



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

May 17, 2021

Austin Evers
1030 15th St NW
Ste B255
Washington, DC 20005

COW2019501574

Dear Austin Evers:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on November 13, 2019. You specifically requested 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 a supplemental release of previously released records, which consists of 25 pages. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(7)(e) of the FOIA.

The following exemptions are applicable:

Exemption (b)(7)(E) of the FOIA 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.

As a result of discussion between agency personnel and a member of our staff, as a matter of administrative discretion, we are releasing computer codes found on system screen prints previously withheld under exemption b(2). There may be additional documents that contain discretionary releases of exempt information. If made, these releases are specifically identified in the responsive record. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

The National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

All FOIA/PA related requests, including address changes, must be submitted in writing and be signed by the requester. Questions concerning this FOIA/PA request may be mailed to the FOIA/PA Officer at the PO Box listed at the top of the letterhead or emailed to FOIAPAQuestions@uscis.dhs.gov. Please include the control number listed above on all correspondence with this office. You can now submit a new FOIA request online using our new Freedom of Information Act Records System (FIRST). If you wish to submit a new FOIA/PA request, please visit www.uscis.gov/FOIA for instructions and requirements.

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If you have any questions about this production, please contact Assistant United States Attorney Thomas Duffey at Thomas.Duffey@usdoj.gov.

Sincerely,



Cynthia Munita
Director, FOIA Operations

Enclosure(s)

Credibility vs. Lack of Specific Facts

- **Credibility:** First you said they only used hands and feet to beat you, now you say they used hockey sticks.
- **Specific Facts:** What makes you believe that supporters of the BJP could find you anywhere in India?

Persecutor identity: Specific Facts

- Recognize the attacker? Locals? Did they know your name? How know your name?
- Were attackers party supporters? Party members? Gov't officials?
 - What makes you think that?
 - What did they do or say that makes you think that they were X?
- COI: Some evidence of politically-motivated mob violence but limited evidence that political parties or government targets individual, low-level party workers.
 - BUT absence of reporting doesn't mean events don't occur. Applicant can meet their burden through testimony.

Persecutor identity: Specific Facts

(b)(7)(e)

Possession of protected characteristic

- What level of detail can applicants reasonably be expected to provide?
 - Low-level worker vs. active member
- Most applicants claim to be low-level workers, attacked soon after began attending party events.
- Ask about personal experience rather than quizzing on party trivia.

Possession of protected characteristic

(b)(7)(e)

Possession: Posters

(b)(7)(e)

Possession: Foundation-laying

(b)(7)(e)

Possession: Moving off script

(b)(7)(e)

Possession: Lack of detail

(b)(7)(e)

Possession: Lack of detail

(b)(7)(e)

Severity of Harm

(b)(7)(e)

State action

- Eliciting testimony about police reporting is opportunity to probe credibility and informs internal relocation and CAT analysis.
 - Apart from refusal to take a report, any other interactions with police?
- COI: COI indicates that some groups fear harassment from police if they report (Muslims, LGBT, DV victims). However, we are not aware of any COI supporting the notion that police don't protect supporters of political parties.

Internal relocation: Avoid persecution

- If applicant establishes past persecution, burden shifts to DHS to establish that applicant able to internally relocate.
 1. Could applicant avoid future persecution by relocating?
 2. Would applicant's relocation be reasonable?
- Consider India COI and geography when eliciting testimony on internal relocation.
- Elicit specific facts that form the basis for applicant's belief that they could not relocate.
- Explore internal relocation to other state or city, including areas where local gov't controlled by another party.

Internal relocation: Avoid persecution

- If attackers were local supporters, what makes you think that supporters elsewhere in India would target you? Did you try living elsewhere in India?
- Did attackers ever come to your house? If not, what makes you think they would look for you?
- Do you know other workers who relocated and were targeted? If not, why do you believe that you can't live elsewhere in India? Supporters ever come to your home?
- Consider COI related to localized nature of parties/intra-party communication if applicable.
- Keep in mind that party supporters may be present in states or cities controlled by another party.

Internal relocation: Avoid persecution

Q: Could you live elsewhere in India and be safe from the Congress party supporters?

A: No. There are supporters of the Congress party all over the country.

Q: Before coming to the US did you try living in another part of India?

A: No

Q: Why did you not try living in another part of India before coming to the US?

A: My parents told me to come here.

Q: What do you think would happen to you if you lived in another part of India?

A: I do not know.

Internal relocation: Avoid persecution

Q: Do you know other Mann party workers who were attacked, lived elsewhere in India, and were attacked again?

A: No

Q: If you didn't try living elsewhere in India, and you don't know anybody who tried living elsewhere in India, what makes you think that you couldn't live elsewhere in India and be safe from Congress party supporters?

A: I don't know. My parents told me to come here so I came.

Q: I have reports that say that low-level workers of political parties, including the Mann party, generally aren't targeted for their political opinion. However, you told me that you can't live anywhere in India and avoid being targeted. Can you explain the difference between what I read in these reports and what you are telling me?

A: Congress supporters are everywhere and they could find me anywhere.

Internal relocation: Avoid persecution

- Applicants often claim that it would be possible to trace them online through their ID. Explore the applicant's basis for believing that this happens.
 - Where did you hear that this could happen?
 - Explain how party supporters would find you online? Would know ID number?
- Who do you fear will track you through ID? Party supporters? Police?
- Do you know anybody who this happened to?
- Present COI if applicable.

Internal relocation: Avoid persecution

(b)(7)(e)

Internal relocation: Avoid persecution

(b)(7)(e)

Internal relocation: Avoid persecution

(b)(7)(e)

Internal relocation: Avoid persecution

(b)(7)(e)

Internal relocation: Reasonableness

(b)(7)(e)

Internal relocation: Reasonableness

(b)(7)(e)

What is the extent of violence in Punjab today?



- Low murder rate (2016)
 - Punjab: 2.6
 - Haryana: 3.8
 - India: 3.2
 - U.S.: 5.3
 - El Salvador: 60.1 (2017)
- Occasional clashes occur between rival groups during events such as elections, rallies, and protests.

Potential Types of Fraud in RAO Adjudications

- Refugee Access/Asylum Application
- Document (altering or omitting)
- Relationship and family members
- Identify fraud - multiple claims, multiple identities
- Boilerplate claims
- Jurisdiction or forum shopping
- Legal Representative or preparer
- Interpreter Fraud
- Visa fraud



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