the CF for CBP Distance Training guidelines.

Training Officer or Local Office Management – Printed Name and Title

Training Officer or Local Office Management – Signature

Date

DISTANCE TRAINING COMPONENT WORKBOOK

Last Updated: May 2019

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I. Introduction

A. Welcome to the first component of the Distance Training component. Although you will be in your home office during the Distance Training (DT), you will not be performing your routine office duties during this time. Each office is required to allocate a certain amount of time for new officers to complete the DT—approximately 80 hours are required. The DT is designed to give you time to read and process selected training materials. This will help prepare you for attending the second component of the training, the Face-to-Face component (F2F). You will have an opportunity to raise questions during the F2F component, where the topics may be addressed again.

B. Contact Information

Asylum Division: Asylum Division Training Coordinators
asylumtraining-coordinators@uscis.dhs.gov

C. Purpose of DT

The main reasons that DT has been developed are to:

- **Give you time to read materials before attending the Face-to-Face training**

The training materials are very lengthy, and reading them is time-consuming. To fully understand the topics addressed at the training, officers must read the training materials prior to attending class. There is no class time allotted for reading materials during the Face-to Face training; if class time were given, it would make the Face-to-Face residential training much longer than it currently is. DT allows you the time needed – during work hours at your home office, rather than away from home at the Face-to-Face training – to do that reading.

- **Ensure that you begin the Face-to-Face training with a basic foundation of the subject matter**

Officers have varying levels of knowledge of the topics that are covered in class. Some of you have been involved in immigration work for many years, others have not. Because of this, instructors must teach classes with students of varying levels of knowledge, which is difficult for both the instructors and the students. The DT component prior to the Face-to-Face classroom component attempts to reduce this knowledge gap so that all of you will have a basic foundation in/understanding of the course topics prior to the start of the Face-to-Face component. If you are already familiar with the course content, and able to complete the reading and assignments for a topic quickly, utilize any additional allotted time to expand your knowledge and to help others: complete the additional activities in this workbook, read the Additional Resources in the lesson plans, and help your colleagues in your office who are new to this work. For more information about how to use your time during the DT, see section 2 – How to Use this Workbook, item 9.

- **Better utilize the Face-to-Face time for exercises and practical application of the concepts in the materials**

When all students have read the materials in advance and have a basic understanding of the course topics, instructors do not need to go over the content in great detail during class. Instead, a summary of the content can be provided and the majority of class time can be spent on discussion and practical application of the information and concepts in the training materials.

D. Content and Structure of the DT

What You Will Need:

The information and materials, including links to other materials that you will need for DT, are in this Workbook.

In addition to completing the reading assignments, you will listen to recorded Webinars with

instructors, read supplemental training materials, and complete exercises that you will email to the Asylum Division Training Coordinators, asylumtraining-coordinators@uscis.dhs.gov.

Time Management:

The current DT model was designed to be a flexible and self-directed program of study.

Because you are in your home office during the Distance Training (DT) rather than at a “Face-to-Face” classroom training, you will need to make a clear distinction between your office work and the time you spend on this training. **For this reason, you must use all of the allotted time to complete each respective topic** (i.e. – you cannot finish individual topics or the training early)—just as if you were at a Face-to-Face training. For those of you who may finish a topic and have extra time, there are additional assignments for you to complete in the Workbook. Additional information on how to use your time can be found below in section 2 – How to Use this Workbook.

We also recommend that you do not spend more than the allotted amount of time on any individual topic, and that you adhere to your proposed schedule as closely as possible. The Lesson Plans are intended to serve the dual purpose of both training and guidance documents, which you will be able to access throughout your training and beyond.

The time allocated for each topic includes time to read the materials, and complete the exercises. Anticipating that there will be participants with a range of backgrounds, we have kept the times for required reading and exercises at a level that should allow all participants to complete the assignments.

E. Relationship between DT and the Face-to-Face Training

The topics covered at DT will be reinforced during the Face-to-Face component that follows DT. Because you will have read the materials and completed exercises, you are expected to come to class with at least a basic knowledge of the topics and be prepared to actively participate in the discussions and exercises.

Instructors will approach the Face-to-Face classes with this in mind. The instructors will not simply lecture in class on the information in the lesson plans. Rather, instructors will help you apply the information and concepts in the lesson plans through practical exercises, case studies, discussions with subject matter experts, and problem-solving activities.

It is important that you complete the required DT reading and assignments because:

- The assignments will form the basis of Face-to-Face classroom activities.
- You will be expected to know and apply the material during the practical exercises and interviews.
- The information for the exams given will be taken from the lesson plans and will

test both your knowledge of the content of the lesson plans and your ability to apply that knowledge.

F. Lesson Plans

The RAIO Lesson Plans consist of:

- The main body of the Lesson Plan
- Other materials (e.g., glossaries, lists of cases)
- Division-specific Supplements (information specific to the divisions)

DT consists of a list of assigned topics. You are required to read the body of the Lesson Plans for each of these topics as well as the supplement for the Asylum Division, which is delineated in yellow. Reading the RAD and IO Supplements **is not** required. Supplements are located after the Lesson Plan and are color-coded by division:



G. Webinars

All webinars are pre-recorded so that participants have the flexibility to access them on their self-directed DT schedule. We use the Adobe Connect Webinar and the AT&T Connect platforms for all webinars.

H. Evaluation/Exams

Note the following about the exams:

- No exams during the Distance Training
- At least one graded Multiple Choice Exam during the Face-to-Face training
- Exam topics include Lesson Plans covered during both the Distance Training and the face to face training (e.g., includes Case Law and Sources of Authority, which are addressed during the DT, but not during the Face-to-Face training)
- All questions relate to the objectives listed in the beginning of each Lesson Plan.

2. How to Use this Workbook

For each topic:

1. **Plan your DT schedule.**
2. **Read the body of the Lesson Plans and the Supplements for the Asylum Division.**
3. **Complete any corresponding assignment(s) (e.g., exercises)** located in this Workbook in section 5 – Content.

Exercises: Some Lesson Plans contain practical exercises; do NOT complete them. You need to refer only to this Workbook to know which exercises to complete.

4. **Write down any questions you have about the content of the course.** You can send them to asylumtraining-coordinators@uscis.dhs.gov, or else ask them at the Face-to-Face residential component of the training.
5. **Be prepared to ask your questions and discuss your responses** to the exercises at the Face-to-Face component of the training.
6. **Use your time wisely.** The schedule lists the topics you should cover and the required amount of time to spend on each topic. How you use your work time to complete the listed assignments is at your discretion.
However you structure your time, **all assignments must be completed and the Completion Attestation must be submitted to Asylum Training as instructed in section 3, below, by the due date established for your training class.**

3. Syllabus and Attestation Form Instructions

The syllabus provided separately provides a list of modules you are required to complete for the Distance Training component. By signing and submitting these forms, you are certifying that you have completed the Distance Training in accordance with this Workbook.

Please follow the instructions below to complete the Distance Training Syllabus and Attestation Forms.

1. Complete each topic and its corresponding assignments using the allotted time for that topic; we suggest that you complete each topic in the order listed, although you may complete them in a different order.
2. When you have completed a topic, initial and date (using MM/DD/YY format) the corresponding box to indicate that you have completed the work required for that topic.
3. Once you have completed all of Distance Training, you and the coordinating management from your office must sign and date the Completion Attestation form and verify your completion of all topics.
4. If you were unable to complete any topic, leave the corresponding box blank, and attach an explanation of why the topic was not completed.
5. Print, scan and email a copy of **all pages** of the Distance Training Syllabus and Completion Attestation to your Asylum and CBP POCs and the Asylum Training Coordinator mailbox (asylumtraining-coordinators@uscis.dhs.gov) using the contact information provided in section I, part B, above. **Title your email and attachment as follows:**

Last Name, First Name_ Completion Attestation

4. Content

1. Please read all of the Lesson Plans and Asylum Supplements, as outlined in the Distance Training Attestation.
2. There are certain lessons that have corresponding exercises or webinars, which can be found below:
 - a. Reading and Using Case Law
 - b. Interviewing – Introduction to the Non-Adversarial Interview
 - c. Nexus and Protected Grounds (minus PSG)
 - d. Interviewing – Eliciting Testimony
 - e. Mass Atrocities and Genocide Awareness
 - f. Researching and Using Country of Origin Information (COI) in RAIO Adjudications
 - g. Past Persecution – Rebuttable Presumption
 - h. Asylum Process and Procedures
 - i. India COI, Eliciting Testimony & Fraud

Reading and Using Case Law

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete this Exercise

Read the attached case, *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

Summarize the facts, the sources of authority, the decision, and the reasoning behind the decision in *Matter of Mogharrabi* by completing the attached exercise form.

- *Fill out the form and save your document.*

If you finish this assignment early, use your extra time to read *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985) – a seminal case in asylum law. (**Note:** this is not a required activity.)

Interviewing – Introduction to the Non-Adversarial Interview

Have you finished reading the lesson plan?

If yes, your tasks now are to:

Complete these exercises

Exercise #1

Write a short phrase to describe two meanings of the term “non-adversarial.”

Exercise #2

Write out the introduction to your interview. The introduction should address all of the components listed in the lesson plan the Asylum Division supplement.

Nexus and the Protected Grounds (minus PSG)

Have you finished reading the lesson plan?

Complete these exercises

Exercise #1

Read this article from August 6, 2012 about the [Sikh Temple Shooting in Wisconsin](#). You should also conduct online research to read other articles about this crime. Based on the evidence, what do you think was the motive for the attack, if any, and why? Please write at least one paragraph analyzing whether the evidence indicates this attack was on account of any protected characteristic(s). You must provide facts from the source to support your answer. Please cite any sources you use.

Exercise #2 (Note: This exercise is optional, please complete if you have time)

Read this article about the [Aurora Shooting in July 2012](#). Based on the evidence, what do you think was the motive for the attack, if any, and why? You must provide facts from the source to support your answer. (Note: You may also feel free to use facts from any other articles you have read about this crime to support your answer.)

Interviewing – Eliciting Testimony

Have you finished reading the lesson plan?

If yes, your task now is to:

Complete these exercises

Exercise #1

Label each of the following 10 questions as one of the following question types: open-ended (O); closed-ended (C); multiple choice (M); or leading (L).

- “How were you threatened?”
- “How many times did they threaten you?”
- “Why did they threaten you?”
- “What makes you think that was the motive for the threat?”
- “Did they actually say anything about your religion when making the threat?”
- “And on that occasion, did they threaten you in person, by letter, by phone or some other way?”
- “Are you Christian?”
- “Did you leave your house after the first threat or after the second threat?”
- “Is your religion written on any of your documents?”
- “You said earlier that you were threatened 2 times, correct?”

Exercise #2

Think back to an interview or conversation you have had that was adversarial. What effect did that have on the parties involved? What was the outcome? Write a short paragraph in response to these questions.

Exercise #3

Think back to an interview or conversation you have had that was difficult, but remained non-adversarial. What helped it remain non-adversarial? What was the outcome? Write a short paragraph in response to these questions.

Exercise #4

Think of broadcasters, journalists, or other professionals you know from the media, law enforcement, or other professions. Who is an example of an adversarial interviewer, and why? Who is an example of an effective non-adversarial interviewer, and why? Jot down notes regarding your two examples.

Mass Atrocities and Genocide Awareness

Read the Presidential Study Directive on Mass Atrocities (PSD-10), released August 4, 2011 ([click here](#)).

It is important for all officers to become aware of the history and content of PSD-10, which calls for the creation of an Interagency Atrocities Prevention Board and Corresponding Interagency Review.

DHS is in the process of publishing a lesson plan that will provide a general overview on mass atrocities and genocide awareness for DHS personnel, focusing primarily on the requirements of PSD-10. Additional training will be provided on procedures as they are developed to implement those requirements.

Read [this report](#) from NPR's *Morning Edition* about the work of the Human Rights Violators and War Crimes Unit at Immigration and Customs Enforcement (ICE).

If you finish this assignment early, use your time to read *Matter of Vides Casanova*, 26 I&N Dec. 494 (BIA 2015), the recent BIA case referenced in the NPR report.

Researching and Using Country of Origin Information (COI) in RAIO Adjudications

Have you finished reading the lesson plan?

If yes, your task is now to: Complete these exercises

Country Conditions Information Research Exercises

TRAINING OBJECTIVES:

- (1) Students will become familiar with new sources of country conditions information and Research Unit resources for accessing country conditions information.
- (2) Students will practice citing country conditions information that supports factual determinations that they make in the course of adjudicating claims and explaining the relevance of the source cited.

Complete the exercises as instructed on a separate Word document and save your document.

Complete the following exercises using the most relevant sources you can find. For each exercise, one or more factual issues will be identified. For each of those issues, cite a few sources that help you address the specific issues identified. Explain how the sources you cited, including specific quotations if possible, are relevant to the issue raised and, if applicable, what further information you would like to have in order to adequately adjudicate the issue.

(b)(6)

Note: Use the answer in the EXAMPLE EXERCISE below as a model.

EXAMPLE EXERCISE:

Issue: What is the likelihood that a [redacted] girl would be subjected to female genital cutting (FGC) in her country of origin?

Answer: The Department of State's Country Reports on Human Rights Practices for 2014 says the following about FGC in Mali (emphasis added):

Female Genital Mutilation/Cutting (FGM/C): FGM/C is legal in the country and, **except in certain northern areas**, was practiced widely across all religious and ethnic groups, **particularly in rural areas**. While the government took steps to raise awareness about the harmful health effects of FGM/C and successfully lowered the percentage of girls excised in at

least one region of the country, the government has not criminalized FGM/C, although FGM/C was prohibited in government-funded health centers. **FGM/C generally was performed on girls between the ages of six months and nine years.** The most common types of FGM/C were Type I and Type II. **The 2014 UNHCR report on FGM/C indicated 85 percent of girls and women ages 15 to 49 were excised, and 74 percent of girls and women in the same age group had a daughter who was excised.** Government information campaigns regarding the dangers of FGM/C reached citizens throughout the country, and human rights organizations reported decreased incidence of FGM/C among children of educated parents.

DOS considers there to be reliable evidence that the vast majority of Malian girls are subjected to FGC, which tends to support the applicant's claim to have a well-founded fear. However, the applicant is quite a bit older than the usual age at which FGC is performed in Mali. Is she from an urban area or from northern Mali, where DOS indicates that FGC is less common?

EXERCISE ONE

(b)(6)

Issue One: What does country conditions information indicate about the status of Ahmadi's in Algeria today? How is the government of Algeria treating Ahmadi's today?

Issue Two: He also claims that Algerian citizens who belong to other sects of Islam in Algeria are persecuting him for his religious beliefs. What is the country conditions information regarding sectarian violence in Algeria today? And how are Ahmadi's being treated in Algerian society?

EXERCISE TWO

(b)(6)

Issue One: What does country conditions information indicate about how the followers of the teaching of Fethullah Gulen are being treated today by the Turkish government?

Issue Two: What is the country conditions information regarding private schools associated

with the Gülen movement in Turkey today?

EXERCISE THREE

(b)(6)

Issue One: Identify two different sources of information pertaining to the treatment of LGBTI individuals in Saudi Arabia. What does country conditions information indicate about how LGBTI individuals are treated by both family members and the government in Saudi Arabia?

PART 3: Take stock of the country conditions sources that you have used in these exercises. Bookmark any that you may wish to refer to in the future. In addition, bookmark the following useful sites so that you can easily refer to them for future research: UNHCR Refworld; Open Source Center; and PiX (register for an account now so that you will have access during the Face-to-Face portion of training); Jane's Terrorism and Insurgency Centre (accessed through DHS Libraries' online journal collection).

**Past Persecution –
Rebuttable Presumption**

Have you finished viewing the [webinar](#)? (PW: ADOTP)

**Asylum Process and
Procedures**

Have you finished reading the lesson plan and viewing the [webinar](#)? (PW: ADOTP)

**India COI, Eliciting
Testimony & Fraud**

Have you finished viewing the [webinar](#)?

Congratulations!

You have finished the Distance Training component.

Thank you for your participation.

CREDIBLE FEAR FOR USBP TRAINING

7:00 *	(DAY 1) JULY 8	(DAY 2) JULY 9	(DAY 3) JULY 10	(DAY 4) JULY 11	(DAY 5) JULY 12
8:00	<u>Welcome and Overview</u> 8:00 am – 8:30 am (.5hr.) <i>John Lafferty</i> <u>Tech</u> 8:30 am – 9:30 am (1 hr) <i>Henry Otten</i> <u>Non-Adversarial Interviews, Note-Taking & Confidentiality</u> 9:45 am – 11:30 pm (1.75 hrs.) Ringo Vine	<u>RAIO Travel</u> 8:00 am - 8:20 am <u>Evidence</u> 8:20 am – 9:15 am (55 mins) Jonathan Gordon <u>Refugee Definition & Persecution</u> 9:30 am – 12:00 pm (2.5 hrs) Heather Hogan <i>Discuss and complete documents from observed interview</i> RAIO Training Room (3 rd floor 20 Mass DC)	<u>Well-Founded Fear</u> 8:00 am – 10:45 am (2.75 hrs.) Ringo Vine <u>IRFA</u> 11:00 – 12:00 (1 hr.) Giacomo Picciotto RAIO Training Room (3 rd floor 20 Mass DC)	<u>Working with Interpreters and Consultants</u> 8:00 am – 9:00 am (1 hr) Lakshmi Kilaru <u>Introductions</u> 9:00 am – 9:30 am (.5 hr) Jonathan Gordon <u>Overview of Mandatory Bars & TRIG</u> 9:30 am – 10:45 am (1.25) <i>Adverse Memo Practice</i> Kate Bissell <u>APSO Security Checks</u> 11:00 am – 12:00 pm (1 hr.) Elizabeth Scott and Ebbel Joseph RAIO Training Room (3 rd floor 20 Mass DC)	<u>Country of Origin Information in CF – Latin America</u> 8:00 am – 12:00 pm (4 hrs with 15 min break) Tom Perkowski RAIO Training Room (3 rd floor 20 Mass DC)
12:00	<u>Lunch 11:30 AM-12:30 PM</u> RAIO Training Room (3 rd floor 20 Mass DC)				
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
1:00	<u>Group CF Interview Observation</u> 12:30 pm – 5:00 pm (4.5 hrs with 15 min break) 1:00 PM start Anna Turosky and Elizabeth O'Malley *Tech for part of the time if needed	<u>Nexus and Protected Grounds incl PSG</u> 1:00 pm – 5:00 pm (4 hrs with 15 min break) Alyssa Xu <i>If time allows, discuss and complete documents from observed interview</i>	<u>Credibility including Eliciting Testimony and Checklist Practice</u> 1:00 pm – 5:00 pm (4 hrs. with 15 min break) Alyssa Xu	<u>Credible Fear</u> 1:00 pm – 2:15 pm (1.25 hrs.) Kate Bissell, Elizabeth Scott <u>Convention Against Torture</u> 2:30 pm – 4:00 pm (1.5 hrs.) Alyssa Xu <u>Eliciting Testimony in CF</u> 4:00 pm – 5:00 pm (1 hr) Alyssa Xu	<u>Latin America cont'd</u> 1:00 pm – 1:30 pm (.5 hr) Tom Perkowski <u>Exam Review</u> 1:30 pm – 2:00 pm (.5 hr) Jonathan Gordon <u>China and India COI</u> 2:15 pm – 3:45pm (1.5 hr) Bill Korner <u>Conduct COI Research on Latin America, China and India</u> 4:00 pm – 5:00 pm (1 hr) Tom Perkowski and Bill Korner
5:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

CREDIBLE FEAR FOR USBP TRAINING

	(DAY 6) JULY 15	(DAY 7) JULY 16	(DAY 8) JULY 17	(DAY 9) JULY 18	(DAY 10) JULY 19
8:00	<u>Knowledge Check (Multiple Choice Exam)</u> 8:00 am- 9:00 am (1 hr) <i>Classroom Coordinator</i> <u>CF Checklist: Determinations 1 (Positive and Negative)</u> 9:15 am – 11:45 am (2.5 hrs) <i>Lara Jayasanker</i>	<u>ZAR Tech</u> 7:30 am – 9:00 am (1.5 hrs.) ZAR/ZAC <u>Workflow, Local Procedures and Supervisory Review</u> 9:15 am – 11:15 am (2 hrs.) Jessica Moese and Senior Asylum Officer <u>Exam Review</u> 11:30 am – 12:00 pm (.5 hrs) <i>Classroom Coordinator</i>	<u>CF Interview Observations with Contemporaneous Notetaking + Guided Paperwork*</u> <i>(Reenactment with QA provided notes)</i> 8:00 am - 12:00 pm (3.75 hrs with a 15 min break) <i>Brooke Kirkland, Giacomo Picciotto, and Classroom Coordinator</i> <i>*Additional time for tech as needed</i> ZAR (Arlington, VA)	<u>CF Interview Observations with Contemporaneous Notetaking</u> 7:30 am -10:30 am (3 hours with 15 minute break) <u>Write up and Paperwork</u> 10:30 am -12:00 pm (1.5 hours) ZAR/ZAC and Field Volunteer ZAR (Arlington, VA)	<u>Guided Mocks</u> <i>Group A</i> 7:30 am – 10:15 am Interview 10:30 am -12:00 pm Write Up 12:00 – 12:45 pm Self Study <i>Group B</i> 7:30 – 8:30 – Global Overview 8:45 – 9:45 – FDNS 10:00 am – 12:45 pm Interview HQ + Volunteers ZAR (Arlington, VA)
12:00	RAIO Training Room (3 rd floor 20 Mass DC)	<u>Location Change!</u> ZAR (Arlington, VA)	ZAR (Arlington, VA)	ZAR (Arlington, VA)	ZAR (Arlington, VA)
	<u>LUNCH 11:45 – 12:45</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH 12:45 -1:45</u>
1:00	<u>APSO Forms (I870 & NTA)</u> 12:45 pm – 2:15 pm (1.5 hrs.) <i>Ebbed Joseph</i> <u>Fraud Detection and National Security</u> 2:30 pm – 3:30 pm (1 hr) <i>Grace Johnson</i> <u>Global Overview</u> 3:45 pm – 5:00 pm (1.25 hrs) James Wood	<u>CF Interview Observation</u> 1:00 pm – 3:30 pm (2.5 hrs, includes 15 minute break) <u>Security Checks Lab</u> 3:30 pm – 5:00 pm (1.5 hrs) Jessica Moese and Senior Asylum Officer	<u>Graded CF Practical</u> 1:00 pm – 3:30 pm (2.5 hrs) <i>Classroom Coordinator</i> <u>Dissolution and Rare Language Procedures</u> 3:45 pm – 5:00pm (1.25 hrs) Jessica Moese and Senior Asylum Officer	<u>Complete and Submit Write up and Paperwork</u> 1:00 am -1:30 pm (.5 hours) <u>Form Filler</u> 1:30 pm – 2:30 pm (1 hr) <i>Michael Jacobson, ZLA SAO</i> <u>Feedback/Self-Study</u> 2:45 pm – 4:00 pm (1 hr with 15 minute break) <u>Mock Instructions</u> 4:15 pm – 4:30 pm (.25 hr) <i>Mock Coordinator</i> HQ + Volunteers	<i>Group A</i> 1:45 – 2:15 pm Self Study 2:30 – 3:00 pm Feedback 3:00 – 4:30 pm Latin America COI Exercise <i>Group B</i> 1:45 – 3:15 pm Write up 3:15 – 3:45 pm Self Study 4:00 – 4:30 pm Feedback HQ + Volunteers
5:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

Updated: 7/25/2019

SCHEDULE SUBJECT TO CHANGE

DHS-19-1398-C, 19-1400-B-000405

CREDIBLE FEAR FOR USBP TRAINING

	(DAY 11) JULY 22	(DAY 12) JULY 23	(DAY 13) JULY 24	(DAY 14) JULY 25	(DAY 15) JULY 26
7:30	Officers in Group A conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (not graded) Officers in Group B observe one CF interview, complete paperwork, and submit for feedback (not graded) HQ + Volunteers ZAR (Arlington, VA)	Officers in Group B conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (not graded) Officers in Group A observe one CF interview, complete paperwork, and submit for feedback (not graded) HQ + Volunteers ZAR (Arlington, VA)	Officers in Group A conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (graded) Officers in Group B observe one CF interview, complete paperwork, and submit for feedback (not graded) HQ + Volunteers ZAR (Arlington, VA)	Officers in Group B conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback (graded) Officers in Group A observe one CF interview, complete paperwork, and submit for feedback (not graded) HQ + Volunteers ZAR (Arlington, VA)	Group A Feedback Session/Group B Feedback 8:00 am – 9:00 am Group B Feedback Session/Group A Feedback 9:15 am – 10:15 am MPP 10:30 am – 12:00 pm Brooke Kirkland, Marina Basseas, and Liz Scott
	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
4:30	<i>Continue from morning</i> <i>Feedback when evaluators available</i>	<i>Continue from morning</i> <i>Feedback when evaluators available</i>	<i>Continue from morning</i> <i>Feedback when evaluators available</i>	<i>Continue from morning</i> <i>Feedback when evaluators available</i>	FRCs 1:00 pm - 2:15 pm Liz Scott Form Filler and Vouchers 2:30 pm – 3:30 pm Michael Jacobson and Jonathan Gordon Certificates and Wrap-Up 3:30 pm - 5:00 pm
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

APSO FOR USBP TRAINING

7:00 *	(DAY 1) NOVEMBER 4	(DAY 2) NOVEMBER 5	(DAY 3) NOVEMBER 6	(DAY 4) NOVEMBER 7	(DAY 5) NOVEMBER 8
8:00	Report to CBP HQ to obtain laptops and Systems Access Arrive at 20 Mass in time for sessions at 1PM	<u>Group FRC CF Interview Observation</u> 8:00 am – 12:00 pm (4 hrs with 15 min break) 1:00 PM start <i>*Discuss and complete documents from observed interview</i>	<u>Nexus and Protected Grounds incl PSG</u> 8:00 am – 12:00 pm (4 hrs with 15 min break) Corey Cappelloni and Ajai Mathew HQ ASM <i>If time allows, discuss and complete documents from observed interview</i>	<u>Well-Founded Fear</u> 8:00 am – 10:45 am (2.75 hrs.) Marina Basseas, HQ ASM <u>Overview of Mandatory Bars & TRIG</u> 11:00 am – 12:15 am (1.25) <i>Adverse Memo Practice</i> Ajai Mathew, HQ ASM	<u>Country of Origin Information in CF – Latin America</u> 8:00 am – 12:00 pm (4 hrs with 15 min break) Thomas Perkowski, RAIO RU
12:00	LUNCH	LUNCH	LUNCH	LUNCH 12:15 – 1:15	LUNCH
1:00	<u>Welcome and Overview</u> 1:00 pm – 1:30 pm (.5hr.) <u>Tech</u> 1:30 pm – 2:00 pm (.5 hr.) <u>Non-Adversarial Interviews, Note-Taking & Confidentiality</u> 2:15 pm – 4:00 pm (1.75 hrs.) Shannon Alexander, HQ ASM and Amanda Mendelson, RAIO HQ <u>RAIO Travel</u> 4:15 pm – 5:00 pm (.75 hrs.)	<u>Refugee Definition & Persecution</u> 1:00 am – 3:30 pm (2.5 hrs) Ajai Mathew, HQ ASM <u>IRFA</u> 3:45 – 5:00 (1.25 hr.) Giacomo Picciotto, HQ ASM	<u>Credibility including Eliciting Testimony and Checklist Practice</u> 1:00 pm – 5:00 pm (4 hrs. with 15 min break) Dylan Fuller, HQ ASM	<u>Credible Fear and Third Country Transit, IFR</u> 1:15 pm – 3:15 pm (2 hrs.) Catherine (“Kate”) Bissell, HQ ASM, Marina Basseas, HQ ASM, and Elizabeth “Liz” Scott, HQ ASM <u>Convention Against Torture</u> 3:30 pm – 5:00 pm (1.5 hrs.) Dylan Fuller, HQ ASM	<u>APSO Security Checks</u> 1:00 pm – 2:00 pm (1 hr.) Ebbled Joseph, HQ ASM <u>Talk with the Associate Director</u> 2:00 pm – 2:30 pm Jennifer B. Higgins, RAIO Associate Director (.5 hrs.) <u>Working with Interpreters and Consultants</u> 2:45 pm – 3:45 pm (1 hr.) Jonathan Gordon, HQ ASM <u>Exam Review</u> 4:00 pm – 5:00 pm (1 hr.) Classroom Coordinator
5:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

Updated: 11/1/2019

SCHEDULE SUBJECT TO CHANGE

DHS-19-1398-C, 19-1400-B-000407

APSO FOR USBP TRAINING

	NOVEMBER 11	(DAY 6) NOVEMBER 12	(DAY 7) NOVEMBER 13	(DAY 8) NOVEMBER 14	NOVEMBER 15
8:00	Veteran's Day	<u>Knowledge Check</u> <u>(Multiple Choice Exam)</u> 8:00 am- 9:00 am (1 hr) Classroom Coordinator <u>CF Checklist:</u> <u>Determinations 1 (Positive and Negative)</u> 9:15 am – 11:45 am (2.5 hrs) Kate Bissell and Marina Basseas, HQ ASM	<u>Exam Review</u> 8:00 am – 8:30 am (.5 hrs) Classroom Coordinator <u>Eliciting Testimony in CF</u> 8:30 am - 9:30 am (1 hr.) Marina Basseas, HQ ASM <u>FRCs</u> 9:45 am – 11:00 am (1.25 hrs.) Liz Scott, HQ ASM <u>Forms Review</u> 11:15 am – 12:00 am (.75 hr.) Liz Scott, HQ ASM and Ebbled Joseph, HQ ASM	<u>CF Interview</u> <u>Observations with Contemporaneous Notetaking</u> 8:00 am -10:30 am (3 hours with 15 minute break) <u>Write up and Paperwork</u> 10:30 am -12:00 pm (1.5 hours)	Agents Travel Home
12:00					
		<u>LUNCH 11:45 – 12:45</u>	<u>LUNCH</u>	<u>LUNCH</u>	
1:00		<u>APSO Forms (I870 & NTA)</u> 12:45 pm – 1:45 pm (1 hr.) Liz Scott, HQ ASM and Ebbled Joseph, HQ ASM <u>Fraud Detection and National Security</u> 1:45 pm – 2:45 pm (1 hr) Grace Johnson, IO ZAR <u>Talk with the Acting Director</u> 3:00 pm – 3:30 pm Ken Cuccinelli, II, USCIS Acting Director (.5 hrs.) <u>Global Overview</u> 3:45 pm – 5:00 pm (1.25 hrs) James Wood, RAIO IDEA	<u>CF Forms Practical Exercise</u> 1:00 pm – 3:30 pm (2.5 hrs) Classroom Coordinator <u>Introductions</u> 3:45 pm – 4:15 pm (.5 hr.) Jonathan Gordon, HQ ASM <u>Forms Review</u> 4:15 pm – 5:00 pm (.75 hrs.)	<u>Children's Claims</u> 1:00 pm – 3:00 pm (2 hrs.) Lynn Wilson-Bruchet, HSI <u>Feedback of CF Forms Practical Exercise</u> 3:15 pm – 4:00 pm (.75 hr.) <u>Feedback and Wrap Up</u> 4:00 pm – 5:00 pm (1 hrs.)	
5:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

FINAL MULTIPLE CHOICE EXAM – CREDIBLE FEAR FOR USBP

1. A credible fear interview must be:

- a) non-adversarial.
- b) a cross-examination.
- c) an interrogation.
- d) through an interpreter.

2. In a credible fear interview, an applicant has the right to have which of the following individuals present:

- a) an attorney
- b) a consultant
- c) proceed alone
- d) all the above

3. An applicant testifies that she was granted asylum in Brazil prior to coming to the U.S. and being processed for credible fear. You conclude the applicant has a positive credible fear claim but is likely subject to a mandatory bar to asylum for firm resettlement. You should:

- a) issue a negative decision because the applicant is subject to a mandatory bar
- b) issue a positive decision and flag the bar on the I-870 and in Global
- c) issue a positive decision and do not flag it because it is not a security-related bar
- d) issue a negative decision because this person cannot be in the credible fear process

4. Which of the following is not a component of a credibility finding:

- a) level of detail
- b) consistency
- c) plausibility
- d) moral judgement of actions taken

5. An applicant in a credible fear interview describes being a member of a criminal gang who regularly committed violent crimes in his home country. The officer should:

- a) end the interview immediately because the applicant is ineligible for asylum.
- b) elicit information about the applicant's criminal activities to flag in the applicant's case.
- c) switch to a cross-examination style of questions and record answers in sworn statement.
- d) deny the applicant's credible fear claim based solely on his criminal activity.

6. To establish a claim for withholding of removal under the Convention Against Torture, an applicant must show that the feared harm:

- a) would be perpetrated by someone working as an agent or representative of the government in the applicant's home country.
- b) would be perpetrated without the knowledge of the government or public officials in the applicant's home country.
- c) would be perpetrated by someone on the orders of a public official in the applicant's home country.
- d) would be perpetrated by or with the consent or acquiescence of a public official or an individual working in his or her official capacity in the applicant's home country.

7. Which of the following is not delineated as a protected ground for asylum in U.S. law (8 U.S.C. § 1158)?

- a) ethnicity
- b) nationality
- c) religion
- d) political opinion

Use the following facts for your response to questions 8 and 9:

Peter, a citizen of Nigeria, applied for admission to the U.S. on September 19, 2019, and is subject to expedited removal. Peter does not establish an exception to the IFR. He states that he fears returning to Nigeria and is referred to an asylum officer for an interview. During the interview, Peter testified that he was a military commander in Nigeria and persecuted many people. He fled his country because he was attacked and wounded by an angry mob.

8. If the asylum officer's decision is negative, it was because the asylum officer determined that Peter:

- a) does not have a credible fear.
- b) does not have a reasonable fear.
- c) is not a refugee under US law.
- d) is subject to a statutory mandatory bar to receiving asylum.

9. The correct legal standard the asylum officer will apply to make a decision is:

- a) a clear probability that Peter will be persecuted.
- b) a reasonable possibility that Peter will be persecuted.
- c) a clear probability that Peter could establish asylum eligibility.
- d) a significant possibility that Peter could establish asylum eligibility.

10. An applicant testifies that she did not suffer physical harm in her home country, but she was threatened on four occasions because of her religion. Which of the following is true:

- a) the applicant cannot establish that she experienced past persecution in her home country because she did not suffer any physical harm.
- b) because the applicant received four threats in her home country, the harm she suffered is necessarily serious harm that rises to the level of persecution.
- c) the officer should explore the nature of the threats and the impact they had on the applicant to determine if the harm the applicant experienced rises to the level of persecution.

d) the applicant can only establish that the harm she experienced is serious harm that constitutes persecution if the threats were made to her in-person and by someone who worked for the government of her home country.

11. Roberto credibly testified at his credible fear interview that on many occasions in his native Caribbean country he was beaten by street gangs because his natural father is ethnic Chinese. An officer should:

- a) make a negative credible fear determination because ethnicity is not one of the five grounds.
- b) question Roberto in order to determine if he personally identifies as being ethnically Chinese
- c) question Roberto and examine country conditions to see if Roberto's government is unable or unwilling to control the persecutors.
- d) decide that the beatings do not constitute "persecution," since the government of his country did not physically commit the abuses.

12. Thomas does not possess a political opinion. His government arrested him because his uncle is the leader of an opposition political party. He escaped, then fled to the U.S. and requested asylum. Choose the application of law that best fits these facts:

- a) The government believes that Thomas is politically neutral.
- b) The arrest occurred on account of Thomas' political opinion.
- c) Thomas may be able to establish that the arrest occurred on account of his imputed political opinion.
- d) Thomas may be subject to a mandatory bar because escaping from prison is considered a serious nonpolitical crime.

13. An officer asks an applicant about an internal inconsistency in the applicant's testimony. In response, the applicant states, "I always tell the truth!" The asylum officer should:

- a) record the response in the interview notes and afford it the appropriate probative weight.
- b) consider the response illogical and disregard in its entirety.
- c) record the response in the interview notes, consider it implausible and disregard it in its entirety.

- d) consider the remark defeats the asylum claim because it calls into question the applicant's credibility.

14. An applicant testifies that he served in the military in his home country during a time when the military was known to be committing human rights abuses against its citizenry. Which of the following mandatory bars to asylum is most likely implicated?

- a. Persecutor
- b. Conviction of a Particularly Serious Crime
- c. Danger to the Security of the U.S.
- d. Terrorism-Related Inadmissibility Grounds

15. Which of the following is not a requirement for notes taken during a credible fear interview:

- a. must accurately reflect the questions and responses
- b. must not include officer's suppositions, opinions or personal inferences
- c. must include the applicant's name, A-number, date of the interview, page number, and officer's name
- d. must be a verbatim record of the questions asked and answers given

16. In a credible fear case in which an applicant is competent to testify, in order to receive a positive credible fear finding, generally an applicant must provide, at minimum, which of the following:

- a. credible oral testimony supporting the applicant's claim
- b. a written statement supporting the applicant's claim
- c. statements from friends and family supporting the applicant's claim
- d. documentary evidence, such as news reports or photographs, supporting the applicant's claim

17. An applicant was apprehended with several other individuals from the applicant's home country. At their interviews, a few of the individuals who were apprehended together testify to similar facts regarding their claims for asylum. The officer evaluating the applicant's credible fear case should:

- a. probe the applicant's claim for credibility, evaluate the case on its own merits, and consult with his or her supervisor about possible fraud indicators
- b. issue a negative decision because the similarities constitute fraud indicators in the file
- c. confront the applicant directly with quotes from the other cases and record all responses in the notes
- d. immediately stop the interview and consult FDNS personnel prior to continuing the interview

18. When conducting security checks in a case, you discover a record with derogatory information about the applicant that may be relevant to her asylum claim. The record indicates that for more information, you can contact a specific point of contact who owns the record. You should:

- a. contact FDNS personnel to reach out to the point of contact
- b. reach out directly to the point of contact listed on the record
- c. confront the applicant directly with the information contained in the record
- d. contact the individual given by the applicant as his or her sponsor in the U.S. to obtain more information about the contents of the record

Please use the following facts for Questions 19 and 20:

Maria is before you for a credible fear interview. Maria testifies credibly that she was raped on one occasion in her home country of Guatemala by member of the MS-13 gang because her brother Esteban refused to join the gang. Maria had counseled Esteban to not join the gang and threatened to report him to the police if he did so. The gang member who raped Maria was attempting to compel Esteban to join the gang by targeting Maria.

19. Which of the following is true with regards to whether Maria experienced harm serious enough to rise to the level of persecution?

- a. the harm Maria experienced is serious harm that rises to the level of persecution
- b. the officer should explore whether Maria experienced other harm that when considered cumulatively with the rape would be serious harm that rises to the level of persecution
- c. the harm Maria experienced was related to gang violence so she cannot establish a positive credible fear claim
- d. the officer should explore further the harm to Maria's brother to determine whether Maria's harm is serious harm that rises to the level of persecution

20. If Maria establishes a nexus, what else must Maria establish in order to show a credible fear of persecution?

- a. Maria cannot establish a nexus to a protected ground because the case is related to gang recruitment.
- b. Maria must establish that the government was unable and/or unwilling to control the persecutors.
- c. Maria must show that she was in the persecutor's custody and control.
- d. Maria cannot establish a credible fear of persecution because it was Esteban, not Maria, who was being targeted for recruitment.

21. An applicant credibly testifies during a credible fear interview that he is a gay man. When questioning the applicant, you should:

- a. refer to the applicant using the word gay because that is the term the applicant used to refer to himself
- b. refer to the applicant using the word homosexual because gay is a derogatory way to refer to members of the LGBTI community
- c. refer to the applicant using the acronym LGBTI because it is the term of art identified to refer to members of this group
- d. refer to the applicant as a sexual minority because it has been identified as a cognizable particular social group in the applicant's home country

22. An applicant testifies that he fled his home country because he had been wrongfully arrested by government agents for engaging in peaceful protests against the government. The applicant testifies he cannot return to his home country because he fears he will be arrested and tortured by the government because of his political activities. The applicant further testifies that other individuals who attended the same protests are currently being targeted by the government.

To which prong of the well-founded fear analysis is the testimony related to the current treatment of political opponents of the government most relevant?

- a. possession of a protected characteristic
- b. awareness by the feared persecutor that the applicant possesses a protected characteristic
- c. capability of the feared persecutor to harm the applicant
- d. inclination of the feared persecutor to harm the applicant

23. Which of the following is not a consideration in determining whether an applicant may be a victim of trafficking?

- a. the applicant cannot produce identity documents and testifies that the smuggler used by the applicant still has the applicant's passport
- b. the applicant is male and the record does not indicate any coercion related to sexual activity
- c. security checks indicate that the applicant has been arrested for prostitution
- d. the applicant indicates that the applicant intends to work in a profession known to the officer to be a common profession for persons trafficked to the U.S.

24. An applicant establishes she experienced past persecution, but country of origin information indicates that there has been a fundamental change of circumstance in the applicant's home country such that she no longer has a well-founded fear of future persecution. The applicant may still merit a positive credible fear determination if which of the following is true?

- a. the applicant may be entitled to a discretionary grant of asylum in a full hearing because the applicant demonstrated she could not internally relocate to avoid harm before coming to the U.S.
- b. the applicant may be entitled to a discretionary grant of asylum in a full hearing based on the severity of the harm the applicant experienced in the past
- c. the applicant may be entitled to a discretionary grant of asylum in a full hearing based on other serious harm the applicant would face if she returned to her home country
- d. B or C

25. An applicant testifies at her credible fear interview that she is from a minority indigenous population in Guatemala. The applicant indicates that she was not able to attend school, was frequently denied employment, could not obtain a rental property so was forced to live in a house with no modern conveniences, and was frequently called a derogatory term for members of the indigenous community when walking on the streets all because of her indigenous identity. The officer should:

- a. issue a negative credible fear determination because the harm the applicant experienced is mere discrimination and harassment that does not rise to the level of persecution
- b. explore the impact of the harm on the applicant and whether the harm, cumulatively, is serious harm that rises to the level of persecution
- c. explore whether the applicant experienced harm for any other reason because this harm does not have a nexus to a protected ground
- d. find that the applicant cannot establish a claim based on this harm because the harm was not committed by a government actor

26. In order to establish a credible fear based on persecution, an applicant must establish that he was harmed by:

- a. a government actor
- b. a non-government actor who was arrested and is being prosecuted for harming the applicant
- c. an actor that the government is unable or unwilling to control
- d. A or C

27. In addition to an applicant's credible testimony, which of the following is the most likely source an officer could use to determine whether an applicant could internally relocate to avoid harm?

- a. knowledge from other cases from the same country
- b. Country of Origin Information from reliable and current sources
- c. Supervisory Asylum Officer's opinion on internal relocation in that country
- d. Twitter, Facebook or other social media posts the officer finds about events in that country

28. An applicant who establishes eligibility under the Convention Against Torture is entitled to:

- a. Withholding of Removal
- b. Cancellation of Removal
- c. Asylum
- d. A or B

29. When interviewing someone over the phone in a credible fear interview and an applicant is not responding directly to the questions asked, an officer should then:

- a. find the applicant not credible for non-responsiveness
- b. check with the applicant to ensure understanding of the interpreter and/or the officer
- c. hang up the phone and have the applicant rescheduled for a later date
- d. confront the applicant about why the applicant is being so difficult and not answering the officer's questions

30. Which of the following would not be a mandatory bar to a grant of asylum?

- a. a prior negative finding in a credible fear case in the U.S.
- b. commission of terrorist activity by the applicant
- c. a prior conviction in the U.S. for first degree murder
- d. commission of armed robbery in the applicant's home country without conviction

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OJT CREDIBLE FEAR FOR USBP TRAINING

	(DAY 1) NOVEMBER 18	(DAY 2) November 19	(DAY 3) NOVEMBER 20	(DAY 4) November 21	(DAY 5) NOVEMBER 22
7:30	<u>Welcome, Orientation, Obtain badges, Systems access, Read Procedures and Tech support</u> 7:30 am – 10:15 am (2.75 hrs.) <u>Break</u> 10:15 am -10:30 am (.25 hr.) <u>Workflow, Local procedures and Supervisory review</u> 10:30 am – 11:30 am (1 hr.)	<u>Review mock interview facts and Open interview notes</u> 7:30 am – 8:00 am (.5 hr.) <u>Mock CF Interview # 1</u> 8:00 am – 11:15 am (3.25 hrs. with a 15 min. break) (Group 2 will follow Wednesday's schedule.)	<u>Observe CF morning interviews noting follow-up questions</u> 8:00 am – 12:00 pm (4 hrs. with a 15 min. break) (Group 2 will follow Tuesday's schedule.)	<u>Review mock interview notes and follow-up questions from yesterday (con't.)</u> 7:30 am – 9:00 am (1.5 hrs.) <u>Meeting with ZHN leadership</u> 9:00 am – 10:00 am (1 hr.) <u>Break</u> 10:00 am -10:15 pm (.25 hr.) <u>Review (con't.)</u> 10:15 am – 11:15 am (1 hr.)	<u>Dissolution, Family unity and Rare language procedures</u> 7:30 am – 10:15 am (2.75 hrs.) <u>Break</u> 10:15 am -10:30 am (.25 hr.) <u>PDF Webex</u> 10:30 AM-11:00 AM <u>Checklist refresher</u> 11:00 am – 12:00 pm (1 hr.)
30 minutes	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
12:00	<u>Trafficking exception</u> 12:00 pm – 12:30 pm (.5 hr.) <u>Review Interim Final Rule</u> 12:30 pm – 2:15pm (1.75 hrs.) <u>Break</u> 2:15 pm – 2:30 pm (.25 hr.)	<u>Mock CF Interview # 2</u> 11:45 am – 3:00 pm (3.25 hrs. with a 15 min break) <u>Write-up paperwork and Individual time with trainer</u> 3:00 pm – 5:30 pm (2.5 hrs.)	<u>Observe CF afternoon interviews noting follow-up questions</u> 12:30 pm – 5:30 pm (4 hrs. with a 15 min. break)	<u>Form Filler</u> 11:45 am – 1:00 pm (1.25 hrs.) <u>Break</u> 2:00 pm – 2:15 pm (.25 hr.) <u>Review forms from mock</u> 2:15 pm – 4:15 pm (2 hrs.) <u>Security Checks Lab</u> 4:15 pm – 5:30 pm (1.25 hrs.)	<u>CF Interview Observations with Contemporaneous Notetaking for Review</u> 12:30 pm – 2:15pm (1.75 hrs. or until the completion of the interview) <u>Break</u> 2:15 pm – 2:30 pm (.25 hr.) <u>Write up and Paperwork</u> 2:30 pm – 5:30 pm (3 hrs.)
5:30	<u>Form filler and review trigger documents for tomorrow</u> 2:30 pm – 5:30 pm (3 hrs.)				
	10 HOURS	10 HOURS	10 HOURS	10 HOURS	10 HOURS

OJT CREDIBLE FEAR FOR USBP TRAINING

	(DAY 6) NOVEMBER 25	(DAY 7) NOVEMBER 26	(DAY 8) November 27	(DAY 9) NOVEMBER 28	(DAY 10) NOVEMBER 29
7:30	<u>FDNS updates from Travis Wessler</u> 7:30 am – 9:30 am (2.0 hrs.) <u>Mentor assignments and words from mentors</u> 9:30 am – 10:15 am (1.25 hrs.) <u>Break</u> 10:15 am -10:30 am (.25 hr.) <u>Credibility analysis</u> 10:30 am -11:30 am (1 hr.)	<u>Officers observe one CF interview, complete paperwork, and submit for feedback</u>	<u>Officers observe one CF interview, complete paperwork, and submit for feedback</u>	CLOSED	<u>Officers in Group B conduct one CF interview (observed) complete paperwork and submit for evaluation and feedback</u> <u>Officers in Group A observe one CF interview, complete paperwork, and submit for feedback</u>
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>		<u>LUNCH</u>
12:30	<u>Credibility analysis</u> 12:00 pm -1:00 pm (1 hr.) <u>Checklist workshop</u> 1:00 pm -3:00 pm (2 hrs.) <u>Break</u> 3:00 pm -3:15 pm (.25 hr.) <u>Wrap-up session with questions</u> 3:15 m -5:30 pm (2.75 hrs.)	<i>Continue from morning</i> <i>Feedback when evaluators available</i>	<i>Continue from morning</i> <i>Feedback when evaluators available</i>	THANKSGIVING	<i>Continue from morning</i> <i>Feedback when evaluators available</i>
5:30					
	10 HOURS	10 HOURS	10 HOURS		10 HOURS

OJT CREDIBLE FEAR FOR USBP TRAINING

	(DAY 11) DECEMBER 2	(DAY 12) DECEMBER 3	(DAY 13) DECEMBER 4	(DAY 14) DECEMBER 5	(DAY 15) DECEMBER 6
7:30	<u>All group A agents</u> <u>Conduct 1 interview and</u> <u>conduct write up</u> <u>All group B agents</u> <u>observe 1 interview and</u> <u>conduct write up</u>	<u>All group B agents</u> <u>Conduct 1 interview and</u> <u>conduct write up</u> <u>All group A agents</u> <u>observe 1 interview and</u> <u>conduct write up</u>	<u>All Agents Conduct 1</u> <u>interview and conduct</u> <u>write ups</u>	<u>All Agents Conduct 1</u> <u>interview and conduct</u> <u>write ups</u>	<u>All Agents Conduct 1</u> <u>interview and conduct</u> <u>write ups</u>
	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
12:30	Continue from morning Feedback when evaluators available	Continue from morning Feedback when evaluators available	Continue from morning Feedback when evaluators available	<u>All Agents Conduct 1</u> <u>interview and conduct</u> <u>write up</u>	<u>All Agents Conduct 1</u> <u>interview and conduct</u> <u>write ups</u>
5:30	10 HOURS	10 HOURS	10 HOURS	10 HOURS	10 HOURS

CF for CBP Distance Training Syllabus and Completion Attestation – Instructions for Students

Introduction

The CF training for CBP Officers includes a 2-week reading component that must be completed prior to the Face-to-Face Classroom component. This document contains information you will need to complete the reading.

Procedures for Completing the ADOTP Distance Training

The syllabus for the CF for CBP Distance Training is on the following pages. Please follow these instructions to complete the DT:

- Complete each unit and any corresponding assignments within the proscribed timeframes. The units are not currently listed in any preferred order.
- When you have completed a unit, initial and date the corresponding box.
- Once you have completed all of the Distance Training units, you and a Manager from your office must sign and date the Completion Attestation form to verify proper completion of all units.
- Scan and email a copy of all pages of the CF for CBP Distance Training Syllabus and Completion Attestation to Asylumtraining-coordinators@uscis.dhs.gov. **Title your email and attachment as follows: *Last Name, First Name - ADOTP DT – Completion Attestation***
- The CF for CBP Distance Training schedule totals 80 hours (around 10 business days, depending upon work schedules). *To be used in conjunction with the CF for CBP Distance Training Component Workbook.*

Topic	Time Allocated	Initial & Date Upon Completion (MM/DD/YY)
Sources of Authority: <i>reading</i>	1.25 hours	
Reading and Using Case Law: <i>reading + exercise</i>	2.75 hours	
International Human Rights Law: <i>reading</i>	1.5 hours	
UNHCR Overview: <i>reading</i>	1.5 hours	
Refugee Definition: <i>reading</i>	2 hours	
Persecution: <i>reading</i>	2.25 hours	
Refugee Definition; Persecution: <u>Webinar</u> + <i>exercise</i>	1.5 hours	
Interviewing – Intro to the Non- Adversarial Interview: <i>reading + exercises</i>	2.5 hours	
Nexus and the Protected Grounds (minus PSG): <i>reading + exercises</i>	3.5 hours	
Nexus – PSG: <i>reading</i>	4 hours	
Well-Founded Fear: <i>reading</i>	2.5 hours	
Interviewing – Survivors of Torture: <i>reading</i>	1 hour	
Interviewing – Note Taking: <i>reading</i>	1 hour	

Interviewing – Eliciting Testimony: <i>reading + exercises</i>	2 hours	
Interviewing – Working with an Interpreter: <i>reading</i>	2 hours	
Detecting Possible Victims of Trafficking: <i>reading</i>	1.5 hours	
Cross-Cultural Communication: <i>reading</i>	.75 hours	
Evidence: <i>reading</i>	2 hours	
Fraud and FDNS Overview: <i>reading</i>	2.5 hours	
International Religious Freedom Act (IRFA): <i>reading</i>	2 hours	
Persecutor Bar: <i>reading</i>	2 hours	
Mass Atrocities and Genocide Awareness: <i>reading</i>	.5 hours	
LGBTI Claims: <i>reading</i>	2 hours	
Gender-Related Claims: <i>reading</i>	1.75 hours	
Children’s Claims: <i>reading</i>	3.5 hours	
National Security, Part 1: <i>reading</i>	1.25 hours	
National Security, Part 2 (TRIG): <i>reading</i>	3.25 hours	

Researching and Using Country of Origin Information (COI) in RAO Adjudications: <i>reading + exercises</i>	<i>1.5 hours</i>	
Firm Resettlement: <i>reading</i>	<i>1.25 hours</i>	
Discretion: <i>reading</i>	<i>.5 hours</i>	
Decision-Making: <i>reading + exercise</i>	<i>1.5 hours</i>	
Office of Security & Integrity (OSI) and Significant Incident Reporting: <i>webinar</i>	<i>1 hour</i>	
Past Persecution - Rebuttable Presumption: <u>Presentation</u> (PW: ADOTP)	<i>2 hours</i>	
LP Asylum Process and Procedures: <i>reading</i>	<i>.75 hour</i>	
Asylum Process and Procedures Manual and Introduction to the AAPM Wiki: <u>Presentation</u> (PW: ADOTP)	<i>1.5 hours</i>	
LP Mandatory Bars Overview and Criminal Bars: <i>reading</i>	<i>1.25 hours</i>	
LP Credibility – ASYLUM SUPPLEMENT: <i>reading</i>	<i>1 hour</i>	
LP Credible Fear: <i>reading</i>	<i>1.25 hours</i>	
LP ABC/NACARA: <i>reading</i> • Pages 2-16	<i>.5 hours</i>	
LP – Reasonable Fear: <i>reading</i> • Pages 20-40 “Convention Against Torture” • Pages 45-47 “Eliciting Information”	<i>.75 hours</i>	
India COI, Eliciting Testimony, and Fraud <u>Webinar</u> (PW: IndiaCOI2019)	<i>3 hours</i>	

COMPLETION ATTESTATION

I hereby attest by my signature below that all of the CF for CBP Distance Training units, initialed and dated in the preceding pages, have been duly completed by me according to the requirements of the CF for CBP Distance Training guidelines.

Printed Name of Training Participant

Signature of Training Participant

Date

I hereby attest by my signature below that the above-named officer has been allotted the required time for completion of all of the CF for CBP Distance Training lesson units and hereby verify that the officer has completed all such required lesson units according to the requirements of the CF for CBP Distance Training guidelines.

Training Officer or Local Office Management – Printed Name and Title

Training Officer or Local Office Management – Signature

Date

MATTER OF ACOSTA

In Deportation Proceedings

A-24159781

Decided by Board March 1, 1985

- (1) Construction of the provisions the United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, [1968] 19 U.S.T. 6223, T.I.A.S. No. 6577, 606 U.N.T.S. 268, is left by that agreement to each state that is party to the Protocol; accordingly, the various international interpretations of the Protocol, including the *Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* published by the Office of the United Nations High Commissioner for Refugees, are useful tools in construing our obligations under the Protocol, but they are neither binding upon the United States nor controlling as to construction of the Refugee Act of 1980.
- (2) An alien in an exclusion or deportation proceeding who seeks to demonstrate eligibility for either asylum under section 208 of the Immigration and Nationality Act, 8 U.S.C. § 1158 (1982), or withholding of deportation under section 243(h) of the Act, 8 U.S.C. § 1258(h) (1982), must make two related showings: he must meet his evidentiary burdens of proof and persuasion as to the facts, and he must meet the statutory standards of eligibility set out by the pertinent provisions in the Act.
- (3) It is the alien who bears the burdens of proof and persuasion in asylum and withholding of deportation cases and he must establish the facts by a preponderance of the evidence.
- (4) In order to meet the statutory standard of eligibility for asylum, an alien must satisfy each of the following four elements in the definition of a refugee created by section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A) (1982): (1) the alien must have a "fear" of "persecution"; (2) the fear must be "well founded"; (3) the persecution feared must be "on account of race, religion, nationality, membership in a particular social group, or political opinion"; and (4) the alien must be unable or unwilling to return to his country of nationality or to the country in which he last habitually resided because of persecution or his well-founded fear of persecution.
- (5) The statutory standard for asylum requires the facts to show that an alien's primary motivation for requesting refuge in the United States is "fear," i.e., a genuine apprehension or awareness of danger in another country; no other motivation will suffice.
- (6) The term "persecution" in the definition of a refugee under the Act means harm or suffering that is inflicted upon an individual in order to punish him for pos-

Interim Decision #2986

sessing a belief or characteristic a persecutor seeks to overcome; the word does not encompass the harm that arises out of civil or military strife in a country.

- (7) The requirement of a "well-founded fear of persecution" in section 101(a)(42)(A) of the Act means that an individual's fear of persecution must have its basis in external, or objective, facts that show there is a realistic likelihood he will be persecuted upon his return to a particular country; this requires an alien to show that his fear has a solid basis in objective facts or events and that it is likely he will become the victim of persecution.
- (8) In order for an alien to show that it is likely he will become the victim of persecution, his evidence must demonstrate that (1) the alien possesses a belief or characteristic a persecutor seeks to overcome in others by means of punishment of some sort; (2) the persecutor is already aware, or could easily become aware, that the alien possesses this belief or characteristic; (3) the persecutor has the capability of punishing the alien; and (4) the persecutor has the inclination to punish the alien.
- (9) The well-founded fear standard for asylum and the clear probability standard for withholding of deportation are not meaningfully different and, in practical application, converge.
- (10) "Persecution on account of membership in a particular social group" refers to persecution that is directed toward an individual who is a member of a group of persons, all of whom share a common, immutable characteristic, i.e., a characteristic that either is beyond the power of the individual members of the group to change or is so fundamental to their identities or consciences that it ought not be required to be changed.
- (11) In order for an alien to show persecution on account of "political opinion" within the meaning of the Act, it is not sufficient to show that a persecutor's conduct furthers his goals in a political controversy; rather, the alien must show that it is his own, individual political opinion that a persecutor seeks to overcome by the infliction of harm or suffering.
- (12) The requirement that an alien must be unable or unwilling to return to a particular country because of persecution or a well-founded fear of persecution requires an alien to do more than show a threat of persecution in a particular place or abode within a country—he must show that the threat of persecution exists for him country-wide.

CHARGE:

Order: Act of 1952—Sec. 241(a)(2) [8 U.S.C. § 1251(a)(2)]—Entered without inspection

ON BEHALF OF RESPONDENT:

Evangeline G. Abriel, Esquire
Catherine Lampard, Esquire
Ecumenical Immigration Services, Inc.
821 General Pershing Street
New Orleans, Louisiana 70115

ON BEHALF OF SERVICE:

William M. Darlington
District Counsel

BY: Milhollan, Chairman; Maniatis, Dunne, Morris, and Vacca, Board Members

In a decision dated December 22, 1983, the immigration judge found the respondent deportable pursuant to section 241(a)(2) of the

Interim Decision #2986

Immigration and Nationality Act, 8 U.S.C. § 1251(a)(2) (1982), for entering the United States without inspection, denied the respondent's applications for a grant of asylum and for withholding of deportation to El Salvador, but granted the respondent the privilege of departing voluntarily in lieu of deportation. The respondent has appealed from that portion of the immigration judge's decision denying the applications for asylum and withholding of deportation. The appeal will be dismissed.

The respondent is a 36-year-old male native and citizen of El Salvador. In a deportation hearing held before an immigration judge over the course of 2 days in July and August 1983, the respondent conceded his deportability for entering the United States without inspection and accordingly was found deportable as charged. The respondent sought relief from deportation by applying for a discretionary grant of asylum pursuant to section 208 of the Act, 8 U.S.C. § 1158 (1982), and for mandatory withholding of deportation to El Salvador pursuant to section 243(h) of the Act, 8 U.S.C. § 1253(h) (1982).¹ In an oral decision, the immigration judge denied the respondent's applications for these two forms of relief finding that he had failed to meet his burden of proof for such relief. It is this finding that the respondent has challenged on appeal.

In order to be eligible for withholding of deportation to any country, an alien must show that his "life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 243(h)(1) of the Act. We have held, and the Supreme Court of the United States has recently affirmed, that this statutory provision requires an alien to demonstrate "a clear probability" of persecution on account of one of the five grounds enumerated in the Act. *INS v. Stevic*, 467 U.S. 407 (1984). The Court has construed the clear probability standard to require a showing that it is more likely than not an alien would be subject to persecution. *Id.* at 424.

In order to be eligible for a grant of asylum, an alien must show he or she is a "refugee" as defined by section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A) (1982). See section 208 of the Act. That definition includes the requirement that an alien must have "a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." See section 101(a)(42)(A) of the Act. In *INS v. Stevic*, *supra*,

¹ Under the regulations of the Immigration and Naturalization Service, any asylum request made after the institution of deportation proceedings is also considered to be a request for withholding of deportation under section 243(h) of the Act. 8 C.F.R. § 208.9(b) (1984).

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the Supreme Court did not find it necessary to construe the meaning of the phrase "well-founded fear of persecution." Rather, the Court assumed for the purposes of analysis that the well-founded fear standard for asylum is more generous than the clear probability standard for withholding of deportation. *INS v. Stevic, supra*, at 425.

It has been our position that as a practical matter the showing contemplated by the phrase "a well-founded fear" of persecution converges with the showing described by the phrase "a clear probability" of persecution. See, e.g., *Kashani v. INS*, 547 F.2d 376, 379 (7th Cir. 1977); *Matter of Dunar*, 14 I&N Dec. 310, 319-20 (BIA 1973). Accordingly, we have not found a significant difference between the showings required for asylum and withholding of deportation. *Matter of Salim*, 18 I&N Dec. 311, 314 (BIA 1982); *Matter of Lam*, 18 I&N Dec. 15 (BIA 1981); accord *Matter of Portales*, 18 I&N Dec. 239, 241 (BIA 1982).

The United States Court of Appeals for the Third Circuit has agreed with this position, holding that there is no difference between the standards for asylum and withholding of deportation. *Sotto v. INS*, 748 F.2d 882, 886 (3d Cir. 1984); see also *Rejaie v. INS*, 691 F.2d 139, 146 (3d Cir. 1982). The Seventh Circuit has concluded that the well-founded fear standard for asylum is not identical, but "very similar," to the clear probability standard for withholding of deportation and has described the showing for asylum as one requiring actual persecution or some other "good reason" to fear persecution. *Carvajal-Munoz v. INS*, 743 F.2d 562, 574-76 (7th Cir. 1984). This position also appears to have been adopted by the Sixth Circuit. *Youkhanna v. INS*, 749 F.2d 360, 362 (6th Cir. 1984). The Ninth Circuit, however, which has indicated that the well-founded fear standard requires a "valid reason" to fear persecution, has concluded that this standard is more generous to the alien than the clear probability standard for withholding of deportation. *Bolanos-Hernandez v. INS*, 749 F.2d 1316, 1321 (9th Cir. 1984). In light of the conflicting positions over the standards controlling asylum and withholding of deportation, we shall reexamine our position on the showings required for these forms of relief.

We begin with the understanding that an alien in an exclusion or a deportation proceeding who seeks to demonstrate eligibility for either asylum or withholding of deportation must necessarily make two related showings. First, the alien must go forward with his evidence and initially persuade the immigration judge that the facts alleged to be the basis of the claim for asylum or withholding of deportation are true, i.e., the alien must meet his evidentiary burdens of proof and persuasion. See generally, E. Cleary, *McCormick's*

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Handbook of the Law of Evidence § 336, at 783-85 (2d ed. 1975). Second, the alien must demonstrate that the facts found to be true meet the tests of eligibility for asylum or withholding of deportation set out in the Act, i.e., the alien must meet the statutory standards of eligibility for these forms of relief. See sections 208 and 243(h) of the Act.

THE EVIDENTIARY BURDENS OF PROOF AND PERSUASION
FOR ASYLUM AND WITHHOLDING OF DEPORTATION

Case law and the regulations have always made clear that it is the alien who bears the burden of proving that he would be subject to, or fears, persecution. See *INS v. Stevic*, *supra*, at 422 n.16; 8 C.F.R. §§ 208.5, 242.17(c) (1984); see also *Matter of Nagy*, 11 I&N Dec. 888, 889 (BIA 1966); *Matter of Sihasale*, 11 I&N Dec. 759, 760-62 (BIA 1966). However, to date our decisions have not articulated the burden of persuasion an alien must meet in order to convince the trier of fact of the truth of the allegations that form the basis of the claim for asylum or withholding of deportation.

It is the general rule in both administrative and immigration law that the party charged with the burden of proof must establish the truth of his allegations by a preponderance of the evidence. See *E. Cleary*, *supra*, § 355, at 853; 1A C. Gordon & H. Rosenfield, *Immigration Law and Procedure* § 5.10b, at 5-121 (rev. ed. 1984).² This is the burden of persuasion generally applied to aliens when they seek to prove their admissibility to the United States or when they seek relief from deportation through such means as suspension of deportation under section 244(a) of the Act, 8 U.S.C. § 1254(a) (1982), or adjustment of status under section 245 of the Act, 8 U.S.C. § 1255 (1982). See *Matter of Vorrats*, 12 I&N Dec. 84 (BIA 1967); 1A C. Gordon & H. Rosenfield, *supra*, §§ 3.20d, 5.10b, at 5-121. We see no reason to depart from this burden of persuasion when aliens seek asylum and withholding of deportation. Thus, in such cases we consider it to be incumbent upon an alien to establish the facts supporting his claim by a preponderance of the evidence.³ Cf. *Bolanos-Hernandez v. INS*, *supra*, at 1320 n.5. In deter-

² The Service's burden of proving an alien's deportability by clear, unequivocal, and convincing evidence is an exception to this general rule. See *Woodby v. INS*, 385 U.S. 276 (1966).

³ We note that in *McMullen v. INS*, 658 F.2d 1312, 1316 (9th Cir. 1981), the Ninth Circuit held that a "substantial evidence" standard of review applies in cases in which aliens seek withholding of deportation under section 243(h) of the Act. See also *Carvajal-Munoz v. INS*, *supra*, at 567. The standard of review employed by a

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mining whether a preponderance of the evidence supports an alien's allegations, it is necessary to assess the credibility and the probative force of the evidence put forward by the alien. *See, e.g., Saballo-Cortez v. INS*, 749 F.2d 1354, 1357 (9th Cir. 1984).

In order to prove the facts underlying his applications for asylum and withholding of deportation, the respondent testified, and attested in an affidavit attached to his asylum application, to the following facts. In 1976 he, along with several other taxi drivers, founded COTAXI, a cooperative organization of taxi drivers of about 150 members. COTAXI was designed to enable its members to contribute the money they earned toward the purchase of their taxis. It was one of five taxi cooperatives in the city of San Salvador and one of many taxi cooperatives throughout the country of El Salvador. Between 1978 and 1981, the respondent held three management positions with COTAXI, the duties of which he described in detail, and his last position with the cooperative was that of general manager. He held that position from 1979 through February or March of 1981. During the time he was the general manager of COTAXI, the respondent continued on the weekends to work as a taxi driver.

Starting around 1978, COTAXI and its drivers began receiving phone calls and notes requesting them to participate in work stoppages. The requests were anonymous but the respondent and the other members of COTAXI believed them to be from anti-government guerrillas who had targeted small businesses in the transportation industry for work stoppages, in hopes of damaging El Salvador's economy. COTAXI's board of directors refused to comply with the requests because its members wished to keep working, and as a result COTAXI received threats of retaliation. Over the course of several years, COTAXI was threatened about 15 times. The other taxi cooperatives in the city also received similar threats.

Beginning in about 1979, taxis were seized and burned, or used as barricades, and COTAXI drivers were assaulted or killed. Ultimately, five members of COTAXI were killed in their taxis by unknown persons. Three of the COTAXI drivers who were killed were friends of the respondent and, like him, had been founders and officers of COTAXI. Each was killed after receiving an anonymous note threatening his life. One of these drivers, who died from injuries he sustained when he crashed his cab in order to avoid being

court in reviewing our decision is a separate and distinct standard from that imposed upon a party to measure his burden of persuasion on issues of fact. *Woodby v. INS*, *supra*, at 282-83. Thus, the Ninth Circuit's decision in *McMullen* has no bearing on the issue of an alien's burden of persuasion in withholding or asylum cases.

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shot by his passengers, told his friends before he died that three men identifying themselves as guerrillas had jumped into his taxi, demanded possession of his car, and announced they were going to kill him.

During January and February 1981, the respondent received three anonymous notes threatening his life. The first note, which was slipped through the window of his taxi and was addressed to the manager of COTAXI, stated: "Your turn has come, because you are a traitor." The second note, which was also put on the respondent's car, was directed to "the driver of Taxi No. 95," which was the car owned by the respondent, and warned: "You are on the black list." The third note was placed on the respondent's car in front of his home, was addressed to the manager of COTAXI, and stated: "We are going to execute you as a traitor." In February 1981, the respondent was beaten in his cab by three men who then warned him not to call the police and took his taxi. The respondent is of the opinion that the men who threatened his life and assaulted him were guerrillas who were seeking to disrupt transportation services in the city of San Salvador. He also has the impression, however, that COTAXI was not favored by some government officials because they viewed the cooperative as being too socialistic.

After being assaulted and receiving the three threatening notes, the respondent left El Salvador because he feared for his life. He declared at the hearing that he would not work as a taxi driver if he returned to El Salvador because he understands that there is little work for taxi drivers now. He explained that the people are too poor to call taxis. Additionally, he stated that the terrorists are no longer active.

As evidence of the truth of his version of the facts, the respondent submitted a letter from the present manager of COTAXI, stating that the respondent was a member of that organization for 3 years. The respondent also submitted several articles reporting that leftist guerrillas had threatened to kill American advisors and personnel in El Salvador, had launched an offensive in three of the provinces in the country, and had engaged in a campaign designed to sabotage the transportation industry and the country's economy.

The Service did not submit any evidence refuting the respondent's testimony. As required by regulation, the Service did submit a written advisory opinion from the Bureau of Human Rights and Humanitarian Affairs in the Department of State pertaining to the respondent's Request for Asylum in the United States (Form I-589). See 8 C.F.R. §§ 208.7, 208.10(b) (1983). That opinion states that the respondent does not appear to qualify for asylum because he failed to show a well-founded fear of persecution in El Salvador on ac-

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count of race, religion, nationality, membership in a particular social group, or political opinion.

The immigration judge found the respondent's testimony sufficient to prove that he was a founder and member of COTAXI but insufficient to prove that he had received several death threats and had been assaulted by guerrillas. The immigration judge did not make any finding that the respondent lacked credibility; rather, he rejected a substantial portion of the respondent's testimony solely because it was self-serving.

While the immigration judge's assessment of the evidence deserves deference, we disagree with his conclusion that the respondent's testimony should be rejected solely because it is self-serving. The respondent described in specific detail the circumstances surrounding the deaths of his three friends shortly after they received threatening notes, the threats he received, and the facts surrounding his assault. His testimony as to these matters was logically consistent with his testimony about the threats made to COTAXI and its members for failing to participate in guerrilla-sponsored work stoppages. Moreover, the respondent submitted objective evidence to establish his membership in COTAXI and to corroborate his testimony that the guerrillas sought to disrupt the public transportation system of El Salvador. Thus, absent an adverse credibility finding by the immigration judge, we find the respondent's testimony, which was corroborated by other objective evidence in the record, to be worthy of belief. It remains to be determined, however, whether the respondent's facts are sufficient to meet the statutory standards of eligibility for asylum and withholding of deportation.

THE STATUTORY STANDARD FOR ASYLUM

A grant of asylum is a matter of discretion. *See* section 208 of the Act; *INS v. Stevic*, *supra*, at 423 n.18. However, an alien is eligible for a favorable exercise of discretion only if he qualifies as a "refugee" under section 101(a)(42)(A) of the Act. Therefore, that section establishes the statutory standard of eligibility for asylum. The pertinent portion of section 101(a)(42) provides as follows:

The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.... The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any

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person on account of race, religion, nationality, membership in a particular social group, or political opinion.

This section creates four separate elements that must be satisfied before an alien qualifies as a refugee: (1) the alien must have a "fear" of "persecution"; (2) the fear must be "well founded"; (3) the persecution feared must be "on account of race, religion, nationality, membership in a particular social group, or political opinion"; and (4) the alien must be unable or unwilling to return to his country of nationality or to the country in which he last habitually resided because of persecution or his well-founded fear of persecution.⁴

(1) *The alien must have a "fear" of "persecution."*

Initially, we note that Congress added the elements in the definition of a refugee to our law by means of the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102. In so doing Congress intended to conform the Immigration and Nationality Act to the United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, [1968] 19 U.S.T. 6223, T.I.A.S. No. 6577, 606 U.N.T.S. 268 ("Protocol"), to which the United States had acceded in 1968. H.R. Rep. No. 781, 96th Cong., 2d Sess. 19, *reprinted in* 1980 U.S. Code Cong. & Ad. News 160, 160; S. Rep. No. 256, 96th Cong., 1st Sess. 4, 14-15, *reprinted in* 1980 U.S. Code Cong. & Ad. News 141, 144, 154-55; H.R. Rep. No. 608, 96th Cong., 1st Sess. 9-10 (1979); *see also INS v. Stevic, supra*, at 422-23. Article 1.2 of the Protocol⁵ defines a refugee as one who

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

Compare 19 U.S.T. 6225 with 6261.⁶

⁴ While the language of section 101(a)(42)(A) excludes from the definition of a refugee any person who "ordered, incited, assisted, or otherwise participated in the persecution of any person," we do not construe this language as establishing a fifth statutory element an alien must initially prove before he qualifies as a refugee. This provision is one of exclusion, not one of inclusion, and thus requires an alien to prove he did not participate in persecution only if the evidence raises that issue.

⁵ Article 1.2 of the Protocol largely incorporated the definition of a refugee contained in Article 1A(2) of the United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150 ("U.N. Convention"), to which the United States was not a party.

⁶ Despite Congress' intention to conform our law to the Protocol, the actual definition of "refugee" adopted in the Act differs in several significant respects from that

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Since Congress intended the definition of a refugee in section 101(a)(42)(A) of the Act to conform to the Protocol, it is appropriate for us to consider various international interpretations of that agreement. However, these interpretations are not binding upon us in construing the elements created by section 101(a)(42)(A) of the Act, for the determination of who should be considered a refugee is ultimately left by the Protocol to each state in whose territory a refugee finds himself. See Young, *Between Sovereigns: A Reexamination of the Refugee's Status*, Transnat'l Legal Probs. of Refugees: 1982 Mich. Y.B. Int'l Legal Stud. 339, 344-45 (1982); Office of the United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* 1, 3-4 (Geneva, 1979) ("*Handbook*"); *INS v. Stevic*, *supra*, at 428 n.22.

In adding the definition of a refugee to the Act, Congress did not identify what one must show in order to establish a "fear of persecution." The phrase "fear of persecution" is not new to the Act. Prior to 1980, it appeared in former section 203(a)(7), which provided for the conditional admission to the United States of certain aliens if they fled a country because of persecution or "fear of persecution." See 8 U.S.C. § 1153(a)(7)(A)(i) (1976) (repealed by the Refugee Act of 1980, Pub. L. No. 96-212, § 203(c)(3), 94 Stat. 102, 107).⁷ Former section 203(a)(7) was applied by Service officers in allocating visas to immigrants abroad and by district directors in determining eligibility for adjustment of status under section 245 of the Act. See, e.g., *Matter of Ugricic*, 14 I&N Dec. 384 (D.D. 1972); *Matter*

in the Protocol and the U.N. Convention. First, the U.N. Convention excludes from all of its provisions several groups of persons: (1) those who have committed crimes against humanity; (2) those who have committed a serious nonpolitical crime; and (3) those who are guilty of acts contrary to the principles of the United Nations. Article 1F of the U.N. Convention at 19 U.S.T. 6263-64. Thus, these groups are not eligible for refugee status under the U.N. Convention or the Protocol. The language in section 101(a)(42)(A) of the Act does not contain this exclusion. Second, in a provision that does not pertain to grants of asylum, Congress provided that a person may qualify as a refugee even if he is still inside his country of nationality or of habitual residence so long as he has been specially designated by the President. Section 101(a)(42)(B) of the Act. Neither the Protocol nor the U.N. Convention definition of "refugee" reaches persons still within the borders of their own countries. Martin, *The Refugee Act of 1980: Its Past and Future*, Transnat'l Legal Probs. of Refugees: 1982 Mich. Y.B. Int'l Legal Stud. 91, 101-03 (1982).

⁷ Specifically, former section 203(a)(7) allowed 17,400 persons each year to be conditionally admitted to the United States if they could demonstrate that (1) they had fled from a communist or communist-dominated country or from any country in the Middle East, and (2) they had fled these countries because of persecution or fear of persecution. See former section 203(a)(7) of the Act.

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of *Adamska*, 12 I&N Dec. 201 (R.C. 1967). Immigration judges and the Board were without authority to decide applications brought under former section 203(a)(7), and accordingly the meaning of the phrase "fear of persecution" was never directly at issue, or construed, in proceedings before the Board. See *Matter of Guiragosian*, 17 I&N Dec. 161, 163 (BIA 1979).

"Fear" is a subjective condition, an emotion characterized by the anticipation or awareness of danger. *Webster's Third New International Dictionary* 881 (16th ed. 1971). The Office of the United Nations High Commissioner for Refugees ("UNHCR") has suggested in the *Handbook* that the definition of a refugee found in the Protocol requires fear to be a person's primary motivation for seeking refugee status. See *Handbook, supra*, at 11-12. While we do not consider the UNHCR's position in the *Handbook* to be controlling,⁸ the *Handbook* nevertheless is a useful tool to the extent that it provides us with one internationally recognized interpretation of the Protocol.

Given the prominence of the word "fear" in the definition of a refugee created by Congress, and given the *Handbook's* persuasive assessment in this instance that "fear" should be a refugee's primary motivation, we conclude that an alien seeking to qualify under section 101(a)(42)(A) of the Act must demonstrate that his primary motivation for requesting refuge in the United States is "fear," i.e., a genuine apprehension or awareness of danger in another country. No other motivation, such as dissent or disagreement with the conditions in another country or a desire to experience greater economic advantage or personal freedom in the

⁸ The *Handbook* was issued in September 1979, whereas hearings on the Refugee Act were held in March and May 1979, and the Senate Judiciary Committee issued its report in July 1979. Thus, it is highly unlikely that Congress consulted the *Handbook* while drafting the definition of a refugee in the Refugee Act of 1980. But see *United States Refugee Program, Oversight Hearings before the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary*, 97th Cong., 1st Sess. 24, 26 (1981) (memorandum from Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel, to David W. Crosland, General Counsel, Immigration and Naturalization Service) (assuming Congress was aware of the criteria articulated in the *Handbook* at the time of passage of the Refugee Act in 1980, but nonetheless concluding the *Handbook* is only a guideline).

In addition, the jurisdiction of the UNHCR has been expanded over the years and now encompasses large groups of persons displaced by civil strife or natural disasters who simply do not qualify under the Protocol's limited definition of a "refugee." Special Project, *Displaced Persons: "The New Refugees,"* 13 Ga. J. Int'l and Comp. Law 755, 763-71 (1983) and authorities cited therein. Thus, it cannot be certain to what extent the position in the *Handbook* reflects concepts that are outside the strict definition of a "refugee" under the Protocol. See *infra* p. 228.

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United States, satisfies the definition of a refugee created in the Act.

Prior to 1980, "persecution" was construed to mean either a threat to the life or freedom of, or the infliction of suffering or harm upon, those who differ in a way regarded as offensive. *See, e.g., Kovac v. INS*, 407 F.2d 102, 107 (9th Cir. 1969); *Matter of Maccaud*, 14 I&N Dec. 429, 434 (BIA 1973); *Matter of Dunar*, *supra*, at 320; *Matter of Diaz*, 10 I&N Dec. 199, 200 n.1 (BIA 1963); *see also Matter of Laipenieks*, 18 I&N Dec. 433, 456-57 (BIA 1983).⁹ The harm or suffering inflicted could consist of confinement or torture. *See Blazina v. Bouchard*, 286 F.2d 507, 511 (3d Cir. 1961). It also could consist of economic deprivation or restrictions so severe that they constitute a threat to an individual's life or freedom. *See, e.g., Dunat v. Hurney*, 297 F.2d 744, 746 (3d Cir. 1961); *Matter of Salama*, 11 I&N Dec. 536 (BIA 1966); *Matter of Eusaph*, 10 I&N Dec. 453, 454 (BIA 1964). Generally harsh conditions shared by many other persons did not amount to persecution. *See Cheng Kai Fu v. INS*, 386 F.2d 750, 753 (2d Cir. 1967), *cert. denied*, 390 U.S. 1008 (1968). Prosecution for violating travel restrictions and laws of general applicability did not constitute persecution, unless the punishment was imposed for invidious reasons. *See Soric v. INS*, 346 F.2d 360, 361 (7th Cir. 1965); *Matter of Janus and Janek*, 12 I&N Dec. 866, 876 (BIA 1968).

Two significant aspects of this accepted construction of the term "persecution" were as follows. First, harm or suffering had to be inflicted upon an individual in order to punish him for possessing a belief or characteristic a persecutor sought to overcome. *See, e.g., Matter of Diaz*, *supra*, at 204. Thus, physical injury arising out of civil strife or anarchy in a country did not constitute persecution. *Id.* at 203. Second, harm or suffering had to be inflicted either by the government of a country or by persons or an organization that the government was unable or unwilling to control. *See, e.g., McMullen v. INS*, *supra*, at 1315 n.2; *Rosa v. INS*, 440 F.2d 100, 102 (1st Cir. 1971); *Matter of McMullen*, 17 I&N Dec. 542, 544-45 (BIA 1980); *Matter of Pierre*, 15 I&N Dec. 461, 462 (BIA 1975).

We conclude that the pre-Refugee Act construction of "persecution" should be applied to the term as it appears in section 101(a)(42)(A) of the Act. It is a basic rule of statutory construction that words used in an original act or section, that are repeated in

⁹ The word "persecution" appeared not only in former section 203(a)(7) but also in the predecessors to the present withholding of deportation provision in section 248(h) of the Act and in the regulatory provisions pertaining to grants of asylum. *See INS v. Stevic*, *supra*, at 414 and nn.6-7; 8 C.F.R. § 103 (1980). Prior to 1980, it was construed by us and by the courts primarily in the latter two contexts.

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subsequent legislation with a similar purpose, are presumed to be used in the same sense in the subsequent legislation. *Lorillard v. Pons*, 434 U.S. 575, 581 (1978); see also 1A C. Sands, *Sutherland Statutory Construction* § 22.33 (4th ed. 1972). Thus, we presume that Congress, in using the term "persecution" in the definition of a refugee under section 101(a)(42)(A) of the Act, intended to adopt the judicial and administrative construction of that term existing prior to the Refugee Act of 1980. See *Commissioner v. Noel's Estate*, 380 U.S. 678, 681 (1965); cf. *McMullen v. INS*, *supra*, at 544-45. Our presumption is reinforced by the fact that in 1978, 2 years before enacting the Refugee Act of 1980, Congress chose not to define the word "persecution" when using it in other provisions of the Act because the meaning of the word was understood to be well established by administrative and court precedents. See *Matter of Lai-penieks*, *supra*, at 456.

As was the case prior to enactment of the Refugee Act, "persecution" as used in section 101(a)(42)(A) clearly contemplates that harm or suffering must be inflicted upon an individual in order to punish him for possessing a belief or characteristic a persecutor seeks to overcome. The word does not embrace harm arising out of civil strife or anarchy. In fact, Congress specifically rejected a definition of a refugee that would have included "displaced persons," i.e., those who flee harm generated by military or civil disturbances.¹⁰ This construction is consistent with the international interpretation of "refugee" under the Protocol, for that term does not include persons who are displaced by civil or military strife in their countries of origin. See Special Project, *supra* note 8, at 763-69, and authorities cited therein.

In the case before us, we find that the respondent has adequately established that his primary motivation for seeking asylum is fear of persecution. We must now consider whether it has been demonstrated that this fear is well founded and whether the other elements necessary to establish eligibility for asylum have been satisfied.

¹⁰ The Senate bill contained a definition of "refugee" that included "displaced persons" and referred, in part, to "any person who has been displaced by military or civil disturbance or uprooted because of arbitrary detention" who is unable to return to "his usual place of abode." See S. 643, 96th Cong., 1st Sess. § 201(a) (1979); S. Rep. No. 256, *supra*, at 4. The House bill did not contain such a provision. See H.R. 2816, 96th Cong., 1st Sess. § 201(a) (1979). The conference committee adopted the House version, thereby rejecting a definition of "refugee" that included "displaced persons." See H.R. Rep. No. 781, *supra*, at 19; see also section 101(a)(42)(A) of the Act.

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(2) *The fear of persecution must be "well founded."*

In 1973, in *Matter of Dunar, supra*, we construed the meaning of "well-founded fear of persecution," as that phrase is used in the Protocol, as follows:

[T]he requirement that the fear be "well-founded" rules out an apprehension which is purely subjective. . . . Some sort of showing must be made and this can ordinarily be done only by objective evidence. The claimant's own testimony as to the facts will sometimes be all that is available; *but the crucial question is whether the testimony, if accepted as true, makes out a realistic likelihood that he will be persecuted.*

Matter of Dunar, supra, at 319 (emphasis added). Our construction of the Protocol's well-founded fear standard was accepted by the courts and thereafter "a well-founded fear" of persecution was understood to mean that an alien had to produce objective evidence showing a likelihood or probability of persecution. See *INS v. Stevic, supra*, at 419-20 and n.12 and cases cited therein; *Kashani v. INS, supra*, at 379. Thus, during 1979 and 1980, the years in which Congress drafted, considered, and enacted the definition of "refugee" in section 101(a)(42)(A) of the Act, the accepted administrative and judicial construction in this country of the well-founded fear standard was one that linked this standard to objective facts, as opposed to purely subjective fear, and to the likelihood of persecution. See *INS v. Stevic, supra*, at 419-20 and n.12.

Congress did not indicate in the legislative history of the Refugee Act of 1980 that it intended to alter the accepted construction of "a well-founded fear of persecution" by using this phrase in the definition of a "refugee" in section 101(a)(42)(A) of the Act. Moreover, the pre-Refugee Act construction of "a well-founded fear of persecution" is nearly identical to that proposed by the authority on international refugee law, Atle Grahl-Madsen, in his treatise on the meaning of the U.N. Convention and the Protocol:

The adjective 'well-founded' suggests that it is not the frame of mind of the person concerned which is decisive for his claim to refugeehood, but that this claim should be measured with a more objective yardstick.

. . . .

We cannot find a meaningful denominator in the minds of refugees. We must seek it in the conditions prevailing in the country whence they have fled.

'Well-founded fear of being persecuted' may therefore be said to exist, if it is likely that the person concerned will become the victim of persecution if he returns to his country of origin.

. . . .

[T]he real test is the assessment of the likelihood of the applicant's becoming a victim of persecution upon his return to his country of origin. If there is a real

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chance that he will suffer persecution, that is reason good enough, and his 'fear' is 'well-founded'.

1 A. Grahl-Madsen, *The Status of Refugees in International Law* §§ 76, 77, at 173, 175, 181 (1966) (emphasis added) (footnote omitted). Lastly, the pre-Refugee Act construction of "a well-founded fear of persecution" is consistent with the intention of the drafters of the U.N. Convention, for by the use of this language the drafters were seeking to introduce an objective, as opposed to a purely subjective, test for the determination of refugee status. 1 A. Grahl-Madsen, *supra*, § 78, at 179.¹¹

Since there is no indication that Congress intended to depart from the accepted judicial and administrative construction of "a well-founded fear of persecution" and since this construction is consistent with the U.N. Convention and the Protocol, we see no valid reason for departing from the construction of the well-founded fear standard that prevailed in this country prior to the Refugee Act of 1980. Accordingly, we continue to construe "a well-founded fear of persecution" to mean that an individual's fear of persecution must have its basis in external, or objective, facts that show there is a realistic likelihood he will be persecuted upon his return to a particular country.

As has always been the case, our construction of the well-founded fear standard reflects two fundamental concepts. The first is that in order to be "well founded," an alien's fear of persecution cannot be purely subjective or conjectural—it must have a solid

¹¹ The committee that drafted the phrase, "a well-founded fear of persecution," in the U.N. Convention defined the phrase to mean that a person actually must have been a victim of persecution or be able to show "good reason" why he fears persecution. *Matter of Dunar, supra*, at 319. That committee considered various proposals defining refugee status in terms of being unwilling to return to one's country of origin because of "serious apprehension based on reasonable grounds of . . . persecution," or a "justifiable fear of persecution," or a "fear of persecution," before selecting the term "well-founded" to describe the nature of the fear that qualified one as a refugee. U.N. Docs. E/AC.32/L.2, E/AC.32/L.3, E/AC.32/L.4 and Add. 1 (Jan. 17, 1950). In addition, the committee was guided by prior international agreements pertaining to refugees, one of which was the Constitution of the International Refugee Organization ("IRO"). See Report of the Ad Hoc Committee on Statelessness and Related Problems, U.N. Doc. E/1618 at 37 (Feb. 17, 1950). The IRO Constitution provided that refugees and displaced persons became the concern of the IRO if, inter alia, they had valid objections to returning to their countries of origin such as "persecution or fear, based on reasonable grounds of persecution." Constitution of the IRO, ratified Dec. 16, 1946, Part I, §§ A, B, C.1(a)(1), 62 Stat. 3037, T.I.A.S. No. 1846, 18 U.N.T.S. 3 (effective Aug. 30, 1948), reprinted in 1948 U.S. Code Cong. Service 2042, 2051-52. Thus, we conclude that in using the phrase "well-founded fear of persecution," the drafters of the U.N. Convention were attempting to create an objective measure of the fear of persecution.

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basis in objective facts or events. Compare *Matter of Martinez-Romero*, 18 I&N Dec. 75, 79 (BIA 1981) (an alien did not show a well-founded fear of persecution because there were no objective facts supporting his claim to asylum) with *Matter of Dunar, supra*, at 319 (a showing of a well-founded fear of persecution rules out a purely subjective apprehension and requires a showing to be made by objective evidence). This concept, after all, is consistent with the generally understood meaning of the term "well-founded," which refers to something that has a firm foundation in fact or is based on excellent reasoning, information, judgment, or grounds. See *Webster's Third New International Dictionary, supra*, at 2595.

The second fundamental concept that is, and always has been, reflected in our construction of "a well-founded fear of persecution" is that in order to warrant the protection afforded by a grant of refuge, an alien must show it is likely he will become the victim of persecution. Compare *Matter of Salim, supra*, at 313-15 (an alien established eligibility for asylum and met the well-founded fear standard because he showed the requisite "likelihood" of persecution) with *Matter of Dunar, supra*, at 319 (the crucial question under the well-founded fear standard is whether a person has shown a realistic "likelihood" of persecution). Since language by its nature is inexact, we have used such words as "likelihood," or "realistic likelihood," or even "probability" of persecution to express this concept. See, e.g., *Matter of Salim, supra*; *Matter of Dunar, supra*. By use of such words we do not mean that "a well-founded fear of persecution" requires an alien to establish to a particular degree of certainty, such as a "probability" as opposed to a "possibility," that he will become a victim of persecution. Rather, as a practical matter, what we mean can best be described as follows: the evidence must demonstrate that (1) the alien possesses a belief or characteristic a persecutor seeks to overcome in others by means of punishment of some sort; (2) the persecutor is already aware, or could easily become aware, that the alien possesses this belief or characteristic; (3) the persecutor has the capability of punishing the alien; and (4) the persecutor has the inclination to punish the alien. The first of these factors is inherent in the showing that the conduct the alien fears amounts to "persecution" under the Act, i.e., the infliction of suffering or harm in order to punish an alien because he differs in a way a persecutor deems offensive and seeks to overcome. The second, third, and fourth factors are all indispensable in showing that there is a real chance an alien will become a victim of persecution, for if the persecutor is not aware or could not easily become aware that an alien possesses the characteristic that is the basis for persecution, or if the persecutor lacks the capa-

bility to carry out persecution, or if the persecutor has no inclination to punish the particular alien, then it cannot reasonably be found that the alien is likely to become the persecutor's victim. The issue of whether an alien's facts demonstrate these four factors is one that ordinarily must be decided on a case-by-case basis, for the question of what kinds of facts show a likelihood of persecution ultimately depends upon each alien's own particular situation. "[T]he likelihood of becoming a victim of persecution may vary from person to person. For example, a well-known personality may be more exposed to persecution than a person who has always remained obscure. . . . [T]herefore [it may be] necessary to assess the situation of each person on its own merits." 1 A. Grahl-Madsen, *supra*, § 76, at 175.

To date, the courts have not agreed upon a common description of the well-founded fear standard in section 101(a)(42)(A) of the Act. The Third Circuit has essentially adopted our language and concluded that "a realistic likelihood" of persecution accurately describes the well-founded fear standard. Compare *Rejaie v. INS*, *supra*, at 146 with *Matter of Dunar*, *supra*, at 319. The Sixth, Seventh, and Ninth Circuits, on the other hand, appear to have chosen the language "good reason" or "valid reason" to fear persecution to describe this standard. *Bolanos-Hernandez v. INS*, *supra*, at 1322; *Youkhanna v. INS*, *supra*, at 362; *Carvajal-Munoz v. INS*, *supra*, at 574, 576-77; see also *Stevic v. Sava*, 678 F.2d 401, 405-06 (2d Cir. 1982), *rev'd on other grounds*, *INS v. Stevic*, *supra*. We think that on their face descriptions such as "good reason" or "valid reason" to fear persecution do not adequately describe the well-founded fear standard. To the extent that such words could be interpreted to mean that an alien's fear of persecution need only be plausible, they do not reflect the generally understood meaning of "well-founded." See *supra* p. 226. Nor do these words reflect the understanding of Congress, and the meaning of the Protocol, that an alien must show it is likely he will become a victim of persecution before he is eligible for refuge. See *supra* pp. 224-25.

Moreover, as a practical matter, we are not certain that these descriptions most accurately describe the analysis used by the courts when ascertaining whether an alien's fear of persecution is "well founded." No matter how the courts have described the well-founded fear standard, they have required an alien to come forward with more than his purely subjective fears of persecution; he has been required to show that his fears have a sound basis in personal experience or in other external facts or events. See, e.g., *Bolanos-Hernandez v. INS*, *supra*, at 1321 and n.11; *Youkhanna v. INS*, *supra*, at 362; *Carvajal-Munoz*, *supra*, at 574, 576-77; *Rejaie v. INS*, *supra*,

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at 145-46. In addition, each of the courts has assessed an alien's facts to determine whether he is likely to become a victim of persecution and, in so doing, has looked for facts demonstrating some combination of the four factors we have used to describe a likelihood of persecution. See, e.g., *Bolanos-Hernandez v. INS*, *supra*, at 1324; *Dally v. INS*, 744 F.2d 1191, 1196 (6th Cir. 1984); *Carvajal-Munoz v. INS*, *supra*, at 577-79; *Chavez v. INS*, 723 F.2d 1431, 1433-34 (9th Cir. 1984); *Shoae v. INS*, 704 F.2d 1079, 1083-84 (9th Cir. 1983).

Our construction of "a well-founded fear of persecution" is also consistent with some aspects of the UNHCR's interpretation of the Protocol. Like us, the UNHCR is of the opinion that the term "well-founded" requires a person's fear of persecution to be more than a matter of personal conjecture and to be supported by an objective situation. *Handbook*, *supra*, para. 38, 41, at 11-13. Furthermore, the UNHCR is of the opinion that a person claiming a well-founded fear of persecution must show that he is not tolerated by, and has come to the attention of, a persecutor. *Handbook*, *supra*, para. 80, at 19. However, we are not certain that the UNHCR's position adequately reflects the concept, inherent both in the Protocol and in the construction of the well-founded fear standard at the time Congress employed it in section 101(a)(42)(A) of the Act, that refuge in this country should be dependent upon a showing of a likelihood of persecution. For example, the UNHCR advocates that a well-founded fear of persecution is established merely if an alien finds his return to a country to be "intolerable" or wishes to avoid situations entailing some risk of persecution. *Handbook*, *supra*, para. 42, 45, at 12-13. Therefore, to the extent that the UNHCR's position in the *Handbook* does not require an individual to show he is likely to become a victim of persecution, we find that position to be inconsistent with Congress' intention and with the meaning of the Protocol.

Given our construction of the showing required by the language "a well-founded fear of persecution," it remains to be determined how this showing compares with the "clear probability" of persecution required for section 243(h) withholding of deportation. The Third and Seventh Circuits view the well-founded fear and clear probability standards to be either identical or very similar to one another. *Sotto v. INS*, *supra*, at 836; *Carvajal-Munoz*, *supra*, at 574-75. The Ninth Circuit, on the other hand, has concluded that the well-founded fear standard is more generous to an alien than the clear probability standard. *Bolanos-Hernandez v. INS*, *supra*, at 1321; see also *Stevic v. Sava*, *supra*, at 406.

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One might conclude that "a well-founded fear of persecution," which requires a showing that persecution is likely to occur, refers to a standard that is different from "a clear probability of persecution," which requires a showing that persecution is "more likely than not" to occur. As a practical matter, however, the facts in asylum and withholding cases do not produce clear-cut instances in which such fine distinctions can be meaningfully made. Our inquiry in these cases, after all, is not quantitative, *i.e.*, we do not examine a variety of statistics to discern to some theoretical degree the likelihood of persecution. Rather our inquiry is qualitative: we examine the alien's experiences and other external events to determine if they are of a kind that enable us to conclude the alien is likely to become the victim of persecution. In this context, we find no meaningful distinction between a standard requiring a showing that persecution is likely to occur and a standard requiring a showing that persecution is more likely than not to occur. As we construe them, both the well-founded fear standard for asylum and the clear probability standard for withholding of deportation require an alien's facts to show that the alien possesses a characteristic a persecutor seeks to overcome by punishing the individuals who possess it, that a persecutor is aware or could easily become aware the alien possesses this characteristic, that a persecutor has the capability of punishing the alien, and that a persecutor has the inclination to punish the alien. Accordingly, we conclude that the standards for asylum and withholding of deportation are not meaningfully different and, in practical application, converge.

Our position is most consistent with what we perceive to have been Congress' understanding of the relationship between asylum and withholding of deportation at the time the present provisions were enacted in the Refugee Act of 1980. Prior to 1980, asylum and withholding of deportation were closely related forms of relief, and asylum was available if an alien could show the same likelihood of persecution that was required for withholding of deportation.¹²

¹² Prior to the Refugee Act of 1980, a request for asylum filed after completion of deportation proceedings was considered to be a request for section 243(h) withholding of deportation and for, *inter alia*, the benefits of Article 33 of the Protocol and the U.N. Convention which prohibit the expulsion of a refugee to a place where his "life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion." *INS v. Stevic*, *supra*, at 416-17, 420 n.13; see also 8 C.F.R. § 108.3(a) (1980). An applicant for asylum had the burden of proving that he "would be subject to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 C.F.R. § 108.3(c) (1980).

Continued

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The legislative history of the Refugee Act does not contain any express indication that Congress intended to alter this relationship; quite the contrary, the legislative history indicates that Congress understood it was preserving this relationship.¹³

Thus, under the changes made by the Refugee Act of 1980, an alien is eligible for asylum if he meets all of the other elements in the definition of a refugee under section 101(a)(42)(A) of the Act and can show "a well-founded fear of persecution," i.e., objective facts that demonstrate it is likely he will become a victim of persecution. Section 208(a) of the Act. A grant of asylum provides him not only with temporary refuge in this country, but with the possibility of obtaining permanent refuge here, i.e., an opportunity to become a lawful permanent resident. Section 209(b) of the Act. However, asylum is ultimately a matter of discretion. Section 208(a) of the Act. An alien may be denied asylum as a matter of discretion, may be found deportable or excludable, and then may find himself in the position of being expelled. In such a situation he is nonetheless protected against expulsion to the country of persecution, so long as he qualifies for withholding of deportation. See section 243(h)(1) and (2) of the Act. However, withholding of deportation only protects the alien from being expelled to the country in which his life or freedom would be threatened, it does not prevent

Similarly, withholding of deportation under section 243(h) of the Act was construed to be comparable to the benefit afforded by Article 33 of the Protocol and the U.N. Convention. See *Matter of Dunar*, *supra*, at 319-20. An alien seeking withholding of deportation, like an alien seeking asylum, was required to show he "would be subject to persecution on account of race, religion, or political opinion." 8 C.F.R. § 242.17(c) (1980); see also *INS v. Stevic*, *supra*, at 414 nn.6 & 7, 420 n.13.

¹³ The Senate bill required that in order to be eligible for asylum an alien must meet the well-founded fear definition of a refugee and must show that his deportation or return was prohibited by the section 243(h) withholding of deportation provision. S. 643, *supra*, § 203(e); S. Rep. No. 256, *supra*, at 18. The Senate assumed that this did not change the then-existing substantive standard for asylum. S. Rep. No. 256, *supra*, at 9. The House bill contained an asylum provision that made no express reference to withholding of deportation. See H.R. 2816, *supra*, § 203(e). However, the House Judiciary Committee perceived asylum and withholding of deportation to be related forms of relief accomplishing the same end, namely that of conforming United States law to the obligation of Article 33 of the Protocol and the U.N. Convention. H.R. Rep. No. 608, *supra*, at 17-18. The conference committee adopted the House version of the asylum provision and thus in the language of the statute did not link asylum to withholding of deportation. See H.R. Rep. No. 781, *supra*, at 5. Nevertheless, in its report the committee perceived asylum and withholding of deportation to be interchangeable and did not distinguish them as separate forms of relief. *Id.* at 20. We think these facts show that Congress understood the functions of asylum and withholding of deportation to be closely related and the standards of eligibility for these forms of relief to be essentially comparable. But see *Carvajal-Munoz v. INS*, *supra*, at 574-75 n.15.

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his expulsion to some other country. *Compare* sections 243(a) and (h) of the Act.

We note that the Seventh Circuit has viewed this statutory structure as lending support for the conclusion that the standards for withholding of deportation and asylum are somewhat different from one another, for the court has concluded that Congress reasonably could have intended an entitlement to withholding of deportation to be available upon a greater showing than that required for a discretionary grant of asylum. *Carvajal-Munoz, supra*, at 575. Conversely, however, the structure of the Act also lends support for the conclusion that Congress intended withholding of deportation to be available upon a lesser showing than that required for asylum, because the right to avoid deportation to one particular country, which is afforded by withholding of deportation, is a lesser benefit than the privileges of remaining in this country under a grant of refuge and of becoming a permanent resident, which are afforded by asylum. Since the structure of the Act reasonably supports two contrary conclusions about the relationship between the standards for asylum and withholding of deportation, we do not find the Act's structure to be particularly helpful in ascertaining Congress' understanding or intention. Rather, we find a better indication of Congress' intention in the legislative history showing that Congress perceived the standards for asylum and withholding of deportation to be comparable to one another.

In the case before us, the respondent claims he fears persecution at the hands of two groups: the government and the guerrillas. Therefore, under our construction of the well-founded fear standard, the respondent must show that his fear of persecution by these groups is more than a matter of personal conjecture or speculation; he must show by objective events that his fear has a sound basis in fact and that persecution by the government or by the guerrillas is likely to occur if he is returned to El Salvador. This means that he must demonstrate that (1) he possesses characteristics the government or the guerrillas seek to overcome by means of punishment of some sort; (2) the government or the guerrillas are aware or could easily become aware that he possesses these characteristics; (3) the government or the guerrillas have the capability of punishing him; and (4) the government and the guerrillas have the inclination to punish him.

The respondent's fear of persecution by the government has no basis whatsoever in either his personal experiences or in other external events. To the contrary, by the respondent's own admission, this fear is based solely on his impression that some officials in the government may have viewed COTAXI as being too socialistic. This

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purely subjective impression is not sufficient to show a well-founded fear of persecution by the government.

In addition, whatever the facts may have been prior to the respondent's departure from El Salvador, those facts have changed significantly since 1981. Most importantly, the respondent admitted that he does not intend to work as a taxi driver upon his return to El Salvador. The respondent's facts do not show that the persecution of taxi drivers continued even after they stopped working as drivers. Furthermore, the respondent testified that the guerrillas' strength has diminished significantly in El Salvador since 1981. For these reasons, the respondent has not shown that at the present time he possesses characteristics the guerrillas seek to overcome or that the guerrillas have the inclination to punish him. Thus, the facts do not demonstrate that there is a likelihood the respondent would be persecuted by the guerrillas should he be returned to El Salvador, and accordingly his fear of persecution upon deportation has not been shown to be "well founded."

(3) *The persecution feared must be "on account of race, religion, nationality, membership in a particular social group, or political opinion."*

The respondent has argued that the persecution he fears at the hands of the guerrillas is on account of his membership in a particular social group comprised of COTAXI drivers and persons engaged in the transportation industry of El Salvador and is also on account of his political opinion.

The requirement of persecution on account of "membership in a particular social group" comes directly from the Protocol and the U.N. Convention. *See supra* p. 219. Congress did not indicate what it understood this ground of persecution to mean, nor is its meaning clear in the Protocol. This ground was not included in the definition of a refugee proposed by the committee that drafted the U.N. Convention; rather it was added as an afterthought. 1 A. Grahl-Madsen, *supra*, at 219. International jurisprudence interpreting this ground of persecution is sparse. G. Goodwin-Gill, *The Refugee in International Law* 30 (1983). It has been suggested that the notion of a "social group" was considered to be of broader application than the combined notions of racial, ethnic, and religious groups and that in order to stop a possible gap in the coverage of the U.N. Convention, this ground was added to the definition of a refugee. 1 A. Grahl-Madsen, *supra*, at 219. A purely linguistic analysis of this ground of persecution suggests that it may encompass persecution seeking to punish either people in a certain relation, or

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having a certain degree of similarity, to one another or people of like class or kindred interests, such as shared ethnic, cultural, or linguistic origins, education, family background, or perhaps economic activity. G. Goodwin-Gill, *supra*, at 31. The UNHCR has suggested that a "particular social group" connotes persons of similar background, habits, or social status and that a claim to fear persecution on this ground may frequently overlap with persecution on other grounds such as race, religion, or nationality. *Handbook, supra*, at 19.

We find the well-established doctrine of *eiusdem generis*, meaning literally, "of the same kind," to be most helpful in construing the phrase "membership in a particular social group." That doctrine holds that general words used in an enumeration with specific words should be construed in a manner consistent with the specific words. See, e.g., *Cleveland v. United States*, 329 U.S. 14 (1946); 2A C. Sands, *supra*, § 47.17. The other grounds of persecution in the Act and the Protocol listed in association with "membership in a particular social group" are persecution on account of "race," "religion," "nationality," and "political opinion." Each of these grounds describes persecution aimed at an immutable characteristic: a characteristic that either is beyond the power of an individual to change or is so fundamental to individual identity or conscience that it ought not be required to be changed. See 1 A. Grahl-Madsen, *supra*, at 217; G. Goodwin-Gill, *supra*, at 31. Thus, the other four grounds of persecution enumerated in the Act and the Protocol restrict refugee status to individuals who are either unable by their own actions, or as a matter of conscience should not be required, to avoid persecution.

Applying the doctrine of *eiusdem generis*, we interpret the phrase "persecution on account of membership in a particular social group" to mean persecution that is directed toward an individual who is a member of a group of persons all of whom share a common, immutable characteristic. The shared characteristic might be an innate one such as sex, color, or kinship ties, or in some circumstances it might be a shared past experience such as former military leadership or land ownership. The particular kind of group characteristic that will qualify under this construction remains to be determined on a case-by-case basis. However, whatever the common characteristic that defines the group, it must be one that the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences. Only when this is the case does the mere fact of group membership become something comparable to the other four grounds of persecution under the Act, namely, some-

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thing that either is beyond the power of an individual to change or that is so fundamental to his identity or conscience that it ought not be required to be changed. By construing "persecution on account of membership in a particular social group" in this manner, we preserve the concept that refuge is restricted to individuals who are either unable by their own actions, or as a matter of conscience should not be required, to avoid persecution.

In the respondent's case, the facts demonstrate that the guerrillas sought to harm the members of COTAXI, along with members of other taxi cooperatives in the city of San Salvador, because they refused to participate in work stoppages in that city. The characteristics defining the group of which the respondent was a member and subjecting that group to punishment were being a taxi driver in San Salvador and refusing to participate in guerrilla-sponsored work stoppages. Neither of these characteristics is immutable because the members of the group could avoid the threats of the guerrillas either by changing jobs or by cooperating in work stoppages. It may be unfortunate that the respondent either would have had to change his means of earning a living or cooperate with the guerrillas in order to avoid their threats. However, the internationally accepted concept of a refugee simply does not guarantee an individual a right to work in the job of his choice. See 1 A. Grahl-Madsen, *supra*, at 214. Therefore, because the respondent's membership in the group of taxi drivers was something he had the power to change, so that he was able by his own actions to avoid the persecution of the guerrillas, he has not shown that the conduct he feared was "persecution on account of membership in a particular social group" within our construction of the Act.

Moreover, the respondent did not demonstrate that the persecution he fears is "on account of political opinion." The fact that the respondent was threatened by the guerrillas as part of a campaign to destabilize the government demonstrates that the guerrillas' actions were undertaken to further their political goals in the civil controversy in El Salvador. However, conduct undertaken to further the goals of one faction in a political controversy does not necessarily constitute persecution "on account of political opinion" so as to qualify an alien as a "refugee" within the meaning of the Act.

As we have previously discussed, the term "persecution" means the infliction of suffering or harm in order to punish an individual for possessing a particular belief or characteristic the persecutor seeks to overcome. It follows, therefore, that the requirement of "persecution on account of political opinion" means that the particular belief or characteristic a persecutor seeks to overcome in an individual must be his political opinion. Thus, the requirement of

"persecution on account of political opinion" refers not to the ultimate political end that may be served by persecution, but to the belief held by an individual that causes him to be the object of the persecution. See 1 A. Grahl-Madsen, *supra*, at 212, 220; G. Goodwin-Gill, *supra*, at 31. This construction is consistent with the other grounds of persecution enumerated in the Act such as "race," "religion," "nationality," and "membership in a particular social group," each of which specifies a characteristic an individual possesses that causes him to be subject to persecution. Moreover, this construction is consistent with Congress' intention that not all harm with political implications, such as that which arises out of civil strife in a country, qualifies an alien as a "refugee." See discussion *supra* p. 223 & note 10.

In the respondent's case there are no facts showing that the guerrillas were aware of or sought to punish the respondent for his political opinion; nor was there any showing that the respondent's refusal to participate in the work stoppages was motivated by his political opinion. Absent such a showing, the respondent failed to demonstrate that the particular belief the guerrillas sought to overcome in him was his political opinion. Therefore he does not come within this ground of persecution.

(4) *The alien must be unable or unwilling to return to his country of nationality or to the country in which he last habitually resided because of persecution or his well-founded fear of persecution.*

Traditionally, a refugee has been an individual in whose case the bonds of trust, loyalty, protection, and assistance existing between a citizen and his country have been broken and have been replaced by the relation of an oppressor to a victim. See 1 A. Grahl-Madsen, *supra*, at 97, 100. Thus, inherent in refugee status is the concept that an individual requires international protection because his country of origin or of habitual residence is no longer safe for him. *Id.* We consider this concept to be expressed, in part, by the requirement in the Act and the Protocol that a refugee must be unable or unwilling to return to a particular "country." See section 101(a)(42)(A) of the Act. We construe this requirement to mean that an alien seeking to meet the definition of a refugee must do more than show a well-founded fear of persecution in a particular place or abode within a country—he must show that the threat of persecution exists for him country-wide.

In the respondent's case, the facts show that taxi drivers in the city of San Salvador were threatened with persecution by the leftist guerrillas. However, the facts do not show that this threat exist-

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ed in other cities in El Salvador. It may be the respondent could have avoided persecution by moving to another city in that country.¹⁴ In any event, the respondent's facts did not demonstrate that the guerrillas' persecution of taxi drivers occurred throughout the country of El Salvador. Accordingly, the respondent did not meet this element of the standard for asylum.

In summary, the respondent's facts fail to show that (1) his present fear of persecution by the government and the guerrillas is "well founded"; (2) the persecution he fears is on account of one of the five grounds specified in the Act; and (3) he is unable to return to the country of El Salvador, as opposed to a particular place in that country, because of persecution. Thus, he has not met three of the four elements in the statutory definition of a refugee created by section 101(a)(42)(A) of the Act. Accordingly, the respondent has not shown he is eligible for a grant of asylum.

THE STATUTORY STANDARD FOR WITHHOLDING OF DEPORTATION

Section 243(h) of the Act, which specifies the standard of eligibility for withholding of deportation, requires an alien to show a clear probability of persecution, i.e., that it is more likely than not he will be the victim of persecution, in a particular country. *INS v. Stevic, supra*, at 425. As we indicated, *supra* p. 229, the showing of the likelihood of persecution contemplated by this standard converges, in practice, with the showing required by the well-founded fear standard for asylum. Therefore, since the respondent has not demonstrated a sufficient likelihood of persecution at the hands of either the government or the guerrillas to make his fear "well-founded," it follows that the respondent has not demonstrated the "clear probability" of persecution needed for withholding of deportation. Moreover, since the conduct the respondent fears has not been shown to be inflicted on account of "membership in a particular social group" or "political opinion" within our construction of the Act, the respondent has also failed to show that he comes within one of the five grounds of persecution specified in section 243(h). Accordingly, the respondent has not met the standard of eligibility for withholding of deportation.

¹⁴ It is unfortunate when persons may be obliged to give up their jobs and leave their homes as a result of fear. But that is not the issue here. The issue is, once that decision is made, does an individual have the right to come to the United States rather than to move elsewhere in his home country.

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For the foregoing reasons the respondent has not shown he is eligible either for asylum or withholding of deportation to El Salvador. Therefore, we shall dismiss his appeal.

ORDER: The appeal is dismissed.

MATTER OF MOGHARRABI

In Deportation Proceedings

A-23267920

A-26350376

Decided by Board June 12, 1987

- (1) In *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), the United States Supreme Court held that the "clear probability" of persecution standard employed for withholding of deportation under section 243(h) of the Immigration and Nationality Act, 8 U.S.C. § 1253(h) (1982), does not converge with, and may not be equated with, the "well-founded fear" of persecution standard used for asylum under section 208, 8 U.S.C. § 1158 (1982). *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985), is therefore overruled insofar as it held that the two standards were not meaningfully different, and in practical application converged.
- (2) The well-founded fear of persecution standard used in section 208 of the Act is significantly different from the clear probability standard used in section 243(h).
- (3) An applicant for asylum under section 208 of the Act has established a well-founded fear if a reasonable person in his circumstances would fear persecution.
- (4) A reasonable person may well fear persecution even where its likelihood is significantly less than clearly probable.
- (5) An alien's own testimony in an asylum case may be sufficient, without corroborative evidence, to prove a well-founded fear of persecution where that testimony is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for his fear.
- (6) *Matter of Acosta's* requirement that an applicant for asylum show, *inter alia*, that the potential persecutor "could easily become aware" that the applicant possesses a belief or characteristic the persecutor seeks to overcome by some punishment is changed by omitting the word "easily."

CHARGE:

Order: Act of 1952—Sec. 241(a)(2) [8 U.S.C. § 1251(a)(2)]—Nonimmigrant—remained longer than permitted (both respondents)

ON BEHALF OF RESPONDENTS:

Mark Raymond Quinn, Esquire
Bragar & Quinn
1200 18th Street, N.W., Suite 210
Washington, D.C. 20036

ON BEHALF OF SERVICE:

Arthur H. Gottlieb
General Attorney

BY: Milhollan, Chairman; Dunne, Morris, Vacca, and Heilman, Board Members

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In a decision dated August 16, 1985, an immigration judge found the respondents deportable as charged and denied their application for asylum and withholding of deportation. Three months' voluntary departure was granted in lieu of deportation. The respondents appealed from the denial of asylum and withholding of deportation. The respondents' appeal will be sustained, and the application for asylum will be granted. Oral argument before the Board is denied.

The respondents, husband and wife, are both natives and citizens of Iran. Both respondents were admitted to the United States as nonimmigrant students on or about September 8, 1978. The female respondent's status was subsequently changed to that of a spouse of a nonimmigrant student. The respondents were authorized to remain in this country until February 27, 1982, but they remained beyond that time. Orders to Show Cause and Notice of Hearing (Forms I-221) were issued against them on August 28, 1984, charging them with deportability as overstays under section 241(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1251(a)(2) (1982). At a joint deportation hearing begun on November 5, 1984, and concluded on July 2, 1985, the respondents conceded their deportability. The only issues at the hearing, and the only issues on appeal, concern the male respondent's application for asylum and withholding of deportation.¹

An alien who is seeking withholding of deportation from any country must show that his "life or freedom would be threatened in such country on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 243(h)(1) of the Act, 8 U.S.C. § 1253(h)(1) (1982). In order to make this showing, the alien must establish a "clear probability" of persecution on account of one of the enumerated grounds. *INS v. Stevic*, 467 U.S. 407, 413 (1984). This clear probability standard requires a showing that it is more likely than not that an alien would be subject to persecution. *Id.* at 429-30. Under the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102, withholding of deportation is mandatory. Thus, once an alien has established that he qualifies for that relief, and that he is not ineligible under the provisions of section 243(h)(2), it must be granted, and he cannot then be returned to the country where he would face persecution. He can, however, be sent to another country under certain circumstances. In this important regard, withholding of deportation dif-

¹ Only the male respondent submitted an application for asylum. The female respondent is included in her husband's application. See 8 C.F.R. § 208.2 (1987). References hereafter to "the respondent" refer to the male respondent.

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fers from asylum, which may be denied in the exercise of discretion to aliens who establish statutory eligibility for the relief.

In order to establish eligibility for a grant of asylum, an alien must demonstrate that he is a "refugee" within the meaning of section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A) (1982). See section 208 of the Act, 8 U.S.C. § 1158 (1982). That definition includes the requirement that an alien demonstrate that he is unwilling or unable to return to his country because of persecution or a "well-founded fear" of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The meaning of the term "well-founded fear" has been the subject of considerable controversy and litigation. The Board previously took the position that, as a practical matter, the showing required to establish a well-founded fear of persecution for asylum purposes was the same as that required to establish a clear probability of persecution for purposes of withholding of deportation. *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985). However, the Supreme Court has recently rejected this approach. In *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987), the Court held that the clear probability and well-founded fear standards do in fact differ, and that it was Congress' intent that they differ. The Court found it reasonable to assume that Congress intended to make it more difficult to establish absolute entitlement to withholding of deportation under section 243(h) than to establish mere eligibility for asylum under section 208. *Id.* at 443-44. In so ruling, the Court rejected that part of our decision in *Matter of Acosta*, *supra*, wherein we held that the "clear probability" standard and the "well-founded fear" standard are not meaningfully different and, in practical application, converge. *Id.* at 229. That portion of our decision in *Matter of Acosta* has therefore been effectively overruled.

In *INS v. Cardoza-Fonseca*, *supra*, the Court reiterated the rule in *INS v. Stevic*, *supra*, that in order to establish a clear probability of persecution under section 243(h) of the Act, an alien must prove that it is "more likely than not" that he will be persecuted. However, the Court held, such a probable showing of persecution need not be made in order to establish a well-founded fear of persecution under section 208 of the Act. The Court specifically declined to attempt a detailed definition of "well-founded fear," or an explanation as to how that term should be applied. Noting that there is "obviously some ambiguity" in the term, the Court left a more concrete definition to the process of case-by-case adjudication. *Id.* at 448.

It is clear that to a large degree the meaning of "well-founded fear" can in fact only be determined in the contexts of individual

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cases. Whatever words may be used in a definition, the approach must still be to assess each case independently on its particular merits. Nevertheless, we think that some guidance can be provided and would be helpful. We do not attempt a definitive statement on the meaning of well-founded fear but rather are setting forth a starting point for use in an ongoing effort to formulate a workable and useful definition of the standard in question.

Although, as noted above, the Supreme Court in *INS v. Cardoza-Fonseca*, *supra*, did not attempt to define "well-founded fear," the Court in dictum in *INS v. Stevic*, *supra*, offered this guide for the meaning of well-founded fear: "[S]o long as an objective situation is established by the evidence, it need not be shown that the situation will probably result in persecution, but it is enough that persecution is a *reasonable possibility*." *INS v. Stevic*, *supra*, at 424-25 (emphasis added). In *INS v. Cardoza-Fonseca*, *supra*, the Court noted the "obvious focus on the individual's subjective beliefs" in assessing whether a fear is well founded. *Id.* at 431. Perhaps more helpful, however, was the direction provided by the Court in *Cardoza-Fonseca* when it compared the well-founded fear standard with the clear probability standard of section 243(h) of the Act. Not only are the two terms not identical, the Court noted, but since two different standards were used in the same Act, they must have been intended to have "significantly different" meanings. *Id.* at 448 n. 31. The Court's view that the two terms are "significantly different" thus serves as a starting point in defining the term "well-founded fear."²

As suggested by Justice Blackmun in his concurring opinion in *INS v. Cardoza-Fonseca*, *supra*, some guidance regarding the meaning of well-founded fear can be found in decisions of the United States courts of appeals. Prior to the Supreme Court's decision in

² In addition to footnote 31, the Court also indicated in the body of its decision its approval of a "significantly different" standard for asylum as opposed to withholding of deportation. In discussing the old section 203(a)(7) of the Act, 8 U.S.C. § 1153(a)(7) (1976), repealed by the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102, the Court stated that it had been "repeatedly recognized" that the "fear of persecution" requirement for refugee admissions under section 203(a)(7) was "significantly different" from the requirement in section 243(h) that the alien show that he "would be" subject to persecution. *INS v. Cardoza-Fonseca*, *supra*, at 434. The Court went on to conclude that when Congress replaced section 203(a)(7) and its "fear of persecution" with section 207, 8 U.S.C. § 1157 (1982), and its "well-founded fear of persecution," it "in no way wished to modify the standard that had been used under § 203(a)(7)." *Id.* at 434-35. Since the term "well-founded fear" is used in section 208 as well as in section 207, the Court further noted, the same lower standard of proof, "significantly different" from the section 243(h) standard, would apply to section 208 as well. *Id.* at 436 n. 18.

Cardoza-Fonseca, and after the Court's decision in *INS v. Stevic*, *supra*, a number of the lower courts addressed the issue of the well-founded fear standard and attempted to define that term. The first court of appeals to address the question was the United States Court of Appeals for the Seventh Circuit, in *Carvajal-Munoz v. INS*, 743 F.2d 562 (7th Cir. 1984). The court there stated its view that the evidentiary burden of proof in asylum cases was not identical to that in withholding of deportation cases, although it found the two standards to be "very similar." *Id.* at 575. The Supreme Court, as just noted, has indicated that the terms are significantly different. Nevertheless, the Seventh Circuit's view of the showing necessary to establish a well-founded fear of persecution is worth considering. The court held that, in order to establish the well-founded fear of persecution required for asylum,

[t]he applicant must present *specific* facts establishing that he or she has actually been the victim of persecution or has some other good reason to fear that he or she will be *singled out* for persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Id. at 574. The court also elaborated on the type of evidence necessary to make this showing:

Ordinarily, this must be done through objective evidence supporting the applicant's contentions. Sometimes, however, the applicant's own testimony will be all that is available regarding past persecution or the reasonable possibility of persecution. In these situations, the applicant's uncorroborated testimony will be insufficient to meet the evidentiary burden unless it is credible, persuasive, and points to *specific* facts that give rise to an inference that the applicant has been or has a good reason to fear that he or she will be singled out for persecution on one of the specified grounds, or, alternatively or in addition thereto, must show through testimony and corroborative objective evidence that he or she has good reason to fear persecution on one of the specified grounds.

Id. at 574. Thus, the Seventh Circuit emphasized the need for the applicant to be specific in his claims, to show that there is a "reasonable possibility" of persecution, and to show that he has "good reason" for his fear of persecution.

The United States Court of Appeals for the Ninth Circuit, after first deciding in *Bolanos-Hernandez v. INS*, 767 F.2d 1277 (9th Cir. 1984), that the well-founded fear standard is a lesser one than the clear probability standard, turned to the meaning of well-founded fear in *Cardoza-Fonseca v. United States INS*, 767 F.2d 1448 (9th Cir. 1985). The court accepted the rationale of the Seventh Circuit that an applicant for asylum is required to "present 'specific facts' through objective evidence to prove either past persecution or 'good reason' to fear future persecution." *Id.* at 1453, citing *Carvajal-Munoz v. INS*, *supra*, at 574. Like the Seventh Circuit, the Ninth Circuit also addressed the issue of corroborative evidence. Recogniz-

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ing the difficulty of obtaining documentary evidence to support an asylum claim, the court held that if such evidence is not available, the applicant's testimony will suffice if it is credible, persuasive, and specific. The court rejected the Government's contention that such an approach to the well-founded fear standard rendered that standard wholly subjective and emphasized that applicants

must point to specific, objective facts that support an inference of past persecution or risk of future persecution. That the objective facts are established through the credible and persuasive testimony of the applicant does not make those facts less objective. "Mere assertions of possible fear" are still insufficient. *Shoae v. INS*, 704 F.2d 1079, 1084 (9th Cir. 1983). It is only after objective evidence sufficient to suggest a risk of persecution has been introduced that the alien's subjective fears and desire to avoid the risk-laden situation in his or her native land become relevant.

Cardoza-Fonseca v. United States INS, supra, at 1453.

In *Diaz-Escobar v. INS*, 782 F.2d 1488 (9th Cir. 1986), the Ninth Circuit attempted to refine its requirement that there be both subjective and objective showings, saying: The subjective component requires a showing that the alien's fear is genuine. The objective component requires a showing, by credible, direct, and specific evidence in the record, of facts that would support a *reasonable fear* that the petitioner faces persecution." *Id.* at 1492 (emphasis added). The court concluded: What is critical is that the alien prove his fear is subjectively genuine and objectively reasonable." *Id.* The inquiry into the reasonableness of an applicant's fear was also alluded to by the Ninth Circuit in *Garcia-Ramos v. INS*, 775 F.2d 1370 (9th Cir. 1985), where the court stated that the well-founded fear standard "implicates a requirement of objective reasonableness. In other words, there must be some basis in reality or reasonable possibility that a petitioner would be persecuted." *Id.* at 1374.

The Sixth Circuit has similarly embraced the notion that the "more generous" well-founded fear standard of proof comprises both a subjective and an objective element. In *Yousif v. INS*, 794 F.2d 236 (6th Cir. 1986), the court held that while an applicant for asylum "may prevail upon establishing a subjective fear of persecution, the [applicant's] assertions of fear must nonetheless be supported by objective evidence." *Id.* at 243-44; see also *Youkhanna v. INS*, 749 F.2d 360 (6th Cir. 1984).

Like the Seventh, Ninth, and Sixth Circuits, the Fifth Circuit foretold the Supreme Court's decision in *INS v. Cardoza-Fonseca, supra*, and held that the well-founded fear standard requires a lesser degree of proof than the clear probability standard. *Guevara*

Flores v. INS, 786 F.2d 1242 (5th Cir. 1986).³ The Fifth Circuit also agreed with the other courts that the concept of a well-founded fear was at least partially a subjective one, insofar as fear is a subjective matter, and partially an objective one, because the fear is required to be well founded. However, the Fifth Circuit offered a somewhat more concrete definition. The court held: An alien possesses a well-founded fear of persecution if a reasonable person in her circumstances would fear persecution if she were to be returned to her native country." *Id.* at 1249. This reasonable person standard was subsequently adopted by the Second Circuit, in *Carcamo-Flores v. INS*, 805 F.2d 60 (2d Cir. 1986).

We agree with and adopt the general approach set forth by the Fifth Circuit; that is, that an applicant for asylum has established a well-founded fear if he shows that a reasonable person in his circumstances would fear persecution. As noted by the Second Circuit, this "reasonable person standard appropriately captures the various formulations that have been advanced to explain the well-founded fear test." *Carcamo-Flores v. INS*, *supra*, at 68. It is a standard that provides a "common sense" framework for analyzing whether claims of persecution are well founded. Moreover, a reasonable person may well fear persecution even where its likelihood is significantly less than clearly probable.

In determining whether the alien has met his burden of proof, we recognize, as have the courts, the difficulties faced by many aliens in obtaining documentary or other corroborative evidence to support their claims of persecution. Although every effort should be made to obtain such evidence, the lack of such evidence will not necessarily be fatal to the application. The alien's own testimony may in some cases be the only evidence available, and it can suffice where the testimony is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for his fear.⁴ On the other hand, as pointed out in the Office of the

³ The Third Circuit is the only court which, prior to the Supreme Court's decision in *INS v. Cardoza-Fonseca*, *supra*, consistently held that the well-founded fear standard under section 208 of the Act is equivalent to the clear probability standard under section 243(h). The court first stated this view in *Rejaie v. INS*, 691 F.2d 139 (3d Cir. 1982), which was decided prior to the Supreme Court's decision in *INS v. Stevic*, *supra*. The Third Circuit specifically reaffirmed its position following *Stevic*. *Sotto v. United States INS*, 748 F.2d 832 (3d Cir. 1984); see also *Sankar v. INS*, 757 F.2d 532 (3d Cir. 1985). The Fourth Circuit declined to decide the issue. *Cruz-Lopez v. INS*, 802 F.2d 1518 (4th Cir. 1986).

⁴ The requirement that an alien provide a "plausible and coherent account" of why he fears persecution is rooted in the International Refugee Organization, Manual for Eligibility Officers No. 175, ch. IV, Annex 1, Pt. 1, § C19, p. 24 (May 1950). See *INS v. Cardoza-Fonseca*, *supra*, at 438 n. 20.

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United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* (Geneva, 1979) ("*Handbook*"), the allowance for lack of corroborative evidence does not mean that "unsupported statements must necessarily be accepted as true if they are inconsistent with the general account put forward by the applicant." *Id.* at para. 197. Similarly, very generalized statements of fear will in most cases not suffice. In general, the assessment of the application for asylum should be a qualitative, not a quantitative, one.

Where the country at issue in an asylum case has a history of persecuting people in circumstances similar to the asylum applicant's, careful consideration should be given to that fact in assessing the applicant's claims. A well-founded fear, in other words, can be based on what has happened to others who are similarly situated. The situation of each person, however, must be assessed on its own merits. See *Handbook, supra*, at para. 43.

We note that although our decision in *Matter of Acosta* has been effectively overruled by *INS v. Cardoza-Fonseca, supra*, insofar as *Acosta* held that the well-founded fear standard and the clear probability standard may be equated, much of our decision remains intact and good law. Indeed, we still find in *Acosta* some guidance regarding the meaning of a well-founded fear. In *Acosta*, we set forth four elements which an applicant for asylum must show in order to establish a well-founded fear of persecution. What we required was that the evidence establish that

- (1) the alien possesses a belief or characteristic a persecutor seeks to overcome in others by means of punishment of some sort; (2) the persecutor is already aware, or could easily become aware, that the alien possesses this belief or characteristic; (3) the persecutor has the capability of punishing the alien; and (4) the persecutor has the inclination to punish the alien.

Matter of Acosta, supra, at 226.

In our view, these requirements, for the most part, survive the Supreme Court's decision in *Cardoza-Fonseca* and are still useful guidelines in assessing an asylum application. However, we have determined that one small but significant change in these requirements should be made in view of the Court's ruling. The second requirement should be changed by omitting the word "easily." Thus, it is enough for the applicant to show that the persecutor could become aware that the applicant possesses the belief or characteristic in question. The omission of the word "easily" lightens the applicant's burden of proof and moves the requirements as a whole into line with *Cardoza-Fonseca*. Of course, all these requirements

must now be considered in light of the lower burden of proof which will be imposed on asylum applicants generally.

It must also be remembered that an alien who succeeds in establishing a well-founded fear of persecution will not necessarily be granted asylum. He must also show that the feared persecution would be on account of his race, religion, nationality, membership in a particular social group, or political opinion. Thus, for example, aliens fearing retribution over purely personal matters, or aliens fleeing general conditions of violence and upheaval in their countries, would not qualify for asylum. Such persons may have well-founded fears, but such fears would not be on account of their race, religion, nationality, membership in a particular social group, or political opinion. See, e.g., *Sanchez-Trujillo v. INS*, 801 F.2d 1571 (9th Cir. 1986); *Contreras-Aragon v. INS*, 789 F.2d 777 (9th Cir. 1986); *Diaz-Escobar v. INS*, *supra*; *Lopez v. INS*, 775 F.2d 1015 (9th Cir. 1985); *Zepeda-Melendez v. INS*, 741 F.2d 285 (9th Cir. 1984); *Martinez-Romero v. INS*, 692 F.2d 595 (9th Cir. 1982); *Matter of Pierre*, 15 I&N Dec. 461 (BIA 1975). Finally, an applicant for asylum must also show that he merits the relief as a matter of discretion.

While under *Matter of Acosta*, *supra*, we were able to consider an application for asylum and withholding of deportation as, for most purposes, one, this approach requires some modification after *INS v. Cardoza-Fonseca*, *supra*. Given that the core of evidence and testimony presented in support of the asylum and withholding applications will in almost every case be virtually the same, such evidence and testimony may still be presented in a single hearing. However, in actually adjudicating the applications, a clear delineation of the findings should be made as to each application. We anticipate that as a general rule the asylum application, with its lower burden of proof, will be adjudicated first. If the applicant is found eligible for asylum, and worthy of the relief as a matter of discretion, there may be no need to determine as well whether a clear probability of persecution exists.

We now turn to the application of these new standards to the case presently before us. The respondent fears persecution in Iran primarily because of an altercation he had with an official or agent of the regime of the Ayatollah Khomeini. The respondent testified and attested to the following facts regarding that incident. In February of 1981, while in the United States, the respondent went with an Iranian friend to the Iranian Interests Section at the Algerian Embassy. His purpose was to document his continuing student status in order to enable him to continue receiving funds from relatives in Iran. To this end, he took with him photocopies of his pass-

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port and his Arrival-Departure Record (Form I-94). When he presented the photocopies to a student who was working at the Embassy, he was told that the originals were required. According to the respondent, he was informed that the originals were necessary because students who did not have them had probably submitted them to the Immigration and Naturalization Service in connection with asylum applications. The student-employee was insistent, and the respondent's friend asked to see the supervisor. The supervisor appeared, but further trouble ensued. The student apparently grabbed the respondent's friend's neck, but the supervisor separated them. The student then told the respondent's friend that he and "his kind had better keep their eyes and ears open because 'their day' would come soon." In response, the respondent told him that "he and his kind had robbed Iran of all that was worth living for and that they were nothing more than religious fascists stuffing their pockets with the nation's wealth." According to the respondent, the student then drew a gun, and he and his friend ran out the door. The respondent testified that there were cameras all around the room recording these events. A witness for the respondent testified at the hearing that he accompanied the respondent and his friend to the Algerian Embassy, although he waited in the car and did not go inside with them. This witness testified that, when the respondent and his friend returned to the car, they were nervous, and a couple of people were following them. It is the respondent's contention that he is now known to Khomeini officials and that as a result he has good reason to fear persecution if returned to Iran. The respondent also testified that he had participated in anti-Khomeini demonstrations in the United States.

After careful consideration of the entire record, we have concluded that a reasonable person in the respondent's circumstances would fear persecution if returned to Iran. We find the respondent's account of why he fears persecution based on his political opinions to be plausible, detailed, and coherent. The respondent's account of the incident at the Embassy appears to us to be credible, and there is nothing in the record to otherwise suggest that the respondent lacks credibility. The respondent clearly expressed his political views at the Iranian Interests Section and his opinions were extremely derogatory to the regime in power. The Service does not dispute that opponents of the Ayatollah Khomeini are often persecuted for their opposition. In this case, a reasonable person in the respondent's position would fear that his opposition to that regime has become known to those who are both in a position, and who have the inclination, to punish him for it. Under these circumstances, we find that the respondent has met his burden of showing

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a well-founded fear of persecution in Iran. Given the statements made to agents of the Khomeini regime by the respondent while in the Algerian Embassy, any persecution which might occur would be on account of political opinion.

There are no adverse factors of record in this case. We find no basis for considering a discretionary denial of relief. The application for asylum will accordingly be granted. We therefore find it unnecessary to decide whether the respondent has also established a clear probability of persecution for section 243(h) purposes. Accordingly, the following orders will be entered.

ORDER: The appeal is sustained.

FURTHER ORDER: The application for asylum is granted.

Student Name: [Click here to enter text.](#)

Reading Case Law Exercise	
(Please note, this is a simplified format, not following the usual IRAC format of a law school brief that is described in your reading.)	
The facts of the case: Within the decision the court will describe the relevant facts upon which they based their decision. Do not simply copy and paste the facts found in the decision, but summarize them in your own words.	
The sources of authority: Please list any statutes, regulations, or foreign law that the decision maker relied upon in reaching their decision. Also list the major cases that were relied upon.	
The decision: How did the court resolve the controversy at issue – what did the court rule?	
The reasoning behind the decision: What explanation did the court give for their decision that would apply to future cases?	

From: [Davidson, Andrew J](#)
To: [Gordon, Jonathan](#); [Alexander, Shannon](#)
Cc: [Roberts, Rhonda J](#); [Caudill-Mirillo, Ashley B](#)
Subject: FW: Dates for USBP Cohort 6/OFO Cohort 2 CF for CBP
Date: Wednesday, February 5, 2020 1:47:39 PM

With that in mind I would proceed with BP only for Cohort 6. I will alert the USCIS FO of OFO's posture.

Referred to U.S. Customs and Border Protection

From: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>

Sent: Wednesday, February 5, 2020 10:46 AM

To: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Alexander, Shannon

<shannon.alexander@uscis.dhs.gov>; [REDACTED]

(b)(7)(c)

Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J

<Rhonda.J.Roberts@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; [REDACTED]

(b)(7)(c)

Subject: RE: Dates for USBP Cohort 6/OFO Cohort 2 CF for CBP

(b)(7)(c)

Thanks Jonathan. [redacted] please let us know what OFO's posture is when it comes to providing volunteers for the upcoming training class. We are training up 500+ Asylum Officers at FLETC during Q2 and Q3 and have made arrangement for our training team to hold the CBP training at HQ so our preference would certainly be to combine the BP and OFO class.

From: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>

Sent: Wednesday, February 5, 2020 10:35 AM

To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; [redacted] (b)(7)(c)

Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; MEJIA, LUIS A <LUIS.A.MEJIA@CBP.DHS.GOV>; Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>

Subject: RE: Dates for USBP Cohort 6/OFO Cohort 2 CF for CBP

Importance: High

Good Morning,

I just wanted to come back to this point. The dates expressed below will be the training dates for the next cohort of Credible Fear Task Force members. Will OFO be sending volunteers?

If OFO is not available for this training schedule, the next training will be in the late spring/early summer. In that case, we may need to extend some current task force members through June or July, to cover, until the next cohort is ready to take over.

Please let us know if OFO will be participating in the next cohort, so we can start to prepare for the next training.

If you will like to discuss further, please let us know.

Thank you!

Jonathan Gordon
Asylum Officer (Management)
Asylum HQ

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>

Sent: Thursday, January 30, 2020 2:01 PM

To: [redacted] (b)(7)(c)

Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; [redacted]

(b)(7)(c)

Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>

Subject: RE: Dates for USBP Cohort 6/OFO Cohort 2 CF for CBP

Thank you for expressing this concern.

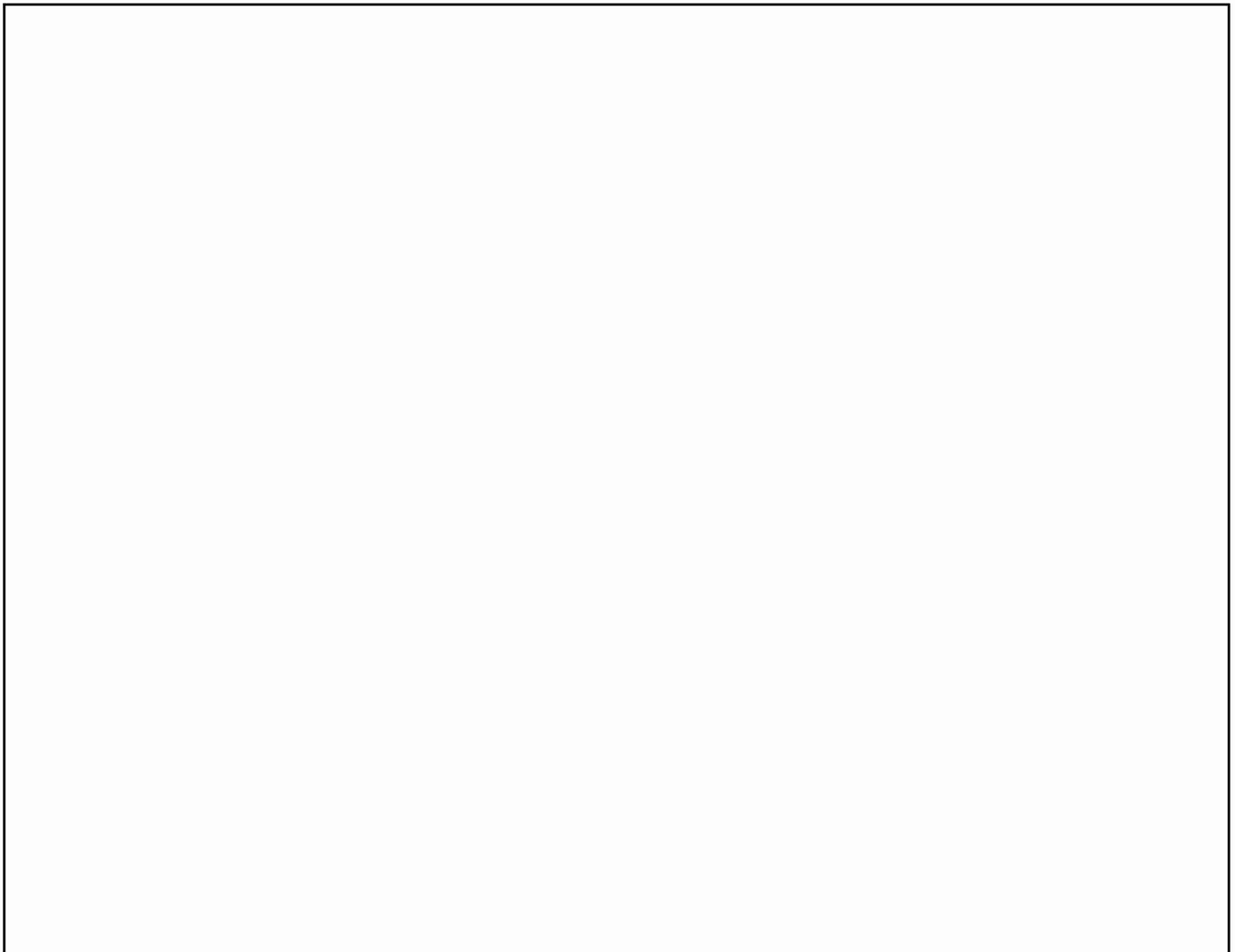
As you may be aware, credible fear interviews at our FRCs are conducted almost exclusively by BPAs. Cohort 4 sunsets in April. Cohort 5/OFO 1 sunsets in June. The schedule below guarantees some overlap of BPAs (which is ideal for mentoring etc) as well as staffing for the FRCs.

If the pattern continues, there is the potential for another CF for CBP training in late Spring/early Summer. We can discuss further if you would like.

Best,

Shannon

Referred to U.S. Customs and Border Protection



From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>

Sent: Thursday, January 30, 2020 12:43 PM

To:

(b)(7)(c)

Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>

Subject: Dates for USBP Cohort 6/OFO Cohort 2 CF for CBP

Good Afternoon Everyone!

Below are the dates proposed by Asylum for the next CF for CBP:

- Distance Training: Thursday February 20th to Friday March 6th.
- Face to Face Training: Monday, March 9th to Thursday, March 19th
- On the Job Training OFO: Friday, March 20th to Friday, April 10th
- On the Job Training USBP: Monday, March 23rd to Friday, April 10th

If you have any issues or concerns, please let us know ASAP. We created this schedule after careful review of our available resources in March and April.

As always, thank you for your partnership.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED]

(b)(6)

From: Rellis, Jennifer L
To: RAIO - Asylum Field Office Managers
Cc: Caudill-Mirillo, Ashley B; Davidson, Andrew J; Alexander, Shannon; Gordon, Jonathan; Roberts, Rhonda J; Leigh, Francis W; Douglas, Audrey M; Hemming, Bryan D
Subject: Need for 8 Experienced AOs to Travel to Dilley -- please respond by 3/4
Date: Friday, February 28, 2020 1:54:17 PM
Importance: High

Hello Asylum Field Office Managers,

We have identified a need for trained and experienced Senior Asylum Officers and/or Asylum Officers who are adept at family processing to travel to Dilley to assist with on the job training for Border Patrol Agents. We need 8 volunteers.

Can you please solicit your staff to identify a volunteer that is willing to travel during this timeperiod? Please identify one volunteer from each of the main offices (ZAR, ZNK, ZNY, ZMI, ZCH, ZHN, ZLA, ZSF) who can travel and stay for the entire period. The requested travel schedule is as follows:

- Travel to Dilley, Monday, March 23rd
- Be on site Tuesday, March 24 – Friday, April 3rd
- Travel home, Saturday, April 4th.

There may be the opportunity for up to 4 folks to volunteer to remain for the 3rd week (April 6-10) to assist with folks who are struggling. Officers who volunteer to remain for a third week would assist BPAs who would benefit from additional observation, training and guidance. Participation in a third week would be completely voluntary and per the approval of the sending office.

The requirements for someone to volunteer are:

- Senior AOs who have been to Dilley at least once OR
- AOs who have at least a year of experience and have been to Dilley two or more times.
- Please note that all volunteer names are subject to approval by ZHN.

Please send the name of your volunteer back to myself and Shannon Alexander by Wednesday, 3/4/20.

Thank you,
Jennifer

Jennifer Rellis
USCIS/RAIO/Asylum Headquarters
Management Branch Chief
Office: [REDACTED]
Cell: [REDACTED] (b)(6)
Jennifer.L.Rellis@uscis.dhs.gov

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From: [Rellis, Jennifer L](#)
To: [RAIO - Asylum Field Office Managers](#)
Cc: [Caudill-Mirillo, Ashley B](#); [Davidson, Andrew J](#); [Alexander, Shannon](#); [Gordon, Jonathan](#); [Moore, Richard K](#); [Barker, Sherri H](#); [Roberts, Rhonda J](#); [Leigh, Francis W](#)
Subject: Potential Need for 8-10 AOs to Travel to Dilley 1/21-2/7
Date: Monday, December 23, 2019 4:18:11 PM

Hello Asylum Field Office Managers,

We have identified a potential need for trained and experienced Asylum Officers who are adept at family processing to travel to Dilley from 1/21-2/7 to assist with on the job training for Border Patrol Agents. We may need 8-10 volunteers.

Can you please solicit your staff to identify a volunteer that is willing to travel during this timeperiod? For efficiency of travel funds, we would like to identify one volunteer from each of the main offices (ZAR, ZNK, ZNY, ZMI, ZCH, ZHN, ZLA, ZSF) who can travel and stay for the entire payperiod.

Please send the name of your volunteer back to myself and Jonathan Gordon by 1/3/20.

Thank you,
Jennifer

Jennifer Rellis
USCIS/RAIO/Asylum Headquarters
Management Branch Chief
Office: (b)(6)
Cell:
Jennifer.L.Rellis@uscis.dhs.gov

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From: [Davidson, Andrew J](#)
To: [Gordon, Jonathan](#); [Alexander, Shannon](#)
Cc: [Caudill-Mirillo, Ashley B](#); [Roberts, Rhonda J](#)
Subject: RE: March CF Training
Date: Friday, January 24, 2020 3:09:23 PM

Thanks Jonathan. We need to start thinking how this training will look and how we can accommodate.

From: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Sent: Friday, January 24, 2020 3:07 PM
To: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>
Subject: RE: March CF Training

OFO responded that they will get back to us, hopefully, early next week.

Jonathan Gordon
Asylum Officer (Management)
Asylum HQ

From: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>
Sent: Friday, January 24, 2020 2:20 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Cc: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>
Subject: Re: March CF Training

Excellent, thanks Shannon

Sent from my iPhone

On Jan 24, 2020, at 2:19 PM, Alexander, Shannon <shannon.alexander@uscis.dhs.gov> wrote:

USBP plans to solicit next week, will have names by 2/14 and are prepared to start DT as early as 3/2.

From: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>
Sent: Friday, January 24, 2020 1:47 PM
To: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>
Cc: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Roberts, Rhonda J

<Rhonda.J.Roberts@uscis.dhs.gov>

Subject: RE: March CF Training

We first need to find out from OFO and BP if they are prepared to solicit their staff for another class in the Spring. That would be OFO #2 and BP #6. I am supportive of both taking place in the Spring be it March or early April. If Andrew could answer that and perhaps Chief Ringler and Riley that would help with our planning.

From: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>

Sent: Friday, January 24, 2020 1:42 PM

To: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>

Cc: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>

Subject: FW: March CF Training

Good Afternoon,

We just received this email from OFO. I had mentioned to Andrew Bolton when he came to visit 20 Mass that a March class was a possibility, so he is inquiring about it.

Please advise as to how you would like us to respond?

Thank you!

Jonathan Gordon
Asylum Officer (Management)
Asylum HQ

Referred to U.S. Customs and Border Protection



Referred to U.S. Customs and Border Protection

From: Gordon, Jonathan
To: Rellis, Jennifer L; RAIO - Asylum Field Office Managers
Cc: Caudill-Mirillo, Ashley B; Davidson, Andrew J; Alexander, Shannon; Roberts, Rhonda J; Leigh, Francis W; Douglas, Audrey M; "Fogelbach, Juan J (Juan.J.Fogelbach@uscis.dhs.gov)"; Basseas, Marina M
Subject: RE: Need for 8 Experienced AOs to Travel to Dilley -- please respond by 3/4
Date: Monday, March 16, 2020 12:43:00 PM
Importance: High

Good Afternoon All,

In light of COVID-19 and the move to more remote work, the On the Job Training (OJT) for this Cohort of USBP agents at Dilley will be conducted remotely. To this effect, please let the officers listed below know that they will not be traveling to Dilley to assist in OJT, but will assist remotely from their home offices. Please do not assign these officers other duties from March 24 – April 3, as they will still be assisting the training remotely.

If you have any questions please let Shannon and I know.

Jonathan Gordon
Asylum Officer (Management)
Asylum HQ

From: Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>
Sent: Thursday, March 5, 2020 9:37 AM
To: RAIO - Asylum Field Office Managers <RAIO-AsylumFieldOfficeManagers@uscis.dhs.gov>
Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Hemming, Bryan D <Bryan.D.Hemming@uscis.dhs.gov>
Subject: RE: Need for 8 Experienced AOs to Travel to Dilley -- please respond by 3/4

Thanks to all the offices for getting back to us. Here is the confirmed list of volunteers for this training. Please have the offices start booking their travel. Special thanks to ZNK/ZBO and ZCH for sending two volunteers!

ZAR: Ajita Jadhav
ZCH: Heidi Sermeno and Samuel Tchindebet.
ZNY: Garabet Badrajan
ZNK: Ann Rajoo
ZBO: Voranan Mongkolpumirat
ZHN: Vanessa Gibson
ZLA: Mayra Gamez

Thank you,
Jennifer

From: Rellis, Jennifer L

Sent: Friday, February 28, 2020 1:54 PM

To: RAIO - Asylum Field Office Managers <RAIO-AsylumFieldOfficeManagers@uscis.dhs.gov>

Cc: 'Caudill-Mirillo, Ashley B (Ashley.Caudill-Mirillo@uscis.dhs.gov)' <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Hemming, Bryan D <Bryan.D.Hemming@uscis.dhs.gov>

Subject: Need for 8 Experienced AOs to Travel to Dilley -- please respond by 3/4

Importance: High

Hello Asylum Field Office Managers,

We have identified a need for trained and experienced Senior Asylum Officers and/or Asylum Officers who are adept at family processing to travel to Dilley to assist with on the job training for Border Patrol Agents. We need 8 volunteers.

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- AOs who have at least a year of experience and have been to Dilley two or more times.
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Please send the name of your volunteer back to myself and Shannon Alexander by Wednesday, 3/4/20.

Thank you,
Jennifer

Jennifer Rellis
USCIS/RAIO/Asylum Headquarters
Management Branch Chief
Office: [REDACTED] (b)(6)
Cell: [REDACTED]
Jennifer.L.Rellis@uscis.dhs.gov

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From: [Davidson, Andrew J](#)
To: [Roberts, Rhonda J](#); [Gordon, Jonathan](#); [Caudill-Mirillo, Ashley B](#)
Cc: [Alexander, Shannon](#)
Subject: RE: Preparing for the Next CF for CBP Training
Date: Friday, January 10, 2020 4:33:36 PM

Hi Johnathan and Rhonda,

Unless I am misunderstanding the proposed timeline this schedule would create a lapse in CBP participation in that Cohort 6 would commence distance learning after the sunset of Cohort 5 and OFO 1. If this is the case than no I can't concur with the plan as presented. We most definitely need to be ready to hold another CBP class in the Spring depending on availability and concurrence from BP/OFO.

Thanks,

Andrew

From: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>
Sent: Friday, January 10, 2020 1:28 PM
To: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>
Cc: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: RE: Preparing for the Next CF for CBP Training

Thank you very much, Shannon and Jonathan, for your leadership on this initiative and considerations factored into setting up the next CBP/OFO training. I concur with your analysis.

I would add, it is not only SMEs at HQ, but also field resources for the following On-the-Job training and ramp up that will take place at asylum office(s) that will be significantly impacted by the demands of the training surge prior to mid-June.

Ashley, Andrew, shall we move forward with these plans for scheduling?

Thanks,
Rhonda

From: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Sent: Friday, January 10, 2020 11:20 AM
To: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>
Cc: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: Preparing for the Next CF for CBP Training

Good Morning Andrew, Ashley, and Rhonda,

Shannon and I have been discussing when to hold training for Cohort #6/2 of CF for CBP training. Based on all the trainings that Asylum HQ will be running in Q2 and Q3, our recommendation is that we start distance training on June 1st, with face-to-face training starting on June 15th.

There are a lot of benefits to this schedule:

- The last Q3 training ends on Friday, June 12th, which means that face-to-face for CF for CBP will start on the Monday after those ADOTPs end. This will help to ensure that QA and Ops will have the SMEs available to train for CF for CBP. Our concern is that if we try to add another CF for CBP at any point during the next couple of months, our SMEs will be busy with all the ADOTPs that will be conducted between now and June 12th.
- While we have had 75 agents participating in CF for CBP at the same time between June and November, the maximum number of officers who have been interviewing at the same time is 52 with 42 of those agents conducting Dilley interviews. Between USBP cohorts 4 and 5 and OFO cohort 1, there will be 63 agents and officers conducting interviews for the asylum division until April. From April through June, there will be 40 officers interviewing. Please see attached.
- Accordingly, holding the next training in June will facilitate a smoother transition between the sunset of USBP Cohorts 4 and 5 (April and June respectively) and the start of USBP Cohort 6/OFO Cohort 2.
- Holding the training in June will also enable us the opportunity incorporate agents from cohorts 1, 2 and 3 who may be interested in returning to the program. With just a refresher training, these agents could be interviewing again quickly. They could also help serve as mentors to agents and officers in USBP Cohort 6/OFO Cohort 2.

We are happy to discuss further.

Shannon and Jonathan

From: RINGLER, MICHAEL A
To: Alexander, Shannon
Cc: Maloney, Kathleen M; Gordon, Jonathan; Leigh, Francis W; Maalona, John L; Douglas, Audrey M; REILLY, MICHAEL J
Subject: Re: Union and changing supervisors requirement
Date: Tuesday, January 7, 2020 4:26:59 PM

We have a new CBA and I am not the expert on this. This is one of those questions that do we follow CIS rules or USBP rules. On the surface, I lean on the CIS side but we need to consult with our LER and OCC as we need to get it right the first time in case there is a grievance.

Mike and I will bring it up to them tomorrow and try to get an answer ASAP as I understand this impacts your operations.

Sent from my iPhone

On Jan 7, 2020, at 4:01 PM, Alexander, Shannon
<shannon.alexander@uscis.dhs.gov> wrote:

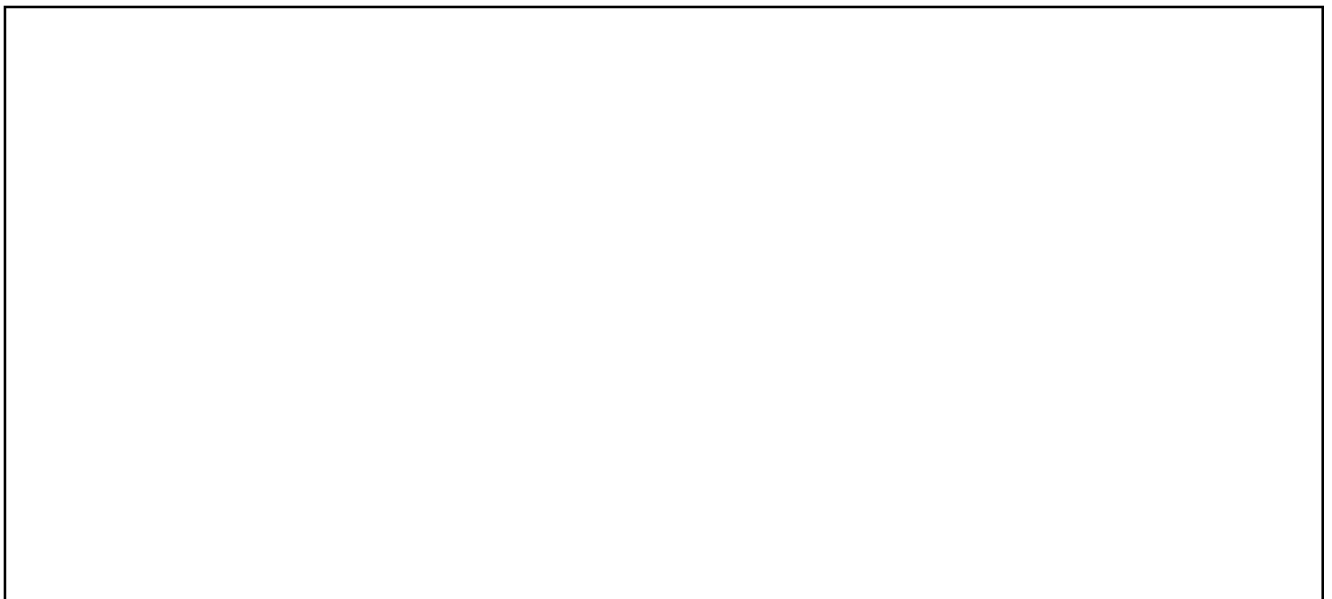
Sure. Kathleen and Bubba, feel free to elaborate.

Due to the nature of Dilley, BPAs will not be supervised by the same Supervisory Asylum Officer for the duration of their detail. In fact, SAOs may change on a weekly, fortnightly or monthly basis.

It sounds like Kathleen was told that each time a new supervisor reviews one of the BUEs cases, he or she would need to be informed 72 hours in advance. That would be a significant operational challenge.

Best,

Shannon



On Jan 7, 2020, at 2:43 PM, Alexander, Shannon
<shannon.alexander@uscis.dhs.gov> wrote:

I have absolutely no idea. I did not see anything to this effect in the CBA.

Looping in the Mikes.

Best,

Shannon

From: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>

Sent: Tuesday, January 07, 2020 2:33 PM

To: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Maalona, John L <John.L.Maalona@uscis.dhs.gov>

Cc: Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>

Subject: Union and changing supervisors requirement

Hi all,

BP onsite told me that the union requires 72 hours' notice to change a supervisor. Is this correct?

If so, we need to make sure we send out the teams by Thursday weekly.

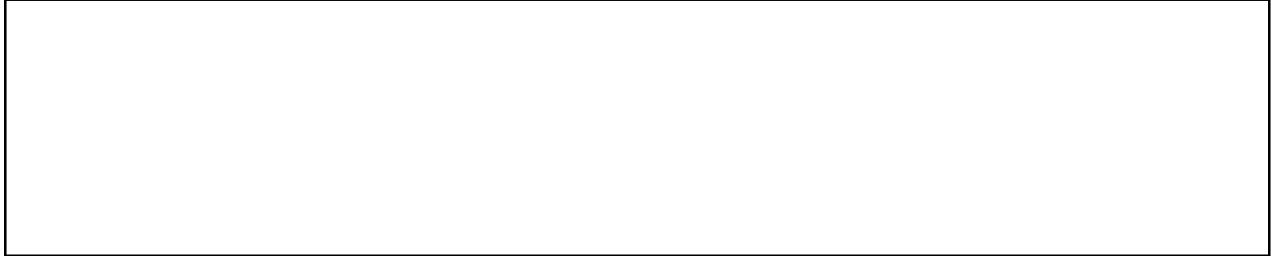
Thanks so much!

Best,

Kathleen

From: Gordon, Jonathan
To: Kommel-Bernstein, Jeremy; Doeren, Graham R; Leigh, Francis W; Maloney, Kathleen M
Cc: Alexander, Shannon; "Roberts, Rhonda J (Rhonda.J.Roberts@uscis.dhs.gov)"
Subject: [REDACTED] (b)(6)
Date: Monday, December 30, 2019 1:41:00 PM

Hi All,



If you have any questions or concerns, please let Shannon and I know.

(b)(6)

Jonathan Gordon
Asylum Officer (Management)
Asylum HQ

From: Alexander, Shannon
To: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Roberts, Rhonda J
Cc: Douglas, Audrey M; O'Malley, Robert L; Vine, Annie R (Ringo)
Subject: Additional Training for the BPAs re: Interviewing Children
Date: Friday, October 11, 2019 1:07:00 PM

Good Afternoon,

In this call and our previous one, the agents mentioned that they would like more training on interviewing children. So far, Rhonda and Bob gathered materials – several videos and power point slides - and Bob posted them on the ECN.

I think that we should have them view the more extensive RAIOTCP webinar on Children's Claims and that we follow this with a Live Q&A.

Webinar. The webinar runs for 2 hrs and 25 minutes with pauses (1 hr and 35 without). I am reviewing the webinar now. We would need to put some parts of it context as it is a very comprehensive video.

My suggestion going forward is that we tailor this presentation for asylum and – if possible - we present it live during any face to face to face training.

Q&A. I reached out to RAIO Training and Sarah Hall kindly connected me with Lynne Wilson-Bruchet, who co-presents RAIO's "Adjudicating Children's Claims" for RAIOTCP. Lynne is a Victim Assistance Specialist with HSI in Newark. She is part of a Q&A for RAIOTCP's remote training and they are having a Q&A on Thursday, October 24th. She has graciously agreed to host a separate 45 minute Q&A for the BPAs at 1:30 PM on the 24th. We could do this via WebEx. The BPAs clearly appreciate being able to ask questions and communicate directly with SMEs.

Sarah suggests, and I agree, that we also have someone from Asylum at the Q&A to answer asylum specific questions and address asylum specific concerns. This could be the UAC POCs or an experienced Dilley SAO. I defer to y'all on that point.

Scheduling. If BPAs were to do the webinar and Q&A together, it would take 3 hrs and 10 minutes max. I think the webinar will actually take less time than the 2 hrs and 25 minutes as it is contingent on pauses. We could do webinar and Q&A all in the same day (on the 24th) or stagger webinar viewing in a way that makes sense for scheduling at Dilley.

Happy to hear your thoughts on all of this and then we can put a plan into motion. Thanks!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED] (b)(6)

Cell: [REDACTED]

From: [Alexander, Shannon](#)
Cc: [Davidson, Andrew J](#); [Caudill-Mirillo, Ashley B](#); [Roberts, Rhonda J](#); [Mura, Elizabeth E](#); [Fogelbach, Juan J](#); [Kirkland, Brooke A](#); [Hussey, Jedidah M](#); [Doeren, Graham R](#); [Osuji, Kizito](#); [Tran, Due H](#); [Douglas, Audrey M](#); [Leigh, Francis W](#); [Maloney, Kathleen M](#); [Yasrobi, Sharon A](#); [Aguilar, Kimberly M](#); [Klayman, Amy S](#); [Garrett, Natalie M](#)

Bcc:

(b)(7)(c)

Subject: Answers to BPA Questions
Date: Friday, December 06, 2019 11:24:00 AM
Attachments: [Elian Memo.pdf](#)

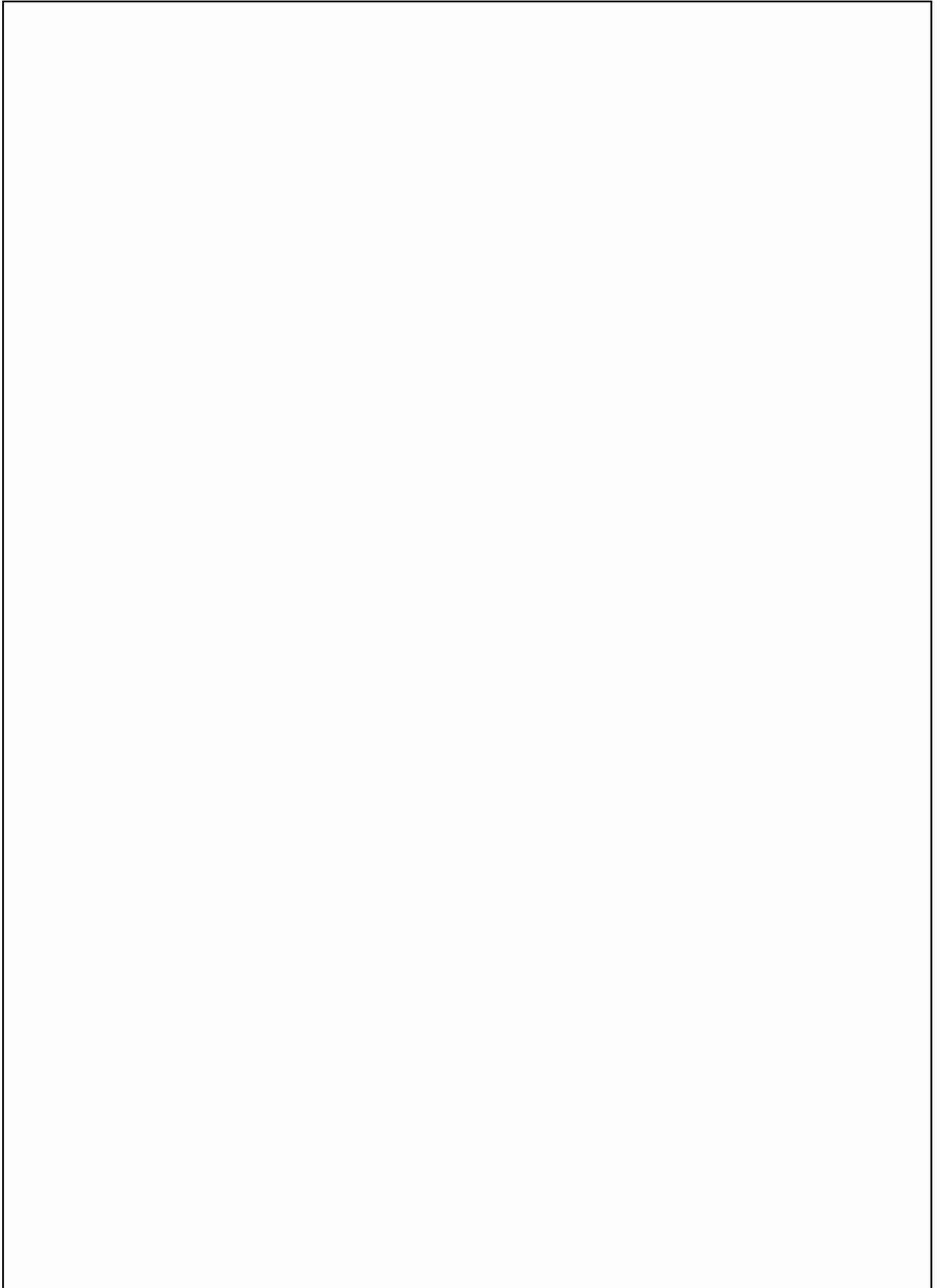
Good Morning Everyone!

A warm (BCC) welcome to cohort 4, who are wrapping up their OJT with our incredible Dilley/ZHN team. Like previous cohorts, cohort 4 has been enthusiastic and thoughtful throughout their training and we are eager to put their talents to use.

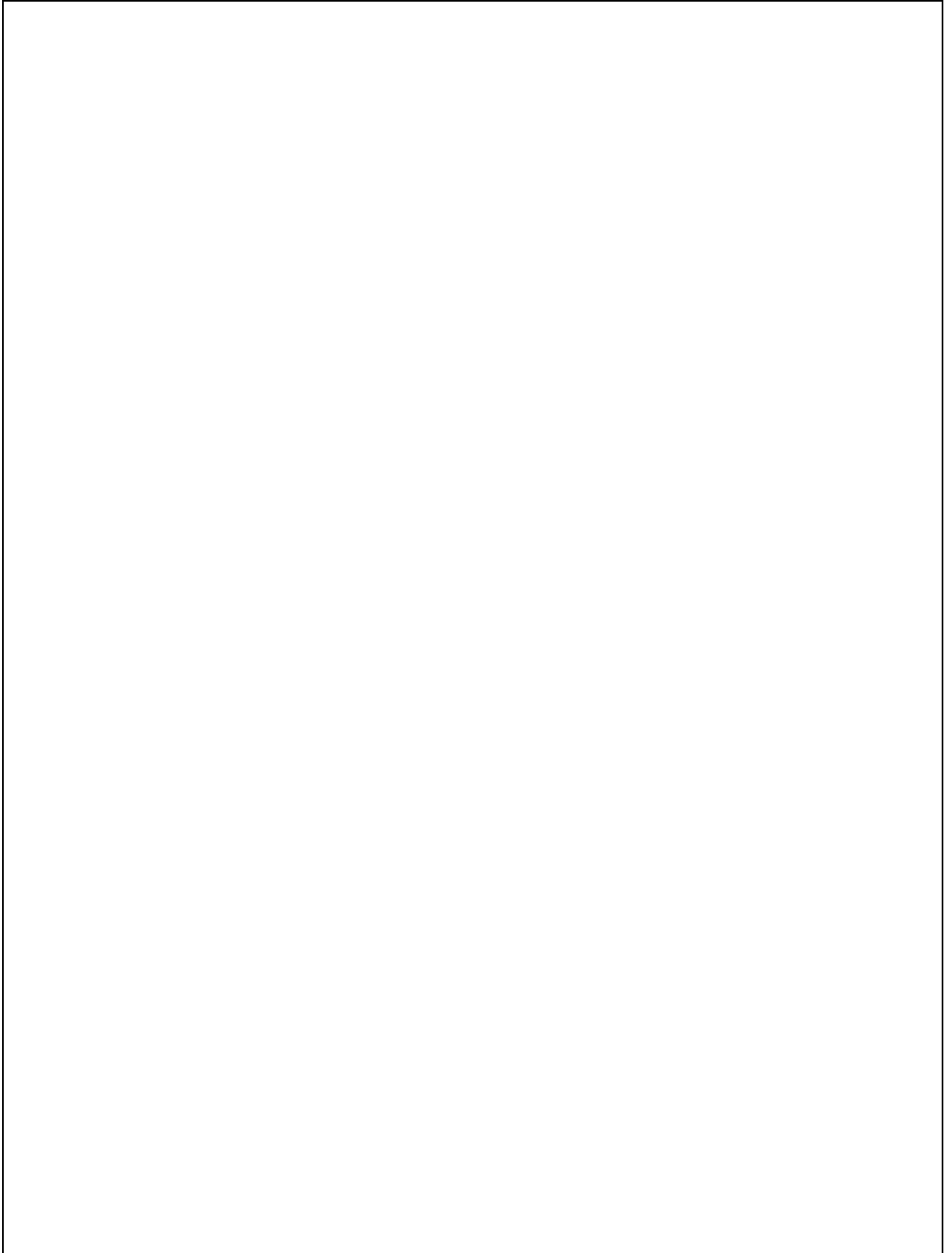
We have had several questions come up throughout your time with us. Our OCC and Branch Chiefs have weighed in and you can find them below. We appreciate your patience.

If you have any additional questions or issues, please reply to me CCing your local asylum chain of command.

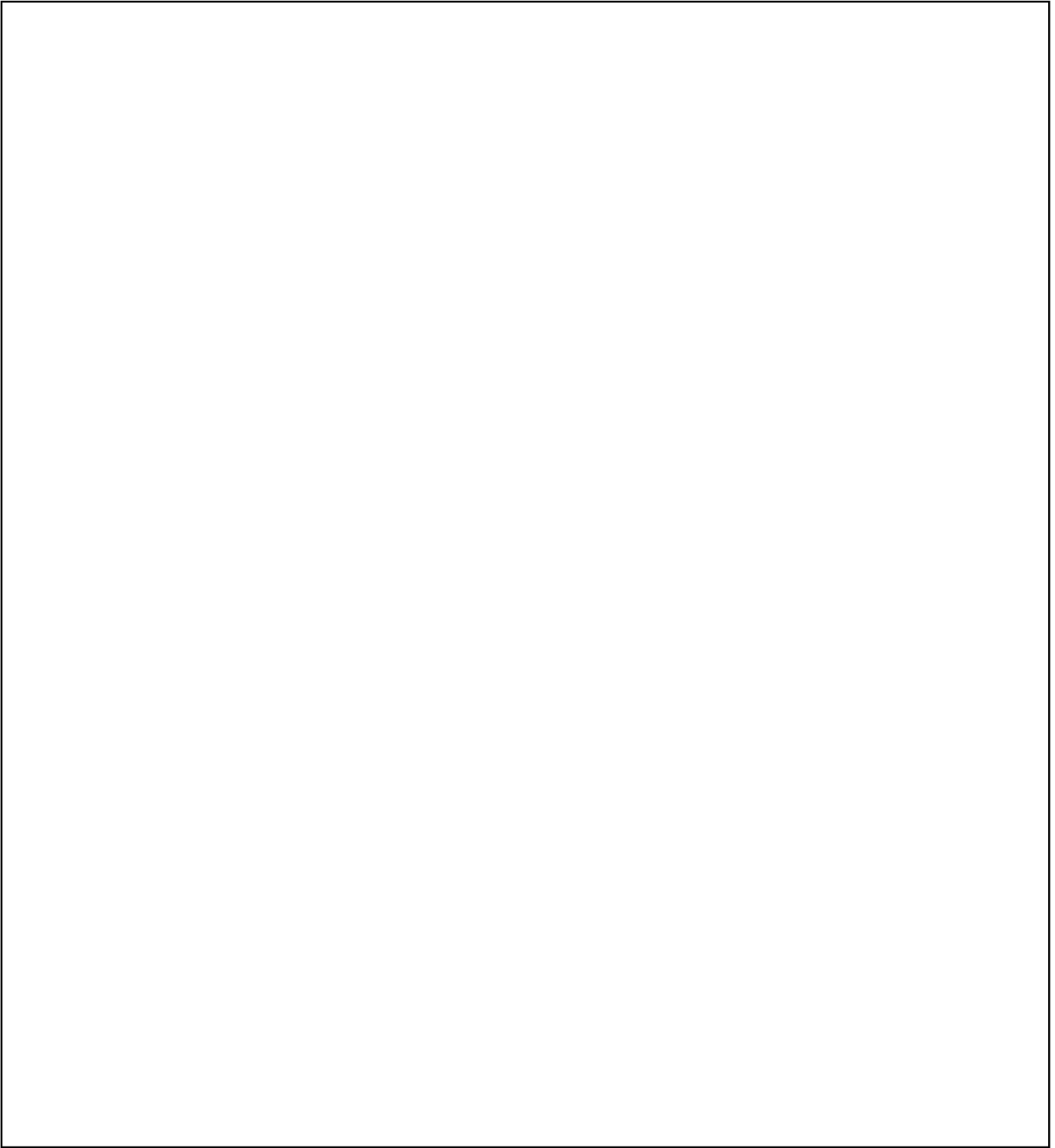
Thank you all for your contributions and efforts. Enjoy your weekends.



(b)(5)



(b)(5)



Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube (b)(6)

Cell: (b)(6)

January 2020

Monday	Tuesday	Wednesday	Thursday	Friday
13 CBP @ HQ N/A	14 CBP @ HQ N/A	15 CBP @ HQ N/A	16 CBP @ HQ SAO/Sr. AO "Kick Off"/Calibration for CBPO Guided Interviews	17 CBP @ ZAR NOMA 8am: CBP Arrives @ ZAR NoMA 8am – 9am: Welcome ⁱ 9am – 9:15am: AO/SAO meeting ⁱⁱ 9:15-9:30am: Tour of ZAR NoMA 9:30am – 9:45am: Issue Kastle Cards & Keys 9:45am – 12pm: ZAR Policies and Procedures (part 1) 12pm – 12:30pm: Lunch 12:30pm – 3pm: ZAR Policies and Procedures (part 2) 3pm – 4:30pm: Systems Use and Security Checks Practical Exercises
20 Federal Holiday	21 CBP @ ZAR NOMA 8am – 8:15am: Admin 8:15am – 11am: Weekly Training & SAO/AO Mtg ⁱⁱⁱ 11am – 12pm: PASR/HARP Basics 12pm – 12:30pm: Lunch 12:30pm – 4:30pm: Shadow AOs on HARP/PASR, including paperwork (4 AOs)	22 CBP @ ZAR NOMA 8am – 9:30am: Dissolutions 9:30am – 10:30am: Mail Merge 10:30am – 12pm: Paperwork processing lab using shadowed case from 1/21 12pm – 12:30pm: Lunch 12:30pm – 4:30pm: Eliciting Testimony Exercises	23 CBP @ ZAR NOMA 8am – 8:30am: TO Check-In 8:30am – 10am: Post-deployment processes discussion ^{iv} 10am – 4:30pm: -Group A: Guided Interview #1, Feedback, and Write-Up -Group B: Shadow AO -Group C: Mock Write Ups	24 CBP @ ZAR NOMA -Group A: Mock Write Ups -Group B: Guided Interview #1, Feedback, and Write-Up -Group C: Shadow AO
27 CBP @ ZAR NOMA -Group A: Shadow AO -Group B: Mock Write Ups -Group C: Guided Interview #1, Feedback, and Write-Up	28 CBP @ ZAR NOMA 8:30am – 10:30am: HQ Training 10:30am – 10:55am: Meeting w/ FDNS SIO 11am – 12:30pm: All Hands 12:30pm – 1pm: Lunch 1pm – 5pm: -Group A: Guided Interview #2, Feedback, and Write-Up -Group B: Shadow AO -Group C: Mock Write Ups	29 CBP @ ZAR NOMA 8am – 8:30am: TO Check-in 8:30am – 4:30pm: -Group A: Mock Write Ups -Group B: Guided Interview #2, Feedback, and Write-Up -Group C: Shadow AO	30 CBP @ ZAR NOMA -Group A: Shadow AO -Group B: Mock Write Ups -Group C: Guided Interview #2, Feedback, and Write-Up	31 CBP @ ZAR NOMA 1 Independent Interview

February 2020

Monday	Tuesday	Wednesday	Thursday	Friday
3 CBP @ ZAR NOMA 8am – 8:30am: TO Check-in 8:30am – 4:30pm: 1 Independent Interview	4 CBP @ ZAR NOMA 1 Independent Interview	5 CBP @ ZAR NOMA 1 Independent Interview	6 CBP @ ZAR NOMA 1 Independent Interview	7 CBP @ ZAR NOMA Finalize all paperwork and/or mock write-ups 3:30pm – 4:30pm: Farewell ^v
10 N/A	11 N/A	12 N/A	13 N/A	14 N/A
17 N/A	18 N/A	19 N/A	20 N/A	21 N/A
24 N/A	25 N/A	26 N/A	27 N/A	28 N/A

Group Assignments:

Group A	Group B	Group C
Armando ASUNCION	Esperanza BLADH	Patrick DOMON
Peter DROSSOS	David FIGUEROA	Cynthia GOMEZ
Ramona KIM	Yara LEBRON	Anna LEVIN
Tim MCCOY	Ramon MEDRANO	Stephanie MEJIA
Michael SETTLE	Phillip SIMOY	Michael WEST
Susana WHITE	Cecilia YSASSI	

ⁱ Invitees include office leadership, ZAC ops leadership, and SAOsⁱⁱ CBPOs' supervisors to attend if able; otherwise will come to 131 on 1/21ⁱⁱⁱ Backup opportunity for SAOs to meet CBPOs^{iv} Invitees include office leadership and ZAC ops leadership^v Invitees include office leadership and ZAC ops leadership

From: Alexander, Shannon
To: COLGAN, LAUREN; BUCKLEY, DANIEL J
Cc: Roberts, Rhonda J; Caudill-Mirillo, Ashley B
Subject: CF for CBP Questions/Info
Date: Monday, December 09, 2019 4:42:00 PM

Hi Lauren and Daniel,

As you noticed, we've kicked off Distance Training (DT). As we edge closer to face to face training, there are a few things that we wanted to bring to your attention:

1. **DT Live Sessions.** We have two live sessions scheduled for DT: a check in with Asylum on 12/16 and a BPA Panel on 12/18. Both of these are from 11:00 am – 12:00 pm and will be WebEx meetings. In the past, we have invited our USBP POCs (ACs Ringler and Reilly) to attend these sessions and we will continue to do so. We will also be extending invitations to you. Is there anyone else you would like to be added to these invitations?
2. **Adobe Pro.** Officers will require Adobe Pro in order to process cases. USBP is working to purchase this for their BPAs with the understanding that we will refund them. OFO will also need to acquire Adobe Pro.
3. **F2F.** On Day 1 of the face to face training (Monday, January 6th), the officers and agents will go to the Ronald Reagan building to pick up their laptops. With the last cohort, USBP met with their agents and discussed expectations, answered questions etc., The BPAs then headed to USCIS after lunch. Would you like to follow the same procedure or do something different?

You are also welcome to accompany your officers to USCIS to meet the training team and attend day 1 sessions.

4. **Monthly check ins.** We will arrange an hour check in once a month with the cohort to answer questions and hear/address concerns. You will also be invited to these meetings.
5. **Work days/hours/overtime etc.** At a certain point, we should discuss officers' work schedules: do they take an unpaid lunch? If so, for how long? Is there anything special we should do for requesting or mandating overtime? Will officers be on straight 8s for this detail or is their schedule more flexible? Do they require time to work out? Are there quarterly qualifiers?
6. **Leave/Qualifiers/Required trainings.** Please share the approved leave/qualifiers and required training for all of the officers selected for this project. We will share this information with the Arlington Asylum Office (they will be running the OJT).
7. **Interview space.** All of the officers will need appropriate interview space – somewhere quiet where the applicant's confidentiality will be respected – preferably an office with a door that closes.

There will be another POC assigned to this project, specifically to work with OFO, but I wanted to get the ball rolling on these issues.

Thank you!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

CF for CBP Self Study

After you complete your Distance Training, you must complete as much of the following self-guided training as your schedule permits. These selections are relevant to current Asylum caseloads and will provide helpful background information you can use in screening credible fear cases.

If your time is limited, please prioritize and complete tasks 1 through 3.

1. Mock Interview Transcript

- Print out a copy of this transcribed interview (click to access):



Alieva_Transcript_u
pdate10_4_12_RAIO.

- Please read the transcription of the mock interview of Tatyana Alieva. Indicate on the transcription:
 - *Questions that you think are particularly good, and why;*
 - *Whether you would have asked some questions differently; and*
 - *If you would have asked additional questions to elicit more information on the same topic, or moved on to a new topic.*

This exercise is best done in a pair or group, so that you can discuss answers with each other. If we have time, we will go over this in face to face training.

Group Assignments:

- ★ Please reach out to the people listed in your group to complete the exercise.
- ★ As some agents and officers may be taking substantial holiday leave, we encourage you to reach out to your group members early on in the process. If you cannot reach any of your team members, please inform Shannon and Jonathan.
- ★ Designate one member of your group to record your answers to the questions above on directly on the transcript.
- ★ Scan and send the completed exercise *with your group number and the names of those who completed the exercise* to Shannon, Jonathan and the Asylum Training Coordinators inbox.

Group 1

[Redacted]

(b)(7)(c)

Group 2

[Redacted]

Group 3

[Redacted]

Group 4

[Redacted]

Group 5

[Redacted]

Group 6

[Redacted]

Group 7

[Redacted]

Group 8

[Redacted]

(b)(7)(c)

Group 9

Group 10

(b)(7)(c)

Group 11

Group 12

(b)(7)(c)

2. Typing skills

Please practice typing for **at least 1 hour per day**. Suggested resources:

- Typingtest.com - <https://www.typingtest.com/>
- Typing.com - <https://www.typing.com/>
- Typingclub.com - <https://www.typingclub.com/>
- Keybr.com - <https://www.keybr.com/>

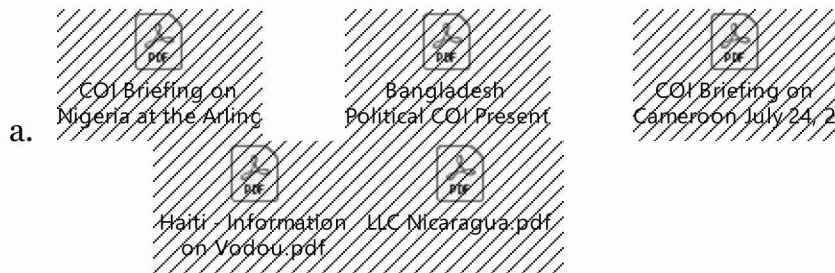
3. COI

Read the State Department Reports for these countries, which you can access by clicking the hyperlink. Then, conduct COI research on the common claims listed to begin to build your reference library on common claims:

- Honduras
 - Domestic violence
 - LGBTQI
 - Gang violence
- Guatemala
 - Domestic violence
 - LGBTQI
 - Indigenous peoples
 - Gang violence

- El Salvador
 - Domestic violence
 - LGBTI
 - Gang violence
- China
 - Christian
 - Uyghur
 - One child policy
 - Political opinion
- India
 - Political opinion
 - Race
 - Religion
- Venezuela
 - Political opinion
- Nicaragua
 - Political opinion
- Democratic Republic of the Congo
 - Domestic violence
 - Ethnicity
 - Political opinion
- Brazil
 - Political opinion
- Mexico
 - Domestic violence
 - Cartel violence
- Ecuador
 - Political Opinion
- Haiti
 - Political opinion
 - Religion

4. **COI Briefings and Reports** (click to access):



5. Cases and Memos (in attached zip drive)

a. Particular Social Group

- *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)
- *Matter of L-E-A-*, 27 I&N Dec. 581, 594 (A.G. 2019)
- USCIS Memorandum, *Guidance for Processing Reasonable Fear, Credible Fear, Asylum, and Refugee Claims in Accordance with Matter of L-E-A-* (undated, issued Sept. 30, 2019).

b. Political Opinion

- *Saldarriaga v. Gonzales*, 402 F.3d 46 (4th Cir. 2005).
- *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993).
- *Regalado-Escobar v. Holder*, 717 F.3d 724, 729 (9th Cir. 2013)

c. Religion

- *Bastanipour v. INS*, 980 F.2d 1129 (7th Cir. 1992) (prosecution under law against apostasy found to be persecution “on account of” religion).
- International Religious Freedom Act of 1998, Pub. L. 105-292.

d. Nationality/Ethnicity

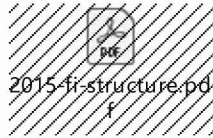
- *Matter of S-A-*, 22 I&N Dec. 1328 (BIA 2000).
- *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 n.5 (9th Cir. 1999) (noting that ethnicity may be analyzed as both race and nationality).

e. Race

- *Matter of S-P-*, 21 I & N Dec. 486, 495–96 (BIA 1996) (finding that although the applicant may have been initially detained for intelligence gathering purposes, the severity and duration of harm suffered exceeded any legitimate intelligence motive).

- *Duarte de Guinac v. INS*, 179 F.3d 1156, 1159 n.5 (9th Cir. 1999).

6. Interviewing Children



7. Videos:

- Edeos- Digital Education, *Human Rights Explainer*, July 22, 2011, available at: <https://www.youtube.com/watch?v=kbul3hxYGNU&list=PLSOknOL7CeZMOWQVegNFRyigaoGg2RTCQ> (9 minutes)
 - Explanation of the Universal Declaration of Human Rights
- Benedetta Berti, *What are the universal human rights?*, Oct 15, 2015 at: <https://www.youtube.com/watch?v=nDgIVseTkuE> (5 minutes)
- Courses of Ireland, *The 30 Articles of the Universal Declaration of Human Rights*, April 30, 2013, available at: <https://www.youtube.com/watch?v=hyVJHpiHO8I> (29 minutes)
 - Simplified reading and explanation of the Universal Declaration of Human Rights
 - The Economist, *How China is crushing the Uighurs*, July 09, 2019, available at: <https://www.youtube.com/watch?v=GRBcP5Brffi> (9 minutes)
 - Related article: Lindsay Maizland, *China's Repression of Uighurs in Xinjiang*, COUNCIL ON FOREIGN RELATIONS (last updated 25 November 2019), available at: <https://www.cfr.org/backgrounders/chinas-repression-uighurs-xinjiang>
 - Directed by Pamela Yates & Thomas Sigel, *When the Mountains Tremble*, April 28, 2014, available at: <https://www.youtube.com/watch?v=7u-O8mbpi6w>
 - VICE News, *Gangs of El Salvador*, Nov. 30, 2015, available at: <https://www.youtube.com/watch?v=HGG7lRJkJK>
 - Al Jazeera, *Life on the line: Inside Venezuela's crisis, Talk to Al Jazeera*, July 16, 2016, available at: <https://www.youtube.com/watch?v=dowPU3KOr9o>
 - ABC News In-Depth, *Going Undercover In Venezuela* | Foreign Correspondent, March 20, 2017, available at: <https://www.youtube.com/watch?v=3QjufxrigE4>

8. UNHCR Reports

- a. UNHCR, *Women on the Run: First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*, Oct. 26, 2015, available at <http://www.refworld.org/docid/56307e2a4.html> (last accessed December 20, 2019) (60 pages) (1.5 hours)
 - i. This report is based on information provided by women fleeing violence, including gender-based violence, in El Salvador, Guatemala, and Honduras.
 - b. UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection*, Mar. 13, 2014, available at <http://www.refworld.org/docid/532180c24.html> (last accessed December 20, 2019) (120 pages) (3 hours). In addition to the full report, officers should read Appendix III, “UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs.”
9. PALMS trainings as required

(b)(7)(c)

From: Alexander, Shannon
To:

[Redacted]

Cc: Lafferty, John L; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L; RAIO-CBPFearTRN
Subject: CF for USBP Assignment - ZAR
Date: Wednesday, July 24, 2019 4:26:00 PM

Good Afternoon Agents

(b)(7)(c)

Thank you for your participation in the CF for USBP training pilot. We appreciate your patience as we worked to determine your placements. We look forward to working with you again as you conduct credible fear screenings.

Assignment Location and Dates

You will be working from an Asylum Office for two weeks for on the job training. This additional training is designed to support you as you work toward completing a full case load.

While we tried to honor your location preferences, this was not always possible based on resources and space. We appreciate your flexibility.

You have been assigned to the **Arlington Asylum Office**. By way of introduction, the management of their office is copied here. They will be in touch with you regarding reporting information.

On the job training is scheduled to take place from Monday August 5th through Friday, August 16th. Your **travel days will be Sunday, August 4th and Saturday, August 17th**.

Please **bring your UCIS issued laptop, power cord, and your PIV card with you to the Asylum Office**. It is required for the work you will be doing. Note that laptops are sensitive property and must be hand carried and not stored in checked luggage during flight.

Pre-approved Leave and Other Obligations

If you have pre-approved leave or educational/work obligations during those dates, you must discuss this as soon as possible with the office to which you are assigned. Their contact information immediately follows yours in the To: section of this email. You should discuss any leave or obligations with them as soon as you can so that alternative arrangements can be made and the RAIO Travel team can be appropriately informed.

Post Training

Following on the job training at the Asylum Office, the majority of you will conduct telephonic interviews from your home offices, under the supervision of the asylum office at which you are assigned. For those who indicated a desire to work from an asylum office or detention center, you can discuss this further with the management of the office to which you are assigned. The determinations about such assignments will take into account office

and agency needs and agent availability.

RAIO Travel Information

The expected means of official government travel is commercial air carrier. You should expect to fly to your office assignment. If you live within *three hours* of the Asylum Office to which you are assigned, please contact RAIO Travel for information about driving. POV costs and parking will only be reimbursed up to the cost of flight, so you want to be sure you understand the costs you might personally incur if you drive a POV.

Agents and Asylum Office, please note that the travel for this on the job training and any additional USBP agent travel that may be undertaken to support CF screenings will take place using a centralized funding code for tracking purposes. Moreover, RAIO Travel will manage the travel and reimbursements, as the agents are USCIS invitational travelers. Local office staff must not initiate travel plans.

Any questions related to travel and reimbursement must be directed to the RAIO Travel team at: RAIO-CBPFearTRN raio-cbpfeartrn@uscis.dhs.gov

Questions/Concerns

If you have any non-travel related questions, please respond to me, Robert (Bob), Rhonda, your assigned field office management **and** any POCs they have designated to assist you.

Thank you again for your support of our shared mission!

Best,

The Asylum Team

(b)(7)(c)

From: Alexander, Shannon

To:

Cc: Lafferty, John L; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L; RAI0-CBPFearTRN

Subject: CF for USBP Assignment - ZCH

Date: Wednesday, July 24, 2019 4:26:00 PM

Good Afternoon Agents

(b)(7)(c)

Thank you for your participation in the CF for USBP training pilot. We appreciate your patience as we worked to determine your placements. We look forward to working with you again as you conduct credible fear screenings.

Assignment Location and Dates

You will be working from an Asylum Office for two weeks for on the job training. This additional training is designed to support you as you work toward completing a full case load.

While we tried to honor your location preferences, this was not always possible based on resources and space. We appreciate your flexibility.

You have been assigned to the **Chicago Asylum Office**. By way of introduction, the management of their office is copied here. They will be in touch with you regarding reporting information.

On the job training is scheduled to take place from Monday August 5th through Friday, August 16th. Your **travel days will be Sunday, August 4th and Saturday, August 17th**.

Please **bring your UCIS issued laptop, power cord, and your PIV card with you to the Asylum Office**. It is required for the work you will be doing. Note that laptops are sensitive property and must be hand carried and not stored in checked luggage during flight.

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Post Training

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Questions/Concerns

If you have any non-travel related questions, please respond to me, Robert (Bob), Rhonda, your assigned field office management **and** any POCs they have designated to assist you.

Thank you again for your support of our shared mission!

Best,

The Asylum Team

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Lafferty, John L; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L; RAO-CPFearTRN
Subject: CF for USBP Assignment - ZHN
Date: Wednesday, July 24, 2019 4:25:00 PM

Good Afternoon Agents

(b)(7)(c)

Thank you for your participation in the CF for USBP training pilot. We appreciate your patience as we worked to determine your placements. We look forward to working with you again as you conduct credible fear screenings.

Assignment Location and Dates

You will be working from an Asylum Office for two weeks for on the job training. This additional training is designed to support you as you work toward completing a full case load.

While we tried to honor your location preferences, this was not always possible based on resources and space. We appreciate your flexibility.

You have been assigned to the **Houston Asylum Office**. By way of introduction, the management of their office is copied here. They will be in touch with you regarding reporting information.

On the job training is scheduled to take place from Monday August 5th through Friday, August 16th. Your **travel days will be Sunday, August 4th and Saturday, August 17th**.

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Post Training

Following on the job training at the Asylum Office, the majority of you will conduct telephonic interviews from your home offices, under the supervision of the asylum office at which you are assigned. For those who indicated a desire to work from an asylum office or detention center, you can discuss this further with the management of the office to which you are assigned. The determinations about such assignments will take into account office

and agency needs and agent availability.

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Questions/Concerns

If you have any non-travel related questions, please respond to me, Robert (Bob), Rhonda, your assigned field office management **and** any POCs they have designated to assist you.

Thank you again for your support of our shared mission!

Best,

The Asylum Team

(b)(7)(c)

From: Alexander, Shannon

To:

Cc: Lafferty, John L; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L; RAIO-CBP Fear TRN

Subject: CF for USBP Assignment - ZLA

Date: Wednesday, July 24, 2019 4:27:00 PM

Good Afternoon Agents

(b)(7)(c)

Thank you for your participation in the CF for USBP training pilot. We appreciate your patience as we worked to determine your placements. We look forward to working with you again as you conduct credible fear screenings.

Assignment Location and Dates

You will be working from an Asylum Office for two weeks for on the job training. This additional training is designed to support you as you work toward completing a full case load.

While we tried to honor your location preferences, this was not always possible based on resources and space. We appreciate your flexibility.

You have been assigned to the **Los Angeles Asylum Office**. By way of introduction, the management of their office is copied here. They will be in touch with you regarding reporting information.

On the job training is scheduled to take place from Monday August 5th through Friday, August 16th. Your **travel days will be Sunday, August 4th and Saturday, August 17th**.

Please **bring your UCIS issued laptop, power cord, and your PIV card with you to the Asylum Office**. It is required for the work you will be doing. Note that laptops are sensitive property and must be hand carried and not stored in checked luggage during flight.

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Post Training

Following on the job training at the Asylum Office, the majority of you will conduct telephonic interviews from your home offices, under the supervision of the asylum office at which you are assigned. For those who indicated a desire to work from an asylum office or detention center, you can discuss this further with the management of the office to which you are assigned. The determinations about such assignments will take into account office and agency needs and agent availability.

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Questions/Concerns

If you have any non-travel related questions, please respond to me, Robert (Bob), Rhonda, your assigned field office management **and** any POCs they have designated to assist you.

Thank you again for your support of our shared mission!

Best,

The Asylum Team