

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**

October 30, 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 fourth production of responsive records, which consists of 509 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)(6) and (b)(7)(C) of the FOIA.

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

www.uscis.gov

Additionally, during our review we located 8 pages that originated with other government agencies. We have referred 6 pages to Customs and Border Protection and 2 pages for Immigration and Customs Enforcement for its direct response to you.

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

(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 - ZMI

Date: Wednesday, July 24, 2019 4:25:00 PM

Good Afternoon Agents [Redacted] (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 **Miami 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

Subject: CF for USBP Assignment - ZNK

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 **Newark 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.

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.

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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: Daum, Robert L; Haertling, Peter G
Cc: Lafferty, John L; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L; RAI0-CBPFearTRN
Subject: CF for USBP Assignment - ZOL
Date: Wednesday, July 24, 2019 4:27:00 PM

Good Afternoon Agent (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 **New Orleans 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

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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.

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.

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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: [REDACTED] Bardini, Emilia M; Gulati, Sonia; Lehman, Danielle E
Cc: Lafferty, John L; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L; RAO-CBP Fear TRN
Subject: CF for USBP Assignment - ZSF
Date: Wednesday, July 24, 2019 4:28:00 PM

Good Afternoon Agents [REDACTED] (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 **San Francisco 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

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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.

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

Date: 8/22/2019

I. Attendance:

- A. ZAR – Jeddy Hussy, Kizito Osuji
- B. ZNK - Kelly Brooke
- C. ZMI - Natalie Garrett, Eudelia Talamantes, Amy Klayman, Kim Aguilar
- D. ZCH - Heather Cleary, Lovely Carter, Christina Fairbank
- E. ZOL - Anna Brodrecht
- F. ZHN - Charity Mireles, Bryan Hemming, Audrey Douglas
- G. ZLA - Lisa Andre, Alejandra Kim, Mallory Lynn
- H. ZSF - Emilia Bardini, Juliet Boss
- I. HQ - Jennifer Rellis, Rhonda Roberts, Bob O'Malley, Shannon Alexander, Chris Gossett, Alex Kerr, Marina Basseas

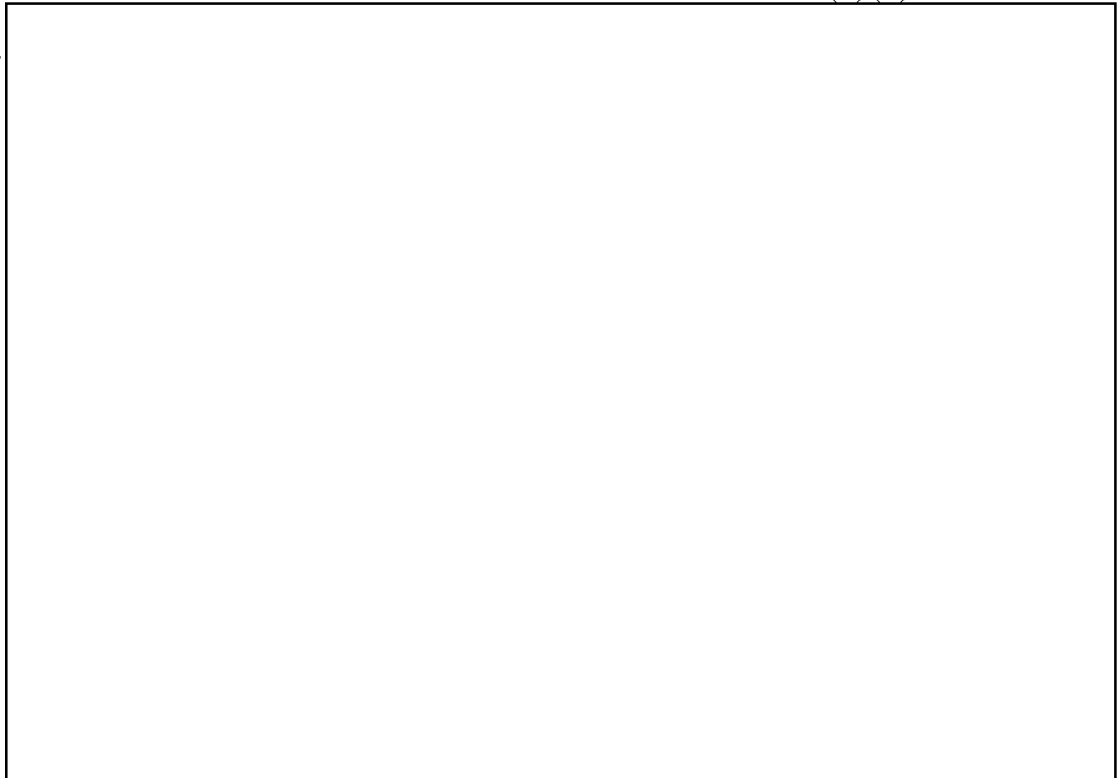
II. Ramp Up Updates/Case Issues

(b)(6)

A.

B.

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H.

(b)(6)

- I. Questions/Issues – agents working 8 instead of 10 hrs okay? No, they need to stick to whatever they have agreed upon with BP.

Jeddy – how should we track hours? Can they send us an email stating time they worked? Asked James to let us know particular requirements but for this week that sounds like a great way to go and to replicate for the past weeks. Will touch based with James again. Start this week having some mechanism for them working including comp time they may be warning.

ZNK was having people sign in and out.

Can they do overtime? No, need to reach out to BP. Overtime distinct from Comp time. Keep in mind how they are doing in terms of efficiency in processing cases.

Please see email below for more information on scheduling overtime/comp time/meals etc:



Schedules and
Other Details for CF

III. Tech issues and concerns

(b)(6)

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I.

IV. Misc issues and/or concerns

(b)(6)

A.

B.

C.

Date: 9/5/19

I. Attendance:

- A. ZAR – Jeddy Hussey, Kizito Osuji
- B. ZNK - Desislava Stefanova, Victoria Lewis, Ewa Baj, Kelly Brooke
- C. ZMI - Natalie Garrett, Eudelia Talamantes, Amy Klayman
- D. ZCH - Lovely Carter
- E. ZOL - Anna Brodrecht
- F. ZHN - Charity Mireles, Bryan Hemming, Audrey Douglas
- G. ZLA - Lisa Andre, Mallory Lynn, Emily Haverkamp
- H. ZSF - Emilia Bardini, Juliet Boss
- J. HQ - Rhonda Roberts, Bob O'Malley, Shannon Alexander, Chris Gossett

II. Ramp Up Updates

- A. ZAR – attempted 3, 4, 3 but agents having difficulties with more than 2 cases. Will continue with 2 through next week.
- B. ZNK – 1 case IFR. Could be doing 2 but lost a phone line. Will continue with 1 until phone line is regained.
- C. ZMI – both agents still conducting 1 observed interview. Agent at Broward will be ramped up to 2 next week.
- D. ZCH – were up to 3 but now back down to 2 because of paperwork. Will continue with 2.
- E. ZOL – assigning 3 but generally completes 2 and will continue to assign 3. Just started with IFR cases.
- F. ZHN – assigned 3 but third is a back up. Completing 2. When there are issues, like a dropped phone line, sometimes only completing one. No plans to assign more than 3.
- G. ZLA – assigned 2 this week and next. Completing 1-2 a day.

H. ZSF – 2 a day. One agent will go to the FRC. Remaining agent will start with 3 Monday.

I. HQ – no updates.

III. Case Updates including procedural and substantive issues

(b)(6)

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(b)(6)

IV. Tech issues and concerns

- A. ZAR – None.
- B. ZNK – No Bob helped with CPMS issues
- C. ZMI – No
- D. ZCH – intermittent internet issues with one officer and agent put in a ticket.
- E. ZOL – No
- F. ZHN – all resolved
- G. ZLA – None, all using BP computers when they returned to home stations
- H. ZSF – none
- I. HQ – Bob: Thanks to ZNK for their patience on the tech issue

V. Tracking of agents' hours including comp time

- A. ZAR – some have leave so working to make sure they have all information so it can be factored into scheduling.

- B. ZNK – everything good. Still having email with all hours worked? Yes.
- C. ZMI – None with Broward, known Krome issues
- D. ZCH – No issues
- E. ZOL – Agent sends screen shot for hours put on CBP WebTA
- F. ZHN – none with tracking time or leave. Created master calendar for all agents and SAOs go in and update it all.
- G. ZLA – No issues
- H. ZSF – No issues
- I. HQ – no template yet regarding tracking their time. In terms of travel, USBP will communicate that weekend travel days should fall under comp time as opposed to duty time so that BP agents can work 5 days instead of 4 for weeks when they travel on a weekend. Please contact us regarding overtime and send us information regarding leave.

VI. Misc issues and/or concerns

- A. ZAR – having meeting to address returns and to whom they should they should be returning it to as agents have been discussing returns with their border patrol supervisors before their SAOs
- B. ZNK – scheduled to come back 9/22, wanted to make sure they could still return with all FRC stuff.

Shannon – Yes, you can continue but keep in mind that plans change.

- C. ZMI – no additional issues.
- D. ZCH – No nothing else.
- E. ZOL – No
- F. ZHN – None.
- G. ZLA –No
- H. ZSF – No.
- I. HQ – Nothing

Date: 9/19/19

I. Attendance:

- A. ZAR - Kizito Osuji
- B. ZNK - Desislava Stefanova, Ewa Baj
- C. ZMI - Natalie Garrett
- D. ZCH - Heather Cleary, Lovely Carter, Christina Fairbank
- E. ZOL - Anna Brodrecht
- F. ZHN - Audrey Douglas
- G. ZLA - Mallory Lynn, Doug Frederick
- H. ZSF - Emilia Bardini, Juliet Boss
- I. HQ - Shannon Alexander, JP Saunier

II. Ramp Up Updates

- A. ZAR – 2 cases. 2 scheduled for next week.
- B. ZNK – 1 but this is due to facilities and availability of phone lines. BPAs will be coming into the office and will be given 2. Cases could be in person or telephonic.
- C. ZMI – 1 not observed, recent dip in caseload. However, there will be a large number of cases next week so BPAs should be up to 2 then.
- D. ZCH – BPA is in his second week, hit 2 today. Now unobserved and processing Houston cases.
- E. ZOL – Assigned 4 and consistently finishing 3. Will continue to be assigned 4.
- F. ZHN – FRCs at 1-2 cases a day, unlikely to ramp up beyond 2
- G. ZLA – all BPAs at Dilley with one starting OJT next week
- H. ZSF – 1 Agent at Dilley. The other at Tacoma is up to 3 cases as IFR slowed processing down. Could do 4 and will possibly assign him 4 a la the ZOL plan.

III. Case Updates including procedural and substantive issues

- A. ZAR – legally sufficient interviews and write up. Some doing better than others.
- B. ZNK – going well, communicative and respond well to feedback
- C. ZMI – procedurally fine, One BPA needs help with analysis and one has challenges with CAT
- D. ZCH – procedurally no concerns but challenging with so few cases
- E. ZOL – procedurally okay and progressing every week. BPA had a different supervisor for a week but was given consistent feedback and was pleased that the feedback was so consistent. Doing well.
- F. ZHN – Need additional resources regarding Pacific time BPAs. Only one female agent but consistent requests for a female interviewer.
- G. ZLA – No agents
- H. ZSF – No procedural or substantive issues. Progressing well and incorporating feedback. Going well.
- I. HQ – Clarifying that agents preferably interview Northern Triangle cases. If no NT cases, then BPAs can interview cases from any other country BUT Cuba.

Information about typing practice resources have been sent to the BPAs and the POCs.

RAIOTravel is making strides with travel reimbursements.

IV. Tech issues and concerns

- A. ZAR – Nothing besides one agent at Florence who was having PIV issues. This should be taken care of shortly.
- B. ZNK – None
- C. ZMI – None
- D. ZCH – None
- E. ZOL – None

- F. ZHN – None
 - G. ZLA – None
 - H. ZSF – None
 - I. HQ – While we initially intended to replace cohort 2’s CIS imaged laptops with BP imaged laptops, we have decided to keep things as they are. We will need to plan for laptop return for cohort 2. BP will determine how agents in cohort 3 return their laptops.
- V. Tracking of agents’ hours including comp time
- A. HQ – Not going to ask for specifics as we know you are tracking, However, please email Rhonda and Shannon if you have granted overtime to any agents. As previously stated, overtime should not be granted without reaching out to HQ so that we can coordinate with BP.
- VI. Misc issues and/or concerns
- A. ZAR – None
 - B. ZNK – None
 - C. ZMI – None
 - D. ZCH – BPA’s paperwork is really good and he is East Coast so he could perhaps be considered for telephonics on the East Coast.
 - E. ZOL – None
 - F. ZHN – None
 - G. ZLA – Will there be additional cohorts?

A: Additional cohorts are being discussed. We welcome your feedback and suggestions for training additional cohorts.
 - H. ZSF – None
 - I. HQ – thank you for all of your work. If you need anything, please reach out.

Date: 10/3/19

I. Attendance:

- A. ZAR - Kizito Osuji
- B. ZNK - Desislava Stefanova, Brooke Kelly
- C. ZMI - Eudelia Talamantes, Amy Klayman, Kim Aguilar
- D. ZCH - Lovely Carter
- E. ZOL - Anna Brodrecht
- F. ZHN - Charity Mireles, Audrey Douglas
- G. ZLA - Mallory Lynn
- H. ZSF - Juliet Boss
- I. HQ – Alex Kerr, Bob O'Malley, Shannon Alexander

II. Ramp Up Updates

- A. ZAR – 2 cases, will continue with 2, low on referrals
- B. ZMI – 1 to 2 a day, cases legally sufficient
- C. ZOL – consistently 2, sometimes 3
- D. ZHN – now training the 16 new BPAs added to the Dilley roster. 1 to 3 a week with substantial follow up.
- E. ZSF – 3. Want to move to 4 but not enough referrals. Excellent work product
- F. ZNK – agent in OTJ training is at 1 to 2 telephonics. Others at 1 family case a day.

III. Case Updates including procedural and substantive issues (b)(6)

- A.
- B.

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C.

D.

E.

F.

G.

IV. Tech issues and concerns

A. ZAR – none

B. ZNK – none

C. ZMI – none

D. ZOL – none

E. ZHN – One Agent had some network issues. Dilley will be getting cloudburst the week of 10/21

F. ZLA – none

G. ZSF – None

V. Misc issues and/or concerns

A. ZAR – Agent who had not completed FRC training has completed it now.

B. ZNK – Do we need to be on the calls if we no longer have agents?

HQ – No, but there will be a call to solicit your feedback

C. ZMI – For the emails we sent to Jennifer about leave etc, did we need to do a specific day breakdown?

HQ – No, just a total number of days/hours is fine.

- D. ZSF – What is the day for the agent’s transition for Dilley and do we need to prime him?

ZHN – 10/8 and no, we’ll set him up for observations etc.

- E. ZOL – if our agent remains on site, will we receive the Dilley scheduling emails?

ZHN – No but you can ask for them from the agent

- F. HQ

- a. FRC Update – agents will continue to be transitioned to the FRCs especially as cohort 1 leaves the program. It is possible that all agents will be assigned there at some point.
- b. Materials for Interviewing Children – We are working on giving them the RAIOTCP webinar + resources to be posted to ECN.
- c. Please keep us up to date if someone leaves the program. This is high profile and we are constantly engaging with BP/others so we need to know if someone departs.
- d. We will schedule feedback session for end of pilot
- e. If you have not, please respond to the tracking the hours email that Jennifer Rellis sent,
- f. MOA says if requested we need to be prepared to give feedback on BPA performance. Should expect that we likely will be asked to provide feedback; HQ sent the standardized form.
- g. Please send Bob any materials you have for interviewing children

Date: 10/17/19

VII. Attendance:

- A. ZAR - Kizito Osuji
- B. ZMI - Natalie Garrett, Kim Aguilar
- C. ZHN - Audrey Douglas
- D. ZCH – Heather Cleary
- E. HQ –Shannon Alexander, Alex Kerr

VIII. Ramp Up Updates

- A. ZAR – all agents at 1 a day because of pilot project
- B. ZMI – still at 1 a day not because of ability but because of Cuban cases
- C. ZHN – trying new schedule. Interviewing days MWF for stronger BPAs and TuesThurs for the rest. Writing days in between. Max of 6 a week.

IX. Case Updates including procedural and substantive issues

- A. ZAR – BPAs observing interviews today
- B. ZMI – lots of improvement. Struggles with negatives but that is because he does not have much practice
- C. ZHN – lots of pinging on the trafficking exceptions; rotating SAOs so there are some consistency issues flagged by BPAs
- D. HQ – training 10/24 on Interviewing Children

X. Tech issues and concerns

- A. ZAR – none
- B. ZMI – none
- C. ZHN – Dilley getting wifi next week; some TECS issues. The hotspot for BPA moving to El Paso pilot will need someone from ZAR in SAMS. Kizito to reach out for a POC on that.

XI. Misc issues and/or concerns

- A. ZAR – not really besides that BPAs do not yet feel comfortable interviewing families.
- B. ZMI – BPA scheduled for firearms qualifications
- C. ZHN – need list of BPAs in cohort 1 and any replacements for cohorts 2 and 3 (12/20).
- D. HQ – will send list to ZHN on cohort 1. Next training is scheduled for 11/4-11/22 (now 11/4-11/15). Agents still on 6 month rotations and are currently in DT. The 10/24 training will have a prerecorded webinar. HQ will provide answers to exercises and info on the Q&A and HQ session

Date: Date: 10/31/19

I. Attendance:

- A. ZMI - Natalie Garrett, Eudelia Talamantes
- B. ZHN -Audrey Douglas, Francis Leigh
- C. ZCH – Heather Cleary
- D. HQ –Shannon Alexander, Alex Kerr, Amanda Mendelson

II. Ramp Up Updates

- A. ZMI – 2 cases some days but difficult to get 2 consistently because of number of Cubans
- B. ZHN – same schedule. Interviewing either Mon, Wed, Fri or Tues, Thurs . 1-2 initial interviews or reinterviews.
- C. HQ

III. Case Updates including procedural and substantive issues

- A. ZMI – none

- B. ZHN – separate call
- IV. Tech issues and concerns
 - A. ZMI – none
 - B. ZHN – none
- V. Misc issues and/or concerns
 - A. ZMI – None
 - B. ZHN – None
 - C. HQ – Survey sent out, monthly check ins sent out, debrief cohort 1 scheduled

Date: 12/2/19

- I. Attendance:
 - A. ZAR – Due Tran
 - B. ZMI - Eudelia Talamantes, Vicky Rodriguez
 - C. ZHN - Audrey Douglas
 - D. HQ – Bob O'Malley, Shannon Alexander, Liz Scott, Alex Kerr
- II. Ramp Up Updates
 - A. ZAR – for those screening PASR and HARP, 2 cases a day. For the BPA who was on single adults 3-4 a day. One agent still ramping up.
 - B. ZMI – 2 a day, generally the number of airport arrivals that are received.
 - C. ZHN – cohorts 2 and 3 doing 3-5 families a week, cohort 4 will start by the end of this week and ramp up.
- III. Case Updates including procedural and substantive issues
 - A. ZAR – None
 - B. ZMI – None

- C. ZHN – thanks to Sharon and Kathleen for OJT, which has been a heavy lift.

IV. Tech issues and concerns

- A. ZAR - None
- B. ZMI – None
- C. ZHN – none, only 1 BPA requested a headset and he had it shipped. Mifi was sent to BPA that required it as well.

V. Misc issues and/or concerns

- A. ZAR – none
- B. ZMI – None
- C. ZHN – None
- D. HQ – dates for USBP cohort 5/OFO Cohort 1 – DT 12/9 – 12/20; F2F 1/6-1/17. USBP to Dilley, OFO to ZAR. OJT to follow.
 - a. Can ZAR host in Jan? Will reach out more formally.
 - b. Best times for debrief of cohort 2 and cohort 3? Afternoons.
 - c. Best times to monthly check in? Mornings about 9:00 AM CST

Got answers to some questions from last monthly call as well as a standard of proof chart. Hope to send those out this week.

Date: 12/12/2019

I. Attendance:

- A. ZAR – Due Tran
- B. ZMI - Natalie Garrett
- C. ZHN – Francis Leigh
- D. HQ – Rhonda Roberts, Bob O'Malley, Rene Cardona, Alex Kerr, Shannon Alexander

II. Ramp Up Updates

- A. ZAR - @ 1 or 2 each depending on case. Most agents on HARP/PASR besides adjudicating for El Paso and Florence.

- B. ZMI – 2 regularly but fewer cases coming in
 - C. ZHN – due to FRC numbers, cohorts 2 and 3 conducting interviews for ZHN of single adults. Assigned 3 and completing 2. Sunsetting 12/20. Cohort 4 conducting independent interviews as of 12/12
- III. Case Updates including procedural and substantive issues
- A. ZAR – general lines of questioning correct but some returns because due to struggles with the nuanced issues
 - B. ZMI – see consistent improvement, small percentage of returns.
 - C. ZHN – Francis will be on the ground at Dilley in a few weeks and will have more to report then.
- IV. Tech issues and concerns
- A. ZAR – will contact IT on how to return any outstanding equipment
 - B. ZMI – will double check to determine if agent has any ZMI equipment
 - C. HQ – Please let BPAs know how to return local equipment (headsets, mifi etc). Cohort 2 (CIS imaged laptops) has been sent instructions on how to return laptops. Cohort 3 (CBP imaged laptops) will be sent individual emails with return labels.
- V. Misc issues and/or concerns
- A. ZAR – How should agents handle their return trips home?
HQ – agents should email the specific RAIO Travel address that was created for them.
 - B. ZMI – Anything you need from us?
HQ – Hope to have a larger feedback session but please fill out the feedback forms for your agents.
ZMI – can we share with agent?
HQ – if he asks.
 - C. HQ - Debriefs with cohorts 2 and 3 next week; ZHN/ZAR some BPAs in panel on Thursday; OJT plans and requests to us next week please. Thank you for all of your dedication and hard work during this pilot!

Date: 2/13/20

VI. Attendance:

- E. ZAR – Jeremy Kommel-Bernstein
- F. ZHN – Francis “Bubba” Leigh, Kathleen Maloney
- G. HQ – Jonathan Gordon, Shannon Alexander

VII. Ramp Up Updates

- D. ZAR – mix of PASR/HARP and standard CFs PASR/HARP one case a day with mixed results, depending on start times 1-2 interviews, finishing one but not getting to paperwork; regular scheduled for up to 3, getting as little as one done.

HQ - Doing regular CF b/c of phone situation?

ZAR: Yes and lack of cases for PASR/HARP

- E. ZHN – cohort 5: not everyone started because waiting on equipment and delayed everyone who went home for 2 days to get them started and some people have done some as of yesterday and more scheduled today.

Those who remained did a case Tuesday, wed write up, case today, write up tomorrow.

Cohort 4 reached out for volunteers to do 2 a day, some wanted to discuss scheduling, prefer to go one every single day instead; a couple doing 2 a day; some did ZHN telephonic and they get three then and they see how many they can finish but the number of times they have done Houston telephonics is rare.

HQ – we’re supposed to treat them like AOs so they should be up to 2 a day. Weren’t they doing two a day with Audrey?

ZHN – think Bubba is doing that.

HQ – let us know how it goes.

VIII. Case Updates including procedural and substantive issues

- D. ZAR – Not at this point. Results are at where we expect
- E. ZHN – Constantly seeing that BPAs are not interviewing the children in that manner.

HQ – how old are the kids?

ZHN – 10 but they are not asking follow up questions from the kids so I am constantly sending reminders. They are not even following their fact/toddler rules. Constant criticism is that they do not have consistent supervisors.

HQ – consistent pool of supervisors at this point?

ZHN – changing on a weekly basis; depends on who is at Dilley but do have two supervisory RAD officers so we assign two groups of telephonic BPAs to the SROs. The ones at Dilley have the issue with supervisors.

IX. Tech issues and concerns

- D. HQ - Waiting on a complete list from ZHN on BPA's device names, will give those to Rashaun at BP once we have them to start process for drivers and to Reilly for Adobe.
- E. ZAR – not sure whether people have gotten Adobe. They were insistent that they wanted it and our office guidelines for submitting certain things will make it easier. Some equipment requests we are taking care of but if we can't will forward on to you and Jonathan.
- F. ZHN – cohort 5, having a difficult time getting IT equipment to them because of large amount of IT equipment so they are seeking HQ guidance so no one has received IT equipment.

HQ – what do you have them doing in the meantime? Because if they are not doing asylum work, they may be doing BP work which they shouldn't be doing.

ZHN – that is the thing they do not have phones or anything.

HQ – they need to be doing something – write ups, etc. Is it a cost thing?

ZHN – yes and tracking. I will forward you the email.

X. Misc issues and/or concerns

- D. ZAR – doing ok, had some issues getting people up and running on day one but due to their own proactive efforts, we've bridged some gaps and are doing okay at the moment.
- E. ZHN – wish we had more office space so we could have more things happening here.

HQ – any more space at Pearsall.

ZHN – we have six there and as of next week 5 will be occupied.

F. HQ – For Conduct Issues:

- a. A supervisor – not a training officer or an asylum officer - should speak with the agent or officer about the issue.
- b. If the conduct remains a concern, HQ should be informed. HQ leadership, in turn, will inform the relevant OFO/USBP POCs.
- c. ZHN/Dilley and ZAR POCs should inform HQ if there is a pattern (many RFRs that result in a changed decisions for a single agent/officer or several complaints of adversarial interviews from advocates) that indicates a training concern.

Jeremy: Goes from SAO speaking with them to us reporting up to you as opposed to going to a section chief or deputy?

HQ: Yes.

Kathleen: sent up two incidents regarding person, do we know what happened?

HQ: BP and Asylum leadership are aware of the incidents and this is why we now have a protocol.

Kathleen: do you know if they talked to the BPA?

HQ: No, as non-supervisors we are not involved in these discussions.

Bubba: Does this rule apply to SROs? Actings?

HQ: Yes, SROs can counsel, they are supervisors. And TOs and Actings can offer feedback but please limit addressing conduct issues to non-bargaining unit employees.

HQ: will check with leadership on the ramp up.

Date: 3/12/20

- I. Attendance:
 - A. ZAR – Jeremy Kommel-Bernstein, Graham Doeren
 - B. ZHN – Francis “Bubba” Leigh, Kathleen Maloney, Audrey Douglas
 - C. HQ – Jonathan Gordon, Shannon Alexander
- II. Ramp Up Updates
 - A. ZAR – a mix between one and two because of the amount of cases available; generally not getting assigned more than that. Not aware of anyone with consistency doing more than 2 a day unless there are reschedules or dissolutions. Still a mix of PASR/HARP and regular CF.
 - B. ZHN – One right now because of numbers also AOL metering. Cohorts 4 and 5. Just doing Dilley cases right now.
- III. Case Updates including procedural and substantive issues
 - A. ZAR – Not aware of any major issues just normal learning curve kind of stuff.
 - B. ZHN – Same there.
- IV. Tech issues and concerns
 - A. ZAR – not that has been raised to jeremy, had one person who was moving stations and that went smoothly.. sent out some equipment for the new office.
 - B. ZHN – everything is fine but two BPAs who want to come back to Dilley but that is about it.

Can you fit them? Yes, I think so. From Cohort 5.

Situation with Agent Pooley? In the process of speaking to his family so the plan is to bring him to Dilley. Should know in the next week.
- V. Misc issues and/or concerns
 - A. ZAR – Not really. Have one or two people on lower end of the ramp up but just handling that the way they would with an AO.

From: Alexander, Shannon
To: Lafferty, John L; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Mura, Elizabeth E; Rellis, Jennifer L; Roberts, Rhonda J; O'Malley, Robert L; Powless, Crystal Y; Hunt, Margo M; Osuji, Kizito; Bardini, Emilia M; Boss, Juliet M; Cleary, Heather M; Mireles, Charity J; Brodrecht, Anna M; Andre, Lisa S; Minnick, Frank R; Kim, Alejandra; Lynn, Mallory L; Stefanova, Desislava I; Lewis, Victoria E; Baj, Ewa; McPherson, Yaniece A; Garrett, Natalie M; Talamantes, Eudelia A; Klayman, Amy S; Aguilar, Kimberly M; Hemming, Bryan D; Douglas, Audrey M; Carter, Lovely L; Fairbank, Christina
Cc: Kelly, Brooke A; Zeleke, Aster N; Kerr, Alex X; Scott, Elizabeth M; Gossett, Christopher R; Joseph, Ebbed; Saunier, Jon-Paul; Basseas, Marina M
Subject: CF for USBP Biweekly Conference Call
Date: Friday, August 23, 2019 12:23:00 PM
Attachments: Interim Final Rule and CF for USBP.msg
Schedules and Other Details for CF for USBP .msg
CF for USBP Biweekly Calls 8.22.19.docx
CF for USBP Feedback Form FINAL.docx

Hello Everyone,

Thank you very much for a productive meeting yesterday! Attached are the meeting notes as well as the promised evaluation form for providing agents and USBP with feedback.

I am also attaching the email with information regarding IFR and agents' schedules etc in case you did not receive them.

We will follow up soon with more details on tracking agents' hours.

Our next call will be **Thursday, September 5th**.

As always, please reach out to me, Rhonda and Bob if you have any questions, issues or concerns.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

CREDIBLE FEAR FOR CBP TRAINING

	(DAY 1) MARCH 9	(DAY 2) MARCH 10	(DAY 3) MARCH 11	(DAY 4) MARCH 12	(DAY 5) MARCH 13
8:00	Report to CBP HQ to obtain laptops and Systems Access Meet with respective divisions Lunch Arrive at 999 in time for sessions at 1PM	<u>Group CF Interview Observation (ZAR)</u> <i>Review file</i> 8:00 am – 8:45 am (.75 hr) <i>Interview</i> 9:00 am - 12:00 pm (3 hrs with 15 min break)	<u>Refugee Definition & Persecution</u> 8:00 am – 10:30 pm (2.5 hrs) Tracy Beighley , HQ ASM <u>Nexus and Protected Grounds incl PSG</u> 10:45 am – 12:00 pm (1.25 hr.) Corey Cappelloni, HQ ASM and Ajai Mathew HQ ASM	<u>Well-Founded Fear</u> 8:00 am – 10:45 am (2.75 hrs.) Jerod Klein, HQ ASM <u>Overview of Mandatory Bars & TRIG</u> <i>*Adverse Memo Practice</i> 11:00 am – 12:15 pm (1.25) 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) Jessica Robles, RAIO RU
12:00	LUNCH	LUNCH	LUNCH	LUNCH 12:15 – 1:15	LUNCH
1:00	<u>Welcome + Overview</u> 1:00 pm – 1:30 pm (.5hr.) Andrew Davidson, Director Asylum Division <u>Tech + Database Access</u> 1:30 pm – 2:30 pm (1 hr.) Classroom Coordinators/OIT <u>Note-Taking & Confidentiality</u> 2:45 pm – 4:00 pm (1.25 hrs) Tracy Beighley and Shannon Alexander, HQ ASM <u>Non-Adversarial Interviews</u> 4:00 pm – 5:00 pm (1 hr) Tracy Beighley, HQ ASM	<i>Fill out Paperwork and Discussion</i> 1:00 pm – 5:00 pm (4 hours with 15 min break)	<u>Nexus and Protected Grounds incl PSG - Continued</u> 1:00 pm – 3:30 pm (2.5 hrs.) Corey Cappelloni, HQ ASM and Ajai Mathew HQ ASM <u>IRFA</u> 3:45 pm – 5:00 pm (1.25 hr.) Giacomo Picciotto, HQ ASM	<u>Credible Fear and Third Country Transit, IFR</u> 1:15 pm – 3:15 pm (2 hrs.) Marina Basseas, HQ ASM and Rene Cardona, HQ ASM <u>Convention Against Torture</u> 3:30 pm – 5:00 pm (1.5 hrs.) Heather Hogan, HQ ASM and Ajai Mathew , HQ ASM	<u>APSO Security Checks</u> 1:00 pm – 2:00 pm (1 hr.) Ebbled Joseph, HQ ASM and Rene Cardona, HQ ASM <u>Introductions</u> 2:00 pm – 2:30 pm Jonathan Gordon, ASM HQ(.5 hrs,) <u>Children's Claims</u> 2:45 pm – 5:00 pm (2.5 hrs.) Lynn Wilson-Bruchet, HSI
5:00	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

Updated: 3/16/2020

SCHEDULE SUBJECT TO CHANGE

DHS-19-1398-D, 19-1400-C-000033

CREDIBLE FEAR FOR CBP TRAINING

	(DAY 6) MARCH 16	(DAY 7) MARCH 17	(DAY 8) MARCH 18	(DAY 9) MARCH 19	MARCH 20
8:00	<u>Credibility including Eliciting Testimony and Checklist Practice</u> 8:00 am – 12:00 pm (4 hrs. with 15 min break) Tracy Beighley, HQ ASM	<u>- REMOTE -</u> BPA's home to complete F2F and to begin virtual OJT	<u>Admin Day</u> Set up at sector, test out Webex, request/secure equipment	<u>CF Checklist: Determinations 1 (Positive and Negative)</u> 9:15 am – 11:45 am (2.5 hrs) Ajai Mathew, HQ ASM and Marina Basseas, HQ ASM	<u>CF Forms Practical Exercise</u> Classroom Coordinators 8:00 am – 12:00 pm
12:00	LUNCH	LUNCH 11:45 – 12:45	LUNCH	LUNCH	LUNCH
1:00	<u>Credibility: Write-Ups</u> 1:00 pm – 1:30 pm (.5 hr.) Tracy Beighley, HQ ASM <u>Working with Interpreters and Consultants</u> 1:30 pm – 2:30 pm (1 hr.) Jonathan Gordon, HQ ASM <u>Eliciting Testimony in CF</u> 2:45 pm – 3:45 pm (1 hr.) Scarlett Pena, HQ ASM <u>Global Overview</u> 4:00 pm – 5:00 pm (1 hr) Alyssa Xu, HQ ASM		<u>Admin Day</u> Continued	<u>APSO Forms (I870 & NTA)</u> 12:45 pm – 1:45 pm (1 hr.) Rene Cardona, HQ ASM and Ebbel Joseph, HQ ASM <u>Fraud Detection and National Security</u> 1:45 pm – 2:45 pm (1 hr) Courtney Queen, IO ZAR <u>Al Otro Lado</u> 3:00 – 3:30 pm (.5 hrs.) Marina Basseas, HQ ASM and Elizabeth Scott, HQ ASM <u>FRCs</u> 3:45 pm – 5:00 pm (1.25 hrs.) Elizabeth Scott, HQ ASM	<u>CF Forms Practical Exercise</u> Classroom Coordinators 1:00 pm – 4:00 pm <u>Feedback</u> 4:00 – 5:00 pm
5:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

CREDIBLE FEAR FOR CBP TRAINING

Exam Review

2:45 pm – 3:45 pm (1 hr.)
Jonathan Gordon, HQ ASM

Knowledge Check (Multiple Choice Exam)

8:00 am- 9:00 am (1 hr)
Classroom Coordinator

Exam Review

8:00 am – 8:30 am (.5 hrs) Jonathan Gordon, HQ ASM

Group FRC CF Interview Observation with contemporaneous notetaking (ZHN)

Review file

8:00 am – 8:45 am (.75 hr)

Interview

9:00 am - 12:00 pm (3 hrs with 15 min break)

Write up and Paperwork

1:00 PM - 3:00 pm (2 hrs.)

From: Alexander, Shannon
To: Roberts, Rhonda J; Hussey, Jedidah M; Lafferty, John L; O'Malley, Robert L; Caudill-Mirillo, Ashley B; Haertling, Peter G; Daum, Robert L; Heinrich, Lorie R; Gulati, Sonia; Lehman, Danielle E; Zeleke, Aster N; Papazian, Varsenik L; Klayman, Amy S; Tyrell, Jody A; Radel, David M; Pueschel, Tracy W; Raufer, Susan; Boyle, Meghann W; Dhanjal, Manpreet S; Mikesell, Hannah K; Bondy, Timothy; Aguilar, Kimberly M; Gadson, Irvin C; Isaacson, Mollie; Hong, Marianne X; Madsen, Kenneth S; Rellis, Jennifer L; Flanagan, Lisa M; Kruszka, Robert F; Bardini, Emilia M; Hemming, Bryan D; Douglas, Audrey M; Motolenich Torres, Catherine; Timothee, Fritz G; Brodrecht, Anna M; Carter, Lovely L; Sellung, Ashlee; Fairbank, Christina; Berger, Jack S III; Robinson, Joi L; Jackson, Yolanda; Powless, Crystal Y
Subject: CF for USBP HQ Call and Post Training Agent Assignments
Date: Tuesday, August 13, 2019 10:38:00 AM

Good Morning,

As the second week of on the job training with the BP agents is underway, we have two requests.

First, we would like to set up regular calls between HQ and the SAOs and TOs working with USBP in your office. We anticipate that the first call will be Tuesday, August 20th.

Second, RAIO Travel will soon begin to work with the agents for the next phase of their travel. After consulting with each agent and considering their schedules and pre-approved leave, you may assign agents to return to their home sectors, interview at detention centers or remain in your offices. Please inform us and RAIO Travel of your plans for each agent assigned to your office so that all transitions are as smooth as possible.

Please send your SAO/TO POCs, a general time that works for you on Tuesday and agent assignment plans to me, Bob and Rhonda by **COB tomorrow Wednesday, August 14th**. The agent assignment plans should also be sent to RAIO Travel.

Thank you.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell:

(b)(6)

From: Alexander, Shannon
To: Quinones, Eugenio Jr; Sanchez, Eric A; Hernandez, Ruth N; Espinoza, Salvador H; Gutierrez, Ervey; Valdez, Luis S; Saiz, Jose A; Goldston, Sterling W; Natividad, Frank; Dorame, Brian A; Tipton, Dax R; Rutkowski, Thomas M; Genoves, Gabriel; Perez, Ubaldo; Jiron, Marvin P; Torrick, Jason J; Etling, John E; Mceachen, John W; MCFACHEN, JOHN W; Vazquez, Robert M; Baez, Jonathan; Gali, Orlando; Roberts, Robin J; Brennan, Ciaran P; Balen, Paul W II; Cigarroa, Geovanny (Geo); Dickey, Johnathan E; Garcia, Bryant; Guz, Michael; Martin, Jose A; Perry, Navarre J; Vargas, Israel; Villanueva, Abraham; ACEVEDO, NEFTALI; CLARK, STEVEN C; DOUGHERTY, STEPHEN E; DUTTON, JULIE L; FACCIN, ALESSIO E; GARAYUA, EDGARDO; LARACUENTE, HABACUC; LEDEZMA, ARMANDO; LEMUS, MIGUEL A; LOPEZ, ANDRES; LOZANO, ENRIQUE H; MIRANDA, ROBERTO; OCHOA, ALDO M; PACHECO, HUGO M; PETERS, ERIC S; RAMIREZ, EBED M; RIVERA4, LUIS; RODRIGUEZ, BENJAMIN; SESSION, SHONE D; STEPHANY, ERIK R; TOVAR, RAFAEL; VALDEZ, JACOB B
Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Mura, Elizabeth E; Hussey, Jedidah M; Hogan, Heather J; Powless, Crystal Y; Varghese, Mathew C; Daum, Robert L; Gadson, Irvin C; Douglas, Audrey M; Papazian, Varsenik L; Aguilar, Kimberly M; Klayman, Amy S; Tran, Due H; Leigh, Francis W; Roberts, Rhonda J
Subject: CF for USBP Training Survey
Date: Friday, November 01, 2019 9:56:00 AM

Good Morning Everyone,

Happy Friday! We hope all is well.

Thank you for completing surveys after face to face training in DC. Your feedback has been extremely helpful to us. Now that you have been working with us for some time, we are again asking for your feedback on training in light of your experiences adjudicating.

We have requested that your offices give you one hour to complete the survey. Please check with your POCs for details on when that hour could be scheduled and complete the survey no later than **next Thursday, November 7th**.

Here is the survey link: https://www.surveymonkey.com/r/CF_USBP . If you have any issues accessing the link, let me know.

We are putting together notes from the October 24th Training on Interviewing Children and hope to have something for you in the near future. In the meantime, a PDF of the pre-recorded webinar has been posted [here](#).

Thank you again for all of your efforts and enjoy your weekends!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

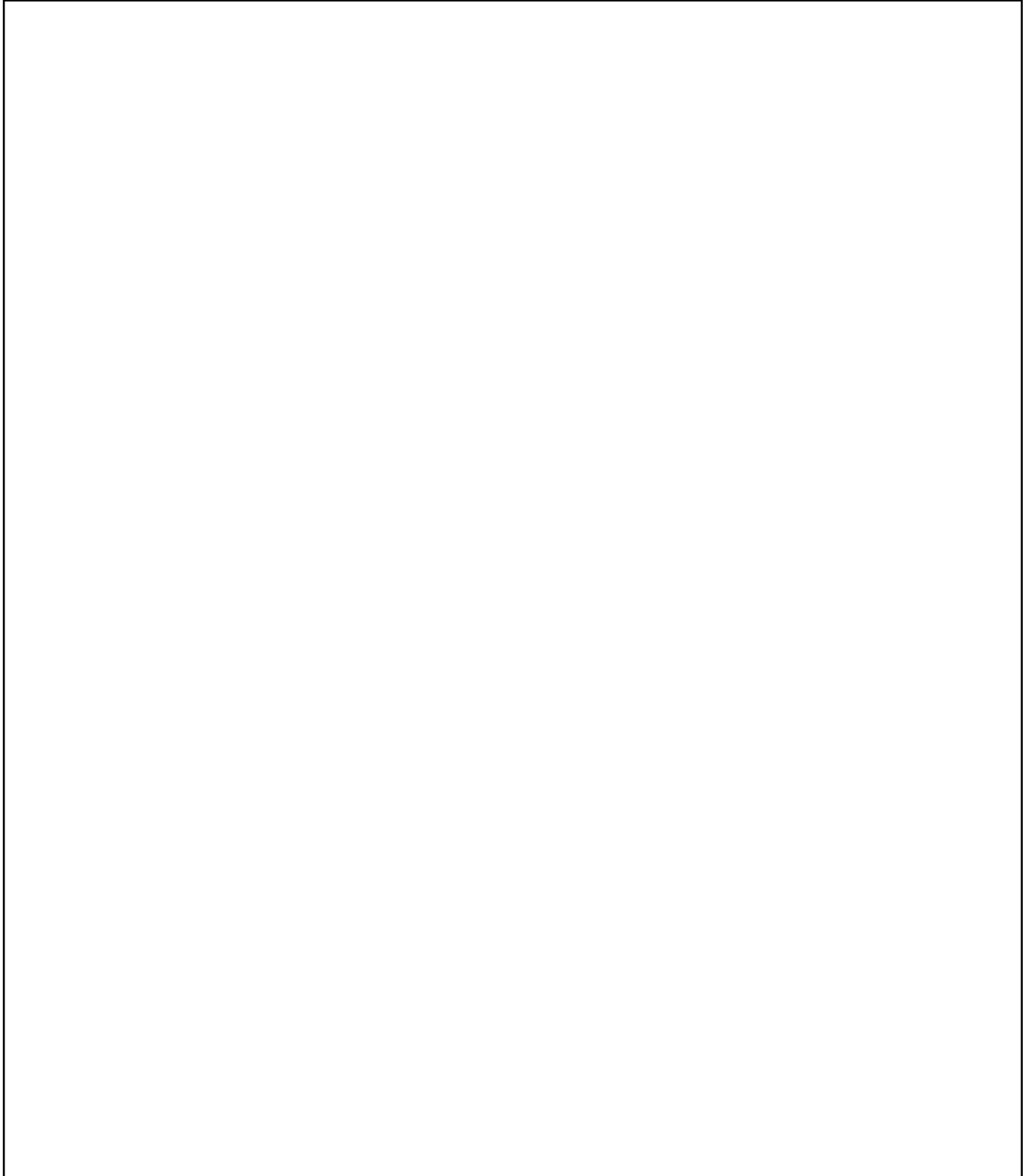
Check in with OFO

Asylum HQ – Ashley, Jonathan, Shannon, Rhonda

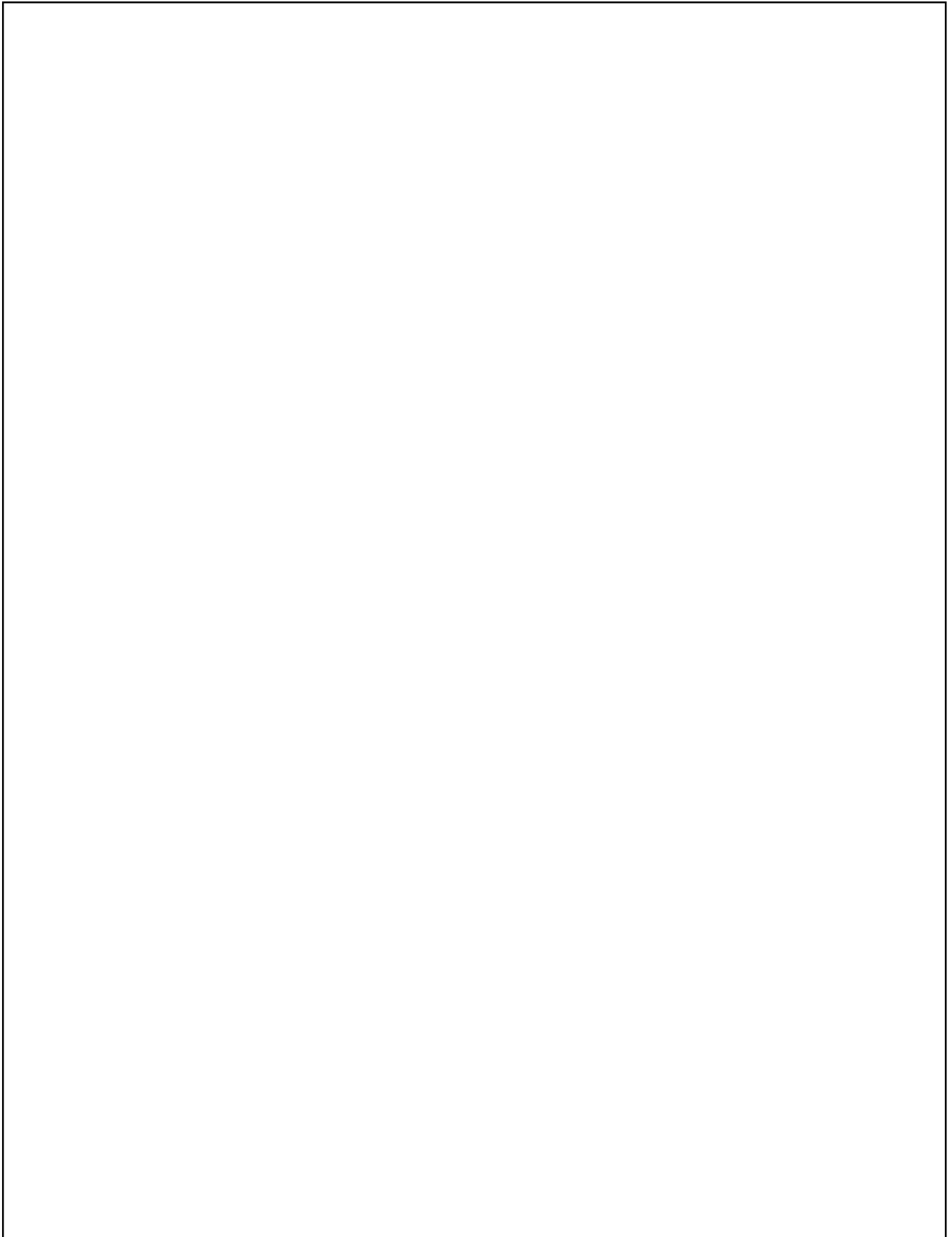
OFO HQ – Lauren Colgan and Andrew Bolton

ZAR – None

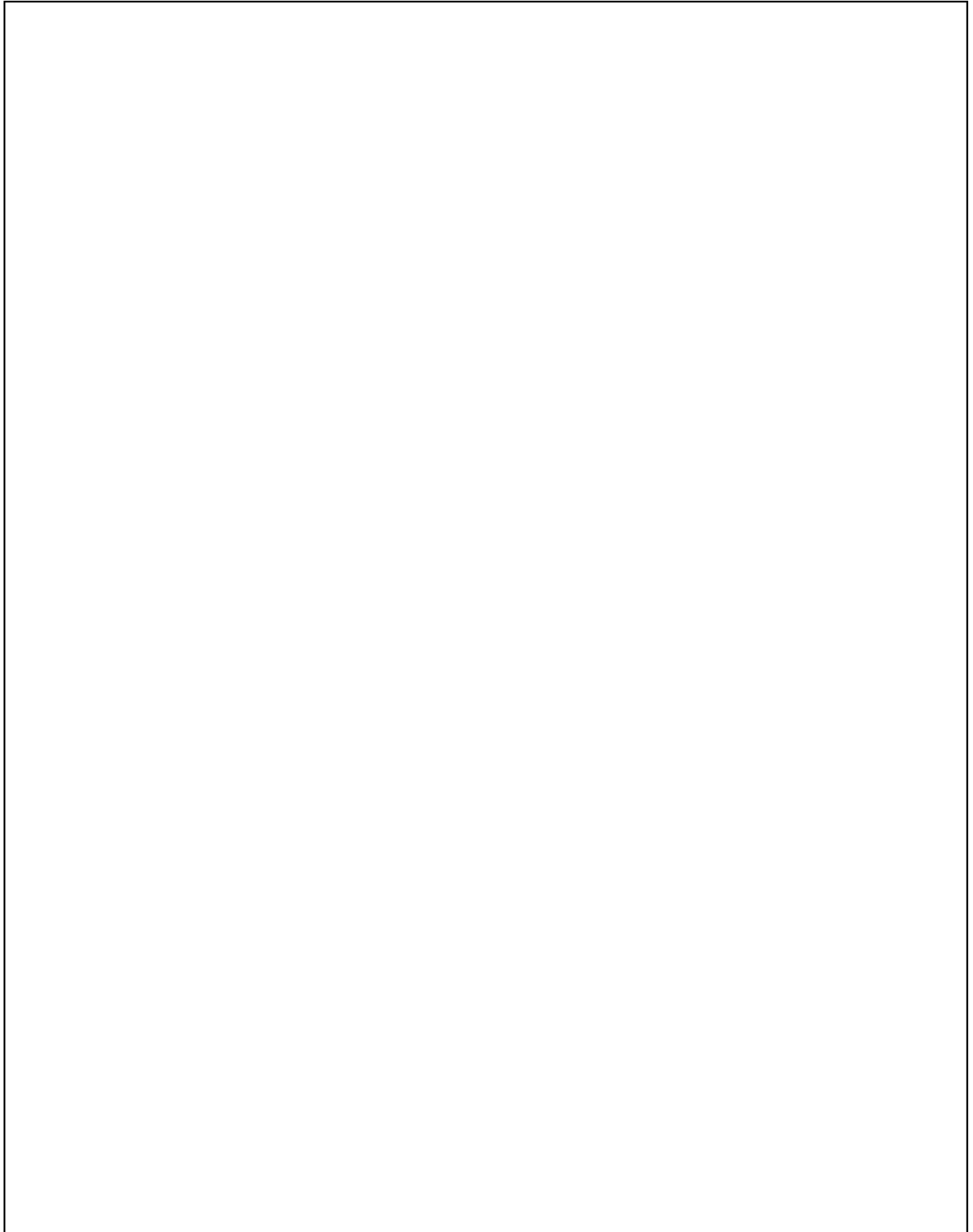
(b)(6)

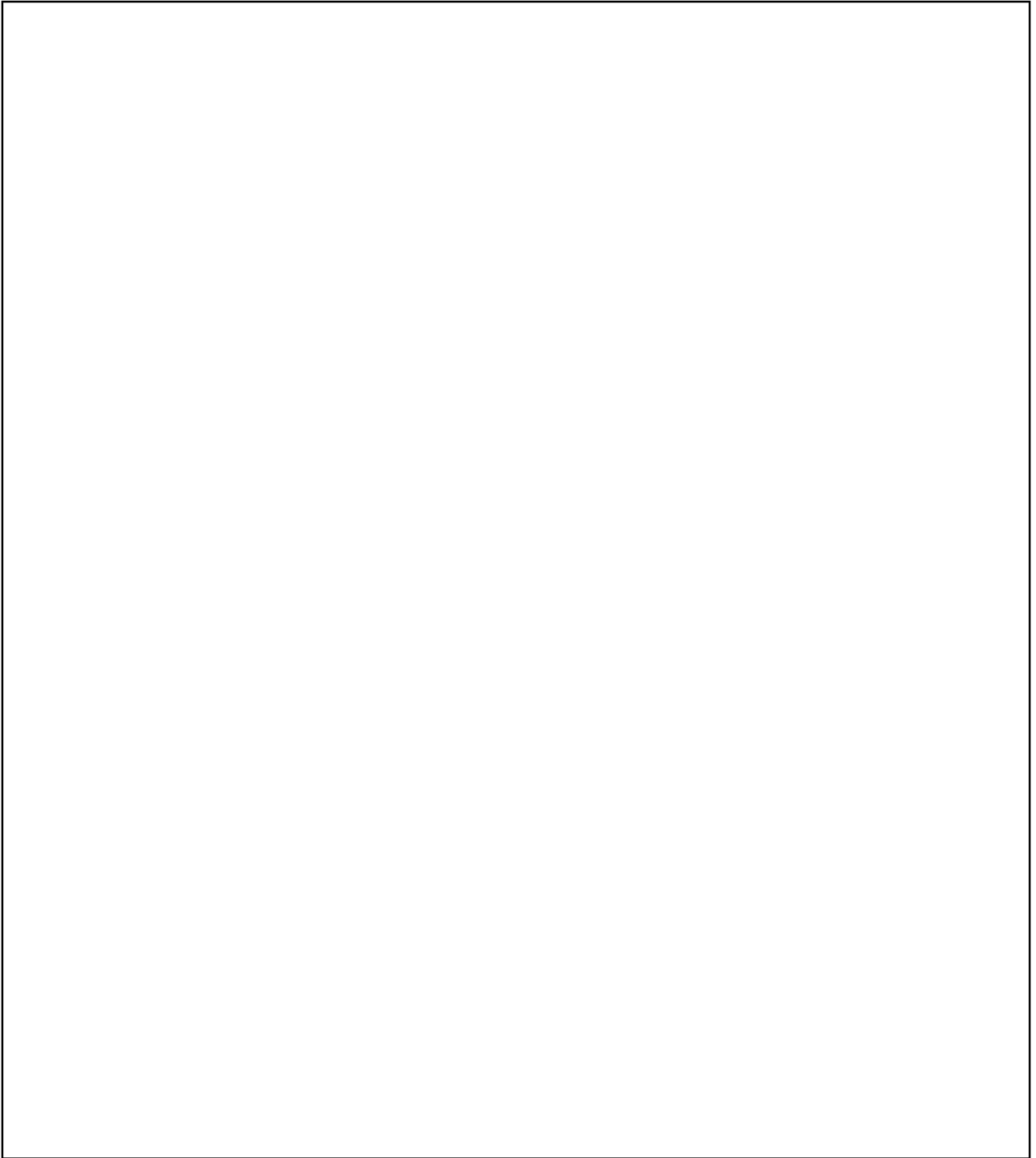


(b)(6)



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(b)(6)

From: Alexander, Shannon
To: Quinones, Eugenio Jr; Sanchez, Eric A; Hernandez, Ruth N; Espinoza, Salvador H; Gutierrez, Ervey; Valdez, Luis S; Saiz, Jose A; Goldston, Sterling W; Natividad, Frank; Dorame, Brian A; Tipton, Dax R; Rutkowski, Thomas M; Genoves, Gabriel; Perez, Ubaldo; Jiron, Marvin P; Torrick, Jason J; Etling, John E; Mceachen, John W; MCEACHEN, JOHN W; Vazquez, Robert M; Baez, Jonathan; Gali, Orlando; Roberts, Robin J; Brennan, Ciaran P; Balen, Paul W II; Cigarroa, Geovanny (Geo); Dickey, Johnathan E; Garcia, Bryant; Guz, Michael; Martin, Jose A; Perry, Navarre J; Vargas, Israel; Villanueva, Abraham; ACEVEDO, NEFTALI; CLARK, STEVEN C; DOUGHERTY, STEPHEN E; DUTTON, JULIE L; FACCIN, ALESSIO F; GARAYUA, EDGARDO; LARACUENTE, HABACUC; LEDEZMA, ARMANDO; LEMUS, MIGUEL A; LOPEZ, ANDRES; LOZANO, ENRIQUE H; MIRANDA, ROBERTO; OCHOA, ALDO M; PACHECO, HUGO M; PETERS, ERIC S; RAMIREZ, EBED M; RIVERA4, LUIS; RODRIGUEZ, BENJAMIN; SESSION, SHONE D; STEPHANY, ERIK R; TOVAR, RAFAEL; VALDEZ, JACOB B
Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Mura, Elizabeth E; Rellis, Jennifer L; Hussey, Jedidah M; Hogan, Heather J; Powless, Crystal Y; Varghese, Mathew C; Daum, Robert L; Gadson, Irvin C; Douglas, Audrey M; Papazian, Varsenik L; Aguilar, Kimberly M; Klayman, Amy S; WILSON-BRUCHET, Lynne L; Maloney, Kathleen M; Mongkolpumirat, Voranan; Bissell, Catherine E (Kate); Andre, Lisa S
Subject: Children's Claims Webinar and Practical Exercise
Start: Thursday, October 24, 2019 10:30:00 AM
End: Thursday, October 24, 2019 12:15:00 PM
Location: Virtual Webinar
Attachments: Interviewing Children Question Analysis Exercise CF for USBP Student Version.docx

Webinar Link: <https://uscis.webex.com/uscis/k2/c.php?RCTD=dfecd8934f117c9cf478adefa4cca66b>

Webinars work best in Chrome.

Password: (b)(6)

Credible Fear (CF) for CBP Distance Training Syllabus and Completion Attestation Instructions for Students

Introduction

The CF for CBP training 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 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 attachment as follows: Last Name, First Name - CF for CBP DT – Completion and Attestation.** Please CC your CBP and Asylum POCs.
- The CF for CBP Distance Training schedule totals approximately 80 hours (around 8 to 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>	<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 (PW: RAIOTPDt19!)</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>	<i>2 hours</i>	
Interviewing – Working with an Interpreter: <i>reading</i>	<i>2 hours</i>	
Detecting Possible Victims of Trafficking: <i>reading</i>	<i>1.5 hours</i>	
Cross-Cultural Communication: <i>reading</i>	<i>.75 hours</i>	
Evidence: <i>reading</i>	<i>2 hours</i>	
Evidence: <u>Webinar</u> (PW: RAIORemote123!)	<i>1 hour</i>	
Fraud and FDNS Overview: <i>reading</i>	<i>2.5 hours</i>	
International Religious Freedom Act (IRFA): <i>reading</i>	<i>2 hours</i>	
Persecutor Bar: <i>reading</i>	<i>2 hours</i>	
Mass Atrocities and Genocide Awareness: <i>reading</i>	<i>.5 hours</i>	
LGBTI Claims: <i>reading</i>	<i>2 hours</i>	
Gender-Related Claims: <i>reading</i>	<i>1.75 hours</i>	
Children’s Claims: <i>reading</i>	<i>3.5 hours</i>	

Children's Claims: <u>Webinar</u> (PW: RAIORemote123!)	1.5 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>	1.5 hours	
Firm Resettlement: <i>reading</i>	1.25 hours	
Discretion: <i>reading</i>	.5 hour	
Decision-Making: <i>reading</i>	1.5 hours	
Office of Security & Integrity (OSI) and Significant Incident Reporting: <u>webinar</u> (PW: RAIOTPDt19!)	1 hour	
Past Persecution - Rebuttable Presumption: <u>Presentation</u> (PW: ADOTPDt1!)	2 hours	
LP Asylum Process and Procedures: <i>reading</i>	.75 hour	
Asylum Process and Procedures Manual and Introduction to the AAPM Wiki: <u>Presentation</u> (PW: ADOTPDt1!)	.5 hour	
LP Mandatory Bars Overview and Criminal Bars: <i>reading</i>	1.25 hours	
LP Credibility: <i>reading</i>	2 hours	

LP Credible Fear: <i>reading</i>	<i>1.25 hours</i>	
LP ABC/NACARA: <i>reading</i> • Pages 2-16	<i>.5 hour</i>	
LP – Reasonable Fear: <i>reading</i>	<i>1.5 hours</i>	
India COI, Eliciting Testimony, and Fraud <u>Webinar</u> (PW: India2019!)	<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: 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:

Issue: What is the likelihood that a [redacted] 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 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.

From: Alexander, Shannon
To: MEDINA, AARON A; EWING, SENORINA; NUNEZ, SERGIO; MARTINEZ JR, PORFIRIO; PEREZ, LARRY E; SALAZAR, BENITO E; FALCON, ORLANDO; MENDOZA, ROBERT L; FRANCO, RICARDO; CARRILLO, MARIO A; 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
Cc: Roberts, Rhonda J; Gordon, Jonathan; Leigh, Francis W; Maloney, Kathleen M
Subject: Congratulations and a few reminders!
Date: Friday, February 7, 2020 2:59:00 PM

Good Afternoon Everyone,

Congratulations on successfully completing your training!

Next week, you will start to interview independently but like any new AO, you do so with support. Please reach out to your supervisor if you have questions.

There appears to be an odd glitch in Skype for some of us that prevents CBP and USCIS users from finding and messaging one another. One way around that is to find that person's name on an email, double click on it and choose the chat bubble to connect via skype.

Bubba, Jonathan and I are also available if you have issues or questions you would like to address with us or that you believe should be elevated. We have already received some feedback from a few of you and we appreciate it. Please keep it coming. As we gear up for the next class, we consider your suggestions.

A few reminders:

- If you are not remaining at Dilley, please return your Dilley access cards.
- Our first all BPA (so cohorts 4 and 5) check in with ZHN, Asylum HQ and USBP HQ will occur on **Monday, February 10th at 10:00 AM EST**. You should have received a reminder. If you do not have the calendar invite, please let me know and I will re-send it. You are expected to call in unless you have pre-approved leave.
- Thank you for requesting equipment. If you have not done so already, please send Bubba the address of the location where you will be interviewing so that ZHN can ship the equipment to you.
- Please check out all of your tech on Monday. You should still be able to access our ECN, for example. Once you are back on your office's network, you should be able to download Adobe Pro if you do not yet have it on your laptops.
- If you do not have an appropriate interview space on Monday, please reach out to Bubba, Jonathan and I immediately.

Jonathan and I have heard wonderful things from the Dilley team about your positive attitudes and the quality of your work. We look forward to your continued contributions to the asylum program and to our shared mission.

Safe travels and have an excellent weekend.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell:

(b)(6)

Bangladesh: Country Conditions

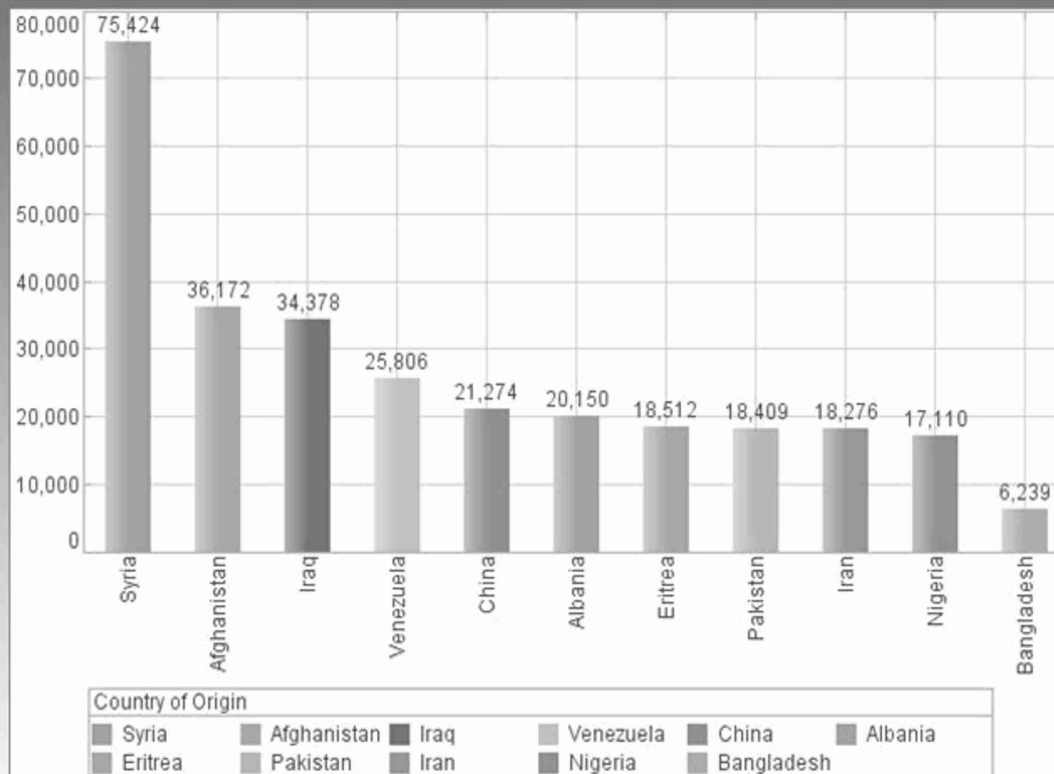


U.S. Citizenship
and Immigration
Services

DHS-19-1398-D, 19-1400-C-000070
RAIO Research Unit February 2018

Asylum Seekers from Bangladesh

Top 10 Nationalities + Bangladesh, January-October 2017



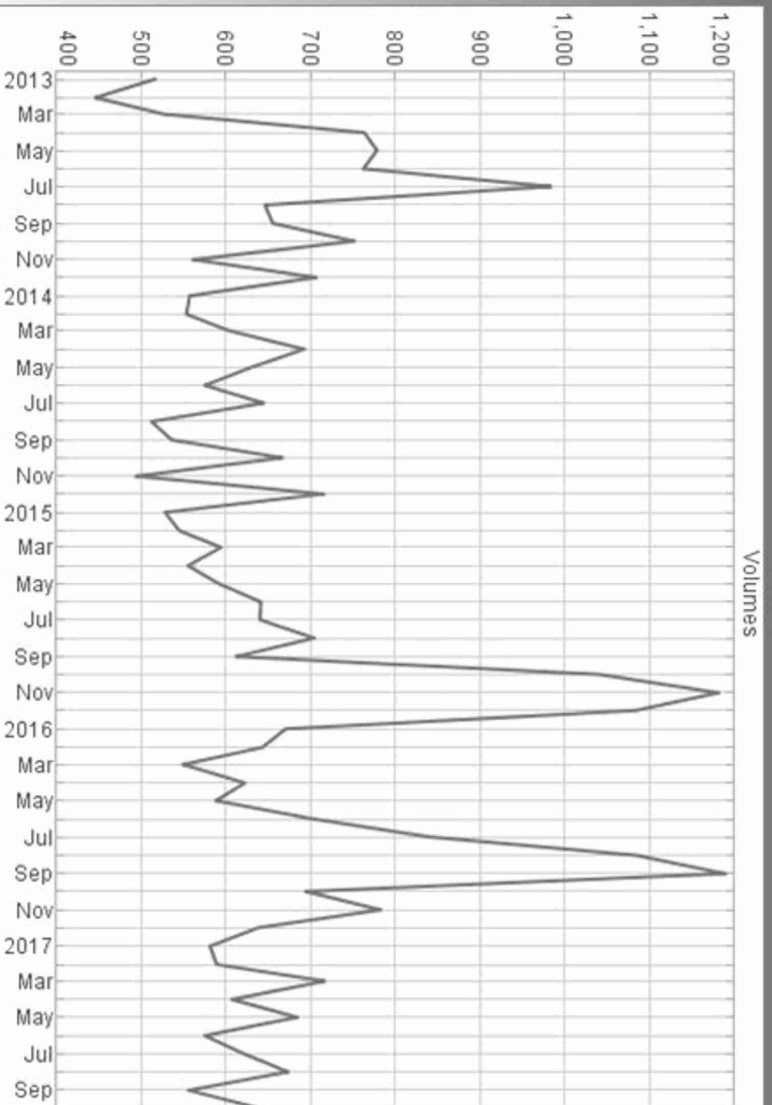
Asylum Applications



U.S. Citizenship
and Immigration
Services

Asylum Seekers from Bangladesh

Asylum Applications, Bangladesh, Jan 2013 – Oct 2017



U.S. Citizenship
and Immigration
Services

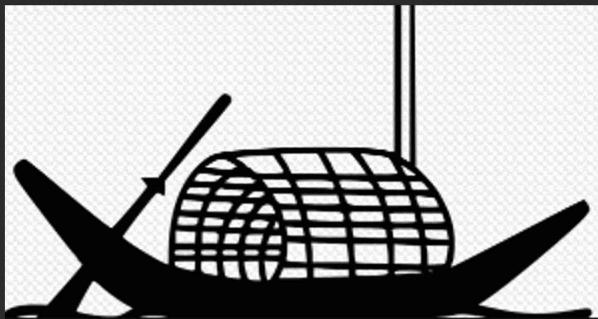
Bangladesh: History and Geography



Political Parties and Coalitions

Awami League

14-Party Alliance



Bangladesh Nationalist Party

18-Party Alliance



U.S. Citizenship
and Immigration
Services

COI Exercise: Bangladesh Liberal Democratic Party

- The LDP(B) is currently a part of the BNP-led, opposition 18-Party Alliance:
 - When and how did the party originate?
 - Who is the leader of the party currently?
 - Over the last 10 years, during which periods has the party been allied with the AL and when has it been allied with the BNP?

Political Parties: Origins

(b)(6)



U.S. Citizenship
and Immigration
Services

Political Parties: Current Leadership

(b)(6)



U.S. Citizenship
and Immigration
Services

Political Parties: Ideology

Awami League

- Center-left
- Secularism
- Bengali nationalism
(language and culture)
- Socialism

Bangladesh Nationalist Party

- Center-right
- Islamic consciousness
- Bangladeshi nationalism
- Free-market

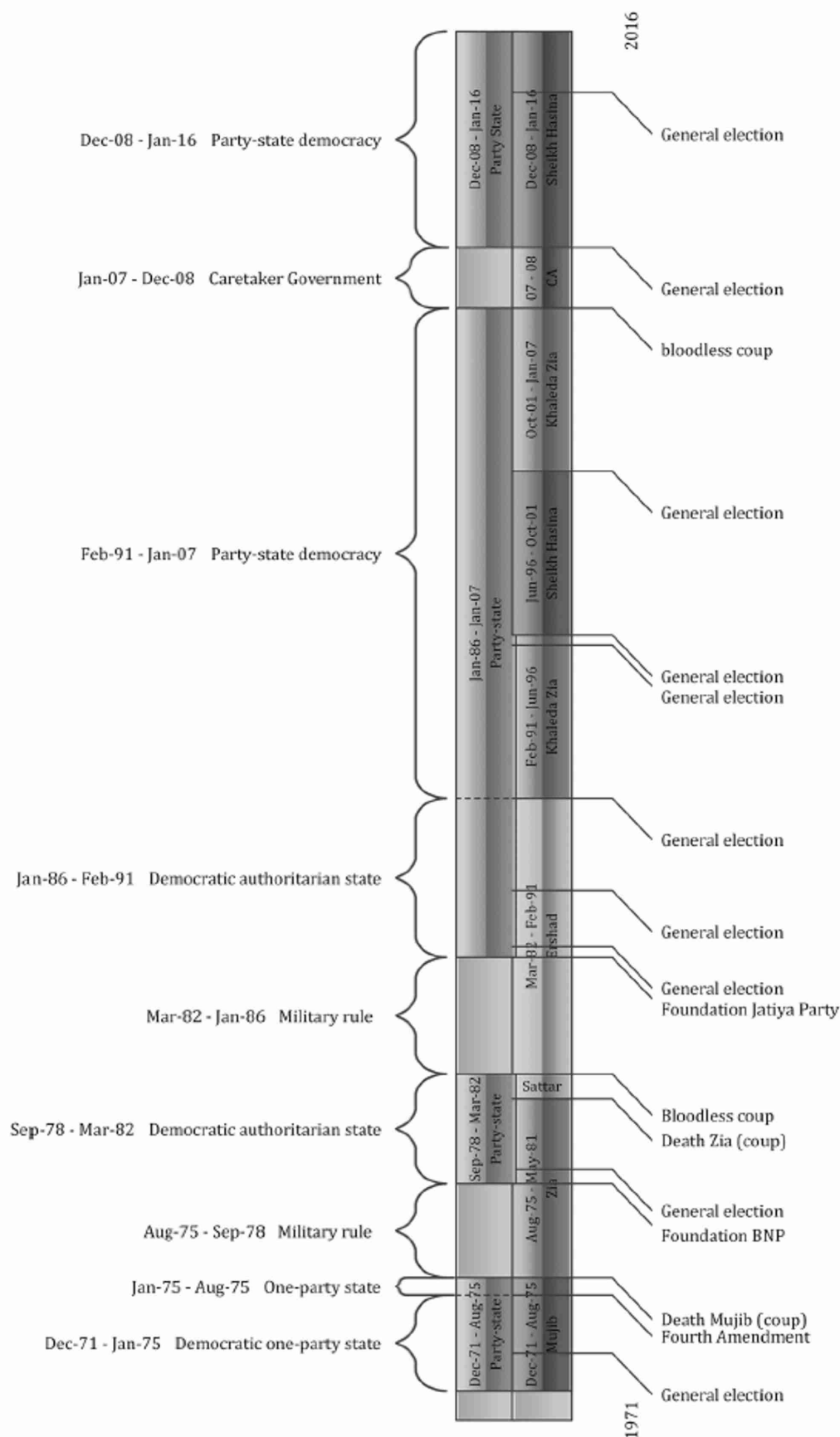


Figure 1. Timeline of party-state rule in Bangladesh.

Current situation: origins

- 1991-2007: “rotating plunder” (Khan 2006)
- ‘1/11/2007’: Electoral crisis
- December 2008: AL-led government elected
- 2011: Replacement of Caretaker Government system with Election Commission
- 2013-4: Election boycotted by opposition
- Present – “vulnerable authoritarianism” (Khan 2017)

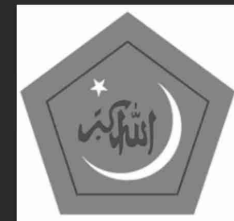
Bangladesh Jamaat-e-Islami



(b)(6)

Political Parties: Youth/Student Wings

- Jubo League (AL)
- Bangladesh Chhatra League (AL-affiliated)
- Jatiotabadi Chatra Dal (BNP)
- [Jatiotabadi] Jubo Dal (BNP)
- Islami Chhatra Shibir (Jamaat-e-Islami)



What is the extent of violence in Bangladesh today?

(b)(6)

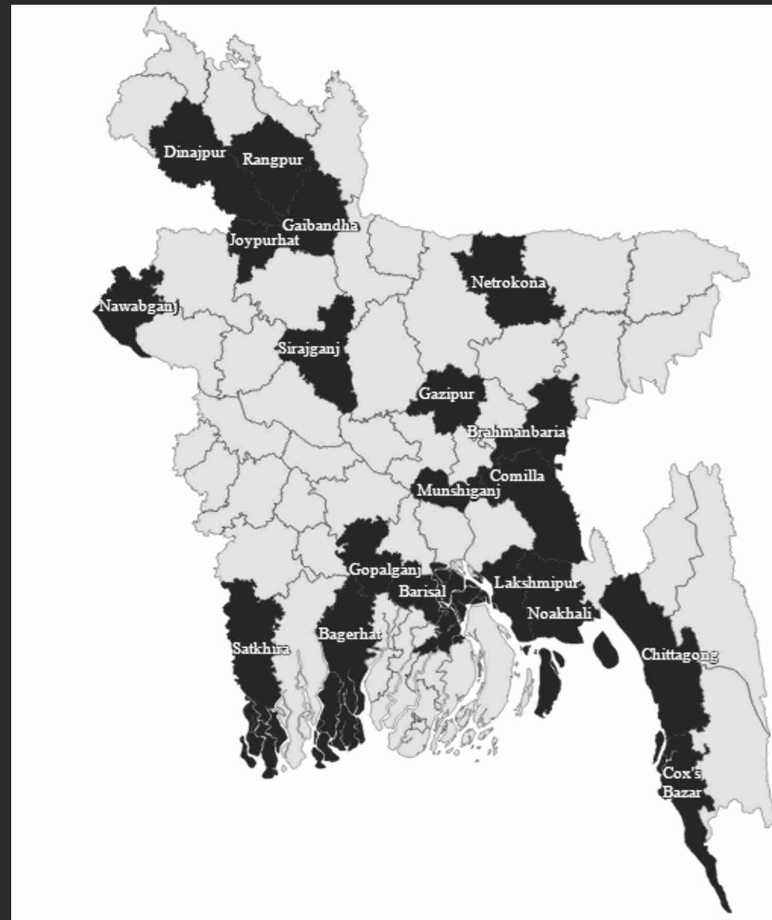
- Low murder rate (per 100k):
 - Bangladesh: 2.5 (2015)
 - U.S.: 5.3 (2016)
 - El Salvador: 91.2 (2016)
- Armed *clashes between opposing groups* cause most politically motivated fatalities and injuries not attributable to state actors.
- Recent trend of targeted attacks on secular bloggers and activists.

Political Violence: Statistics

 Political Violence: 2001 - 2017			
Year (s)	Killed	Injured	Total
2017	77	4635	4712
2016	215	9053	9268
2015	197	8312	8509
2014	190	9429	9619
2013	504	24176	24680
2012	169	17161	17,330
2011	135	11,532	11,667
2010	220	13,999	14,219
2009	251	15,559	15,810
2008	50	3,185	3,235
2007	79	2,688	2,767
2006	374	21,265	21,639
2005	310	8,997	9,307
2004	526	6,235	6,761
2003	436	6,281	6,717
2002	420	8,741	9,161
2001	656	25,770	26,426
Total	4809	197018	201827

- Ain o Salish Kendra (ASK)
- November 2012 -- November 2017
 - 1,028 killings
 - 52,066 injuries
 - 3,540 instances

2013 Violence: Attacks on Hindus



2013 Violence: Election Protests



U.S. Citizenship
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DHS-19-1398-D, 19-1400-C-000086
RAIO Research Unit February 2018

Political Violence:

Hassan and Nazneen (2017)

- “Violence used in politics in Bangladesh has specific features: the armed clashes are largely between the political, the youth and student cadre of the parties, and the targets of political violence are largely low and mid-ranking political party members.”
- “Both parties, when in opposition, have enforced general strikes and transport blockades to push their demands.”
- “The ruling party has also used the police and security agencies to arrest opposition party activists and harass opposition party leaders.”

Political Violence:

Hassan and Nazneen (2017)

- “As the BNP faces further marginalization and harassment in the political arena, their willingness to break the implicit norms of engagement and escalate the use of violence will increase.”
- “Along with the security apparatus, the AL has extensively used violent elements of its student and labour wings against the opposition in 2013, 2014 and 2015. The recent disappearance of a senior BNP leader signals AL’s willingness to break with the implicit understanding between the two parties that the senior leaders are not physically harmed.”

Political Violence: Khan (2017)

- Intra-party violence
- “Newspaper reports suggest sustained and growing violence, often lethal, between competing factions of the ruling party over contracts and positions.”

Year (s)	Due to intra party clash activists/ leader killed			Injuries: Intra party clash			Total Incidents of Intra Party clash		
	AL	BNP	Others	AL	BNP	Others	AL	BNP	Others
2017	68	0	0	3327	225	10	314	22	1
2016	73	3	0	3586	232	5	335	15	1
2015	40	2	0	3884	157	12	364	11	1
2014	43	2	0	4247	397	119	374	39	6
2013	28	6	0	2980	1592	68	263	140	3
2012	37	6	0	4330	1619	47	362	146	5
2011	22	3	1	3770	1234	20	340	104	4
2010	38	7	9	5614	1146	60	576	92	9
2009	38	2	0	6092	865	0	663	75	0
Total	385	31	10	37830	7467	341	3611	644	30



Abuses by state actors: extra-judicial killings



Total Extra-judicial killings from 2001 - 2017

Year(s)	RAB	Police	RAB- Police	Joint Force	Cheetah- Cobra	Ansar	Army	BGB (Former BDR)	Police- BGB (former BDR)	RAB- Coast Guard	RAB- Police- Coast Guard	Coast Guard	DB Police	Police- Forest Guard	Forest Guard	Coast Guard- Forest Guard	Police- Coast Guard	Jail authorities/ Police	Navy	Police and Armed Police Battalion, RAB, BGB	Joint Force	Drugs and Narcotics	Armed Battalion	BGB-RAB	Railway Police	Grand Total
2017	33	116					2	1					2													154
2016	51	118	0	1	0	0	0	2	1	4															1	178
2015	53	126		1				5															1			186
2014	29	119		11		1	2	5				3												2		172
2013	38	175	1	8	0	0	0	11	32											64						329
2012	40	18	2			3		2		4								1								70
2011	43	31	4							4								2								84
2010	68	43	9					1		3	3															127
2009	41	75	25			2	3	5				1			1			1								154
2008	68	59	15	1				2				4														149
2007	94	64	3	7			7	1				1			1			1	3			2				184
2006	192	144	1					6				7	4		1											355
2005	111	258			4	1							5			2	15									396
2004	77	133		15	3	1	1	6	3					1												240
2003	0	57		6		2	2	4					3					6	1							81
2002	0	33				4	39	4					1					2								83
2001	0	33		1					9				1													44
Total	938	1602	60	51	7	14	56	55	45	15	3	16	16	1	3	2	15	13	4	64	0	2	1	2	1	2986



U.S. Citizenship
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Abuses by state actors: enforced disappearances



Enforced Disappearances (2009 - 2017): State Agencies Responsible

Year(s)	No. of the disappeared persons	Allegedly disappeared by						
		RAB	Police	RAB-DB Police	DB Police	Industrial Police	Ansar-Police	Other Law Enforcement Agency
2017	86	13	21	1	18	0	0	33
2016	91	27	15	2	23	0	0	24
2015	66	24	6	3	24	0	1	8
2014	39	25	2	3	8	0	0	1
2013	54	23	1	0	17	0	0	13
2012	26	10	1	2	6	1	0	6
2011	31	14	2	0	11	0	0	4
2010	18	14	2	0	2	0	0	0
2009	3	3	0	0	0	0	0	0
Total	414	153	50	11	109	1	1	89



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Crime, Political Parties, and Law Enforcement

- Increased use of law enforcement for political suppression of the opposition has inhibited legitimate crime fighting functions, as well as efforts to curtail violence by extremists.
- Thousands of criminal cases have been lodged against political opposition members.
- Some of the most influential criminals have been taken down, but criminal activity, often involving violence, continues to be a part of the political process through which individuals and organizations seek access to resources.

Awami League Organization

Bangladesh Awami League

HOME PARTY - UPDATES - GET INVOLVED - All Sections

Join Us

Full Name*

Gender*

Date of Birth*

Mobile*

Email*

Division*

Please select a division

District*

Select a District

Constituency*

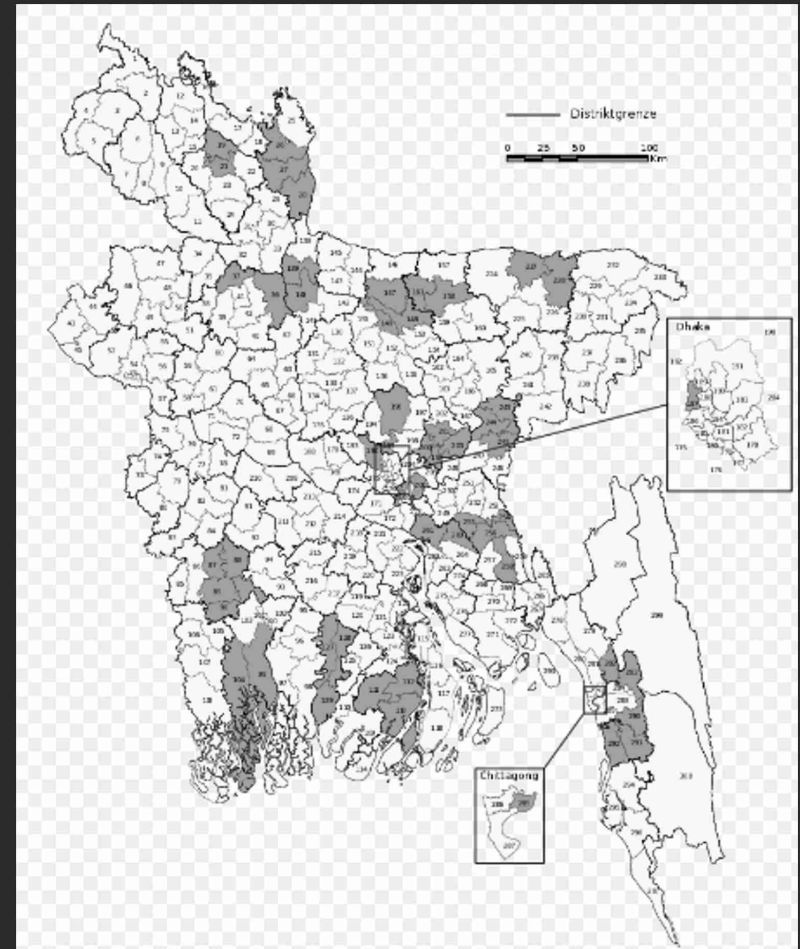
Select a Constituency

Preference*

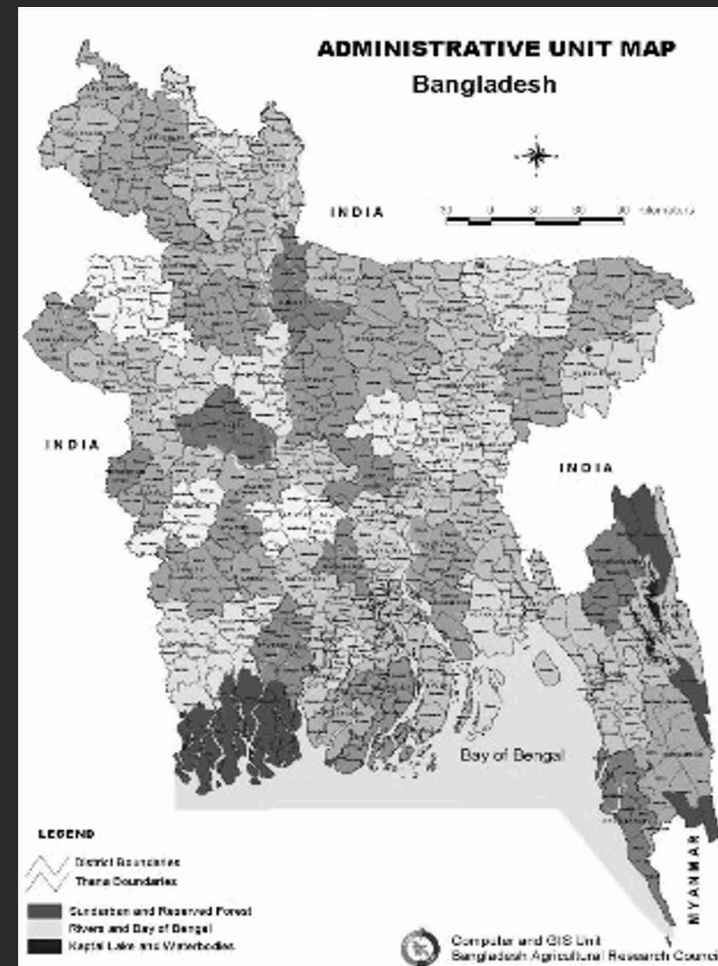
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☐ Phone

Join »



Political and Administrative Geography



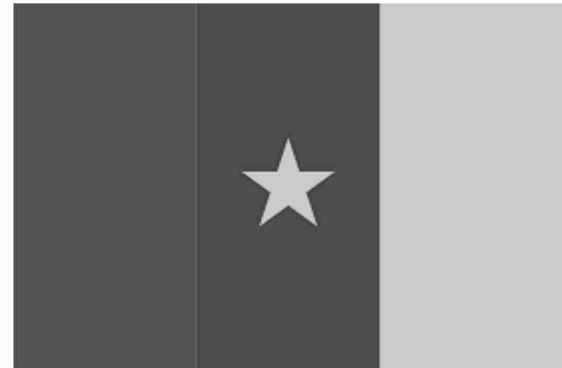
Conclusions

- Political activity and party affiliation in Bangladesh, at the local level, involve the use of connected “intermediaries” to access basic goods and to improve ones conditions.
- Violence between local party organizations -- including student, youth, and labor groups – is an integral part of how the system functions.
- The party in power, since 2008 the Awami League, increasingly makes use of police and security forces to prevent opposition groups from organizing and mobilizing through protests and work-stoppages.
- Despite alarming trends, the level of violence in Bangladesh on the whole is still relatively low. There is little or no independent evidence external flight of opposition party members.

Recommended Readings

- Bangladesh Country Overview, European Asylum Support Office, Dec. 2017.
- Chasing the Dubai Dream in Italy: Bangladeshi Migration to Europe, Migration Policy Institute, Oct. 6, 2017.
- Political Conflict, Extremism, and Criminal Justice in Bangladesh, International Crisis Group, Apr. 11, 2016.
- Mirza Hassan & Sohela Nazneen, *Violence and the breakdown of the political settlement: an uncertain future for Bangladesh?*, Conflict, Security & Development, 17:3, 205-223 (June 2017).
- M. M. Rahaman, *Origins and Pitfalls of Confrontational Politics in Bangladesh*, South Asian Survey, 14:1, 101–115 (2007).

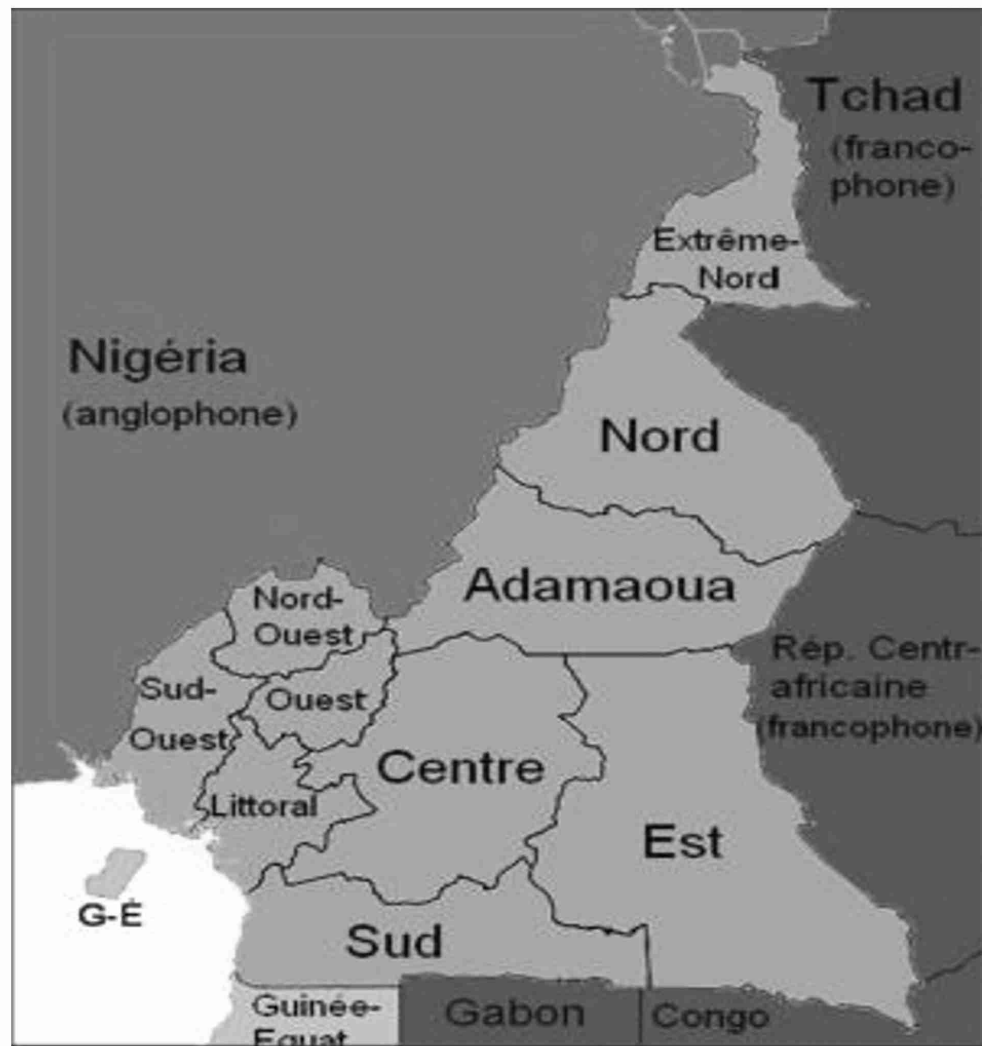
Republic of Cameroon

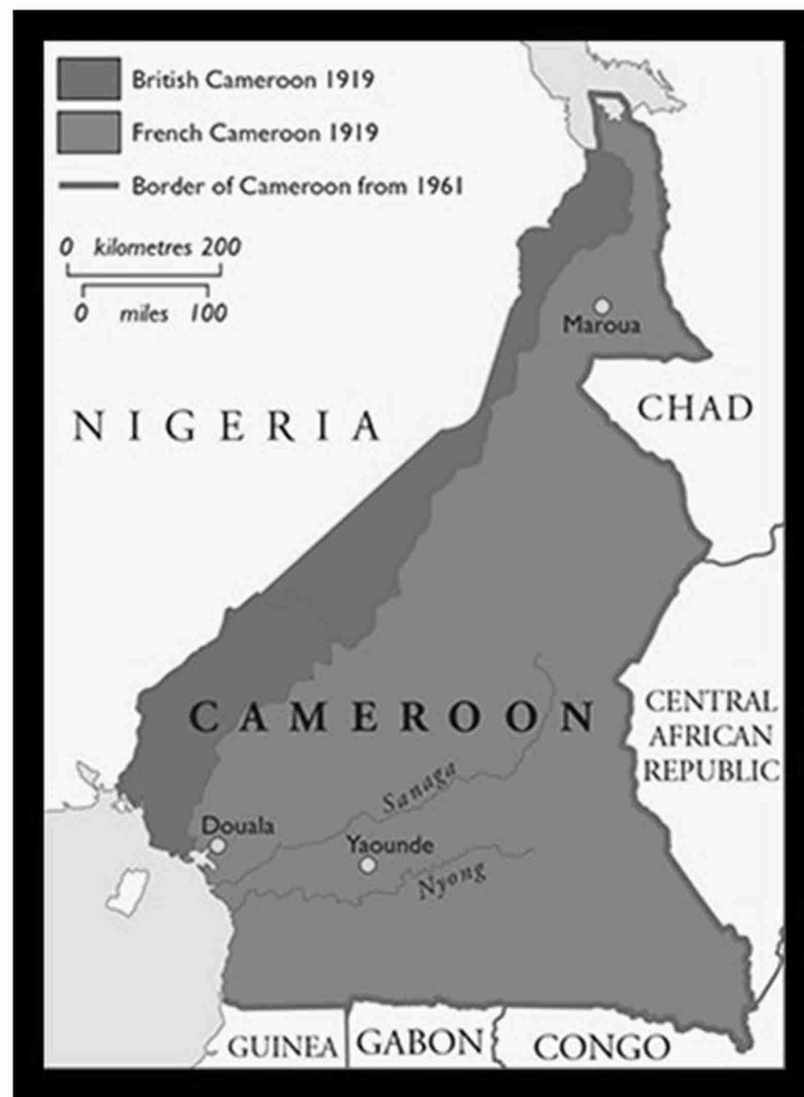




General Information

- Population: 25 million
- Ethnic groups: 250
- Local languages: over 253
- Official language: French
- Two religions: Christianity (about 80%) and Islam (about 20%)
- Rank in 2017 the Global Peace Index: 30th out of 163 countries surveyed
- Rank in the 2016 HDI: 153rd out of 188 countries





President Paul Biya



- Head the ruling party, RDPC
- 85 years old and 36 years in power, as of 2018
- Candidate in the October 2018 presidential election



Tensions in the English-speaking Cameroon

- 1961: Federal Republic of Cameroon with two equal states
- 1972: United Republic of Cameroon (as a result of an “unfair” referendum)
- 1984: Republic of Cameroon (as it was called before federation)
- 2008: President Paul Biya abolishes term limits

Major Political Parties/Organizations in the English-speaking Cameroon

- Southern Cameroons National Council (SCNC)
- The Social Democratic Front (SDF)
- Southern Cameroons Youth League (SCYL)
- Ambazonia Liberation Party (ALIP)

Tensions in the English-speaking Cameroon (Cont'd)

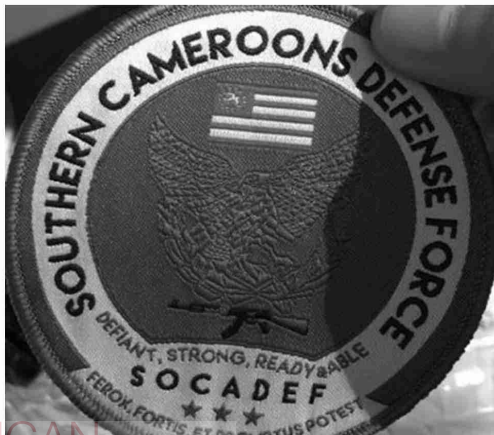
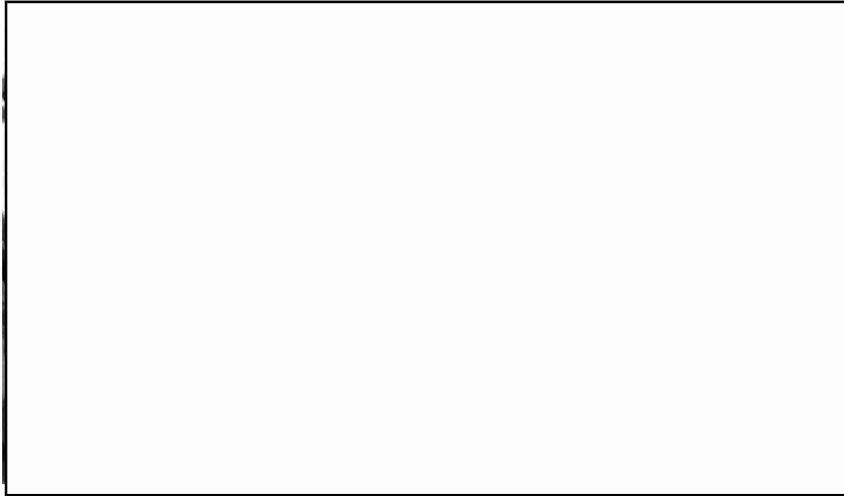
- Struggle for independence from the Republic of Cameroon since 1994
- The Southern Cameroons National Council (SCNC) unsuccessfully declared independence in 1999
- The Southern Cameroons Peoples Organization (SCAPO) unsuccessfully declared the Republic of Ambazonia in 2006
- Violent protests against the imposition of the French language (in courts and schools) in the English-speaking Cameroon since November 2016

English-Speaking Cameroon's Demands

- Return to the federal constitution of 1961: equal states
- Application of the "Common law" Anglo-Saxon judicial system and the use of English in courts
- Use of English in schools and have students taught by English speakers
- The ongoing crisis started with strikes by lawyers and teachers
- Protests have turned violent

Rebel Militias

(b)(6)



- Three major militia groups: the Ambazonia Defence Forces (ADF), the Southern Cameroons Defence Forces (SOCADEF), and the Southern Cameroons Defence Forces (SCDF)
- There are also self-defense groups: the Tigers, Vipers and Ambaland forces, etc.

Violent Activities by Rebels and Self Defense Groups

- Attacks on schools and other social and economic infrastructures
- Attacks against teachers and civil servants who do not comply with strikes or cooperate with the government
- Killings and kidnappings of security forces

Human Rights Violations by Security Forces in General

- Arbitrary arrests and disappearances in the Far North Region
- Abuse of the anti-terror law of December 2014
- Torture, beatings, harassments, and abuses of opponents/activists
- Serious violations in western Cameroon

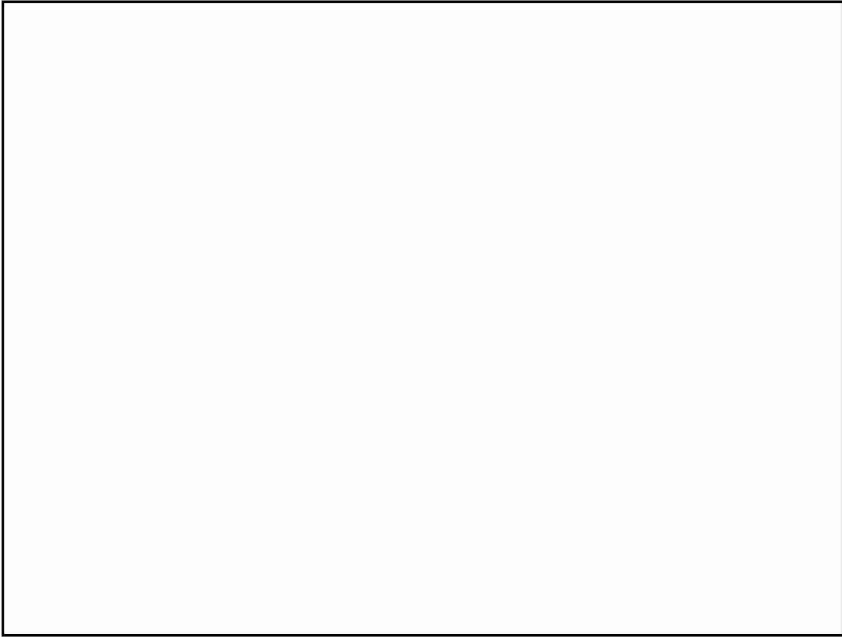
Violations by Security Forces in Western Cameroon



- Attacks on villages, the burning and destruction of property, and the killings of civilians (HRW)
- Holding incommunicado 47 activists including the president of the “Republic of Ambazonia”
- But no ethnic group is particularly targeted

Cameroonian Refugees in Nigeria

(b)(6)



- June 2018: About 21,291 Cameroonian refugees are registered in Nigeria as of 31st May 2018
Cross River (17,003)
Benue (3,525) Akwa
Ibom (179) Taraba
(584)

Boko Haram in far North Region



- The first attacks occurred in March 2014
- The conflict has already caused 1,500 deaths, and led to 155,000 displaced persons and 73,000 refugees
- Internal relocation to South possible re. BH

LGBT

Cameroon prosecutes people for consensual same-sex conduct more aggressively than almost any country in the world...at least 28 people have been prosecuted for same-sex conduct in Cameroon since 2010. Most cases are marked by grave human rights violations, including torture, forced confessions, denial of access to legal counsel, and discriminatory treatment by law enforcement and judicial officials (HRW) 2013)

Forced Marriages

(b)(6)



- Child, early and forced marriage is widespread in Cameroon
- Forced marriages generally occur for girls aged 13—15
- About 47% of girls under 18 are forced into marriage
- Local chiefs are heavily involved in enforcing forced marriages

Female Genital Mutilation (FGM)

- FGM/C among girls and women ages 15 to 49 was 1% in urban centers and 2% in rural areas (UNICEF's Global Databases 2016)
- FGM/C prevalent, particularly in the Far North Region
- 84.1% of women and 84.6% of men believe FGM should be discontinued
- The government of Cameroon and WHO continue to push for the end FGM

Cameroon: What to Take Away

- Security forces harm opponents/activists, especially those from the English-speaking Cameroon
- Rebels and self-defense groups continue to engage in violence
- Political parties generally do not advocate violence
- Forced marriages, persecution of LGBT, Boko Haram are serious issues
- Victims of Boko Haram can relocate to South
- Generally, internal relocation is problematic due to language divide and omnipresence of security forces

Questions

For More Questions?

- Contact your Training Officer
- Submit query to the RAIO Research Unit, RAIOResearch@uscis.dhs.gov



Haiti: Information on Vodou

October 7, 2016

Could you please provide more information on Vodou in Haiti? Do most people in Haiti believe in Vodou? Who practices it? What are common terms/beliefs? How is Vodou synthesized with other religions? What types of harm could be expected from the practice of Vodou? Are individuals or certain groups targeted as the victims of Vodou or due to their practice of Vodou?

This query request originated from Asylum Headquarters, RAIO, USCIS.

Prevalence of Vodou in Haiti

Along with Roman Catholicism, Vodou (also spelled Voodoo, Voudou, Vodun, or Vaudou) is one of Haiti's two official religions.¹ Vodou was formed by descendants of African ethnic groups who were brought to the French colony of Saint-Domingue as slaves and "Christianized by Roman Catholic missionaries in the 16th and 17th centuries."² Baptized as Roman Catholics, slaves were forbidden to practice traditional African religions, which were considered a threat to the colonial system.³ However, many slaves continued to practice in secret by "adopting Catholic saints to coincide with African spirits."⁴ On August 14, 1791,⁵ a Vodou ceremony in Bois Caïman served as the catalyst that:

mobilized enslaved Africans to rebel against their French colonial oppressors, sparking the Haitian Revolution, which ultimately led to the liberation of the Haitian people and the foundation of the world's first independent black republic.⁶

Vodou was periodically prohibited in Haiti during the 19th century.⁷ In 1934, Vodou was banned in Haiti and classified as sorcery in the country's penal code.⁸ In the 1940s, Vodou masks and drums were burned in "anti-superstition" campaigns led by Roman Catholics in Haiti, while Hollywood films popularized fictional representations of Vodou as a religion of "zombies, devil worship and ceremonies involving wax dolls and pins."⁹ Vodou remained banned in Haiti until the passage of a new constitution in 1987 that recognized the rights of all religions.¹⁰ In 1994, a conference for followers of Vodou held at Haiti's National Palace marked the first time that the religion was "publicly legitimated and formally recognized at a State ceremony."¹¹ In 2003, the Haitian government recognized Vodou as an officially sanctioned religion (in addition to Catholicism).¹²

Estimates vary on the extent of the population in Haiti that practices Vodou. According an article in The Guardian, "Vodou is everywhere in the Caribbean nation, a spiritual system infusing everything from medicine and agriculture to cosmology and arts."¹³ A common saying posits that Haiti is "70% Catholic, 30% Protestant, and 100% Vodou."¹⁴ While the total number of practitioners, or vodouisants, remains unknown,¹⁵ Vodou has been described by one expert as the "dominant religion of Haiti... taken very seriously not merely by unlettered peasants, but



many intelligent and learned members of the Haitian society.”¹⁶ However, Vodou is not typically practiced in public.¹⁷

In its 2015 Report on International Religious Freedom in Haiti, the U.S. Department of State offers three distinct estimates from different sources regarding the percentage of the Haitian population that practices Vodou: an estimated 50 percent of the population (U.S. Department of State); 10 percent of the population which exclusively practices Vodou (Haitian government); and 60 to 70 percent of the population which “practices some form of Vodou, often blended with elements of other religions, usually Catholicism” (societal leaders).¹⁸ Other estimates place the percentage of practitioners from “roughly half the population”¹⁹ to over 90% of Haitians.²⁰

Common Beliefs and Terms²¹

An Afro-Haitian religion, Vodou has been described as a “worldview encompassing philosophy, medicine, justice, and religion.”²² Vodou allows practitioners to reaffirm their relationships with their personal history, ancestors, community, and the cosmos.²³ The main principle of Vodou is that:

everything is spirit. Humans are spirits who inhabit the visible world. The unseen world is populated by lwa (spirits), mystè (mysteries), anvizib (the invisibles), zanj (angels), and the spirits of ancestors and the recently deceased. All these spirits are believed to live in a mythic land called Ginen, a cosmic “Africa.”²⁴

Followers of Vodou believe in as many as 401 separate spirits.²⁵ According to one scholar, while the Western view of the world is “dominated by physical, touchable reality,” for practitioners of Vodou, the spirits are fundamentally real—as much as a family member or pet would be.²⁶ For example, the aforementioned scholar notes that a room might contain only two people, but 20 lwa (spirits).²⁷

Both the universe and the spirits were created by one God, Bondye, who has been described as the God of the Christian Bible, or very similar to the God of Christianity, Judaism, and Islam.²⁸ Bondye created the spirits “to help him govern humanity and the natural world.”²⁹ According to an expert on Vodou, in addition to Bondye, there are three other important categories of spiritual beings: lwa, the twins (Marasa), and the dead (lemo).³⁰ The lwa are both the spirits of family members and the spirits of major forces in the universe, including good, evil, health, reproduction, and all aspects of daily life.³¹ The lwa interact with human beings, such as by “mounting” people during religious ceremonies, sending messages, and causing good and bad things to happen to people.³² The twins are a set of contradictory forces—i.e. good and evil, happy and sad—which “if honored now and again in religious services...will tend to help you have the better side of life.”³³ Finally, the dead are “mainly the souls of one’s own family members who have died but have not yet been ‘reclaimed’ by the family”; the dead are helpful if they are honored and cared for by family members, but are dangerous if they are ignored.³⁴



Accordingly, one of the main objectives and activities of Vodou is to “sevi lwa (‘serve the spirits’)—to offer prayers and perform various devotional rites directed at God and particular spirits in return for health, protection, and favour.”³⁵ Ritual activity is intended to refine and restore “balance and energy in relationships between people and between people and the spirits of the unseen world.”³⁶ Followers of Vodou serve the many lwa via “prayer and by presenting offerings, creating devotional objects and altars, and participating in ceremonies brought to life through traditional song, dance, spirit possession and animal sacrifice.”³⁷ The lwa speak with, guide, and provide protection for vodouisants.³⁸

Vodou is marked by an “overwhelming fatalism” due to the belief that the lwa determine the course of lives; vodouisants believe that everything that happens is caused by the lwa.³⁹ Each of the lwa has its own identity; some are “loving and good, while others are capricious or demanding.”⁴⁰ According to two experts, most of the spirits are “inherently neither good nor bad, although some do more good than others, and some are primarily malevolent.”⁴¹ To change something in an individual’s life, the individual must ask the lwa.⁴² Individuals may ask the spirits to intercede on their behalf for a variety of reasons, such as healing, restoration, general blessings, or even good grades on a test.⁴³ While Vodou leaders assert that they “do not believe in evil spirits, some followers pray for the spirits to do evil.”⁴⁴

Followers of Vodou believe that the lwa “most often express their displeasure by making people sick.”⁴⁵ Accordingly, healing is another key element of Vodou; estimated to account for approximately 60% of Vodou activity, healers use herbs, faith healing (with the help of the lwa and other spirits), and western medicine to help heal individuals from illness.⁴⁶

Another of key element of Vodou is the “service,” or the religious rites, where participants seek to make contact with the lwa.⁴⁷ Directed by a houngan/ounan (priest) or mambo/manbo (priestess), services are typically held in a temple (peristyle) or outside and around a center pole known as the polo mitan.⁴⁸ Nearly everyone present participates in the services, during which drums provide music and dancing is essential.⁴⁹ Specific participants include the master of ceremonies (La Place), a director of music and motion (hounganikon), and serving women who are dressed in white (hounsì).⁵⁰ Ritual ground drawings known as veve may be used to invoke the lwa.⁵¹

Most participants in the services can be “mounted” by the lwa; this occurs when the lwa arrive and take over an individual’s body for a period of time.⁵² When the lwa possess an individual during a religious rite “believers sometimes enter a trancelike state in which the devotee may eat and drink, perform stylized dances, give supernaturally inspired advice to people, or perform medical cures or special physical feats.”⁵³ Possessed individuals may also receive advice, prophecies, or warnings from the lwa.⁵⁴ Gender is fluid in Vodou—female spirits may possess men, while male spirits may possess women.⁵⁵

Animal sacrifices also occur in almost all Vodou services.⁵⁶ By killing an animal, life is released, which helps to rejuvenate the lwa, who are “exhausted by the taxing task of running the universe.”⁵⁷ After an animal sacrifice, participants ask the lwa for advice or help with problems; over half of requests are related to health.⁵⁸



Ritual feasts, including those linked to Roman Catholic saints' days, familial feasts, initiations, and funerary rituals, occur throughout the year.⁵⁹ According to one scholar, there are regional differences in Vodou rituals in Haiti.⁶⁰ There are also various branches of Vodou, including Rada, Daome, Ibo, Nago, Dereal, Manding, Petwo, and Kongo.⁶¹ However, another scholar argues that Vodou can be divided into two main types: Rada and Petro (Petwo).⁶² Forming at least 95% of all Vodou, Rada represents the "family spirit" of Vodou and the "relatively peaceful and happy Iwa."⁶³ In contrast, Petro is the branch of Vodou commonly thought of as "black magic," with "angry, mean, and nasty Iwa. Dangerous things happen in Petro including death curses, the making of zombie and wild sexual orgies."⁶⁴

Practitioners and Structure of Vodou in Haiti

Vodou has been described as an "oral tradition practiced by extended families that inherit familial spirits, along with the necessary devotional practices, from their elders."⁶⁵ Vodou lacks a sacred text, church, and hierarchical structure of leaders; it has also historically lacked a single leader and spokesperson.⁶⁶ Vodouisants are not focused on proselytizing, but instead "emphasize establishing a spiritual imprint on the people who receive familial traditions or who join Vodou societies and groups."⁶⁷

A scholar who has studied Vodou has described the religion as "inherently progressive and inclusive," and "radically unjudgmental."⁶⁸ While homosexuality is not socially acceptable in Haiti, members of the LGBT community are welcome in Vodou temples (peristyles), and "many gays and lesbians are valued members of Vodou societies."⁶⁹ However, according to an anthropologist interviewed by The Guardian, "divine possessions are reserved for Haitians," and foreigners "can never be vehicles – chwals ("horses") – to be ridden by the divine."⁷⁰ The aforementioned anthropologist also stated that Haitians believe that "white people lost their spirits centuries ago" because they were "too stupid to keep them."⁷¹

In urban areas, more formal "societies" or "congregations" (sosyete) are comprised of "local hierarchies of priestesses or priests (manbo and oungan), 'children of the spirits' (ouns), and ritual drummers (ountògi)."⁷² In the sosyete, knowledge is passed along via the kanzo, a seven to nine day initiation ritual "in which the body becomes the site of spiritual transformation."⁷³ Entrance and completion ceremonies (antre kanzo and leve kanzo), private rituals, fees, training, fasting and seclusion during the initiation, special clothing, study, and implements are all required elements to prepare for the kanzo.⁷⁴ Secret societies, known as Bizango or Sanpwèl, also exist and perform religious and juridical functions.⁷⁵

Haiti has more than 60,000 Vodou priests.⁷⁶ Both men (oungan or houngan) and women (mambo or manbo) serve as members of the priesthood.⁷⁷ The parish or region of a priest's influence is known as the hounfo.⁷⁸ Priests have helped to pass Vodou traditions down over generations.⁷⁹ They are typically well-respected leaders in communities where they work, and serve as "ritualists, keepers of tradition and mythology, healers, counselors, therapists, bone-setters, midwives, negotiators and community leaders, farmers, teachers, among other roles."⁸⁰ Priests and priestesses perform a variety of functions, including: healing; conducting religious ceremonies to call on or calm the spirits; holding initiation ceremonies for new members of the



priesthood and other individuals; predicting the future and interpreting dreams; casting spells and making protections; and creating potions for a wide range of purposes, including love spells and death spells.⁸¹ The receipt of fees for their services varies among different priests and priestesses (some ask for fees, while others do not).⁸²

At times, various groups have attempted to create official structures related to Vodou.⁸³ In 2008, Haiti's hounsans formed a national federation to increase their influence, and elected Max Beauvoir as the first ati, or supreme chief of Vodou.⁸⁴ Known as a "passionate guardian of the Voodoo faith," Beauvoir died in September 2015.⁸⁵ In November 2015, The Guardian reported that Jeom Frichenel Sisius was Haiti's principal Vodou priest.⁸⁶

Synthesis with Other Religious

Vodou and Catholicism have a long history of interaction in Haiti—one marked by both opposition and syncretism. Per one expert on Haiti, repression of Vodou by the Catholic Church "became a recurring theme in Haitian history" due to fears about the emergence of a rival base of power.⁸⁷ Yet, prohibitions against Vodou contributed to the incorporation of aspects, images, and rituals of Catholicism into the religion.⁸⁸ According to one scholar, due to the historical syncretism of the two faiths, "Haitians see nothing odd at all with practicing Voodoo and Catholicism side by side and are often very devout about each of them."⁸⁹

Upon their arrival in Haiti, African slaves had eight days to convert to Catholicism.⁹⁰ However, slaves forced to convert to Catholicism "remained loyal to their African spirits in secret by adopting Catholic saints to coincide with African spirits."⁹¹ Following independence in 1804, the Vatican broke off relations with Haiti until 1860.⁹² During this time, Vodou expanded in Haiti as a combination of "African spirit religion" and Catholicism, with many lwa becoming associated with Catholic saints.⁹³ From 1860 until the 1940s, the Catholic Church occasionally waged campaigns against Vodou (with limited impact).⁹⁴ In the early 1940s, elements of the Catholic Church waged "anti-superstition campaigns" against Vodou, which included the burning of masks, drums, shrines and peristyles, and attacks against priests.⁹⁵ By the early 1950s, the Catholic Church had ended its attempted oppression of Vodou,⁹⁶ leading to "decades of uneasy tolerance by the Catholic church."⁹⁷

Currently, many Haitians see no issues in being both vodouisants and Catholic,⁹⁸ and view themselves as followers of both religions.⁹⁹ Ritual Vodou feasts are syncretized with the Roman Catholic calendar, with important lwa celebrated on particular Catholic saints' days.¹⁰⁰ Moreover, peristyles, or Vodou houses of worship, "are adorned with images of Catholic saints who double as certain Vodou lwa."¹⁰¹ Many practitioners of Vodou adhere to Catholic rituals, such as attending church and wearing crucifix necklaces, while "many who identify as Catholic will seek the aid of Vodou spiritual healers if they fall ill."¹⁰²

However, in 2014, The Guardian reported that Chibly Langlois, Haiti's first Roman Catholic cardinal, described Vodou as a "big social problem," claiming that it "offers 'magic' but no real solutions to a population deprived of justice and a political voice."¹⁰³ Langlois also affirmed that, while the Catholic Church does not ignore the cultural elements and uses of Vodou in Haiti,



Haitians could not follow both religions; he argued that “you can't be voodooist and Catholic. The Catholic should be pure Catholic; the voodooist should be pure voodoo.”¹⁰⁴

The relationship between Protestantism and Vodou is distinct from that of Catholicism and Vodou, with little evidence of syncretism. Estimates of Haiti's Protestant population range between 16 percent and approximately 50 percent.¹⁰⁵ Evangelicalism in particular has dramatically increased in popularity in Haiti since the middle of the 20th century.¹⁰⁶

Per an expert on religion in Haiti, traditional Protestants (i.e. non-evangelicals) believe that:

belief in non-Christian spirits is a superstitious, ontologically false belief standing in the way of modern progress and a proper understanding of Christ...Whereas the saints had lent themselves to syncretism with Vodou spirits, Protestants would stress the absolute authority of Jesus Christ and the absolute irreconcilability—even opposition—of Vodou with Christianity.¹⁰⁷

In comparison, evangelicals recognize the existence of Vodou spirits, but view them as “real adversaries populating the spiritual plane” and “demons working as the foot soldiers of Satan.”¹⁰⁸ According to another scholar, evangelicals are “bitter enemies” of Vodou, denouncing the religion as “devil worship” and claiming that Haiti's historic suffering is the result of punishment “by God for the sins of her Voodoo serviteurs [serious practitioners of Vodou]”.¹⁰⁹¹¹⁰ Some Protestants in Haiti and the United States have even argued that the country's 2010 earthquake was God's punishment for the practice of Vodou in Haiti.¹¹¹ In addition, according to another scholar, Protestant radio broadcasts in Haiti “include angry anti-Vodou preaching and prayers.”¹¹²

Vodou as a Source of Potential Harm

Various experts have criticized common misconceptions of Vodou as “witchcraft” or “black magic,”¹¹³ which is defined as “the harnessing of malevolent forces with the object of causing harm to other human beings.”¹¹⁴ According to an expert on Haiti interviewed by BBC News, “Ninety-five percent of voodoo is simply the invoking of spirits to help people survive what is sometimes a very difficult life, and sometimes to ease and placate what is a very distant God.”¹¹⁵ Experts have argued that there is a “limited presence of quintessential evil” in Vodou.¹¹⁶ Vodou leaders and experts have also stated that most of the spirits (including the lwa) are neither inherently good nor bad, and that practitioners of Vodou do not believe in evil spirits.¹¹⁷

That said, transformative practices—“acts which, when performed properly by humans, mobilize ‘supernatural’ forces in order to affect human life”—are more common in Vodou than in religions such as Christianity, Buddhism, Islam, and Judaism.¹¹⁸ In Haitian Creole, there is no word for sorcery—“a transformative practice fundamentally oriented toward evil and recognized as such by the practitioners (‘bad magic’).”¹¹⁹ However, various scholars have described an apparent belief in the possibility or existence of sorcery in Haiti among Vodou practitioners and other individuals.¹²⁰ For instance, according to an expert on religion in Haiti, many Haitians “consider incidents of sickness, layoffs, theft, accidents and death to be the result of a spiritual



attack.”¹²¹ Another scholar found that “Protestant, Catholic, and Vodouisant informants all acknowledged the possibility that sickness and misfortune can be ‘sent.’”¹²²

Accordingly, an expert argues that “excesses” committed in the name of Vodou reportedly do occur in Haiti.¹²³ Some practitioners of Vodou pray for the spirits to do evil,¹²⁴ and there is a belief that an individual’s enemies “can use the supernatural to cause harm.”¹²⁵ The discovery that an individual’s problems arose from another person’s desire to do “work” against them is reportedly perceived as a very serious situation.¹²⁶ A wide range of magical actions can be classified as “work,” such as a love charm or an “act of sorcery performed by a vengeful neighbor.”¹²⁷ For example, Vodou practitioners believe that jatropha, an indigenous plant used in Vodou rituals, can be used to “physically harm one’s enemies, through incantations. The toxic seed is dropped into a kerosene lamp, and the longer the lamp burns, the longer the harm is supposed to endure.”¹²⁸ Jatropha is also used in funerals in which “family members believe that the death was the result of a curse” to free the trapped souls of the dead.¹²⁹ It is also possible for a vodouisant to become possessed by a spirit without their consent, either to receive a message or as a form of punishment.¹³⁰ A houngan described possession as a form of punishment as “really hard... They [possessed individuals] have bad pain and smell bad odors. Sometimes insects bite them. It’s a punishing system.”¹³¹

Individuals who could be described as sorcerers or engaged in sorcery include choches and bokos.¹³² The word choche means sorcerer in Haitian Creole, and refers to females more often than males.¹³³ A boko has been described as a:

Haitian expert in supernatural matters. He is a bit of a man out for himself, a freelancer, unlike the oungan or manbo who establish religious family networks. A boko is an entrepreneur, and has a reputation as a man who will “work with both hands,” that is, for healing and revenge. Traditional anthropology would call him a sorcerer.¹³⁴

Both choche and boko may also be used to describe practitioners who exclusively work “with the left hand”—to serve the gods to do evil (as opposed to serving “with the right hand,” or calling upon supernatural forces to do good).¹³⁵

In practice, the distinction between between a oungan and a boko is not always clear, and the term boko has different meanings.¹³⁶ It may refer to a “priest who practices magic,” herbalist, sorcerer, or a priest that has not been formally initiated into the faith like a oungan or mambo.¹³⁷ Some scholars argue that the term boko more often refers to a oungan who “serves with both hands,” or performs his duties while also turning to the lwa ache as needed.¹³⁸ The lwa ache are so-called “bought gods” who perform most malevolent deeds, while the lwa erite are inherited or family spirits which typically perform good deeds.¹³⁹ While the lwa ache may be very effective, they also place “an ascending spiral of obligations” on an individual who “works with the left hand” and asks for their help.¹⁴⁰ In contrast, the obligations of family spirits remain reasonable, as the interdependence of the lwa erite and the living “makes both parties exercise restraint.”¹⁴¹



Most vodouisants “look upon bokos as potentially dangerous individuals” due to their “work with both hands.”¹⁴² Bokos are reportedly responsible for a variety of harmful acts, including buying spirits to send curses and transmitting harmful spells.¹⁴³ One form of sorcery associated with bokos is the ability to raise the dead and make zombies.¹⁴⁴ Bokos are also associated with the “infliction of illness and potential death of victims, described in many cases as being caused by spirits of the dead” under their command.¹⁴⁵ Victims of attacks of the dead—which include both people and livestock—suffer from rapid weight loss, spit up blood, and will die unless assisted by a Vodou priest to drive away the spirits.¹⁴⁶

Bokos also reportedly cause harm via wangas (poisons), a term that “refers to any item given supernatural powers through magic.”¹⁴⁷ Wangas vary significantly in their form, ranging from powders to collections of materials associated with an intended target (such as hair or nail clippings).¹⁴⁸ While wangas are not as deadly as attacks by the dead, “they can nonetheless inflict significant harm, usually by causing illness.”¹⁴⁹ Wangas have also reportedly been placed around hounfous to render the work of Vodou priests ineffective.¹⁵⁰

Bokos are also reportedly linked to various secret societies which, per Haitian beliefs, are basically criminal bodies.¹⁵¹ These groups reportedly kidnap people to obtain new members or sacrificial victims, and some members may even have shape-shifting powers.¹⁵² Bokos may use these powers to take on other individuals’ appearances, change into animals, or transform victims into animals prior to their sacrifice.¹⁵³

Despite the activities of the bokos and choches, there are various moral forces that restrain the use of sorcery or the “work of the left hand” in Haiti, including: the ascending obligations of the lwa ache; the belief that “a person ultimately pays for what is gained through illegitimate means”; and the belief that sorcery can only be used to harm another person in extreme circumstances and “only if one is absolutely just in doing so.”¹⁵⁴ According to one scholar, it is difficult to find Vodou priests who are willing to claim credit for harmful spiritual attacks.¹⁵⁵ Instead, most Vodou priests claim that they “work defensively to counter imagined attacks by unknown spiritual assailants.”¹⁵⁶

Potential Harm to Practitioners of Vodou

Historically, Vodou and its practitioners have faced various restrictions and have been targeted due to their religious beliefs and practices. At various points in Haiti’s history, Vodou has been “illegal, persecuted by powerful members of society, subjected to mob violence, stereotyped by influential foreigners, and aggressively attacked in the name of ‘spiritual warfare.’”¹⁵⁷ In “seemingly endless cycles,” colonial and independent governments of Haiti sought to restrict aspects of Vodou via legislation and decrees “well into the 20th century,” ostensibly due to Vodou’s perceived threat to the state and the Catholic Church as a “parallel power.”¹⁵⁸ Legal and political opposition to Vodou helped keep the practice of the religion both clandestine and private.¹⁵⁹ During the U.S. occupation of Haiti (1915-1934), U.S. marines aggressively enforced anti-Vodou legislation, and Vodou was exploited and demonized by the U.S. entertainment industry.¹⁶⁰ The “anti-superstition campaign” of 1940-1941 was marked by attacks on Vodou by



state and Roman Catholic officials, including raids, the imposition of an oath of renunciation, and the destruction of sacred objects and trees, altars, and other private property.¹⁶¹ In 1986, mobs attacked and killed over 100 Vodou priests in the days after the ouster and departure from Haiti of Jean-Claude “Baby-Doc” Duvalier (Haiti’s president for life who ruled as a dictator) due to the priests’ perceived or actual links to the Duvalier regime.¹⁶² Both “Baby-Doc” and his father, Francois “Papa Doc” Duvalier, used Vodou to “repress the populace during their rule from the 1950s to mid 1980s.”¹⁶³

Targeting and stigmatization of Vodou and its practitioners have also been reported in recent years. Per a 2015 report by The Guardian:

Vodou is still something many Haitians, including the diaspora, keep underground. Peristyles, even sacred mapou trees, are regularly targets for vandalism and arson. Worshippers risk harassment and violence, with lynchings not unheard of.

Countless attacks against it have forged a newfound solidarity among priests and worshippers as they carve out a political voice. And slowly, things are changing: a new statute is allowing Vodou leaders to perform funerals and weddings, and university courses are now researching the religion.¹⁶⁴

Moreover, in its 2015 Report on International Religious Freedom in Haiti, the U.S. Department of State noted the following on societal attitudes toward Vodou:

According to the DG [Director General of Religious Denominations], attitudes toward Vodou ranged from acceptance as part of the culture to rejection as incompatible with Christianity, as has been the case historically. Vodou community leaders stated Vodou practitioners continued to experience some social stigmatization for their beliefs and practices. Sources stated in Catholic and Protestant schools, teachers and administrators at times openly rejected and condemned Vodou culture and customs as contrary to the teachings of the Bible.¹⁶⁵

Practitioners of Vodou have also been attacked and killed in the aftermath of recent natural disasters and epidemics of disease in Haiti. One such event was the January 2010 earthquake, which killed over 200,000 people.¹⁶⁶ In the aftermath of the earthquake, religious tensions reportedly increased in Haiti;¹⁶⁷ less than two months after the quake, a foreign journalist described the atmosphere in Haiti’s capital as one of “muted animosity” towards Vodou practitioners.¹⁶⁸ Tensions were partially rooted in links between Vodou and the oft-stigmatized poorest sectors of Haitian society, as well as in fears of Vodou generated by the Duvaliers’ use of the religion during their rule.¹⁶⁹ There was also an influx of Christian missionaries into Haiti who, in addition to providing humanitarian assistance to earthquake victims, were opposed to Vodou and sought to convert the local population; some Vodou practitioners reportedly converted in order to avoid missing out on aid.¹⁷⁰ Finally, some followers of certain Christian



denominations—including evangelicals, Baptists, and Seventh-Day Adventists—blamed Vodou as the source of God's anger that caused the earthquake.¹⁷¹

Increasing religious tensions contributed to verbal and physical attacks against practitioners of Vodou in the aftermath of the earthquake.¹⁷² In February 2010, Max Beauvoir, the ati of Vodou, claimed that “many of our practitioners are being harassed now unlike any other time that I remember.”¹⁷³ On February 23, 2010, a Protestant evangelical pastor urged his followers to attack a group of Vodou practitioners during a ceremony to honor earthquake victims in the Cite Soleil neighborhood of Port-au-Prince, Haiti's capital.¹⁷⁴ A crowd of people threw rocks at the Vodou practitioners, destroyed Vodou altars and offerings, urinated on Vodou symbols, and reportedly caused injuries.¹⁷⁵ In response, Beauvoir vowed “war” against evangelicals, accused them of using aid to “try to ‘buy souls,’” and said he would encourage “voodoo followers to respond with the same kind of violence.”¹⁷⁶

Furthermore, in 2010 over 40 Vodou priests and practitioners were lynched by mobs who blamed them for causing a cholera epidemic that began in October.¹⁷⁷ By late December 2010, over 2,500 people had been killed by cholera and approximately 121,000 treated for symptoms.¹⁷⁸ The violence emerged due to fears and accusations that Vodou priests were using their powers—including by casting spells or scattering powder—to spread the disease.¹⁷⁹ While most of the incidents occurred in southwest Haiti, individuals were also killed in the center and north of the country.¹⁸⁰ Victims were reportedly stoned or hacked to death with machetes before their bodies were mutilated or burned in the streets.¹⁸¹ In response to the attacks, Max Beauvoir stated that:

he suspected that representatives of some other religions might be stirring up popular fears against voodoo practitioners using the cholera as a pretext.

“I saw this coming. Since the earthquake some people have been blaming us, saying that we cast spells and did evil things which brought the earthquake as a punishment,” he said.¹⁸²

This response was prepared after researching publicly accessible information currently available to the RAIO Research Unit within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.



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Nicaragua: Refugee and Political Asylum Application Procedures

Norma C. Gutiérrez
Senior Foreign Law Specialist

SUMMARY The Nicaraguan Constitution recognizes the right to asylum and refuge. Asylum applications are decided by the Ministry of Foreign Relations. The available sources indicate that Nicaragua has not promulgated a specific regulation governing the procedure for the determination, recognition, and protection of asylum applicants. Nicaragua is a party to the Geneva Convention Relating to the Status of Refugees and its Protocol. Both instruments are implemented by the country's Refugee Protection Law. Applicants for refugee status may submit their request at any land, air or sea official checkpoint, or at any delegation of the General Directorate of Migration and Foreign Issues or the National Police. They are granted a personal interview. The United Nations High Commissioner for Refugees may intervene actively throughout the procedure for determining refugee status. The National Commission for Refugees has the responsibility of determining refugee status applications. Applicants are notified of the final resolution, whether positive or negative. A negative resolution may be appealed. Persons who are recognized as refugees receive a Temporary Residence Card, which authorizes them to work and to receive government services. Three years after filing their application, they have the right to acquire permanent residence status. The Law grants refugees the right to family reunification.

I. Issues Presented

This report addresses the following questions concerning Nicaraguan law:

- The process the government has in place to provide temporary or permanent immigration status to individuals who fear being persecuted, tortured, or harmed if they return to their country of origin.
 - How individuals apply for protection,
 - what the process is for demonstrating eligibility for protection,
 - the appeal process if an application for protection is denied, and
 - how individuals are notified of the outcome of their application for protection.
- The forms of legal status the government provides to individuals who have demonstrated that they would be persecuted, tortured, or harmed if they returned to their country of origin (i.e., citizenship, permanent residency, temporary residency, etc.).
- What documentation the government provides to individuals who have received:
 - a final judgment denying protection, or
 - a final judgment granting protection.

II. Political Asylum

The Nicaraguan Constitution provides that the right to refuge and asylum is recognized and guaranteed in Nicaragua. The Constitution states that this right protects only those persecuted for fighting for democracy, peace, justice, and human rights and that the law will determine the status of a political asylee or refugee in accordance with international conventions ratified by Nicaragua. An asylee who is expelled can never be sent to the country where the asylee was persecuted.¹

Nicaragua has not promulgated a specific statute or regulation setting forth the procedure for the determination and recognition of political asylum applicants. Requests for political asylum are decided by the Secretary of Foreign Relations through the issuance of resolutions.² The General Law on Migration and Alien Matters (Ley General de Migración y Extranjería) provides that it is the responsibility of the General Directorate of Migration and Alien Matters (Dirección General de Migración y Extranjería, DGME) to document the foreigners whom the Executive Branch through the Ministry of Foreign Affairs admits under the status of political asylum, in accordance with the provisions of international agreements ratified by Nicaragua.³

III. Refugee Status

A. Background

Nicaragua is a state party to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol.⁴ Nicaragua acceded to the Convention and the Protocol on March 28, 1980.⁵ The Convention and Protocol were implemented by the Refugee Protection Law (Ley de Protección a Refugiados), hereinafter, the Law.⁶

The Law states that its legal framework is composed of the Political Constitution of Nicaragua, the international instruments that Nicaragua has signed or ratified in matters of refugees and, in general, any international instrument on human rights. It also states that for the purpose of this Law, the international human rights provisions that are more favorable to the applicants for refugee status will be applied.⁷

¹ Constitución Política de la República de Nicaragua, art. 42, originally published in La Gaceta [L.G.], on Jan. 9, 1987, republished with amendments in L.G., Feb. 18, 2014, <https://perma.cc/65N3-ARHK>.

² Telephone consultation by the author with the Legal Department of the General Directorate of Immigration and Alien Matters (Dirección General de Migración y Extranjería) (Sept. 24, 2019).

³ Ley General de Migración y Extranjería, No. 761, art. 27 (originally published in L.G., July 6 and 7, 2011), <https://perma.cc/9PAW-8NMR>.

⁴ Convention and Protocol Relating to the Status of Refugees, July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 137 (Convention) & Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267 (Protocol), <https://perma.cc/BTL9-NFJB>.

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⁷ Id. art. 11.

Under the Law, applicants for refugee status will have the rights and duties established in the Constitution, the international instruments signed or ratified by Nicaragua, and additional norms of the domestic legal system.⁸

The Law provides the procedure for the recognition and cessation of refugee status. In addition, the Law creates the National Commission for Refugees (Comisión Nacional para los Refugiados, CONAR),⁹ which has among its many functions the responsibility of determining the refugee status of all those who request it.¹⁰

B. Procedure for the Recognition of Refugee Status

1. Refugee Status Application and Personal Interview

Under the Law, a person is a refugee when the appropriate authority recognizes that status because any of the following circumstances have occurred:

- A. That due to well-founded fears of being persecuted for reasons of race, religion, nationality, gender, membership of certain social group or political opinions, [he or she] is outside the country of [his or her] nationality and cannot or, because of such fears, does not want to benefit from the protection of that country.
- B. That lacking nationality and for the reasons set forth in the preceding paragraph, [he or she] is outside the country where [he or she] previously had [his or her] habitual residence, and may not or, because of such fears, do [sic] not want to return to it; or
- C. That [he or she] has fled from [his or her] country or from the country where [he or she] previously had [his or her] habitual residence, because [his or her] life, security or freedom have been threatened by widespread violence, foreign aggression, internal conflicts, the massive violation of human rights or other circumstances that have seriously disturbed public order.¹¹

Refugee status will also be recognized for all persons who, due to circumstances that have arisen in their country of origin or habitual residence, being abroad, have [well-]founded fears of persecution in accordance with subsections A ,B, and C of this article.¹²

The provisions of this Law will be applicable to people who satisfy these elements, so they will be exempt from ordinary immigration regulations, in particular those provisions related to inadmissibility, detention, retention, expulsion, deportation and restrictions or limitations on freedom of movement.¹³

⁸ Id. art. 12.

⁹ Id. art. 14.

¹⁰ Id. art. 15.

¹¹ Id. art. 1. (translated by the author).

¹² Id.

¹³ Id.

A refugee status request may be submitted at any official immigration land border, air or sea checkpoint, or directly to the Executive Secretariat of CONAR or the DGME, through any of their offices in the national territory.¹⁴

In applying for refugee status, if the request is presented at any land, air, or maritime border post, the DGME must authorize the applicant to enter the country and remain in the national territory until the request is finally decided by the appropriate authority. The applicant must appear at monthly appointments with the Executive Secretariat of CONAR for monitoring purposes. If the applicant's domicile is outside the capital of Nicaragua, the applicant may appear before any delegation of the DGME or any delegation of the National Police closest to the applicant's domicile. Both the DGME delegations and the National Police delegations have the duty to inform CONAR's Executive Secretariat about applicants' monthly appointments.¹⁵

The DGME must give a refugee status applicant, free of charge, a document identifying the applicant's status, which authorizes the applicant to carry out salaried or income-producing work or activity by self-employment or for hire, and to have access to health services, education, and other services provided by the State. The document will also be given to each member of the applicant's family group regardless of their age.¹⁶

Once the request has been received by CONAR's Executive Secretariat, the latter will either interview the applicant or designate a DGME official specialized in the subject, who will collect and incorporate the necessary additional information, as well as the relevant evidence, and will issue an opinion on the petition, which will be submitted to CONAR for its resolution. The interviewer will preferably be a woman if the refugee status applicant is a woman. Special attention and care must be taken when interviewing unaccompanied minors.¹⁷

The United Nations High Commissioner for Refugees (UNHCR) may intervene actively and directly or through the Social Agency of UNHCR Programs in Nicaragua throughout the procedure for determining refugee status, in activities such as in the interviews with the applicants and presenting reports or opinions.¹⁸

Applicants for refugee status have the right to request legal representation. The appropriate authority must help applicants access free legal services, including those of law schools and pro-bono law firms.¹⁹

¹⁴ Id. art. 22.

¹⁵ Id. art. 22.

¹⁶ Id. art. 23.

¹⁷ Id. art. 24.

¹⁸ Id. art. 25.

¹⁹ Id. art. 20.

A guardian will be appointed for an applicant who is an unaccompanied or separated minor. The guardian must accompany the minor in the proceeding.²⁰

2. *CONAR Decision and Applicant Notification*

The Law mandates that CONAR base its rulings on the 1951 Convention on the Status of Refugees and its 1967 Protocol, the conclusions of the Executive Committee of the UNHCR, the latter's guidelines, and all international treaties and conventions to which Nicaragua is a state party that relate to the matter.²¹

CONAR's rulings must be issued in writing, giving the reasons for each ruling, and must be sent to the applicant no later than thirty days after the request was submitted. If a ruling denies the request for refugee status, it must include the remedies to which the applicant is entitled. Copies of rulings must be sent to all members of CONAR. Failure to issue a ruling in accordance with these requirements is considered "administrative silence," which operates in favor of the applicant.²²

3. *Appeals*

CONAR's resolutions denying the request for refuge are subject to the following remedies:

- A motion for review of the case (*recurso de revision*), which must be filed with CONAR's Executive Secretariat no later than five days after being notified of the negative decision so that CONAR can review the case and notify the applicant of its determination within fifteen days after the motion is filed.
- An appeal (*recurso de apelación*), which must be filed with the Executive Secretariat no later than five days after being notified of a decision on the motion for review, so that the Minister of the Interior (*Ministerio de Gobernación*) can make a ruling and notify the applicant within thirty days.²³

Failure to issue a decision according to these procedural requirements is deemed "administrative silence," which operates in favor of the applicant.²⁴

A decision denying the appeal exhausts the administrative remedies, and the denial will be appealable in court.²⁵

²⁰ Id. art. 21.

²¹ Id. art. 26.

²² Id. art. 26.

²³ Id. art. 27.

²⁴ Id.

²⁵ Id.

4. *Non-Refoulement of Refugee Applicants*

The Law provides that no refugee or applicant to refugee status may be expelled or returned to a territory where there is a well-founded reason to believe that the applicant's life, physical integrity or liberty will be in danger.²⁶ However, the Law states that the benefits of this non-refoulement provision cannot be invoked by a refugee who is considered, for well-founded reasons, a danger to Nicaragua's security, or having a final conviction for a particularly serious crime, constitutes a threat to the Nicaraguan community. The same provision mandates that, where appropriate, the State must consider the international obligations derived from other human rights treaties in force in Nicaragua.²⁷

5. *Prohibition of Expulsion, Exceptions, and Conditions*

The Law bars expulsion of any refugee or applicant for refugee status who is in the national territory, except for reasons of national security or public policy (*orden público*). Their expulsion will only be made by virtue of a decision taken in accordance with current legal procedures. Applicants must be allowed to present exculpatory evidence, to appeal, and to have a legal representative. In such cases, applicants for refugee status must be granted a reasonable period of time of no more than twelve months from the date of their application within which they can remain in the country and process their legal admission to another country. Internal order measures that may be deemed necessary may be applied during this period, taking into account the internal obligations derived from other human rights treaties in force in Nicaragua.²⁸

6. *Persons Who Cannot Be Granted Refugee Status*

The Law forbids granting refugee status where there are good grounds to believe a person

- has committed a crime against peace, a war crime or a crime against humanity, as defined in international instruments drawn up to adopt provisions regarding such crimes;
- has committed a serious crime, outside the country of refuge, before being admitted there as a refugee; or
- has been guilty of acts contrary to the purposes and principles of the United Nations.²⁹

²⁶ Id. art. 8.

²⁷ Id.

²⁸ Id. art. 9.

²⁹ Id. art. 5.

7. *No Penalty for Irregular Entry or Permanence*

The Law mandates that no criminal or administrative sanctions will be imposed due to irregular entry or stay to refugees or refugee applicants who have entered or are in the national territory without authorization, provided that they appear before the appropriate authority no later than one year, alleging a reasonable cause of their entry or irregular presence. In exceptional cases, the presentation of the petition outside this established term may be justified, taking into account the humanitarian nature of this statute.³⁰

In the event that a refugee status applicant is detained for being undocumented or having entered the country irregularly, the appropriate authority may not retain the applicant for more than seven days, during which time the authority may carry out the pertinent investigations. Once released, the applicant must appear every thirty days before the immigration authorities while his or her application for recognition of refugee status is resolved.³¹

Applicants for refugee status with special needs, such as victims of sexual or gender-based violence, the elderly, persons who have suffered extreme violence or torture, unaccompanied or separated minors, and disabled persons or persons with a physical or mental disease cannot be held and will be transferred to an institution that can provide them the necessary assistance.³²

C. Legal Status Provided Upon Receipt of Refugee Status

Once the applicant has been recognized as a refugee, the DGME will provide him or her a Temporary Residence Card (Cédula de Residencia Temporal) free of cost. The card authorizes the applicant to carry out salaried or income-producing work or activity by self-employment or for hire, and to have access to health services, education, and other services provided by the State. The document will also be given to each member of the applicant's family group regardless of their age.³³

After three years, counted from the filing of the refugee status application, the alien will have the right to acquire permanent residence, "maintaining his/her refugee status."³⁴

The recognition of refugee status for those who are in the situations described in article 1 of the Law, discussed above in section III.B.1 of this report, will not prejudice previously granted residence rights.³⁵

The Law provides that refugee status will be extended to the minor children and the spouse or companion in a stable union of the person who has been recognized as a refugee. It will also be

³⁰ Id. art. 10.

³¹ Id.

³² Id.

³³ Id. art. 29.

³⁴ Id.

³⁵ Id. art. 29.

extended to the other members of the family group that depend on the refugee.³⁶ The refugee has the right to request family reunification for these persons. Requests for the restoration of the family unit will be considered of special interest and decided with priority.³⁷ The negative resolution in relation to the main applicant for the recognition of refugee status will not prevent the processing of applications submitted separately by any member of the family.³⁸

If the refugee is a minor, such status will be extended to the minor's parents or siblings and other members of the family group on whom the minor depends.³⁹

D. Documentation Provided Upon Final Decision

As stated above, applicants granted refugee status are entitled to receive a Temporary Residence Card, which will allow them access to the services provided by the State and to work.⁴⁰

CONAR's decisions denying an application for refugee status are issued in writing and include the reasons for denial.⁴¹ Applicants are also notified of decisions denying appeals.⁴² The Law does not state the specific documentation that appellants receive.

³⁶ Id. art. 3.

³⁷ Id. art. 33.

³⁸ Id. art. 3.

³⁹ Id.

⁴⁰ Id. 29.

⁴¹ Id. art. 26.

⁴² Id. art. 27.

The Federal Republic of Nigeria



COI Briefing on Nigeria, at the Arlington Asylum Office

March 12, 2019

By the RAIO Research Unit

Nigeria's Neighboring Countries





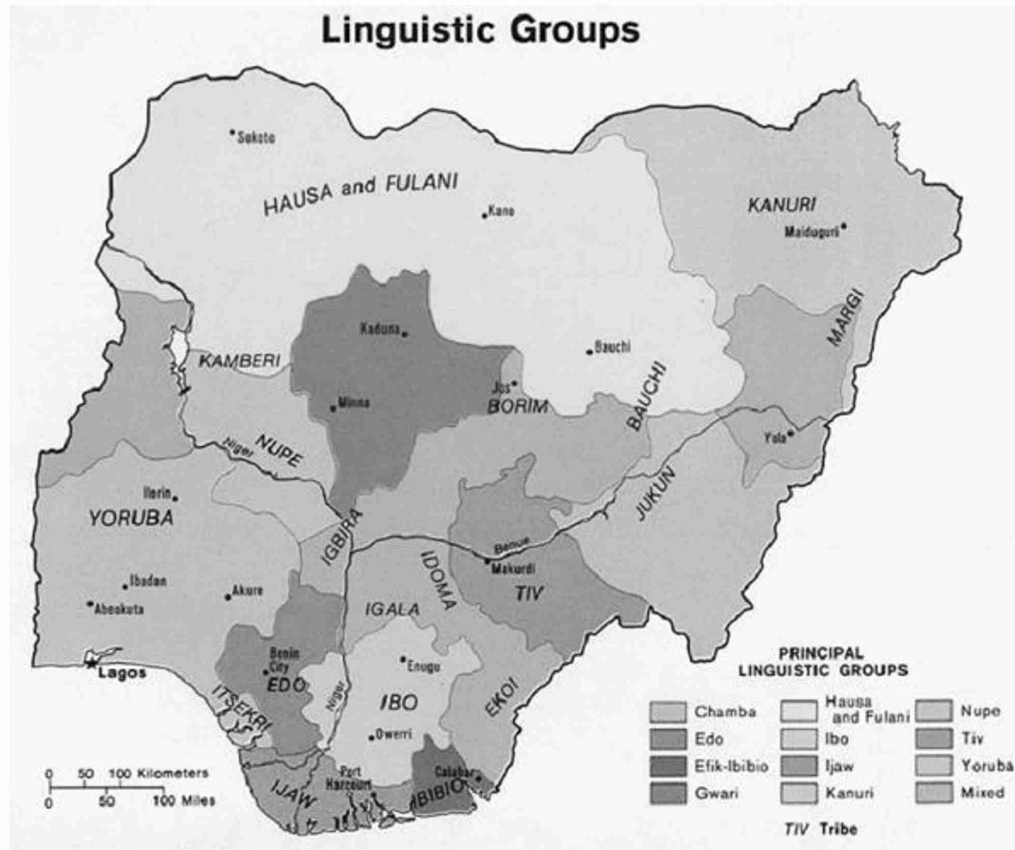
ETHNIC GROUPS IN NIGERIA



DHS-19-1398-D, 19-14000-0-000149

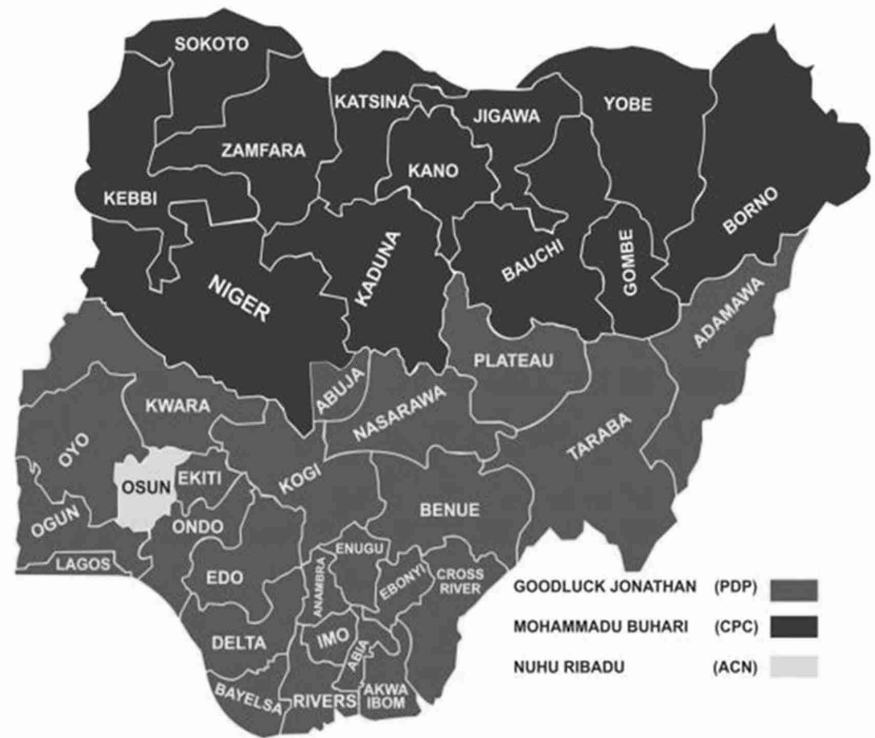
Linguistic Groups

English (official),
Hausa/Fulani,
Yoruba, Igbo (Ibo),
Ijaw, and over 250
additional
indigenous
languages



Religions

- Two major religions: Islam (51 %) and Christianity (about 46%).
- South is predominantly Christian and North is largely Muslim
- Sunni Muslim are the majority and Shia Muslim are a small minority



Two Major Political Parties



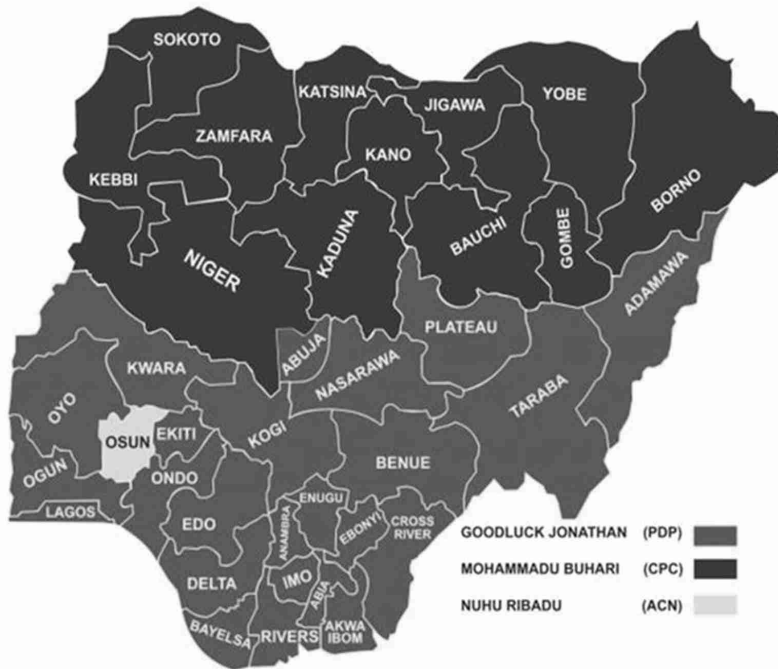
All Progressives Congress



People's Democratic Party

- ❑ Two major political parties and dozens of others
- ❑ Limited cases of election-related violence
- ❑ Election-related violence not sponsored by party leadership

Historical Grievances

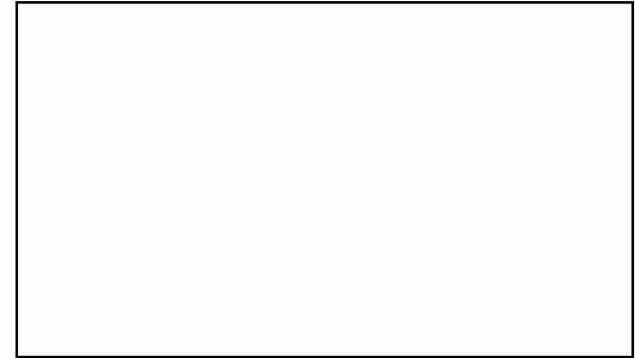


- Southerners/Christians better educated under colonial rule
- Northerners/Muslims dominant in post-independence Nigeria
- The Biafra War made the divide worse

Contemporary Implications of Historical Grievances

Issues stemming from and exacerbating the North-South/Muslim-Christian divide:

- ☐ Boko Haram violence
- ☐ Fulani herdsmen killing farmers
- ☐ The advocacy for Biafra independence and related government violence



(b)(6)



DHS-19-1398-D, 19-1400-C-000154

The Biafra Civil War (1967-1970)

- July 6, 1967 – January 15, 1970; cost c. 1 million lives.
- Fought between self-declared Republic of Biafra (southeastern region of Nigeria) and Nigerian gov.
- Southeastern region of Nigeria covers 13 states out of 36, primarily inhabited by the Igbo.

Two Biafra Independence Organizations

- The Movement for the Actualization of the Sovereign State of Biafra (MASSOB) (formed in 2001)
- Indigenous Peoples of Biafra (IPOB)
- Both MASSOB and IPOB are Igbo and seek independence



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Militant Groups in Niger Delta include:

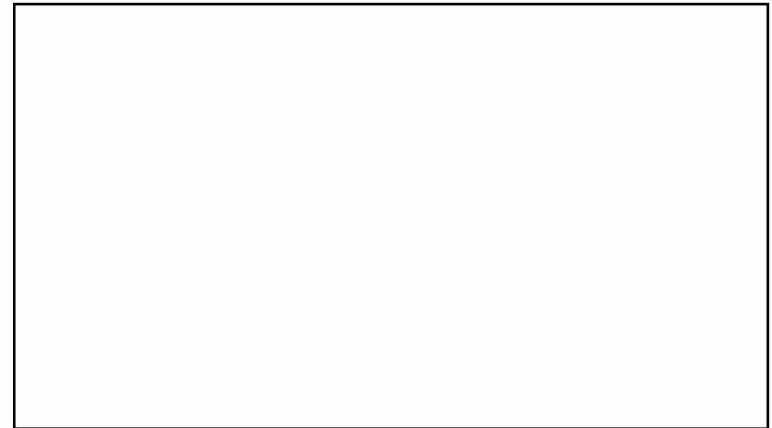
- ❑ Egbesu Boys
- ❑ The Oodua People's Congress (OPC)
- ❑ Movement for the Emancipation of the Niger Delta (MEND)
- ❑ Movement for the Survival of the Izon Nationality of the Niger Delta (MOSIEND)
- ❑ Niger Delta Volunteer Force (NDVF)
- ❑ Niger Delta Resistance Movement (NDRM)



Boko Haram (BH)

- In 1999, nine northern states adopted Sharia Law
- BH emerged in the early 2000s, advocating Islamic law in all Nigerian states
- Founded by Mohammed Yusuf (dead in 2009) who died in custody in the 2009 uprising, and was replaced by Abubakar Shekau

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Boko Haram's Ideology

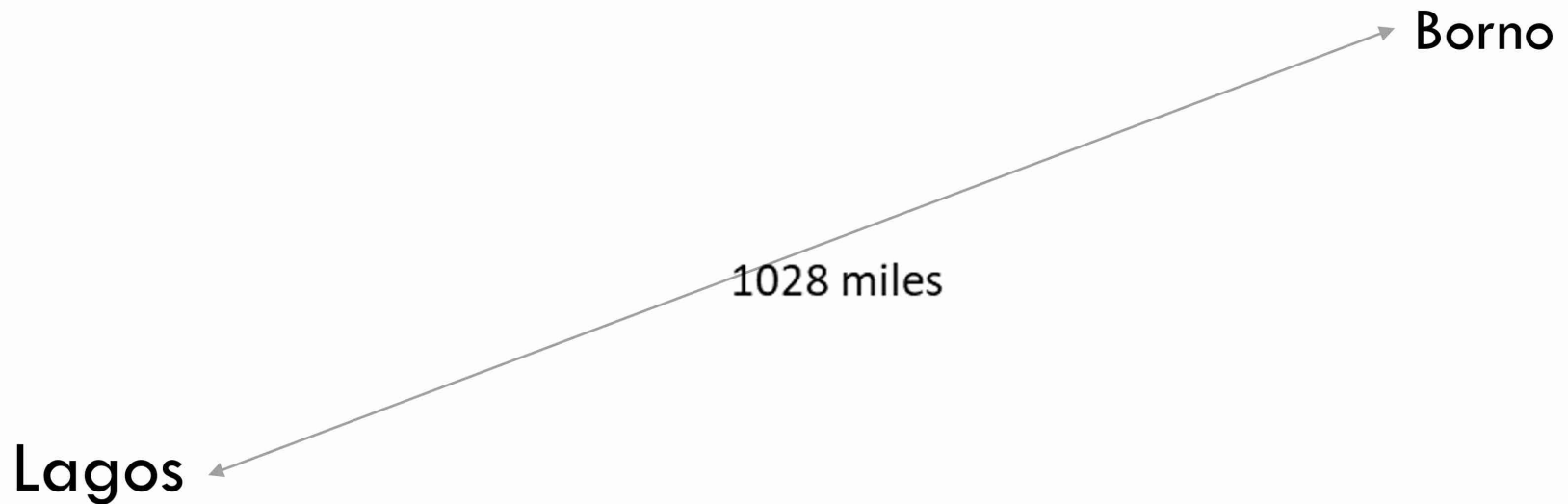
- BH in Hausa means: “Western education is evil”
- Rejection of western influence (democracy, education, and Christianity) in favor of Islamic Law/Sharia Law
- Jihadism against Western-based government institutions and against anyone not involved in the struggle for the Islamization of Nigeria
- Goal = Islamization of Nigeria

States most Affected by BH: Borno, Kobe and Adamawa



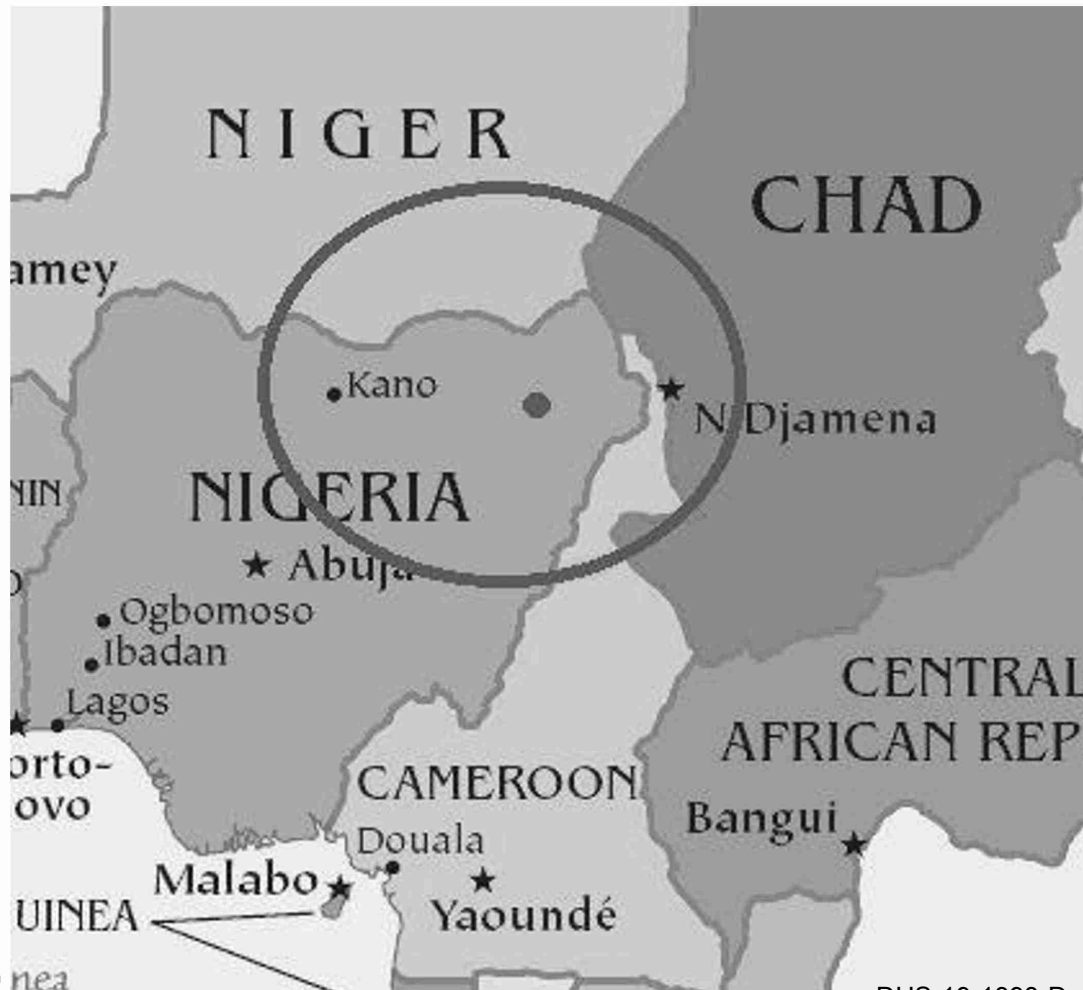
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Nigeria Distance Calculator



[https://distancecalculator.globefeed.com/Nigeria Distance Calculator.asp?state=28](https://distancecalculator.globefeed.com/Nigeria_Distance_Calculator.asp?state=28)

Boko Haram in Four Countries



Boko Haram's Constituency

- ❑ Ethnic composition is primarily of ethnic Kanuri (8% of Nigeria Muslim population), in Kanuri-majority northeastern states: Yobe, Borno, and Adamawa
- ❑ Large segments of Kanuri do not support BH and are victims of its violence
- ❑ The Kanuri are the largest ethnic group in the three northeastern states
- ❑ BH seeks to spearhead a multi-ethnic revolution that would transform the Nigerian society

BH's Two Factions

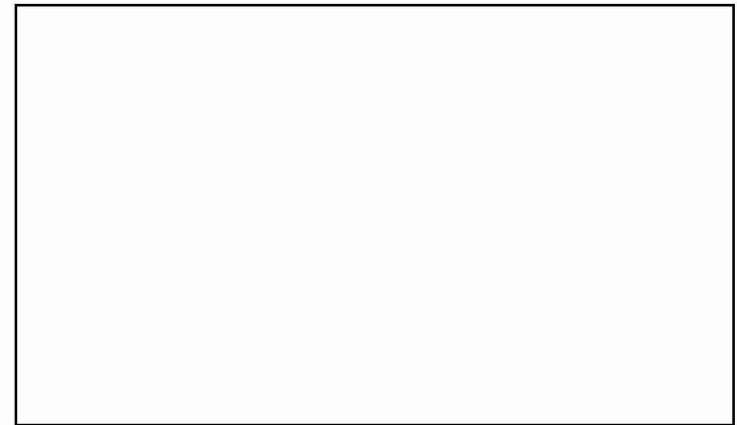
- Abubakar Shekau's faction is more radical, targeting even bystanders in the struggle
- Abu Musab al-Barnawi (son of BH founder Muhammad Yusuf), aka Islamic State's West Africa Province (ISWAP), emerged in 2016
- Shekau's faction is most active in the north-east, towards Cameroon, while ISWAP's terrain of operation is closer to the border with Niger

Boko Haram's Targets

- ❑ The government: security forces, government infrastructure and officials, and government informants
- ❑ UN agencies and other int'l organizations
- ❑ Churches and sometimes mosques
- ❑ Civilian targets: schools, open markets, and private citizens regardless of religion
- ❑ In 2013, the US designated BH a terrorist organization

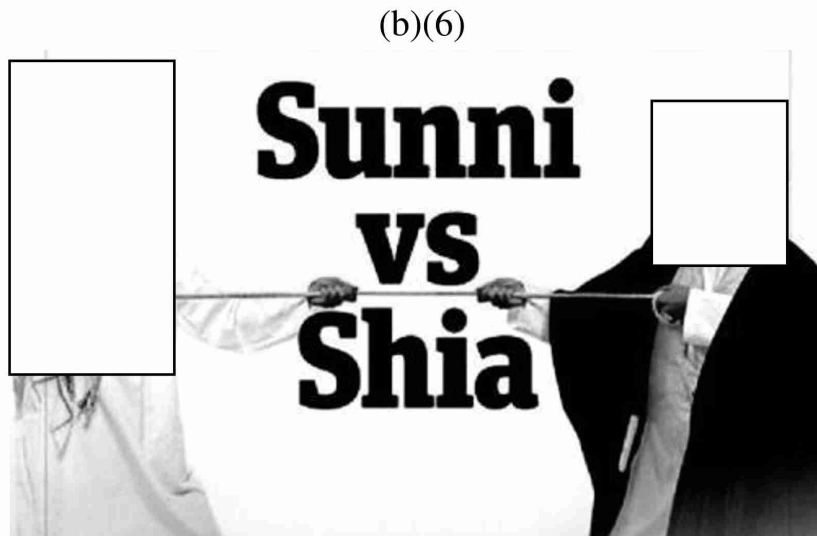
Examples of BH's Atrocities

- More than 15,000 have been killed and about 2 million people displaced since 2009 (UN, Jan. 2018)
- In April 2014, BH kidnapped about 300 female students in Borno State
- Around 191,000 Nigerian refugees in neighboring countries: Cameroon, Chad, and Niger (2017)



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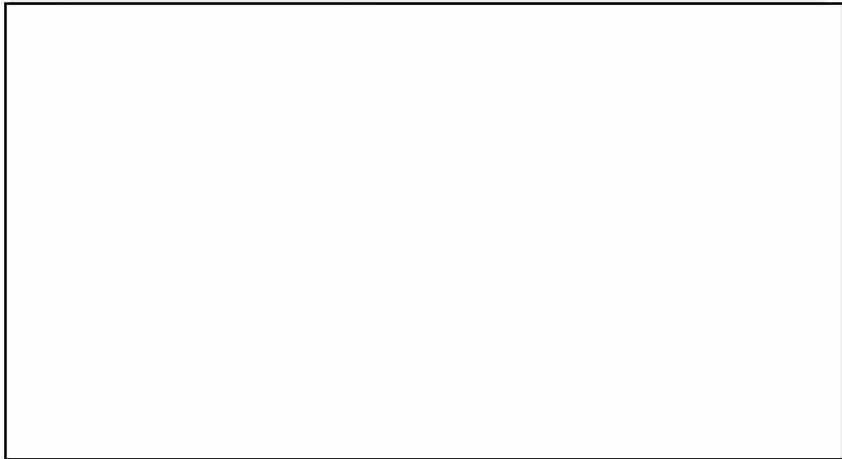
Sunni-Shia Divide



- Shia (less than 5% of Muslim pop.) are organized under the banned Islamic Movement in Nigeria (IMN)
- Shia located mainly in Sokoto and Borno states
- In 2015 security forces killed more than 300 IMN members.

Christian-Muslim Violence

- Generally, religions coexist peacefully nationwide
- Enclaves of violence in North, e.g., Jos in the Plateau State

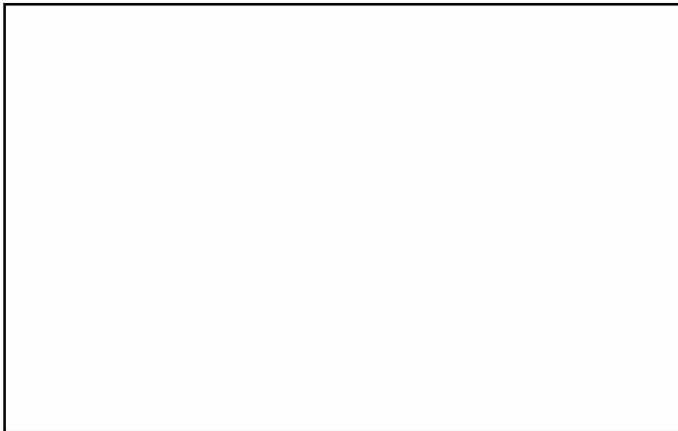
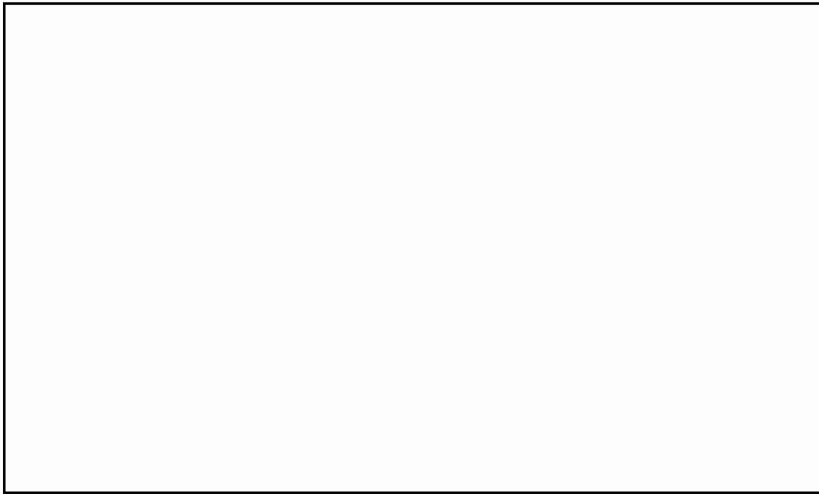


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Religious Conversion

- The government provides for individuals' freedom to choose, practice, propagate, or change their religion
- State, local authorities, and religious leaders in North generally discourage Muslims to convert to Christianity
- The Hausa-Fulani (Muslims in North) and Igbo (Christians in South) are vocal against conversion from their religion—Yoruba are more tolerant
- Conversion is subject to ostracism but generally not to violence

Farmer-Herder Violence



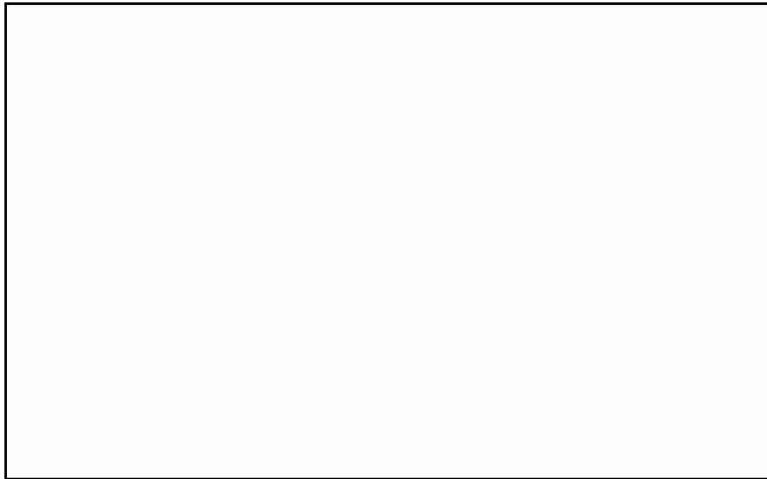
(b)(6)

- More than 1,300 people killed since January 2018
- Violence is about land and grazing rights but has taken ethnic, regional and religious dimensions
- Often the government is unable to protect
- States most affected: Benue, Plateau, Adamawa, Nasarawa and Taraba

States with High Incidence of Herder-farmer Casualties



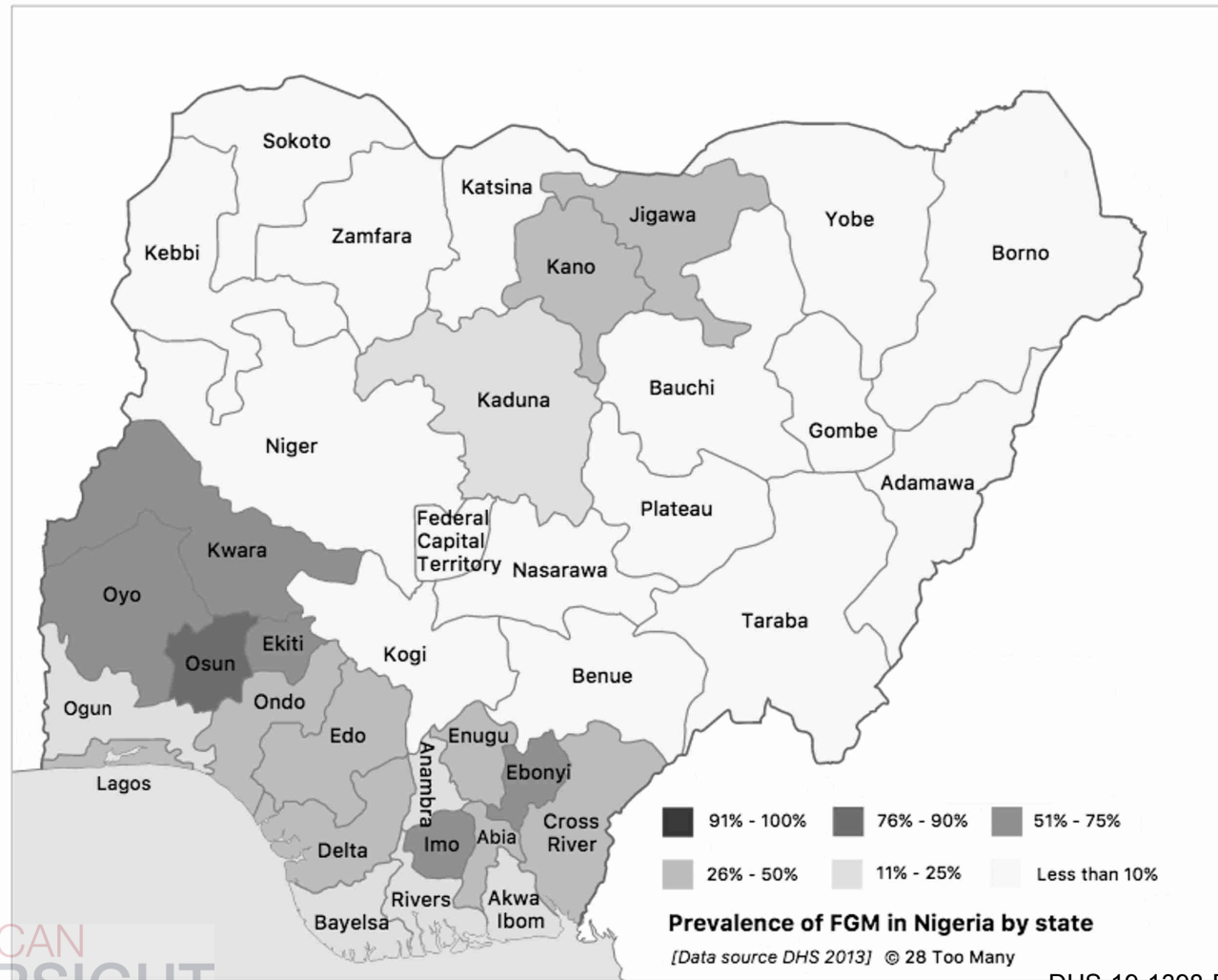
FGM in Nigeria



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- About 20 million women and girls in Nigeria have undergone FGM—24.8% prevalence
- About 82% of FGM done before the age of 5; FGM unlikely for adult people.
- FGM legally prohibited since 2015, socially required, yet declining

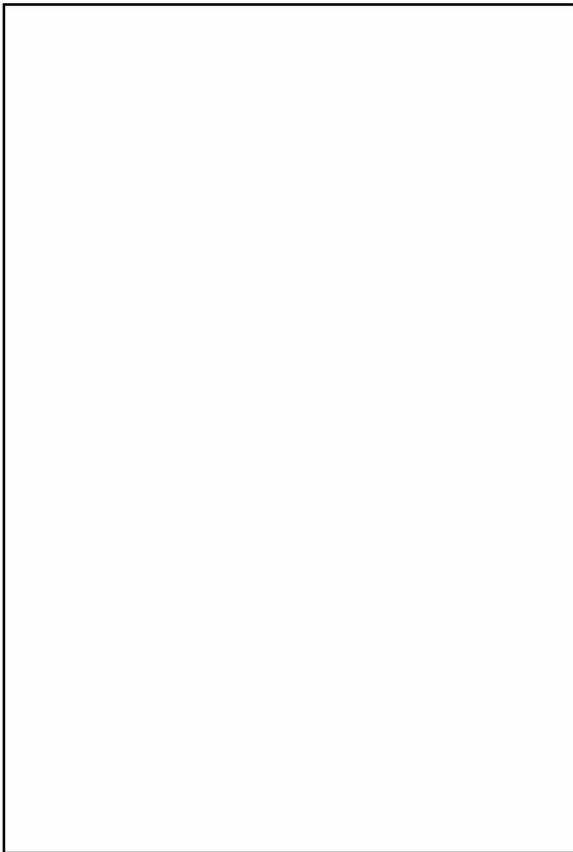
FGM Map



LGBT

- ❑ Illegal pursuant to Nigeria's Same Sex Marriage (Prohibition) Act, 2013 (SSMPA)—14 years of imprisonment
- ❑ LGBT people are subject to extortion and mob violence; arrests by security forces are rare.
- ❑ The government does not sufficiently protect LGBT people
- ❑ LGBT is overwhelmingly rejected across Nigeria

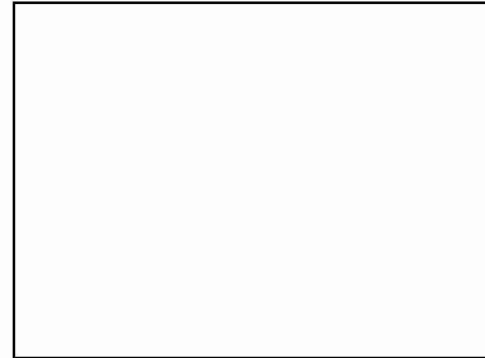
Child Marriage



- ❑ 43% of girls before their 18th birthday and 17% before they turn 15
- ❑ More prevalent in North
- ❑ Poverty and poor education are major risk factors
- ❑ The 2003 Child Rights Act sets the age of marriage at 18, but only 23 states have included it in their laws

Cults/Secret Societies

- Not much is known about secret societies/cults because of their secrecy!
- Each cult has its own dress code, slang, type of handshake, code name, and symbols
- Prominent cults include: Ekpe, Nze na Ozo, Egboni, and Okonko



(b)(6)

Supreme vicking confraternity



Aro Mates Cult

Cults/Secret Societies

- ❑ Cults seek mutual assistance about economic empowerment, safety, and influence
- ❑ Numerous cults on campuses: about 44 cults in various campuses
- ❑ Many cults are involved in intra and inter-violent attacks or random violence (gangs)
- ❑ Cult members do not generally target their victims on account of religion—they are themselves Muslims or Christians

Government's Human Rights Record

- At least 150 peaceful pro-Biafra activists killed in 2016—pro-Biafra activists are Igbo, members of MASSOB and IPOB
- There are cases of extrajudicial killings, torture, rape, arbitrary detention, mistreatment of detainees, and destruction of property in response to crime and insecurity (US Country Report 2017)
- There is no evidence that the government targets individuals on account of race, religion, nationality, or membership in a particular social group—and generally not on account of political opinion

Main Groups/Individuals likely Involved in Persecution

- ❑ Members of armed groups
- ❑ Members of cults/secret societies members
- ❑ Members of security forces (especially those deployed in Northeast and in the Niger Delta)
- ❑ Old women from the states with highest FGM prevalence (Osun, Ebonyi, and Imo)

Internal relocation

- ❑ People freely move within and outside states, except in areas where BH operates
- ❑ The threat of BH is minimal in capital cities of northeastern states; quasi-inexistent in other states
- ❑ Lack of land and job opportunities are obstacles to relocation

What to Take Away?

- ❑ Violence by armed groups and the farmer-herder violence are ongoing security threats
- ❑ Farmer-Herder violence is not primarily about religion or ethnicity but land and grazing rights
- ❑ People in northeastern states are particularly vulnerable, due to BH; the government is often unable to protect
- ❑ FGM is an issue for young girls (adult persons are generally safe)

What to Take Away (cont'd)

- ❑ LGBT people have no safe haven
- ❑ Government security forces sometimes target pro-Biafra advocates—not ordinary opposition members
- ❑ Relocation is technically available but lack of job/land opportunities and language barrier are obstacles

Questions?

For More Questions?

Submit query to RAO Research
Unit, RAOResearch@uscis.dhs.gov



Forensic Interview Structure

STAGE 1 (Rapport)

• **Introductions**

- » Introduce self/role
- » Age-appropriate explanation of process
- » Answer questions/address concerns

• **Early Engagement**

- » Allow child to become comfortable
- » Engage child in conversation regarding topics that are **interesting to the child**
- » Learn about child's interests/day-to-day life

• **Interview Instructions**

- » Explain instructions/ground rules/expectations
 - Correct me
 - Don't know/don't guess
 - Don't understand
 - True/Real

• **Narrative Practice (Episodic Memory Training)**

- » Select topic(s) of interest
 - In-depth discussion of 1 to 2 separate non-abusive events
- » Invite child to "tell me all about..."
 - Set baseline by modeling episodic narrative
 - Teach child about need for forensic details
 - Listen without interruption
 - Follow with responses that encourage further narrative

• **Family**

- » "Tell me everyone who lives with you."
- » May be documented through listing names or drawing (if developmentally appropriate)

The **NCAC Child Forensic Interview Structure** provides guidelines for best practice based on research and expertise demonstrated in the field. The NCAC process is a flexible structure that allows for discretion in matters decided by state statutes and community practices.

STAGE 2 (Substantive Phase)

• **Transition**

- » Question(s) which invite child to discuss substantive issues
- » Start broad and become progressively more focused ("funnel" approach)
 - "How come you're here today?"
 - "What did your mom/dad tell you about coming here today?"
 - "Has something happened that we need to talk about?"
- » More direct prompts may be used if needed

• **Narrative Description**

- » Elicit narrative using recall prompts
- » Ask for explanation or further description
- » Avoid rush to specific questions

• **Follow-up Questions**

- » Questions eliciting further details
- » Keep questions as open as possible
- » Cautious use of prompts that tap recognition memory

• **Clarification**

- » Questions seeking clarification of previous terms or statements
- » Consider linguistic style and developmental ability
- » Tools or other techniques may be helpful for some children

• **Closure**

- » Return to everyday conversation or neutral topic discovered in rapport
- » Answer questions or concerns
- » Thank child for the participation, time, and effort (not content)

(b)(7)(c)

From: Asylum TRAINING-COORDINATORS
To:

Cc: [Alexander, Shannon](#); [Roberts, Rhonda J](#); [Davidson, Andrew J](#); [Caudill-Mirillo, Ashley B](#); [Kirkland, Brooke A](#); [Mura, Elizabeth E](#); [Rellis, Jennifer L](#); [MEJIA, LUIS A](#); [COLGAN, LAUREN](#); [BUCKLEY, DANIEL J](#)
Subject: Welcome to Credible Fear for U.S. Customs and Border Protection!
Date: Thursday, December 5, 2019 5:51:12 PM
Attachments: [CF for CBP DT Attestation December 2019.pdf](#)
[CF for CBP Workbook December 2019.pdf](#)
[DT Exercises.zip](#)

Good Evening!

Welcome to Credible Fear for U.S. Customs and Border Protection or CF for CBP! Next week, you will begin the training required to conduct APSO screenings, specifically credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

During Distance Training, you will read Lesson Plans, complete exercises and view webinars. You are not required to read all of the cases and supplemental materials linked in the Lesson Plans. Many are available on our ECN, but you will not have access to our network before you arrive.

Webinars work best in Chrome and on a wired connection. There may be complications with some of the webinars if you are using a hotspot or a VPN. If you are having any issues viewing the webinars, please let us know as soon as possible.

Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

As has been messaged by CBP leadership, you should complete the Distance Training requirements - and refrain from performing other duties - once you are in training status for CF for CBP.

Workbook and Attestations

The Distance Training Workbook, Syllabus with Attestation and Exercises are attached. Please use the Workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin on Monday, you will have plenty of time to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for CBP class. Please make sure you initial and date all of the appropriate spaces on the Attestation.

The deadline to submit Attestations is **COB, Friday, December 20th**. Please submit them to this Asylum Training Coordinators address. If you require additional time, please

let us know as soon as you can.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in a separate email.

As mentioned above, you do not have to read the supplemental materials in the Lesson Plans. Of course, please feel free to do so if you have time. In particular, please do not worry about the materials that link to the Asylum ECN. We will be giving you all necessary ECN access when you arrive for face to face training. Until then, if a link requires permissions to our ECN, please bypass and continue with your Distance Training.

If you have time to read the cases and do not have access to Westlaw, you can search for case law in [Google Scholar](#) (select case law) or on the [BIA webpage](#) (if it is a BIA case).

The current link for Administrative Office of the U.S. Courts, Understanding the Federal Courts (Washington, D.C. 2003) is

<https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>

Please note that Mass Atrocities and Genocide Awareness is not an Lesson Plan but a Presidential Directive. The link to the directive is in the Workbook.

Live Sessions

There will be two live sessions during Distance Training:

- ★ Check in with the Asylum Division including Director Andrew Davidson - Monday, December 16th at 11:00 AM EST
- ★ Discussion and Q&A with BPAs currently conducting CF Interviews – Wednesday, December 18th at 11:00 AM EST

We will send calendar invites for these sessions.

Evaluations

During your training, you will be evaluated based on: a multiple choice exam, a practical exercise and observed APSO interviews.

Training Dates

The initial Face to Face Training (F2F) will take place in Washington, DC. It is scheduled from Monday, January 6th through Thursday, January 16th 2019. Your On the Job Training (OJT) will also take place in the Washington DC area. It will begin on Friday, January 17th and will finish no later than Friday, February 7th. These dates may change so we appreciate your flexibility.

You will attend F2F training with USBP Agents. OFO and USBP will then complete separate OJTs.

We will send a follow up email with additional travel and reporting information. For now, please do not make any travel arrangements.

Dress Code

You may wear your uniform or business casual attire during the F2F portion of training in Washington, DC. You may also carry concealed.

Questions/Concerns

If you have any questions or concerns, please reply to this email address ccing Shannon Alexander and Rhonda Roberts (copied first above). We are looking forward to working with you!

Best,

The Asylum Team

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: RAIO-CBPFearTRN; Roberts, Rhonda J; Gordon, Jonathan; REILLY, MICHAEL J
Subject: CF for CBP Additional Travel Information
Date: Friday, February 21, 2020 4:00:00 PM

Good Afternoon,

We have had a few questions on travel and wanted to share some information with you.

- Your travel days are Sunday, March 8th and Friday, March 20th.
- As this is the first time we would have three active cohorts all interviewing cases from the same location (Dilley), we are in the process of confirming your destination for OJT. You will likely travel directly to your OJT destination from DC. We will have a final destination for you next week.
- Washington DC and the surrounding areas are served by a metro system and a bus system. You can buy a SmarTrip card at metro stations to use on both the metro and the buses. The face to face training location is the Union Station stop on the red line. You can find out more about the public transport system [here](#).
- Washington DC is served by three major airports DCA (National or Reagan), BWI (Baltimore) and IAD (Dulles). DCA is the closest to the city and is accessible via the metro.
- For funding, Sector Cost Center refers to your sector designated travel code – the same you would for any other government travel.

The following is guidance from our travel office:

- *Airfare*: Deemed the most efficient and advantageous mode of transportation.
 - Government City Pair and Contract Fares established by GSA
- *Taxi/Uber/Lyft*
 - *Uber Black and premium methods of transportation are not authorized and considered misuse.*
 - Home to/from Airport (if applicable)
 - Airport to/from Lodging Site
 - Travelers are expected to take public transportation for training in DC.
- *Parking* (only if applicable)
 - No efficient access to/from airport using Taxi/Uber/Lyft and if a friend or relative is not driving you to/from airport
 - If parking at the airport and you have efficient access to Taxi/Uber/Lyft, provide cost comparison showing cost differences between taxi/Uber/Lyft and airport parking, plus POV, and mileage.
- *Privately Owned Vehicle*
 - Use of Privately Owned Vehicle is authorized if a family member or friend is taking you to/from the airport
 - Parking is non-reimbursable if friend/relative is driving you to/from airport
 - If you choose to travel by POV, you will only be reimbursed up to what it would

- have cost you to fly.
- Parking costs and in/around town mileage is not reimbursable
- *Lodging*
 - Must book directly with lodging site. Use of Expedia, Orbitz, Air Bnb, Travelocity are not permitted and are non-reimbursable.
 - Lodging is inclusive of room rate only
 - Room service and add-on services are non-reimbursable
 - Lodging taxes are a separate expense category
- *Always be a prudent traveler*
 - “An employee on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.”
 - Review your travel authorization and understand your authorized expenses and amounts
 - Verify expenses incurred are for official purposes only
 - Verify expense amounts with vendor prior to leaving site

If you have any travel related questions, please limit your reply to RAIO Travel (RAIO-CBPFearTRN raio-cbpfeartrn@uscis.dhs.gov copied above) CCing Jonathan and me.

Have an excellent weekend!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: (b)(6)

Cell:

Credible Fear (CF) for CBP Distance Training Syllabus and Completion Attestation Instructions for Students

Introduction

The CF for CBP training includes an approximately two 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 Distance Training

The syllabus for the CF for CBP Distance Training is on the following pages. Please follow these instructions to complete the Distance Training:

- 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 attachment as follows: Last Name, First Name - CF for CBP DT – Completion and Attestation.** Please CC your CBP and Asylum POCs.
- The CF for CBP Distance Training schedule totals approximately 80 hours (around 8 to 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)
Lesson Plan (LP) Sources of Authority: <i>reading</i>	<i>1.25 hours</i>	
LP Reading and Using Case Law: <i>reading + exercise</i>	<i>2.75 hours</i>	
LP International Human Rights Law: <i>reading</i>	<i>1.5 hours</i>	
LP UNHCR Overview: <i>reading</i>	<i>1.5 hours</i>	
LP Refugee Definition: <i>reading</i>	<i>2 hours</i>	
LP Persecution: <i>reading</i>	<i>2.25 hours</i>	
Refugee Definition; Persecution: <i>Webinar</i> (PW: RAIOCTPdt19!)	<i>1.5 hours</i>	
LP Interviewing – Intro to the Non- Adversarial Interview: <i>reading + exercises</i>	<i>2.5 hours</i>	
LP Nexus and the Protected Grounds (minus PSG): <i>reading + exercises</i>	<i>3.5 hours</i>	
LP Nexus – PSG: <i>reading</i>	<i>4 hours</i>	
LP Well-Founded Fear: <i>reading</i>	<i>2.5 hours</i>	
LP Interviewing – Survivors of Torture: <i>reading</i>	<i>1 hour</i>	
LP Interviewing – Note Taking: <i>reading</i>	<i>1 hour</i>	

LP Interviewing – Eliciting Testimony: <i>reading + exercises</i>	<i>2 hours</i>	
LP Interviewing – Working with an Interpreter: <i>reading</i>	<i>2 hours</i>	
LP Detecting Possible Victims of Trafficking: <i>reading</i>	<i>1.5 hours</i>	
LP Cross-Cultural Communication: <i>reading</i>	<i>.75 hours</i>	
LP Evidence: <i>reading</i>	<i>2 hours</i>	
Evidence: <u>Webinar</u> (PW: RAIORemote123!)	<i>1 hour</i>	
LP Fraud and FDNS Overview: <i>reading</i>	<i>2.5 hours</i>	
LP International Religious Freedom Act (IRFA): <i>reading</i>	<i>2 hours</i>	
LP Persecutor Bar: <i>reading</i>	<i>2 hours</i>	
Mass Atrocities and Genocide Awareness: <i>reading (Presidential Directive. Link in the Workbook)</i>	<i>.5 hours</i>	
LP LGBTI Claims: <i>reading</i>	<i>2 hours</i>	
LP Gender-Related Claims: <i>reading</i>	<i>1.75 hours</i>	
LP Children’s Claims: <i>reading</i>	<i>3.5 hours</i>	

Children's Claims: <u>Webinar</u> (PW: RAIORemote123!)	1.5 hours	
LP National Security, Part 1: <i>reading</i>	1.25 hours	
LP National Security, Part 2 (TRIG): <i>reading</i>	3.25 hours	
LP Researching and Using Country of Origin Information (COI) in RAO Adjudications: <i>reading + exercises</i>	1.5 hours	
LP Firm Resettlement: <i>reading</i>	1.25 hours	
LP Discretion: <i>reading</i>	.5 hour	
LP Decision-Making: <i>reading</i>	1.5 hours	
Office of Security & Integrity (OSI) and Significant Incident Reporting: <u>webinar</u> (PW: RAIOTPDt19!)	1 hour	
Past Persecution - Rebuttable Presumption: <u>Presentation</u> (PW: ADOTPDt1!)	2 hours	
LP Asylum Process and Procedures: <i>reading</i>	.75 hour	
Asylum Process and Procedures Manual and Introduction to the AAPM Wiki: <u>Presentation</u> (PW: ADOTPDt1!)	.5 hour	
LP Mandatory Bars Overview and Criminal Bars: <i>reading</i>	1.25 hours	
LP Credibility: <i>reading</i>	2 hours	

LP Credible Fear: <i>reading</i>	<i>1.25 hours</i>	
LP Suspension of Deportation and Special Rule Cancellation of Removal under NACARA: <i>reading</i> • Pages 2-16	<i>.5 hour</i>	
LP – Reasonable Fear: <i>reading</i>	<i>1.5 hours</i>	
Check in with Asylum HQ: <i>live session</i>	<i>1 hour</i>	
BPA CF Taskforce Panel and Q&A: <i>live session</i>	<i>1 hour</i>	
India COI, Eliciting Testimony, and Fraud <u>Webinar</u> (PW: India2019!)	<i>3 hours</i>	
Alieva Interview: <i>group exercise</i>	<i>2.75 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

(b)(7)(c)

From: Alexander, Shannon
To:

[Redacted]

[Redacted] Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Gordon, Jonathan; Douglas, Audrey M; Leigh, Francis W; RINGLER, MICHAEL A; REILLY, MICHAEL J; PITTS, STEVEN; RAMIREZ, IVAN; GURIDI-REYNOSO, NICANOR; Pena, Scarlett E

Subject: CF for CBP Live Session: Check in with Asylum
Date: Wednesday, February 26, 2020 2:10:00 PM
Importance: High

Hi Everyone!

Just a reminder of tomorrow's CF for CBP Check in with Chief Davidson, USBP HQ and members of the team that will be training you. The meeting is at 3:00 PM EST/2:00 PM CST/1:00 PM MST and 12:00 PST.

If you do not yet have webex, you should be able to access it via your software center. You may need to put in a ticket.

You will join the meeting by clicking join meeting and entering your email and password provided in the outlook invite. For more on how to join a webex meeting, click [here](#).

If you are unable to use webex, you can also call in with your phone using the information in the meeting invite.

For any questions, issues or concerns, please limit your reply to Jonathan and me.

Look forward to talking with all of you tomorrow!

Best,

Shannon Alexander

Asylum Officer
Asylum Training Division
DHS/USCIS/RAIO

Cube: [Redacted]

Cell [Redacted] (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Asylum TRAINING-COORDINATORS; Roberts, Rhonda J; Gordon, Jonathan
Subject: CF for CBP Reminders
Date: Thursday, March 5, 2020 9:58:00 AM
Importance: High

Good Morning Everyone!

Your attestations are due tomorrow by COB, unless we have discussed another arrangement with you. You should initial and date all of the tasks you completed. **Please send the attestation and all of your completed exercises to the asylum training coordinators inbox (copied above at asylumtraining-coordinators@uscis.dhs.gov).**

If you know where you will be working when you return to sector following OJT, please send the make and model of that office's phone. As we said on the call, remaining at Dilley may be possible for those of you who are interested but that will depend on space and case intake. You may need to return to sector briefly while cohort 4 wraps up their time on the ground at Dilley. In order to avoid any delay in getting you the equipment you will need, we are asking for phone details now. Many BPAs have requested headsets in the past and headset models depend on phone makes and models. Thanks to all of those who have send their phone information thus far.

Almost everyone has replied to Bubba's email about hotels. If you have not, he would appreciate you sending him your hotel information.

Thank you!

Best,

Shannon Alexander

Asylum Officer
Asylum Training Division
DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

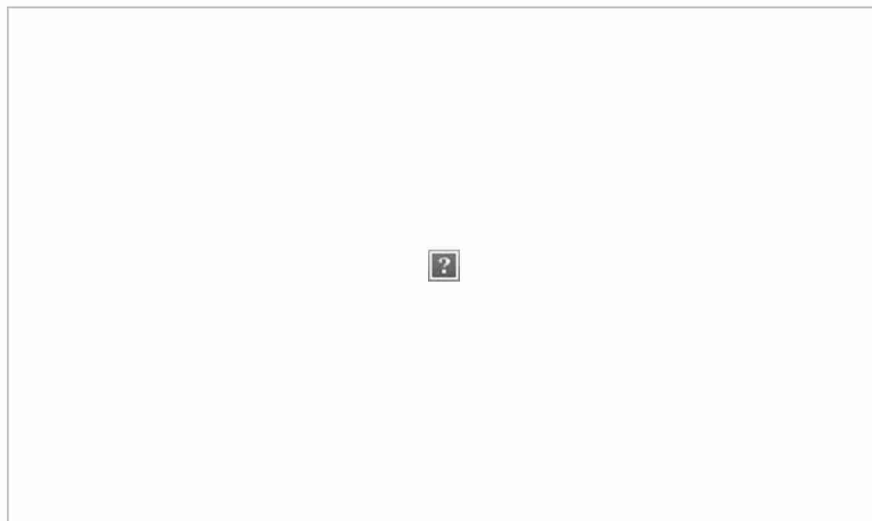
From: Alexander, Shannon
To:
Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Gordon, Jonathan; Pena, Scarlett E; REILLY, MICHAEL J; RINGLER, MICHAEL A
Subject: CF for CBP Reporting Instructions for Monday, March 6th
Date: Wednesday, March 4, 2020 12:33:00 PM
Attachments: [Message from the Deputy Director for Policy - Coronavirus Update.msg](#)
[image001.png](#)
Importance: High

Good Afternoon,

Please see the information below for reporting on Monday.

On Monday, March 9th please report to the **14th Street Lobby** of the Ronald Reagan Building and International Trade Center in Washington DC **no later than 0800.**

- The building's address is 1300 Pennsylvania Ave NW, Washington DC 20004.
- The closest metros are Federal Triangle (silver/blue/orange) and Metro Center (red/silver/blue/orange).
- There are six major pedestrian entrances: **14th Street**, 13 1/2 Street, Pennsylvania Avenue, Moynihan Plaza, Woodrow Wilson Plaza and Metro level. Depending on the entry you use, you may need to walk a bit to locate the 14th St Lobby.



At the Ronald Reagan building, you will meet with designated members of the Asylum and USBP. From there, you will travel to Asylum HQ.

There is no need to bring a laptop with you to training. You will be issued the laptops that you will use for the duration of your participation in the taskforce.

The training will be held in the Potomac Room, 8th Floor, 20 Massachusetts Ave NW Washington DC 20001.

Class will begin promptly at 1300 so please allow time to eat lunch and to check in with the building. Please bring **PIV card**, your laptop, laptop power cord and any other electronic widgets issued to you that morning.

As a reminder, the dress code for Face to Face training in DC is as follows: You may wear your uniform or business casual attire during the face to face portion of training in Washington, DC. Department/component polos and tactical pants are fine. You may also carry openly or concealed.

The schedule for this training will be 0800-1700 with an hour for lunch.

Please reach out to Jonathan and me if:

- You have any travel delays that will impact your prompt attendance on Monday; you can text/call Shannon 202-531-7270 or Jonathan 202-257-0575.
- At any time during training you are feeling ill. Please see the attached guidance from Deputy Director of Policy Edlow.
- You have any questions on these instructions.

We look forward to having you in Washington DC. Safe travels!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

DISTANCE TRAINING COMPONENT WORKBOOK

Last Updated: February 2020

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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.

EXAMPLE EXERCISE: A -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. (b)(6)

Issue: What is the likelihood that a -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 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!)

Group Exercise: Alieva Interview Transcript

Please read the transcription of the mock interview of Tatyana Alieva.

Using column C on the excel spreadsheet, 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.

You will receive a group assignment via email.

Once you have finished your review of the transcript, please reach out to your group members to discuss. Designate one member of your group to record your group's answers to the questions above directly on the transcript.

One member of your group should send the completed exercise with your group number and the names of those who completed the exercise to the Asylum Training Coordinators inbox.

Congratulations!

You have finished the Distance Training component.

Thank you for your participation.

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Gordon, Jonathan; REILLY, MICHAEL J; RINGLER, MICHAEL A
Subject: Confirmation of Transition to Remote Training
Date: Monday, March 16, 2020 3:15:00 PM
Importance: High

Good Afternoon Agents,

Thank you again for your flexibility! As we discussed, in light of COVID-19, we will be transitioning to a virtual (remote) training for the remainder of Face to Face training (F2F) and for On the Job Training (OJT).

Please prepare to depart the Washington DC area tomorrow. If you have any difficulties obtaining a flight tomorrow, you may leave on Wednesday. Please call or contact CI Travel or your travel POC in order to change your reservation.

Your OJT, which was set to take place in Dilley, TX, will now take place remotely from your sector. Please cancel your San Antonio/Dilley flight and hotel reservations as well as any rental car reservations.

Your HQ leadership has been alerted to these changes. We are continuing to have conversations around both space and the possibility of telework. We will let you know as soon as we have the details worked out. For now, please plan to attend the virtual training from a space in your sector.

The schedule is as follows:

- Tuesday, March 17 – Travel Day
- Wednesday, March 18th – Administrative Day to set up your space or determine your space, secure any equipment or make any equipment requests, and test internet connection.
- Thursday, March 19th – Resume F2F training via WebEx

Please let Jonathan and I know if you have any questions or concerns. It's been a pleasure having you here in DC. We look forward to the same impressive level of engagement in your remote training.

Best,

Shannon Alexander for the Asylum HQ Team

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Gordon, Jonathan; Roberts, Rhonda J; Douglas, Audrey M; Leigh, Francis W
Subject: Emergency Contact and post OJT Questionnaire
Date: Monday, March 9, 2020 4:27:00 PM
Importance: High

Good Evening,

It was great to meet everyone today!

Please fill out the following information and return it to me:

Personal cell; work cell; Personal email	Office Address	Emergency Contact

Does your office have an appropriate interview space that you can use? (a closed office, where you will not be disturbed)	Does your office have an internet connection that you can access?	If resources permit, are you interested in interviewing onsite at a detention facility? If so, for how long and where?	List any equipment you may need (for example: headset)

As a reminder, if you have not yet sent us an attestation – and you have not made previous arrangements – please send it to us ASAP.

Thank you!

Best,

Shannon Alexander

Asylum Officer
Asylum Training Division
DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Roberts, Rhonda J; Gordon, Jonathan
Subject: Lesson Plans and Group Assignments
Date: Wednesday, February 19, 2020 10:03:00 AM
Attachments: [CF for CBP DT Lesson Plans.zipx](#)

Good Morning,

The lesson plans are attached.

Here are your assignments for the group exercise. The instructions for the exercise are on page 19 of the workbook. We encourage you to save this exercise for later in your distance training after you have read the lesson plans and completed the other exercises. That way, you will be applying what you have learned.

Group 1

Group 2

(b)(7)(c)

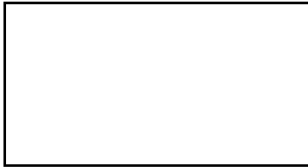
Group 3

Group 4

Group 5

(b)(7)(c)

Group 6



(b)(7)(c)

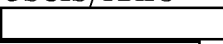
Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: 

Cell:  (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Daum, Robert L; Gadson, Irvin C; Douglas, Audrey M; Gordon, Jonathan
Subject: Cohort 6 OJT Postponed
Date: Friday, March 20, 2020 4:56:00 PM
Importance: High

Good Afternoon Everyone,

DHS and USCIS leadership have decided to postpone Cohort 6's OJT until COVID-19 passes. After that, the plan is to bring you back to complete OJT and to begin your CF interviews. Accordingly, you will be resuming your USBP sector duties as of Monday.

We apologize for the short notice and appreciate your flexibility. Thank you so much for your commitment to our shared mission, and for your service, as we fight this outbreak.

You were an engaged and thoughtful class and we are looking forward to continuing your training in the future. We hope everyone remains safe. We will be in touch as soon as we have a plan for continuing your training.

Best,

Shannon Alexander on behalf of the Asylum HQ team

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

From: [Alexander, Shannon](#)
To: [Roberts, Rhonda J](#); [Kirkland, Brooke A](#); [Relis, Jennifer L](#)
Cc: [Gordon, Jonathan](#)
Subject: Cohort 6 OJT Tasks
Date: Wednesday, February 26, 2020 5:08:00 PM
Importance: High

Hi Branch Chiefs!

Jonathan and I wanted to share our OJT list so we could start working on what is required right away - the BPAs will be arriving a week from Monday.

OJT List

Mentors/Journeymen

BPAs

Bubba has identified four BPAs who are currently interviewing from Dilley to assist with OJT as mentors/observers/observees. Incorporating them into this process will allow us to maximize our resources. It will demonstrate that we are considering BPA feedback, as they have specifically requested to observe BPAs.

AOs

With four BPAs, we would like to request **8 seasoned AOs** to assist. Bubba shared this with us: Last time around only half of the AOs were familiar with the FRC process. I had to have two meetings with them to remind them about the new forms (IFR and non-IFR) and interviewing children. In addition, about half of the first batch of cases submitted by the AOs were returned for corrections and re-interviews. The sad part was that the BPAs actually sat in on these interviews. We are not sure what we can ask for in the solicitations to the offices but Jonathan and I would request:

- 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.

We would also suggest stating that the names are subject to approval, but have no idea if we can actual do that.

When can we get a solicitation out to the field?

HQ

We have already requested one HQ AO from the QA branch to be on the ground for at least the first week of OJT but preferably for the first two weeks.

SAO and TO

ZHN/Dilley should be providing these. Kathleen, the TO, has worked on all of the OJTs. An SAO is important because of the LER issues and the protocol we have established for addressing BPA conduct issues.

Equipment

Equipment for Cohort 6

We have asked, and Mike Reilly has put in a ticket, for the BPAs to have Adobe Pro and the appropriate drivers uploaded on to their laptops so they are ready to go before OJT.

Equipment for Cohort 5

ZHN is working on shipping out the requested equipment. ZHN has been notified that with BPAs expected to move to their home sectors, there will likely be additional equipment requests. They would like to have a discussion in the future re: costs as they did not budget for BPA equipment.

Space

Cohorts 4 and 5 relocation

We still do not know where we will be sending the BPAs who should relocate from Dilley. Reilly mentioned that the Ajo and Big Bend stations would not have the space necessary for interviewing.

Andrew mentioned Yuma or El Paso as possibilities but these are under ZAR's jurisdiction. Are there any possibilities besides these two? Also has there been a decision reached on BPAs interviewing outside of Dilley (Florence etc).

We would need inform the BPAs and make these arrangements ASAP.

Schedule

Jonathan and I would suggest that the first two days of OJT should be dedicated to local processes and procedures, meets and greets and topics not covered in face to face. Following that, during days 3-5 BPAs would shadow the BPA/AO to whom they are assigned. They would observe their interviews and also write up that person's case. The next two weeks, Cohort 6 BPAs would alternate interview/write up days:

Group 1, Week 1: Interview M, W, F. Write ups T, Th.

Group 2, Week 1: Interview Tu, Th. Write ups W, F

Group 1, Week 2: Interview Tu, Th. Write ups M, W, F

Group 2, Week 2: Interview M, W, F. Write up Tu, Th

Group 2 would be composed of BPAs planning to stay at Dilley so they could have that Monday as a write up day OR we could eliminate Friday interviews and give BPAs an opportunity to catch up.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:



Cc: Roberts, Rhonda J; Gordon, Jonathan; Pena, Scarlett E; Douglas, Audrey M; Basseas, Marina M; Fogelbach, Juan J; Potts-Hansen, Stephanie N; Asylum TRAINING-COORDINATORS
Subject: Practical Exercise and OJT
Date: Thursday, March 19, 2020 5:15:00 PM
Importance: High

Hi Everyone,

As promised, an email with details for your exercise tomorrow and your OJT.

Practical Exercise

You can find the practical exercise on your ECN page.

Below Day 9 there is a folder titled “Practical Exercise.” There are four documents in that folder for two files (the left and right sides of each file).

Please use those documents to fill out everything you need to complete a credible fear screening. You can find the forms you will need under “[Credible Fear ECN Page](#).”

Under Day 7 you will find the “APSO Adjudicative Forms Aid” that Ebbled showed you.

Please send the completed decisions, with all of the required forms, to the Asylum Training Coordinators inbox. It is the last email address copied above.

The two completed CF decisions are due tomorrow at COB your local time. Asylum Officers will review your work and give general feedback during OJT.

OJT and Telework

If you would like to telework, please send your G-1129 and PALMS certificates to Jonathan and me.

Your OJT will begin on Monday and team Dilley will send out WebEx invites/information. We will be sending you more information tomorrow about OJT and the potential of telework through next week.

Templates

A few of you have asked for interview templates. The templates that we can share are located in the announcements part of your ECN page. You should also check in with the Dilley team during OJT.

Again – it was a pleasure! Thank you for your patience, flexibility and engagement. Please reach out if you need anything.

Best,

Shannon, Jonathan and Scarlett

(b)(7)(c)

From: Alexander, Shannon
To:

Subject: RE: CF for CBP Live Session: BPA Panel
Date: Wednesday, March 4, 2020 9:32:00 AM

Good Morning Everyone,

Just a reminder that the BPA Panel is in approximately 1.5 hrs. These sessions are not optional; they are part of your Distance Training and you must indicate that you have attended on your attestation. If you have any questions about that, please limit your reply to Jonathan, Rhonda and I.

Thank you.

Best,

Shannon

-----Original Appointment-----

From: Alexander, Shannon

(b)(7)(c)

Sent: Wednesday, February 19, 2020 2:50 PM

To: Alexander

Pena, Scarlett E

Subject: CF for CBP Live Session: BPA Panel

When: Wednesday, March 4, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Virtual/20 Mass Sugarloaf

Good Afternoon,

Please join us for WebEx panel discussion/Q&A with BPAs from cohort 4.

If WebEx does not work for you, please call in using the "Join by phone" information below.

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

Meeting number (access code):

(b)(6)

Meeting password:

Join meeting

Join by phone

Tap to call in from a mobile device (attendees only)

(b)(6)

US Toll

US Toll

[Global call-in numbers](#)

Join from a video system or application

Dial

(b)(6)

Join using Microsoft Lync or Microsoft Skype for Business

Dial

(b)(6)

If you are a host, [go here](#) to view host information.

Need help? Go to <http://help.webex.com>

(b)(7)(c)

From: Alexander, Shannon
To:
Cc: Asylum TRAINING-COORDINATORS; Roberts, Rhonda J; Gordon, Jonathan
Subject: RE: CF for CBP Reminders
Date: Friday, March 6, 2020 12:31:00 PM

Good Afternoon,

The attestations and group exercises have been rolling in. Thank you! Please remember to include your exercises with your attestation.

Your attestations and exercises (individual and group) are due by COB (your local time).

Thank you!

Best,

Shannon

From: Alexander, Shannon
Sent: Thursday, March 5, 2020 9:58 AM

To: (b)(7)(c)

Cc: Asylum TRAINING-COORDINATORS <asylumtraining-coordinators@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Subject: CF for CBP Reminders
Importance: High

Good Morning Everyone!

Your attestations are due tomorrow by COB, unless we have discussed another arrangement with you. You should initial and date all of the tasks you completed. **Please send the attestation and all of your completed exercises to the asylum training**

coordinators inbox (copied above at asylumtraining-coordinators@uscis.dhs.gov).

If you know where you will be working when you return to sector following OJT, please send the make and model of that office's phone. As we said on the call, remaining at Dilley may be possible for those of you who are interested but that will depend on space and case intake. You may need to return to sector briefly while cohort 4 wraps up their time on the ground at Dilley. In order to avoid any delay in getting you the equipment you will need, we are asking for phone details now. Many BPAs have requested headsets in the past and headset models depend on phone makes and models. Thanks to all of those who have send their phone information thus far.

Almost everyone has replied to Bubba's email about hotels. If you have not, he would appreciate you sending him your hotel information.

Thank you!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

[Redacted]

Cc: Roberts, Rhonda J; Gordon, Jonathan
Subject: RE: Lesson Plans and Group Assignments
Date: Monday, February 24, 2020 9:11:00 AM

Good Morning,

We hope your distance training is going well. Please see the updated group assignments below (highlighted in yellow).

Thank you!

Best,

Shannon

From: Alexander, Shannon
Sent: Wednesday, February 19, 2020 10:04 AM

To:

[Redacted]

(b)(7)(c)

[Redacted]

Cc: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Subject: Lesson Plans and Group Assignments

Good Morning,

The lesson plans are attached.

Here are your assignments for the group exercise. The instructions for the exercise are on page 19 of the workbook. We encourage you to save this exercise for later in your distance

training after you have read the lesson plans and completed the other exercises. That way, you will be applying what you have learned.

Group 1

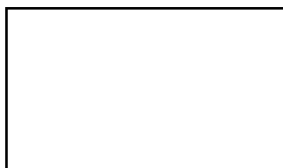
A rectangular box with a black border, used for redaction of information for Group 1.

(b)(7)(c)

Group 2

A rectangular box with a black border, used for redaction of information for Group 2.

Group 3

A rectangular box with a black border, used for redaction of information for Group 3.

Group 4

A rectangular box with a black border, used for redaction of information for Group 4.

Group 5

A rectangular box with a black border, used for redaction of information for Group 5.

Group 6

(b)(7)(c)

A rectangular box with a black border, used for redaction of information for Group 6.

Best,

Shannon Alexander
Asylum Officer
Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

From: Alexander, Shannon (b)(7)(c)
To: [Redacted]
Cc: Roberts, Rhonda J; Gordon, Jonathan; Pena, Scarlett E; Douglas, Audrey M; Basseas, Marina M; Fogelbach, Juan J; Potts-Hansen, Stephanie N; Asylum TRAINING-COORDINATORS
Subject: RE: Practical Exercise and OJT
Date: Friday, March 20, 2020 2:26:00 PM

Hi Everyone,

Hope that the practical exercises are going well! Feel free to send us the files as you complete them.

In a telework update, if you have submitted all of the appropriate paperwork, **you may telework through next Friday, March 27th**. Your first week of OJT will be conducted via WebEx.

The Dilley team will be contacting you with OJT details but the start time for Monday will be 6:00 AM PST/7:00 AM MST/8:00 AM CST/9:00 AM EST.

Best,

Shannon, Jonathan and Scarlett

From: Alexander, Shannon
Sent: Thursday, March 19, 2020 5:15 PM
To: [Redacted] (b)(7)(c)

[Redacted]

Cc: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Pena, Scarlett E <Scarlett.E.Pena@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Basseas, Marina M <marina.m.basseas@uscis.dhs.gov>; Fogelbach, Juan J <Juan.J.Fogelbach@uscis.dhs.gov>; Potts-Hansen, Stephanie N <Stephanie.N.Potts-Hansen@uscis.dhs.gov>; Asylum TRAINING-COORDINATORS <asylumtraining-coordinators@uscis.dhs.gov>
Subject: Practical Exercise and OJT

Importance: High

Hi Everyone,

As promised, an email with details for your exercise tomorrow and your OJT.

Practical Exercise

You can find the practical exercise on your ECN page.

Below Day 9 there is a folder titled “Practical Exercise.” There are four documents in that folder for two files (the left and right sides of each file).

Please use those documents to fill out everything you need to complete a credible fear screening. You can find the forms you will need under “[Credible Fear ECN Page](#).”

Under Day 7 you will find the “APSO Adjudicative Forms Aid” that Ebbled showed you.

Please send the completed decisions, with all of the required forms, to the Asylum Training Coordinators inbox. It is the last email address copied above.

The two completed CF decisions are due tomorrow at COB your local time. Asylum Officers will review your work and give general feedback during OJT.

OJT and Telework

If you would like to telework, please send your G-1129 and PALMS certificates to Jonathan and me.

Your OJT will begin on Monday and team Dilley will send out WebEx invites/information. We will be sending you more information tomorrow about OJT and the potential of telework through next week.

Templates

A few of you have asked for interview templates. The templates that we can share are located in the announcements part of your ECN page. You should also check in with the Dilley team during OJT.

Again – it was a pleasure! Thank you for your patience, flexibility and engagement. Please reach out if you need anything.

Best,

Shannon, Jonathan and Scarlett

(b)(7)(c)

From: Alexander, Shannon
To:



Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Rellis, Jennifer L; Kirkland, Brooke A; Mura, Elizabeth E; RINGLER, MICHAEL A; REILLY, MICHAEL J; Asylum TRAINING-COORDINATORS

Subject: RE: Welcome to Credible Fear for U.S. Customs and Border Protection!

Date: Wednesday, February 19, 2020 12:24:00 PM

Apologies – the panel will be Wednesday, March 4th. Invite to follow later today.

Thank you!

Best,

Shannon

From: Alexander, Shannon

Sent: Wednesday, February 19, 2020 10:03 AM

To: (b)(7)(c)



Cc: 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>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>; Mura, Elizabeth E <Elizabeth.E.Mura@uscis.dhs.gov>; RINGLER, MICHAEL A <MICHAEL.A.RINGLER@CBP.DHS.GOV>; REILLY, MICHAEL J <MICHAEL.J.REILLY@cbp.dhs.gov>; Asylum TRAINING-COORDINATORS <asylumtraining-coordinators@uscis.dhs.gov>

Subject: Welcome to Credible Fear for U.S. Customs and Border Protection!

Good Morning!

Welcome to Credible Fear for U.S. Customs and Border Protection or CF for CBP!

Tomorrow, you will begin the training required to conduct APSO screenings, specifically credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

During Distance Training, you will read Lesson Plans and other materials, complete exercises and view webinars.

You are not required to read all of the cases and supplemental materials linked in the Lesson Plans. Many are available on our ECN but you will not have access to our network before you arrive.

Webinars work best in Chrome and on a wired connection. There may be complications with some of the webinars if you are using a hotspot or a VPN. If you are having any issues viewing the webinars, please let us know as soon as possible.

Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

As has been messaged by USBP leadership, you must complete the Distance Training requirements. Beginning tomorrow, Thursday, February 20th, you will be assigned to USCIS and are not to conduct any work for USBP. This includes work assigned or completed during core hours, BPRA hours or OT/Comp hours. If your supervisor has any questions or concerns - or attempts to assign you USBP tasks - please have her or him contact Shannon Alexander.

Workbook and Attestations

The Distance Training Workbook, Syllabus with Attestation and Exercises are attached. Please use the Workbook to complete exercises associated with the reading.

The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin on tomorrow, you will have plenty of time to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for CBP class. Please make sure you initial and date all of the appropriate spaces on the Attestation.

The deadline to submit Attestations and exercises is **COB, Friday, March 6th**. Please submit your attestation and exercises to the Asylum TRAINING-COORDINATORS address (asylumtraining-coordinators@uscis.dhs.gov).

Lesson Plans

The Lesson Plans will be sent, via zipfile, in a separate email.

As mentioned above, you do not have to read the supplemental materials in the Lesson Plans. Of course, please feel free to do so if you have time. In particular, please do not worry about the materials that link to the Asylum ECN. We will be giving you all necessary ECN access when you arrive for face to face training. Until then, if a link requires permissions to our ECN, please bypass and continue with your Distance Training.

If you have time to read the cases and do not have access to Westlaw, you can search for case law in [Google Scholar](#) (select case law) or on the [BIA webpage](#) (if it is a BIA case).

The current link for Administrative Office of the U.S. Courts, Understanding the Federal Courts (Washington, D.C. 2003) is
<https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>

Please note that Mass Atrocities and Genocide Awareness is not an Lesson Plan but a Presidential Directive. The link to the directive is in the Workbook.

Live Sessions

There will be two live sessions during Distance Training:

- ★ Check in with the Asylum Division including Director Andrew Davidson – TBD
- ★ Discussion and Q&A with current taskforce BPAs – Wednesday, March 4th at 11:00 AM EST

We will send calendar invites for these sessions.

Training Dates

The initial Face to Face Training (F2F) will take place in Washington, DC at 20 Massachusetts Ave NW in the Potomac Room on the 8th Floor. It is scheduled from Monday, March 9th until Thursday, March 19th.

Your On the Job Training (OJT) will likely take place in Dilley, Texas. It will begin on Monday, March 23rd and will finish no later than Friday, April 10th.

OJT dates and locations may change so we appreciate your flexibility. We will inform you immediately when the OJT dates and location are confirmed.

Travel Arrangements

You will be making travel arrangements through your CBP Concur. You can begin to make arrangements for your face to face training. The closest metro to 20 Mass is Union Station.

Though the distances may only be a few miles, travel time here can be substantial. You may want to check approximate commuting times via a map app or [WMATA](#) before you book any hotel outside of Washington DC city limits (for example, Alexandria or Arlington).

Dress Code

You may wear your uniform or business casual attire during the face to face portion of training in Washington, DC. Department/component polos and tactical pants are fine. You may also carry openly or concealed.

The dress code for OJT is business casual. Department/component polos and tactical pants are not acceptable. In addition, there are no gun lockers at the Dilley facility.

Evaluations

During your training, you will be evaluated based on: a multiple choice exam, a practical exercise and observed Credible Fear interviews.

Typing Practice

We take contemporaneous notes during credible fear interviews. Many agents, and new asylum officers, find this aspect of the interview challenging. We suggest that you practice typing if you are not confident in your typing skills. Here are a few suggestions:

Typingtest.com - <https://www.typingtest.com/>

Typing.com - <https://www.typing.com/>

Typingclub.com - <https://www.typingclub.com/>

Keybr.com - <https://www.keybr.com/>

Questions/Concerns

If you have any questions or concerns, please limit your reply to asylumtraining-coordinators@uscis.dhs.gov and cc Shannon Alexander, Jonathan Gordon and Rhonda Roberts. We are looking forward to working with you!

Best,

The Asylum Team

(b)(7)(c)

From: Alexander, Shannon

To:

Cc: [Roberts, Rhonda J](#); [Douglas, Audrey M](#); [Gordon, Jonathan](#); [Douglas, Audrey M](#)

Subject: Telework for tomorrow, Friday and Monday.

Date: Wednesday, March 18, 2020 5:38:00 PM

Attachments: [G-1129, Telework Program Application and Agreement.pdf](#)

Importance: High

Good Evening Everyone,

We have had a few questions about teleworking for the rest of face to face and for the first day of OJT (before interview observations begin).

We are authorizing situational and episodic telework for the rest of face to face training tomorrow and Friday) as well as the first day of OJT (Monday).

If you wish to telework, please complete the following:

- G-1129, attached
- PALMS Computer Security Awareness Training
- PALMS Telework 101

As this is situational/episodic telework you do not need to fill in the portion of the G-1129 related to days and hours.

Please send the certificates of completion for these two courses and the your portion of the telework agreement (G-1129) to Jonathan and me. An Asylum supervisor and approving official will complete the G-1129.

Training will resume at 9:00 AM EST/8:00 AM CST/7:00 AM MST and 6:00 AM PST tomorrow.

Thank you!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell:

(b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Asylum TRAINING-COORDINATORS; Roberts, Rhonda J; Gordon, Jonathan
Subject: Training still in person
Date: Monday, March 16, 2020 7:20:29 AM

Hi everyone!

We will still be training at 20 Mass today! Please be careful getting here and make sure to wash your hands when you get in.

See you soon.

Sent from my iPhone

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Rellis, Jennifer L; Kirkland, Brooke A; Mura, Elizabeth E; RINGLER, MICHAEL A; REILLY, MICHAEL J; Asylum TRAINING-COORDINATORS
Subject: Welcome to Credible Fear for U.S. Customs and Border Protection!
Date: Wednesday, February 19, 2020 10:03:00 AM
Attachments: [CF for CBP Workbook February 2020.pdf](#)
[CF for CBP DT Attestation February 2020.pdf](#)
[CF for CBP DT Exercises.zipx](#)

Good Morning!

Welcome to Credible Fear for U.S. Customs and Border Protection or CF for CBP!

Tomorrow, you will begin the training required to conduct APSO screenings, specifically credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

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Typingtest.com - <https://www.typingtest.com/>

Typing.com - <https://www.typing.com/>

Typingclub.com - <https://www.typingclub.com/>

Keybr.com - <https://www.keybr.com/>

Questions/Concerns

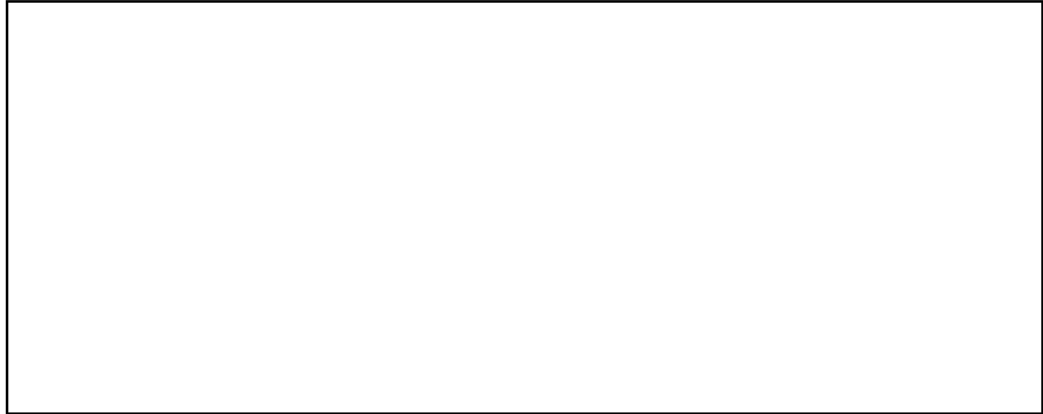
If you have any questions or concerns, please limit your reply to asylumtraining-coordinators@uscis.dhs.gov and cc Shannon Alexander, Jonathan Gordon and Rhonda Roberts. We are looking forward to working with you!

Best,

The Asylum Team

(b)(7)(c)

From: Alexander, Shannon
To:



Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; O'Malley, Robert L
Subject: Conference Call with USCIS on Monday
Date: Thursday, September 26, 2019 3:11:00 PM

Good Afternoon Agents,

We hope all is well.

USCIS leadership has organized a conference call for themselves, you and counsel on Monday, September 30th from 3:00-4:00 PM EST. The purpose of the call is to get your thoughts and feedback on the pilot and the training you have participated in during the pilot.

The leadership at your respective asylum offices are aware of the conference call. They will make sure you are available to participate.

I will be sending an Outlook Calendar invite with call in information later today.

Thank you very much for all of your hard work during this pilot thus far. We appreciate your flexibility and support. Leadership is looking forward to hearing your observations, opinions and suggestions.

If you have any questions or concerns about the call, please limit your reply to me and cc Rhonda Roberts.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [redacted]

Cell: [redacted] (b)(6)

From: Alexander, Shannon
To: Leigh, Francis W; Maloney, Kathleen M
Cc: Gordon, Jonathan; Roberts, Rhonda J
Subject: DT BPA Panel for Cohort 6
Date: Monday, February 10, 2020 3:42:00 PM
Importance: High

Hi Bubba and Kathleen,

I know it is strange but Cohort 6 is quickly creeping up on us. We will be sending out the DT instructions next week!

As part of Distance Training for USBP Cohort 6, we would again like to organize a panel of BPAs to speak with the newest cohort's agents. The panel discussion during cohort 5's DT went really well.

The BPAs would touch on lessons learned, challenges, tips for successful interviewing etc and would answer questions from the new agents.

Please propose 2-4 BPAs whom you believe would be appropriate to participate in this panel and who are willing to participate. We have not yet set a time and date for the panel but it would likely be that last week of DT 3/2-3/6. If you have a preferred date, please let us know. The time would likely be 11:00 AM.

Please identify one SAO from your office who can participate in the call as well.

Thank you!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

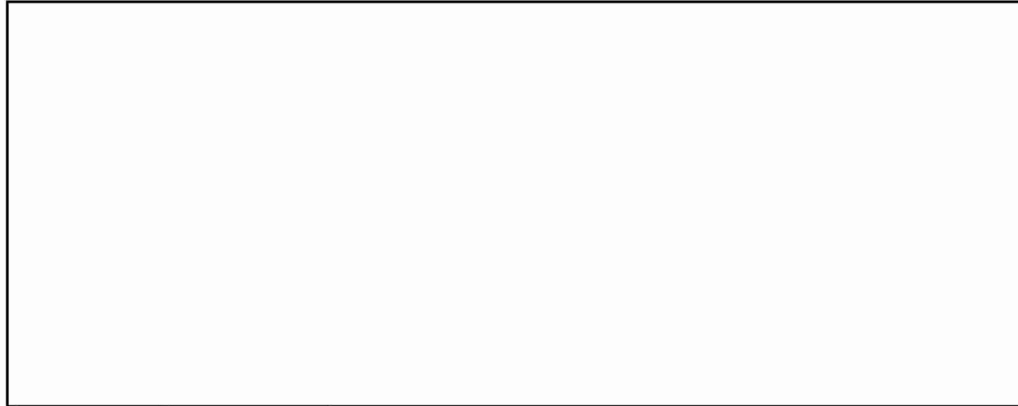
Cube: [REDACTED]

Cell: [REDACTED]

(b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:



Cc: Joseph, Matthew; Roberts, Rhonda J; O'Malley, Robert L
Subject: Family Processing Training Tomorrow
Date: Tuesday, September 03, 2019 4:46:00 PM
Importance: High

Good Afternoon,

Thank you to everyone who volunteered to screen Credible Fear cases from our Family Processing Center in Dilley, Texas. We appreciate your interest and willingness to assist. It has been determined that all USBP agents should be prepared to screen family unit cases from Dilley and that the screenings will not necessarily take place in person. Starting this week, USBP agents will begin to screen family unit cases **telephonically**.

Family processing differs in some ways from the screenings you have already conducted. We will hold live webinars tomorrow to discuss those differences and to give you an opportunity to ask questions. These webinars will train you in the background, policies and procedures you will need to know in order to successfully screen family unit credible fear cases.

The schedule is as follows:

Interim Final Rule 11:00 am – 12:00 pm EST
Family Processing 12:15 pm – 1:45 pm EST
Child-sensitive Interview Techniques 2:00 pm – 2:40 pm EST
Working with Consultants 2:40 pm – 3:00 pm EST

Some of you may attended training on one or more aspects listed above in the asylum office to which you are assigned or during your original training. For purposes of updates and uniformity, we ask that you attend the training in its entirety tomorrow (unless you are already on pre-approved leave). Tomorrow, you will be able to access the materials for this training on the [CF for USBP ECN page](#).

The asylum offices to which you have been assigned have already been informed that you must be made available for this training. Please look for calendar invitations from Matthew Joseph (copied above). The calendar invitations will be sent out before the close of business today. If you have not received a calendar invite by tomorrow morning, please email Matt to request one.

Again, while there may be shared issues and concerns, please refrain from using reply all. Instead, send your questions and comments to me, Bob and Rhonda.

Thank you for your flexibility and consideration of this matter, especially on such short notice.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED] (b)(6)

Cell: [REDACTED]

From: Maloney, Kathleen M
To: Douglas, Audrey M; Alexander, Shannon
Cc: Yasrobi, Sharon A
Subject: FW: Interviews Wednesday, Thursday and Friday
Date: Tuesday, December 03, 2019 9:58:13 AM

From: Maloney, Kathleen M
Sent: Tuesday, December 03, 2019 8:57 AM
To: Miller, Rebecca E <rebecca.e.miller@uscis.dhs.gov>; Bosman, Karina M (Kina) <karina.m.bosman@uscis.dhs.gov>; Ausloos, David A <david.a.ausloos@uscis.dhs.gov>; Badrajan, Garabet V <garabet.v.badrajan@uscis.dhs.gov>; Nadaban, Michelle R <michelle.r.nadaban@uscis.dhs.gov>; Solaimani, Sheila <sheila.solaimani@uscis.dhs.gov>; Hollemans, Sarah M <Sarah.M.Hollemans@uscis.dhs.gov>; Rajoo, Ann M <ann.m.rajoo@uscis.dhs.gov>
Subject: Interviews Wednesday, Thursday and Friday

Hi AOs,

Thanks for being so flexible and generous with your time. The BP agents have giving us wonderful feedback about observing interviews and talking to you about cases.

Starting tomorrow, BP agents are doing cases. The files will be under your name, but let the agents pick up the cases. Can you all come in to the training room in the morning this week and have the BP agents set up their laptops in your office. (We have 23 agents and 10 are telephonic, so some days you will be able to remain in your office.)

At least two BP agents are having space issues and may not be able to complete interviews tomorrow, so you will do the interview, but the agents will be completing everything else. (The agents we know are having space issues are Ernesto Flores and Manuel Silva.

BP agents should have security checks done. Please review their security checks to make sure they filled out the BISC and printed the correct documents (with FOUO). You will be providing feedback to them about their interview. You can do this orally after the interview is over. If you see something that you think requires training attention, please come and let Sharon and me know and we can address the issue with the group. You will also be reviewing their forms and talking through changes with them. Last, once finalized, please help them upload the forms (or ensure they are in the file) for supervisory review. Even if the BP agents are here now, please show them how to create one PDF with the forms and have them upload it because some agents are leaving on Friday and will be working from their home stations for the next 5 months.

Feel free to come by with questions.

Best,
Kathleen and Sharon

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: (b)(6)

CELL PHONE:

[HTTPS://EAASPIV.DHS.GOV/OWA](https://EAASPIV.DHS.GOV/OWA)

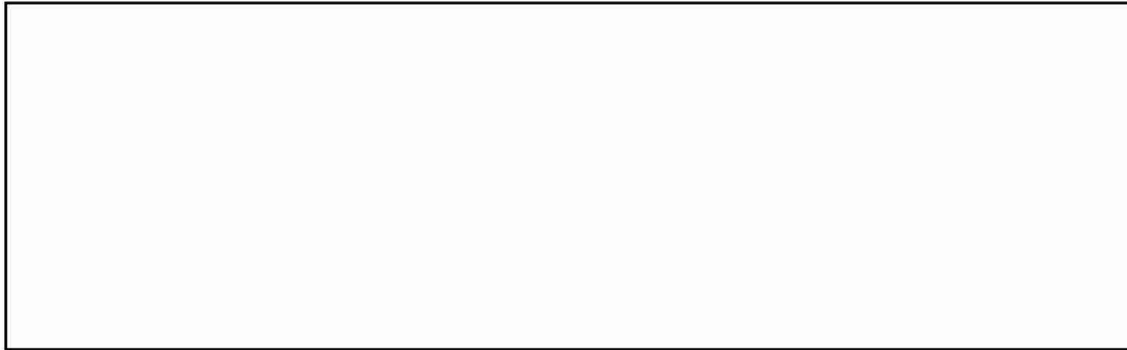
From: [Alexander, Shannon](#)
To: [Maloney, Kathleen M](#); [Douglas, Audrey M](#); [Yasrobi, Sharon A](#); [Roberts, Rhonda J](#)
Subject: Fwd: Training Days
Date: Wednesday, November 13, 2019 5:17:42 PM

Please see below.

Sent from my iPhone

Begin forwarded message:

Referred to U.S. Customs and Border Protection



-----Original Message-----

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>

Sent: Wednesday, November 13, 2019 5:13 PM

To: [REDACTED]

Subject: Training Days

(b)(7)(c)

Good Evening,

A few questions from our Dilley team: Are training days typically 8 hrs? Could OTJ training days be 10?

Thanks!

Sent from my iPhone

(b)(7)(c)

From: Yasrobi, Sharon A

To:

Cc: Miller, Rebecca E; Bosman, Karina M (Kina); Solaimani, Sheila; Badrajan, Garabet V; Nadaban, Michelle R; Ausloos, David A; Hollemans, Sarah M; Rajoo, Ann M; Maloney, Kathleen M; Douglas, Audrey M; Leigh, Francis W; Alexander, Shannon; Maalona, John L; Grady Madera, Adrienne M

Subject: In-person interviews

Date: Monday, December 02, 2019 6:29:39 PM

Hi everyone!

Your first interviews will be this week. We will still have Asylum Officers on site, and you will each have an AO sitting in on your first interview. Below is a chart showing the day on which you will be conducting your interview. Please let Kathleen and me know ASAP if there is any reason you cannot conduct an interview on that day.

Observing AO	Tuesday	Wednesday	Thursday
Rebecca Miller			
Karina Bosman			
Sheila Solaimani			
Garabet (Gary) Badrajan			
Michelle Nadaban			
David Ausloos			
Sarah Hollemans			
Ann Rajoo			

(b)(7)(c)

The AO you will be working with is listed above, and we will send the information about your case as soon as we have it 😊.

Let us know if you have any questions!

Sharon & Kathleen

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAO

| Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(7)(c)

From: Maloney, Kathleen M
To:



Cc: Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon; Leigh, Francis W; Maalona, John L; Grady Madera, Adrienne M

Subject: Instructions for Friday A and B join WebEx at 8:45 & everyone join at 4:00

Date: Thursday, December 05, 2019 10:44:36 PM

Good morning,

We are almost finished with OTJ training. I have been hearing great feedback from your AO partners.

Group C, good luck today. You will do security checks, interview and complete all paperwork. You will be in your office until 4:00 PM when you join us for the final WebEx. Reminder-all interviews will begin at 8:00 AM, so be at your desk at that time (telephonic) or be ready to escort the applicant to your office. Telephonic, if you are not called at exactly 8:00 the applicant may be delayed, but if you are not called by 8:15, please let Adrienne & your SAO know. Also, if your interview is a dissolution, rare language or does not go forward, let Sharon and me know immediately.

Congratulations group B, you finished your first interview!

Group A & B, you will start the day in the classroom. For telephonics, join the WebEx at 8:45. After Sharon's checklist session many people realized their prior checklist needed revisions. Today you are completing all your interview paperwork (priority), meeting with me individually and revising two checklists you previously submitted. Please complete one positive and one negative checklist from a case you observed during OJT and turn it in to us before you leave.

Group A and B will be able to interview alone beginning on Monday, Group C on Tuesday and 3 officers on Wednesday.

You will have one interview a day for your first five days and then you will be on a full calendar.

We want everyone to come back to the classroom (or join the WebEx) at 4:00 PM with two questions. Prepare more than two questions because you may be picked last.

Sharon and I enjoyed getting to know you during OJT and the Dilley team looks forward to working with you! Reach out to John Maalona or me with questions at any time.

Best,
Kathleen and Sharon

(b)(7)(c)

From: Maloney, Kathleen M

To:

[Redacted]

Cc:

Subject:

Date:

Vagle, Ruhee V; Devaney, Ginger E; De Lucia, Corina F; Sermeno, Heidi M; Gibson, Vanessa M; Raney, Lisa M
Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon; Leigh, Francis W; Maalona, John L; Grady Madera, Adrienne M
Instructions for Tuesday
Tuesday, November 19, 2019 8:31:23 AM

Hi everyone,

It is important to remain in touch tomorrow because we have many moving pieces. AOs, if the applicant does not want a male to observe, let Sharon and me know right away. Please stay on Skype because we may need to add another male to a different CF interview.

BP:

Thank you for a successful Monday. I know it was a long day!

If you were out on Monday, please review all the e-mails I sent today and log in to the Webex at 8:15 for the make-up session. Make sure you read the entire WORD telephonic procedures document because we will review that in detail.

Out Tuesday-(If here, let Sharon and me know right away.)

[Redacted]

(b)(7)(c)

Mock interviews will be sent in a separate e-mail. Review this when you get in. You do not need to log into Webex at 7:30 AM, unless you have questions. Get in touch with your partner in person or over the telephone and conduct the interview. Pull the trigger documents from Global. Open interview template I sent you on Monday. You will be filling out the template and turning in the template and the forms for review. Stick to the timeframes in the other e-mail. If you run into any issues, let Sharon and me know.

Team 1	Team 2
[Redacted]	

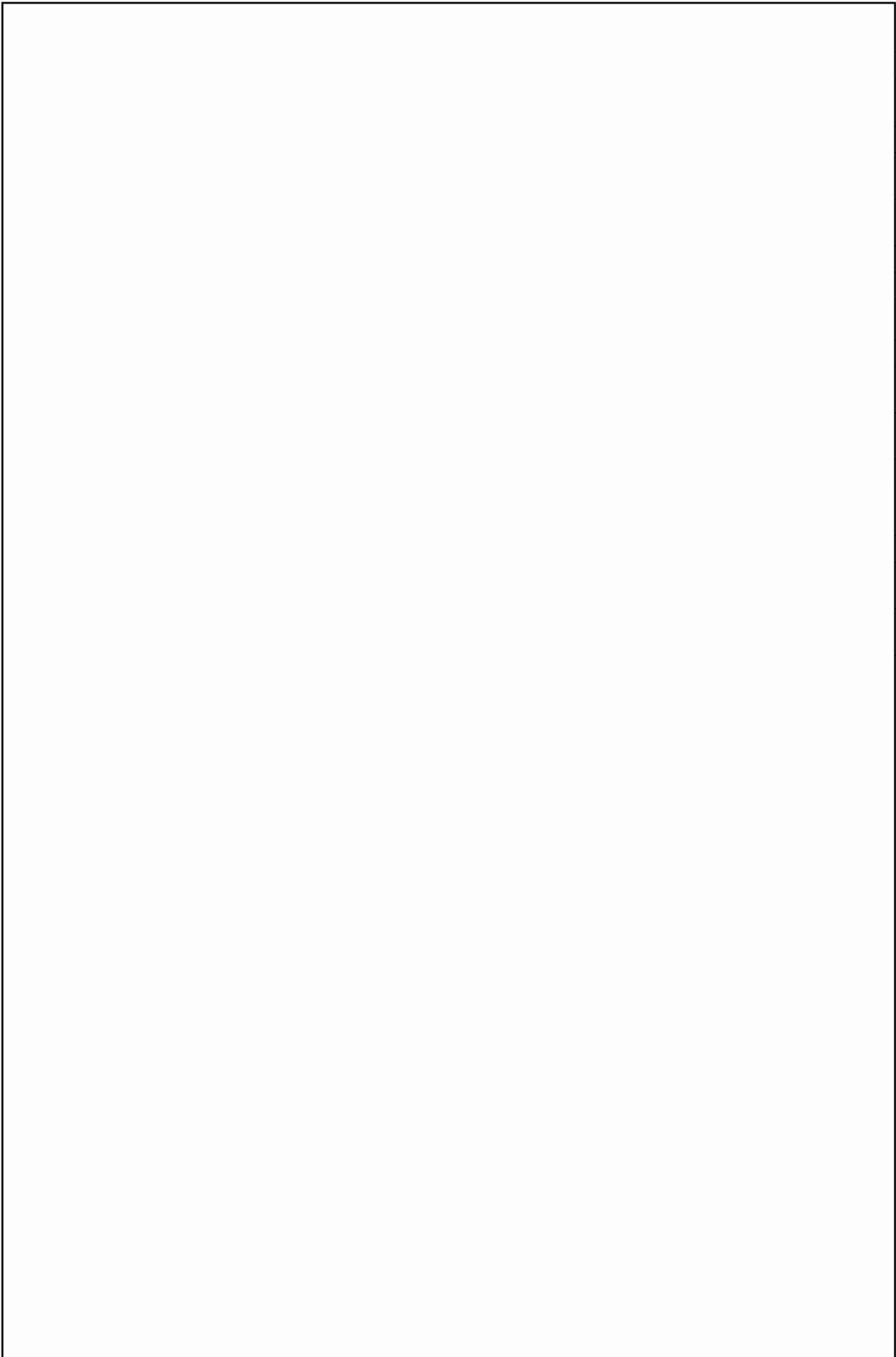
(b)(7)(c)

Observations: All day

Reach out to each other by skype or e-mail. All e-mails are above. AO, please do not start until BP is in the interview.

[Redacted]

(b)(7)(c)



[Redacted]

Make up Monday then watch a 12:30 interview

[Redacted]

(b)(7)(c)

(b)(7)(c)

From: Maloney, Kathleen M

To:

--

Cc: Vagle, Ruhee V; Devaney, Ginger E; De Lucia, Corina F; Sermeno, Heidi M; Gibson, Vanessa M; Raney, Lisa M

Subject: Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon; Leigh, Francis W; Maalona, John L; Grady Madera, Adrienne M

Date: Instructions for Wednesday

Tuesday, November 19, 2019 4:10:09 PM

Hi everyone,

Thank you all for your hard work today and for being accommodating when we needed to move things around. AOs, if the applicant does not want a male to observe, let Sharon and me know right away. Please stay on Skype because we may need to add another male to a different CF interview.

Matthew Mazur, please call me at 8:30 at 281-692-8751. Before calling, read all my e-mails from Monday and Tuesday. Pay close attention to the WORD procedures document because we will review it in detail.

BP:

Out Wednesday-(If here, let Sharon and me know right away.)

	(b)(7)(c)

Mock interviews will be sent in a separate e-mail. Review this when you get in. You do not need to log into Webex at 7:30 AM, unless you have questions. Get in touch with your partner in person or over the telephone and conduct the interview. Pull the trigger documents from Global. Open interview template I sent you on Monday. You will be filling out the template and turning in the template and the forms for review. Stick to the timeframes in the other e-mail. If you run into any issues, let Sharon and me know.

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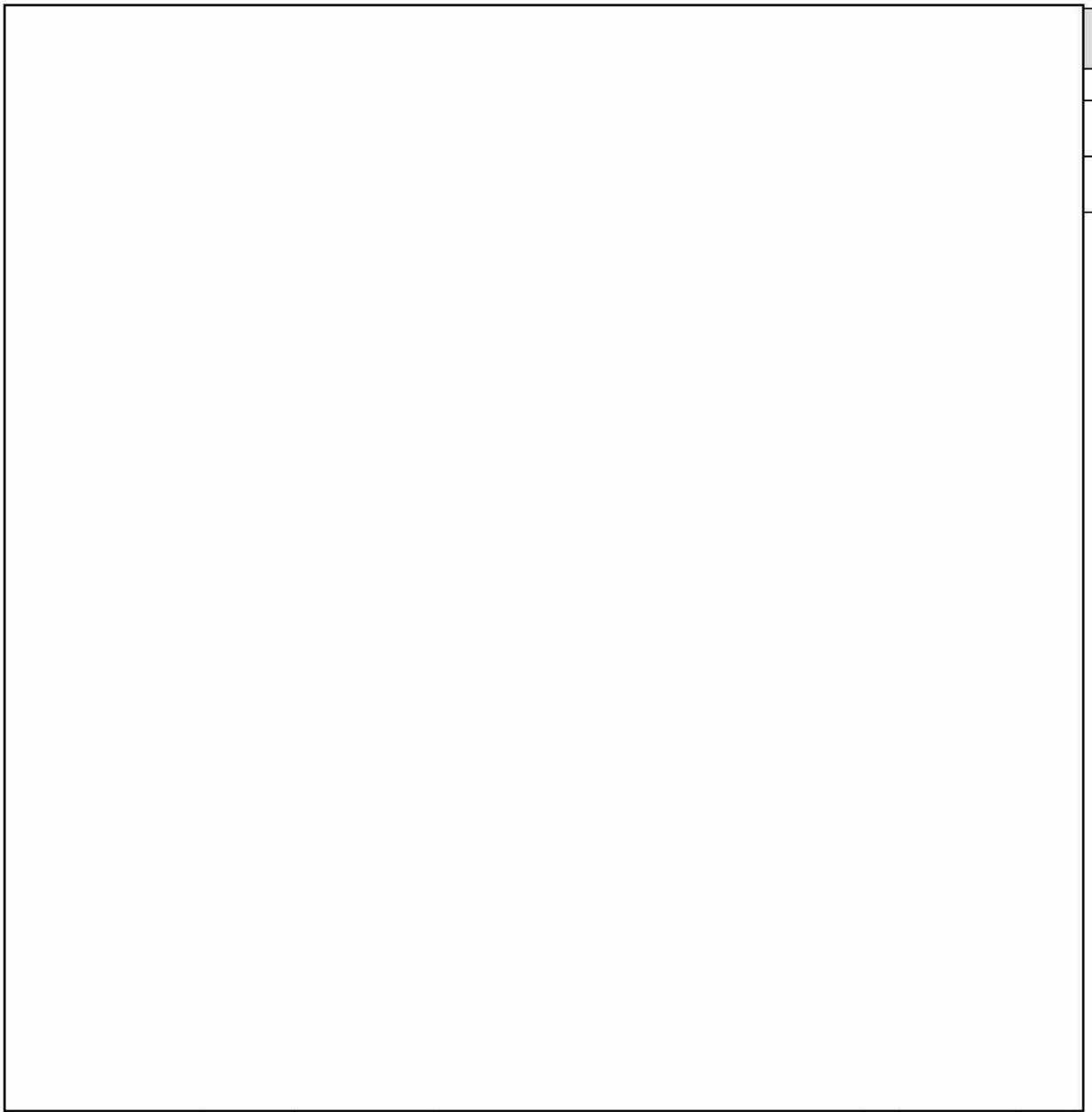
(b)(7)(c)

Observations: Morning only

Reach out to each other by skype or e-mail. All e-mails are above. AO, please do not start until BP is in the interview.

--

(b)(7)(c)



Thanks,
Kathleen and Sharon

(b)(7)(c)

From: [Alexander, Shannon](#)
To: [RAIO - Asylum Field Office Managers](#); [RAIO - Asylum HQ Leadership](#)
Cc: [Beighley, Tracy L](#)
Subject: Interim Final Rule and CF for USBP
Date: Tuesday, August 20, 2019 6:24:00 PM
Attachments: [Orientation memo to file July 16 2019.docx](#)
[Form I-869A July 16 2019.docx](#)
[CF Checklist 3 \(effective 7.16.19\).docx](#)
[208.13\(c\)\(4\) Mandatory Bar Worksheet 7.16.19 Updated.docx](#)
[I-870 Annotated 7.16.19.doc](#)
[Reasonable Fear Standard of Proof and Eligibility Overview Slides August 2019.pptx](#)
[Third Country Asylum Bar Training 2019-07-16 updated.pptx](#)
[FW Amended Guidance on the Interim Final Rule and the 9th Circuit Injunction .msg](#)

FOR INTERNAL USE ONLY

Good Evening Everyone,

Following up on the recent Ninth Circuit decision *East Bay v. Barr*, No. [19-16487](#) (9th Cir. Aug. 16, 2019) (*East Bay II*), we wanted to provide you with resources to assist any CBP Agents who may be screening non-Ninth Circuit cases where the IFR is implicated as CBP officers have not received formal training in RF.

This includes the following:

- Asylum Division Deputy Chief Ashley Caudill-Mirillo's 20 August 2019 email regarding IFR
- Asylum Division Chief John Lafferty's 15 July 2019 email regarding the IFR (pasted below)
- Orientation Memo to File
- Form I-869A
- CF Checklist 3
- 208.13(c)(4) Mandatory Bar Worksheet
- I-870 Annotated
- Third Country Asylum Bar Training PowerPoint
- Reasonable Fear Standard of Proof and Eligibility Overview Slides (Note: This PowerPoint contains the most relevant slides to your adjudication, which have been excerpted from the most recent RF training conducted for asylum officers)

Additionally, the following Lesson Plans may be helpful:

- *Reasonable Fear* (except sections III – Jurisdiction, and VII Prior Determination on the Merits):
<https://ecn.uscis.dhs.gov/team/raio/PerMgt/Training/Lesson%20Plans/Forms/ASYview.aspx>
- *Trafficking*:
<https://ecn.uscis.dhs.gov/team/raio/PerMgt/Training/Lesson%20Plans/Forms/RAIOonly.aspx>

At a minimum, please forward these materials to any CBP officers who are assigned to your office, make sure they have time to review these materials, and ask them to send any questions to their assigned Supervisory Asylum Officer and/or the local Training Officer.

Offices have flexibility on the manner of delivery and communication of this guidance and should take into account any localized needs and limitations.

Best,

Shannon Alexander
Asylum Officer – *Acting Training Branch Chief*
Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED]

(b)(6)

From: Lafferty, John L <John.L.Lafferty@uscis.dhs.gov>

Sent: Monday, July 15, 2019 8:38 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: RAIO - Executive Leadership <RAIO-ExecutiveLeadership@uscis.dhs.gov>

Subject: Interim Final Rule - Asylum Eligibility and Procedural Modifications

Asylum Division colleagues,

Earlier today, a joint Department of Justice and Department of Homeland Security Interim Final Rule (IFR) titled, *Asylum Eligibility and Procedural Modifications*, was posted by the Federal Register for public inspection. The new rule is scheduled to be officially published in the Federal Register and go into effect tomorrow, July 16, 2019. Below is a summary of what the regulation says and how it will impact our work going forward:

-

Aliens covered by the IFR

Under the new 8 CFR § 208.13(c)(4), any alien who enters, attempts to enter, or arrives in the US across the southern land border on or after **July 16, 2019**, is ineligible for asylum, unless the alien

- Demonstrates that he or she applied for protection from persecution or torture in at least one country outside his or her country of nationality or last habitual residence through which he or she transited in route to the US, and the alien received a final judgement denying the alien protection in such country,
- Demonstrates that he or she satisfies the definition of victim of a severe form of trafficking in persons provided in 8 CFR 214.11 (everyone should have received training on this during your initial officer training; please refer to your *Detecting Possible Victims of Trafficking* RAIO Combined Training Course training module for guidance), or
- The only countries through which the alien transited in route to the US, at the time of transit, were 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 (at present, those countries would be Bhutan, Grenada, Kiribati, Malaysia, Micronesia, Myanmar, North Korea, Oman, Singapore, and Tonga)

Nothing in the IFR limits an alien from being considered for withholding of removal or protection under CAT, or limits the processes applied to UACs pursuant to TVPRA.

Revised CF screening for aliens subject to the new asylum bar

In addition, under the newly amended regulation at 8 CFR § 208.30(e)(5)(iii), any alien placed into expedited removal who is referred to us for a credible fear screening and who is determined to be ineligible for asylum under the new 8 CFR § 208.13(c)(4) shall

- Receive a negative credible finding as to any asylum claim under INA Section 208; and
- Have any claim to eligibility for withholding of removal or protection under the Convention Against Torture considered under the “reasonable possibility” reasonable fear screening standard **instead of** the “significant possibility” credible fear screening standard.

Besides this changed screening standard for withholding and CAT, all the other usual CF screening procedures

and rules apply to these cases, including issuing someone who receives a positive fear finding a Notice to Appear (NTA) to place the person into INA Section 240 removal proceedings.

Below you will find some more detailed “nuts and bolts” instructions for how to handle CF cases impacted by these changes. Further instructions for how we will process affirmative asylum claims impacted by these changes will be forthcoming.

Finally, let me give you a few key takeaways:

- No changes are being made at this time to our processing and screening of Reasonable Fear referrals under 8 CFR § 208.31;
- No changes are being made at this time to our processing and screening of Credible Fear referrals for those aliens who are not impacted by the new asylum bar;
- We have been doing Reasonable Fear screenings for years; conducting RF screenings for aliens impacted by the new asylum bar should be no different;
- The new bar to asylum will apply to affirmative asylum applications, but only for individuals who entered, attempted to enter, or arrived in the US across the southern land border on or after July 16, 2019. It will likely be several weeks or months before we interview and adjudicate any affirmative asylum cases that are impacted by this bar.

We are once again being asked to adapt, and to do so with very little time to train and prepare. If I didn’t know that we have some of the most dedicated, most adaptable, and most talented public servants presently serving in the federal government, I would be concerned about being able to implement these changes on such short notice. Fortunately, each of you are all of those things and much, much more.

I fully expect there to be many questions as this is implemented in the coming days and weeks. Please bring those questions forward to your office leadership so that we can attempt to respond as quickly as possible, and share those responses with the other offices.

Thanks!

John

SUBJECT: Updated Procedures for Implementing the Interim Final Rule

Effective beginning July 16, 2019, and pursuant to 8 CFR 208.13(c)(4) , this message provides updated procedures for the processing of Credible Fear cases. In particular, this guidance modifies the Credible Fear of Persecution and Torture Determinations Lesson Plan (“Credible Fear Lesson Plan”), the Credible Fear Procedures Manual, and all other prior guidance documentations and memorandums that are inconsistent with the Interim Final Rule published on July 16, 2019.

Instructions on the impact of this IFR on affirmative asylum processing will be forthcoming. To be subject to the bar the alien must enter, attempt to enter, or arrive in the US across the southern land border on or after July 16, 2019.

These updated procedures are effective immediately and apply to any APSO screening determination issued after July 15, 2019. All asylum offices are responsible for conducting field training for staff on these updated procedures as soon as practicable, no later than one week from today. A PowerPoint training is attached.

Officers **must be trained on reasonable fear** to adjudicate cases subject to the IFR.

Aliens placed in the expedited removal process under INA §235(b)(1) must be referred to USCIS for a credible fear screening if they express a fear of returning to their country. These new procedures only apply to aliens who enter, attempt to enter, or arrive in the US across the southern land border. Cases where aliens enter or attempt to enter or arrive in other locations should follow current Asylum Division Credible Fear Procedures.

Jurisdiction

The Interim Final Rule does not alter the referral process. The Asylum Office must receive all the jurisdictional documents listed at III.B. of the Credible Fear Procedures Manual prior to adjudicating the case. The AO and SAO must confirm that the asylum division has proper jurisdiction in each case.

Interview

Prior to interviewing a case, the asylum officer should review jurisdictional documents (such as the I-213, I-860, I-867A and B) to ascertain the alien's date and manner of entry into the United States.

Jurisdictional documents alone are not enough to establish the application of the bar. An asylum officer must also elicit information regarding potential exceptions and complete the Third-Country Transit Bar Worksheet.

If the officer establishes that the bar applies and that no exceptions to the bar are applicable, the officer should inform the alien that the reasonable possibility standard will apply to the claim. This explanation should be documented in an orientation memo to file (see attached memo).

Once the officer establishes that the bar applies, the officer will make a negative credible fear finding as to asylum and interview the alien to determine if he or she meets the reasonable possibility standard for persecution and the Convention Against Torture. Please see the Reasonable Fear of Persecution and Torture Determinations Lesson Plan for more information on this standard.

Case Processing

1. **Third-Country Transit Bar Worksheet:** Must be completed for all individuals who entered, attempted to enter, or arrived in the US across the southern land border on or after **July 16, 2019**.
2. **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 a memo to file. The memo is not required if the alien is not subject to the bar or if he or she establishes that the bar does not apply.
3. **I-870:** Use I-870 dated 7/11/19 for all cases.
4. **CF Checklist:** For applicants barred for asylum, please use the "Credible Fear Determination Checklist and Written Analysis for Applicants in Expedited Removal Found Barred from Asylum Pursuant to 208.13(c)(4)." (Checklist 3). Checklist 3 contains instructions regarding the applicable legal standard.
5. **I-869A:** Use I-869A instead of I-869 to document negative determinations for applicants who are barred and are screened using the reasonable fear standard.
6. **Global:** Only for cases subject to IFR, offices select special group code "**bar - 13(c)(4)**." If the individual establishes an exception to the bar, offices select special group code "**no bar - 13(c)(4)**." Officers, SAOs

and all involved in case processing are reminded to make sure that one of these special group codes **must be selected** whenever the individual interviewed is comes within the scope of this new IFR bar.

If you have any questions concerning the procedures contained in this memorandum, please contact the headquarters APSO point or points of contact. We will be updating the Credible Fear Lesson Plan and Credible Fear Procedures Manual in the future.

Attachments: Third-Country Transit Bar Worksheet
Orientation memo to file
I-870, dated 7/11/19
CF Checklist 3
I-869A
PPT

From: Maloney, Kathleen M
To: Grady Madera, Adrienne M; Ekoubegzi, Mahlet F
Cc: Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon; Leigh, Francis W; Maalona, John L
Subject: Interview schedule
Date: Thursday, December 05, 2019 9:54:52 PM

Hi Adrienne and Mahlet,

Here are the updates to the schedule below.

13 new agents will be ready to interview on Monday alone. 7 new BP agents will be ready to interview on Tuesday alone and 3 BP agents will be ready to interview on Wednesday alone. We want to keep each agent on a 1 week ramp up schedule, so for the first 5 days of each officer's interviews, can you please give them one case a day. After five days, they will be on the same schedule as the rest of the BP agents.

Monday	Monday	Tuesday	Wednesday

Thanks so much!

(b)(7)(c)

Best,
Kathleen

From: Maloney, Kathleen M
Sent: Tuesday, December 03, 2019 8:26 PM
To: Morales, Oscar C <Oscar.C.Morales@uscis.dhs.gov>; Grady Madera, Adrienne M <adrienne.m.grady-madera@uscis.dhs.gov>; Ekoubegzi, Mahlet F <mahlet.f.ekoubegzi@uscis.dhs.gov>
Cc: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>
Subject: Interviews Thursday, Friday, Monday & Tuesday

Hi dream team,

We are almost done with OJT. We have 7 new BP agents doing interviews on Thursday and 7 new BP agents doing interviews on Friday. Each agent will be observed by an AO, so can we please give the AOs one interview per day? Also, one BP agent will be observed by Sarah on Monday. Can we give Sarah only one interview on Monday?

15 new agents will be ready to interview on Monday alone. 7 new BP agents will be ready to interview on Tuesday alone and 1 BP agent will be ready to interview on Wednesday alone. I am not aware of leave for next week, so can you check in with Bubba before making the schedule? We want to keep each agent on a 1 week ramp up schedule, so for the first 5 days of each officer's interviews, can you please only give them one case a day and then they will be on the same schedule as the rest of the BP agents.

Monday	Monday	Tuesday	Wednesday

Thank you all so much!

(b)(7)(c)

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: (b)(6)
CELL PHONE:

[HTTPS://EAASPIV.DHS.GOV/OWA](https://EAASPIV.DHS.GOV/OWA)

(b)(7)(c)

From: Alexander, Shannon
To:



Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Mura, Elizabeth E; Rellis, Jennifer L; Hussey, Jedidah M; Hogan, Heather J; Powless, Crystal Y; Varghese, Mathew C; Daum, Robert L; Gadson, Irvin C; Douglas, Audrey M; Papazian, Varsenik L; Aguilar, Kimberly M; Klayman, Amy S; WILSON-BRUCHET, Lynne L; Maloney, Kathleen M; Mongkolpumir, Voranan; Bissell, Catherine E (Kate); Andre, Lisa S

Subject: Interviewing Children Training 10/24
Date: Friday, October 18, 2019 12:09:00 PM

Good Afternoon Everyone,

We will be holding a 4 hour training on **Thursday, October 24th from 10:30 AM EST until 3:00 PM EST**. The training will focus on Interviewing Children but will also touch on Credibility. In addition to several asylum SMEs who have substantial experience on this topic, we are extremely lucky to have Lynne Wilson-Bruchet joining us. Lynne works with HSI as a Victim Assistance Specialist and is an expert on the forensics of interviewing.

The schedule is as follows:

10:30 AM EST – 12:15 PM EST *Recorded Webinar: Children's Claims*
12:15 PM EST – 12:45 PM EST *Lunch*
12:45 PM EST – 1:15 PM EST *Practical Exercise: Interviewing Children Question Analysis*
1:15 PM EST to 1:30 PM EST *Break*
1:30 PM EST – 2:15 PM EST *Live Q&A on Interviewing Children with Lynne Wilson-Bruchet (Victim Assistance Specialist, HSI Newark), Kathleen Maloney (Training Officer STFRC), Lisa Andre (Supervisory Asylum Officer ZLA), Voranan Mongkolpumir (Supervisory Asylum Officer ZNK) and Kate Bissell (Asylum HQ)*
2:15 PM EST – 3:00 PM EST *Live Check in with Asylum HQ*

I will send two calendar invites: one for the webinar and one for the Q&A and Check in. The webinar invite will include the practical exercise.

Unless you have preapproved leave, your attendance is expected.

If there are technical issues with your computer on the day of the training, you will be able to access the training by using the call in number provided by the WebEx invite.

If you have any questions, general case issues etc that you would like our panel to address during the live portion of the training, please feel free to reply directly to me with those questions and details.

Thank you! Looking forward to hearing from you next week. Have a great weekend.

Best,

Shannon Alexander
Asylum Officer
Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED]

(b)(6)

From: Yasrobi, Sharon A
To:
Cc: LARACUENTE, HABACUC; STEPHANY, ERIK R; Brennan, Ciaran P; RIVERA4, LUIS; Maloney, Kathleen M; Alexander, Shannon; Douglas, Audrey M
Subject: Mentor assignments for BP Cohort 4
Date: Wednesday, November 20, 2019 3:04:47 PM

Hi everyone!

These are the mentoring assignments. As Kathleen mentioned, we are waiting on the final mentor who is on leave until Monday. If you are on the TBD team below, Erik Stephany has graciously agreed to be your POC this week, so feel free to reach out to him!

Haba Laracuent	Erik Stephany	Ciaran Brennan	Luis Rivera	TBD

Thank you to everyone who agreed to serve as a mentor to the newest cohort of Agents! (b)(6)

Sharon

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

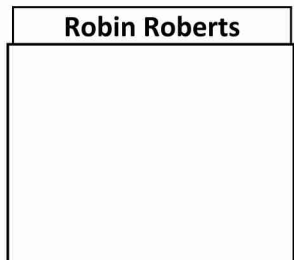
| Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

From: Yasrobi, Sharon A (b)(7)(c)
To: [REDACTED]
Cc: Douglas, Audrey M; Leigh, Francis W; Maloney, Kathleen M; Alexander, Shannon; Roberts, Robin J
Subject: Mentor assignments
Date: Friday, November 22, 2019 12:35:38 PM

Hi everyone!

Robin Roberts, who is on site here at Dilley, has graciously agreed to serve as your mentor! Please reach out to him to introduce yourselves!



(b)(7)(c)

Sharon

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

[REDACTED] | Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

From: Alexander, Shannon
To: Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Mura, Elizabeth E; Kirkland, Brooke A; Rellis, Jennifer L
Cc: Gordon, Jonathan
Subject: New CF for CBP Biweekly Call for BP Cohorts 4/5 and OFO Cohort 1
Date: Friday, December 27, 2019 1:10:00 PM

Good Afternoon Everyone,

Happy Friday!

Jonathan and I have set up the new biweekly call with the ZAR./ZAC and ZHN/Dilley POCs for CF for CBP for every other Thursday at 9:30 AM EST/8:30 AM CST starting 2/13 and ending 6/11 . During this call we talk about the quantity and quality of agents'/officers' casework as well as any technical issues they may have. We also answer any questions they may have.

There are no officers or agents on this call (we speak with them during the monthly check in).

I am including all of you on the invite but there is probably no need for you to attend all of these calls. Rhonda, Bob and I handled the last series for the most part.

If there is someone from your branch you would like on the calls, please let us know and we will add them or you can forward the calendar invite to them.

Thank you!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

February Check in with BPAs

Monday 2/10/2020

Start: 10:00 AM

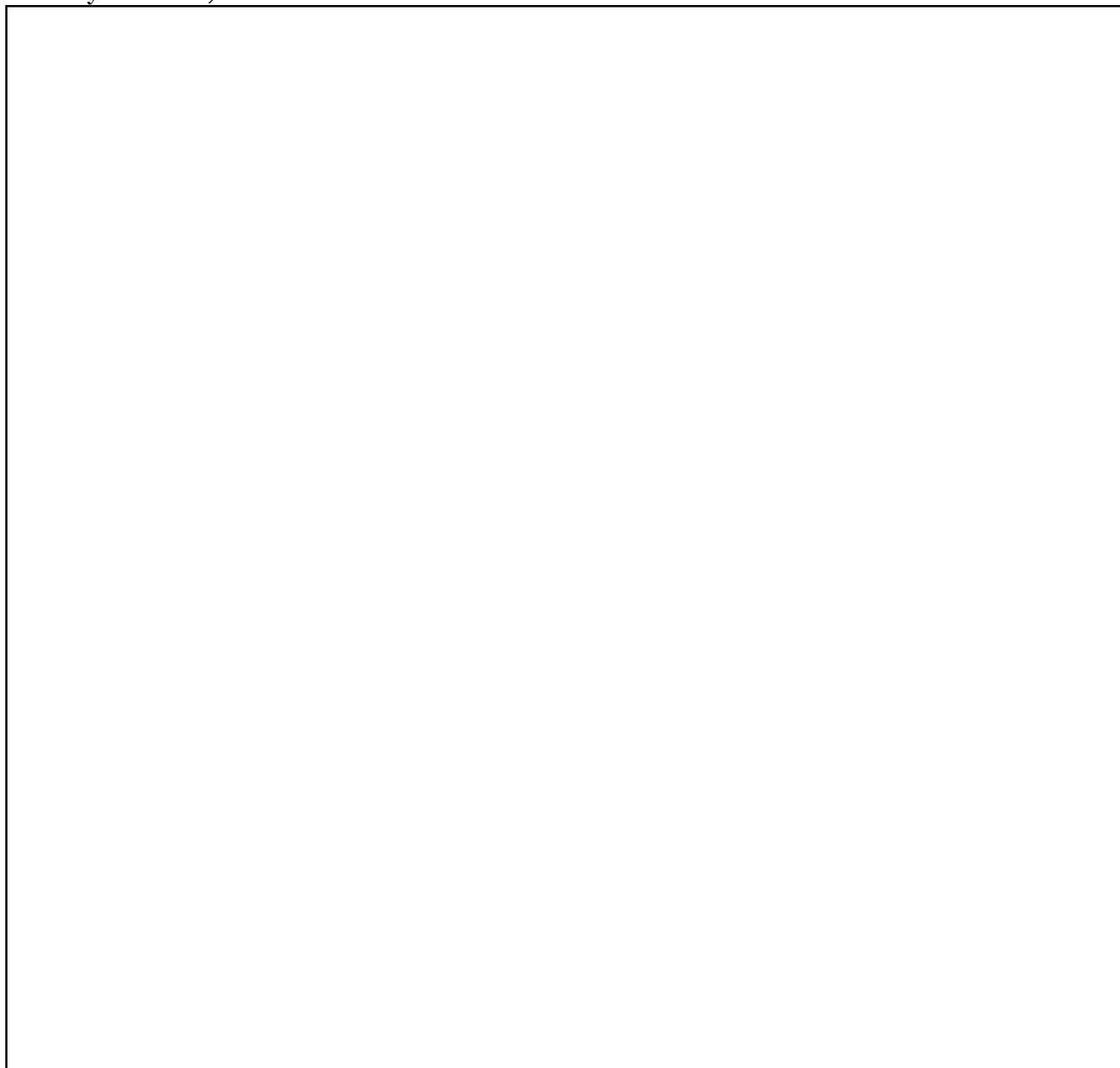
Attendance

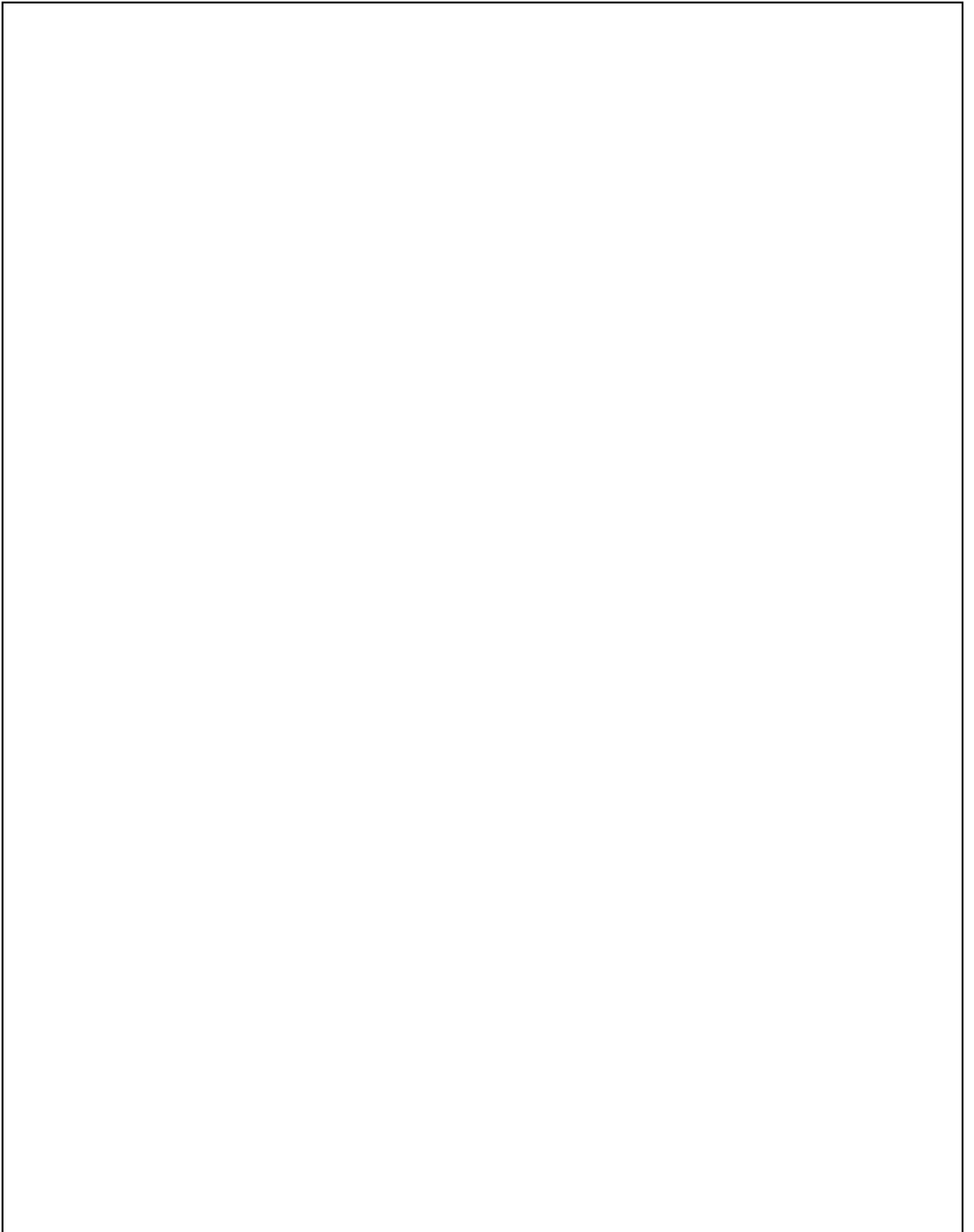
Asylum HQ – Jonathan, Shannon

BP HQ – Reilly

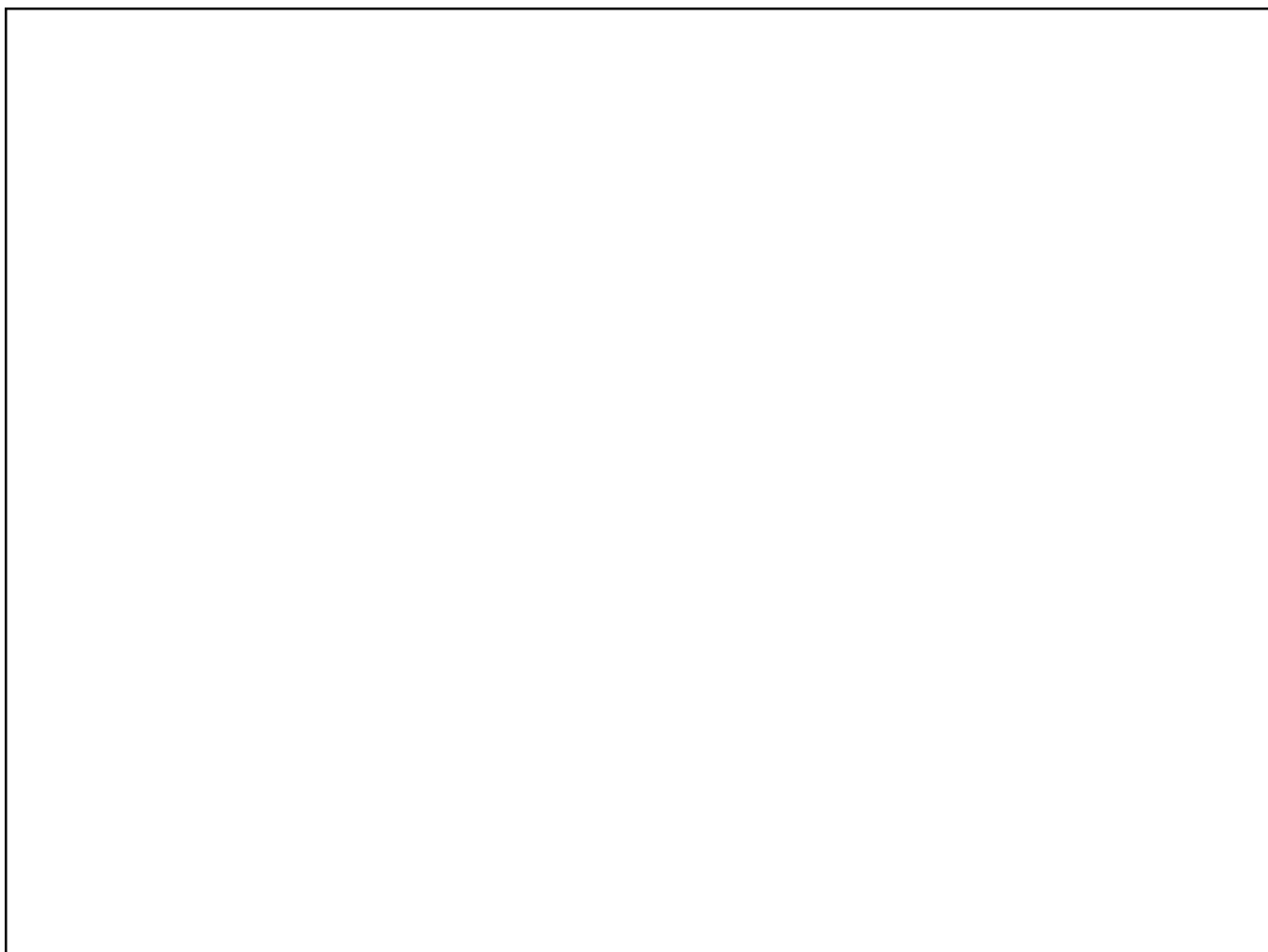
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Dilley – Bubba, Kathleen





(b)(6)



End: 10:25 AM

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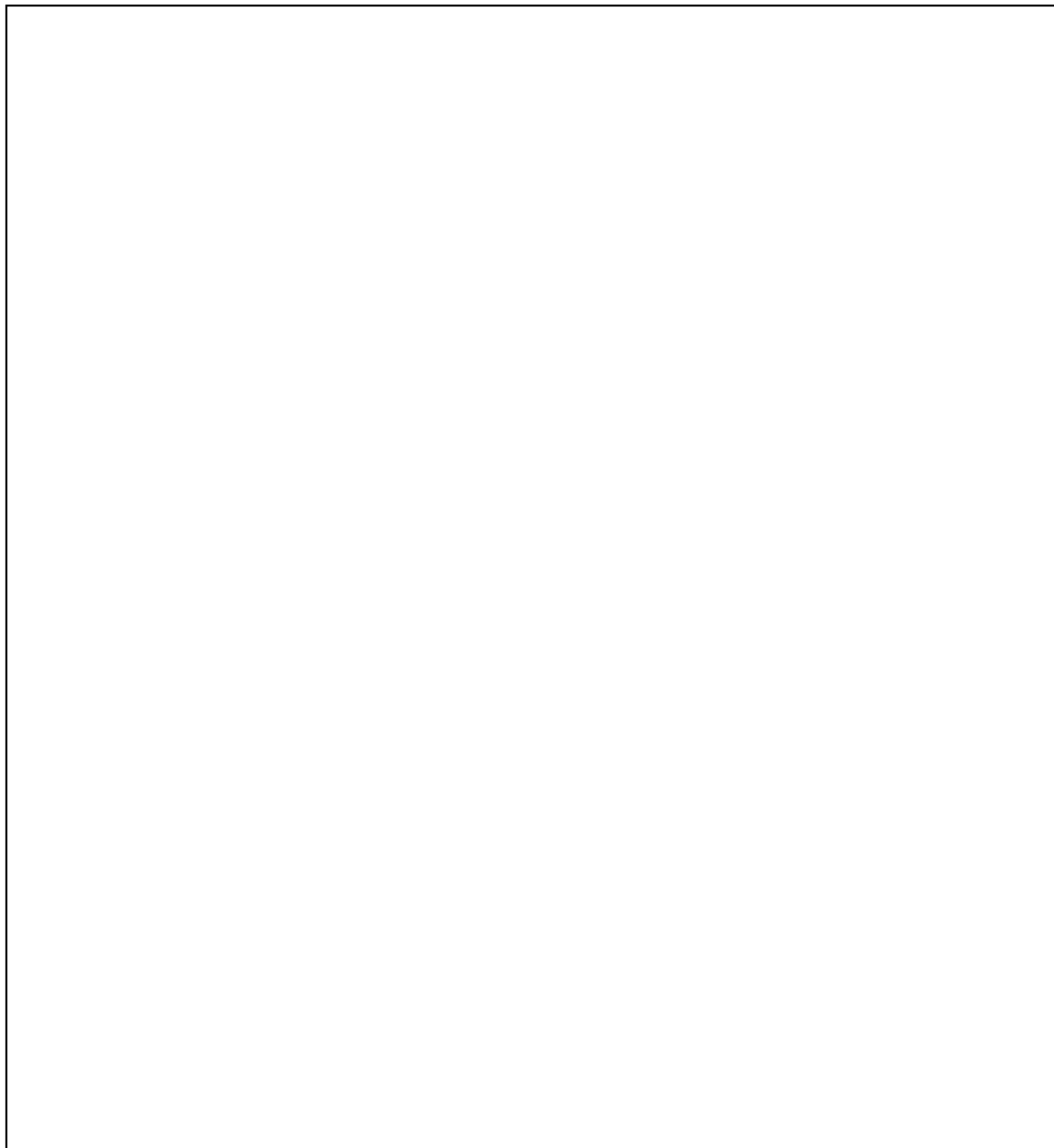
January Check In Cohort 4

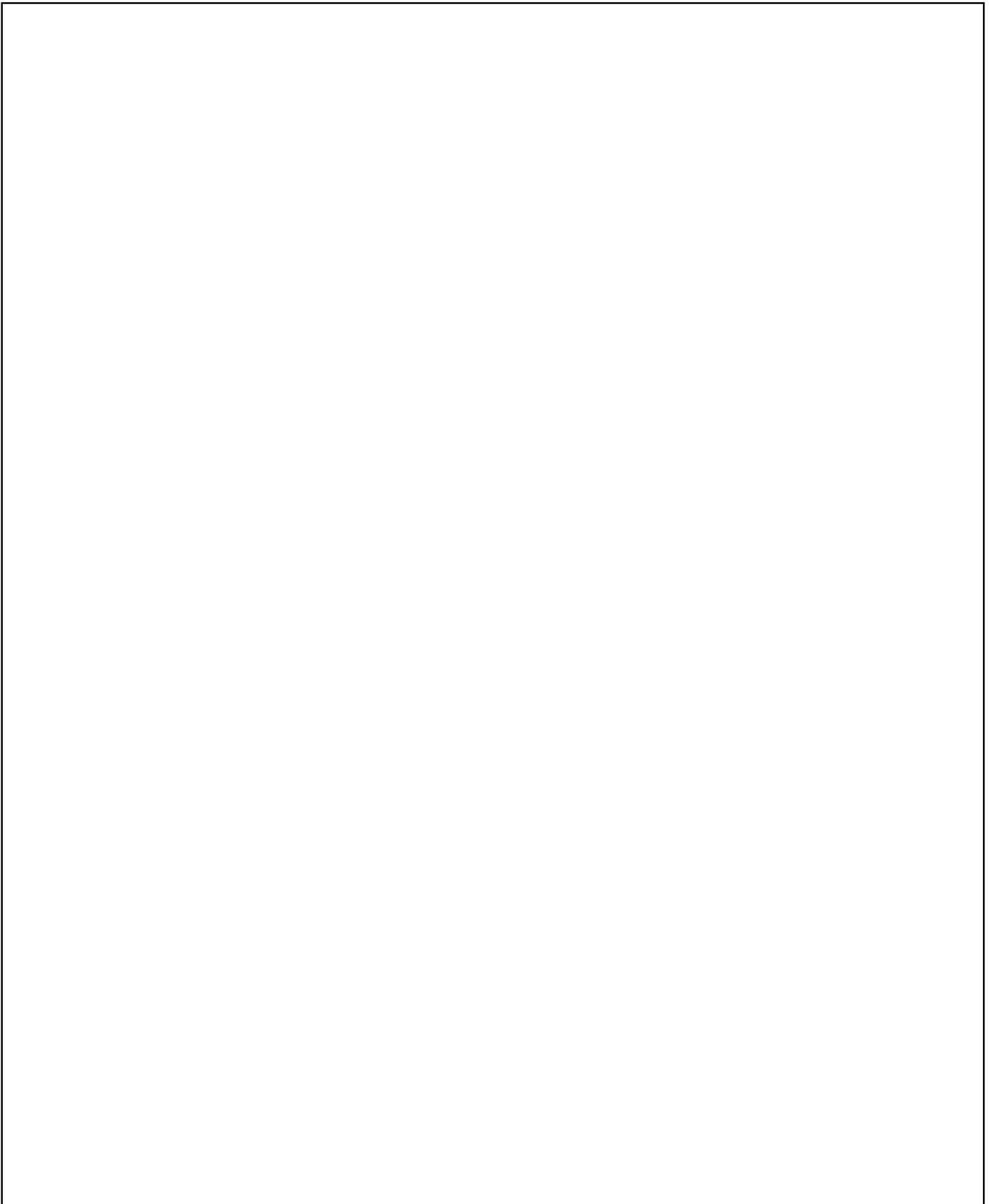
Bubba, Kathleen, John

ASC Reilly

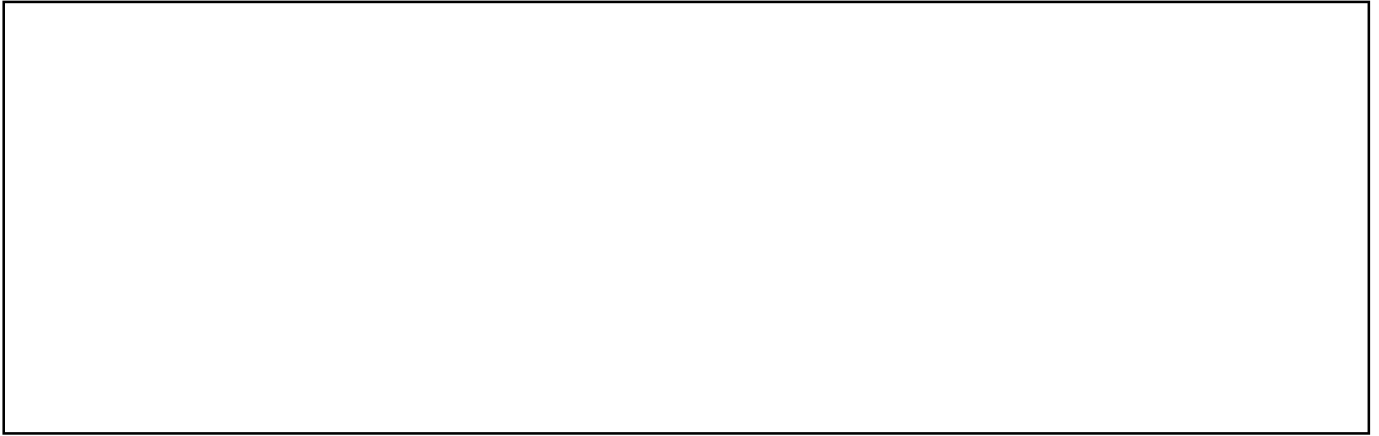
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Shannon





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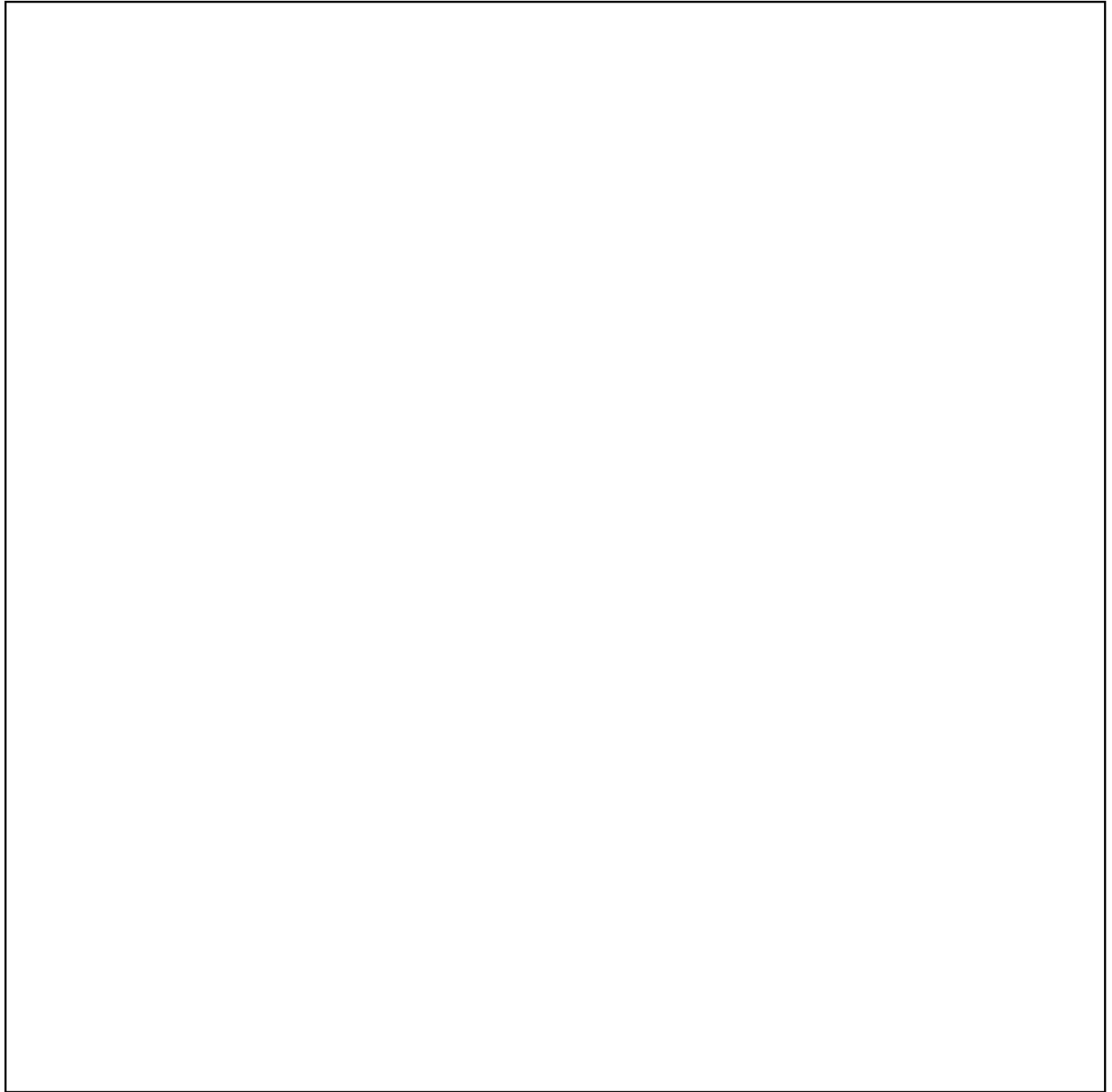
Notes from USBP Monthly Check-In 3/9/2020:

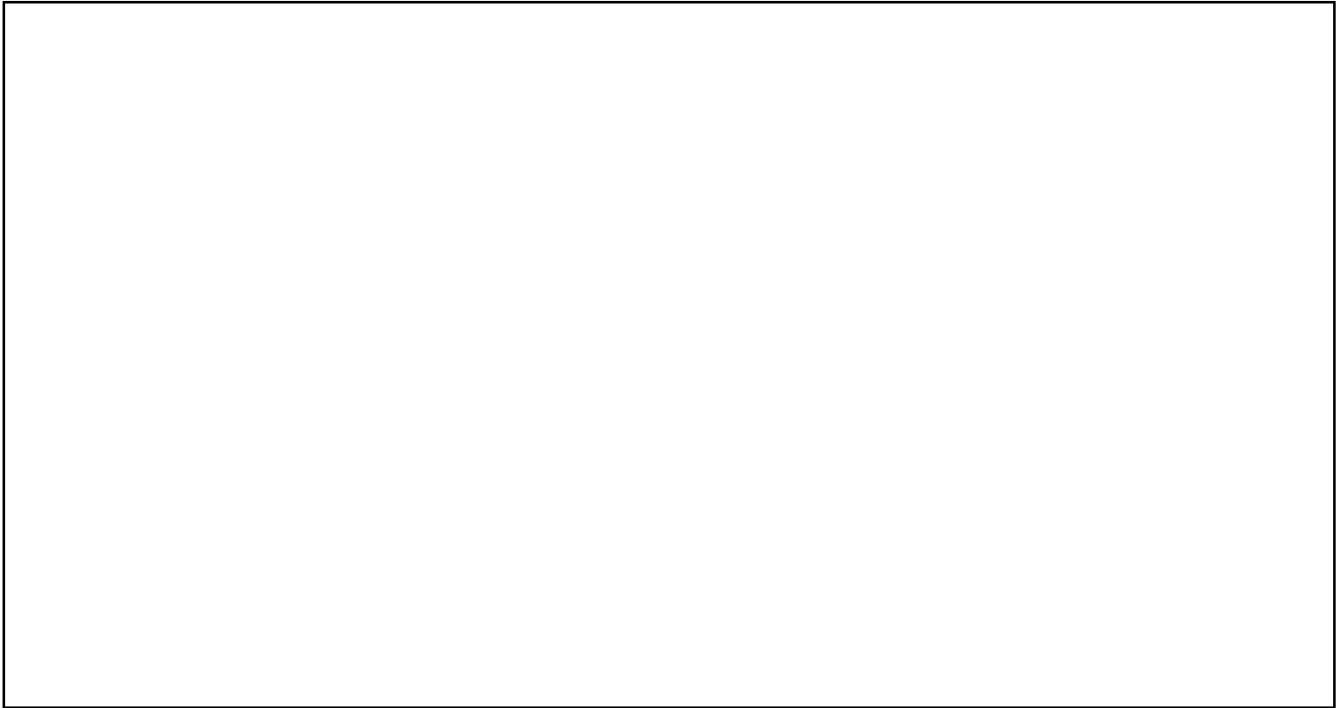
HQ: Jonathan

USBP HQ: None

ZHN: Audrey, Kathleen

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Notes from November Monthly Check In

- Cohort 1 has sunseted
- Currently training cohort 4

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Page 1 of 2

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14.

(b)(6)

From: Maloney, Kathleen M
To: Rodrigues, Maria L; Casey, Marta V; Grady Madera, Adrienne M
Cc: Douglas, Audrey M; Yasrobi, Sharon A; Alexander, Shannon; Maalona, John L; Hollemans, Sarah M
Subject: Observations needed on Monday
Date: Thursday, December 05, 2019 9:54:52 PM

Hi Maria and Marta,

I hope you are enjoying Pearsall.

We have been giving on the job training to BP agents doing CF interviews at Dilley. Part of their on the job training is to be observed by an AO. (I will give you more details once confirmed.) We only have one AO at Dilley doing CF interviews next week and she is observing a different BP agent on Monday. (You both know Sarah.)

Can you please come to Dilley on Monday morning to assist us? ZHN cleared your schedule on Monday to allow for this. We will ask Adrienne (our POC) to schedule your interviews for 10:00 AM to allow time to drive down to Dilley with the carpool van after dropping off the other TDYers. You will be finished in time to carpool home with the other TDYers at Pearsall.

Adrienne, if Maria and Marta are joining us, can we please give them 10:00 AM interviews to observe?

Please let me know if you have any 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: [REDACTED] (b)(6)
CELL PHONE: [REDACTED]

[HTTPS://EAASPIV.DHS.GOV/OWA](https://EAASPIV.DHS.GOV/OWA)

From: Alexander, Shannon
To: Douglas, Audrey M; Leigh, Francis W; Maloney, Kathleen M
Subject: OJT for USBP Cohort 5
Date: Tuesday, December 10, 2019 2:16:00 PM

Hi Audrey, Francis and Kathleen,

The next cohort is headed your way in early January, which is sneaking up on us very quickly (or at least on me). Could you provide us with a draft of your plans for OJT by next Friday, December 20th?

Thank you!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

From: Maloney, Kathleen M
To: Alexander, Shannon; Yasrobi, Sharon A
Cc: Douglas, Audrey M; Maloney, Kathleen M
Subject: OJT Schedule 11.18.19
Date: Wednesday, November 13, 2019 3:29:44 PM
Attachments: OJT Schedule 11.18.19.docx

Good afternoon,

Attached is proposed OJT schedule. I kept the format, but gave us more classroom time during the first week. Feel free to make any changes.

Can the agents move to a 10-hour day for OJT? The agents at Dilley typically work 7:30 am to 5:30 pm.

I will send the information for the mock interviews tomorrow. Let me know if you need anything else from me. Thank you very much!

Best,

Kathleen

OJT CREDIBLE FEAR FOR USBP TRAINING

	(DAY 1) JANUARY 20	(DAY 2) January 21	(DAY 3) JANUARY 22	(DAY 4) January 23	(DAY 5) JANUARY 24
7:30	CLOSED	<u>Welcome, Orientation, Systems access, 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, and Supervisory review</u> 10:30 am – 11:30 am (1 hr.)	<u>Officers in group A meet with AO for pre-interview discussion, Interview Observation (non-IFR) & post-interview discussion with AO</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group B review Interim Final Rule and distinguish from CF significant possibility standard; global review; security checks lab</u>	<u>Officers in group B meet with AO for pre-interview discussion, interview observation (non-IFR) & post-interview discussion with AO</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group complete interview write-up for Wednesday observation</u>	<u>Officers in group A meet with AO for pre-interview discussion, interview observation (non-IFR) & post-interview discussion with AO</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group B review feedback; complete Interview write-up for Thursday observation (forms only)</u>
30 min		<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
12:00 or 12:30	BIRTHDAY OF MARTIN LUTHER KING, JR.	<u>Read and review local procedures, obtain badges</u> 12:30 – 2:30 pm (2 hrs.) <u>Break</u> 2:30 pm – 2:45 pm <u>Form Filler Training</u> 2:45-4:00 PM (1.75 hrs.)	<u>Officers in group B meet with AO for pre-interview discussion, interview observation (non-IFR) & post-interview discussion with AO</u> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <u>Officers in group A review Interim Final Rule and distinguish from CF significant possibility standard; global review security checks lab</u>	<u>Officers in group A meet with AO for pre-interview discussion, interview observation (non-IFR) & post-interview discussion with AO</u> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <u>Group B – 12:30</u> <u>Complete Interview Write-Up for Wednesday Observation</u>	<u>Officers in group B meet with AO for pre-interview discussion, interview observation (non-IFR) & post-interview discussion with AO</u> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <u>Officers in group A review feedback; complete interview write-up for Thursday observation (forms only)</u>
4:00					
		8 HOURS	8 HOURS	8 HOURS	8 HOURS

OJT CREDIBLE FEAR FOR USBP TRAINING

	(DAY 6) JANUARY 27	(DAY 7) JANUARY 28	(DAY 8) January 29	(DAY 9) JANUARY 30	(DAY 10) JANUARY 31
7:30	<u>Officers in group B mock interviews (claim only; AO evaluator)</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group A practice intro/ biographical portion (AO/TO observers)</u>	<u>Officers in group B meet with AO for pre-interview discussion, interview observation & post-interview discussion</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group A review feedback; discuss mock interview; self-study</u> <u>Officers in group A for interviews prepare for tomorrow's interview</u>	<u>Officers in group A conduct one interview (observed by an officer), complete paperwork</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group B and C review the self-guided study plans and feedback practice cases</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break)	<u>Officers in group B conduct one interview (observed by an officer), complete paperwork</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in Group A and C review the self-guided study plans and feedback practice cases</u>	<u>Officers in group C conduct one interview (observed by an officer), complete paperwork</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in Group A and B review the self-guided study plans and feedback from practice cases</u>
			<u>LUNCH</u>		
12:30	<u>Officers in group A mock interviews (claim only; AO evaluator)</u> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <u>Officers in group B practice intro/ biographical portion (AO/TO observers)</u>	<u>Officers in group A meet with AO for pre-interview discussion, interview observation (IFR) & post-interview discussion</u> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <u>Officers in group B review feedback; discuss mock interview; self-study</u>	<i>Continue from morning</i> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <u>Officers in group B for interviews can prepare for tomorrow's interview</u>	<i>Continue from morning</i> 12:30 pm – 2:00 pm (1.5 hrs.) <u>Meeting with ZHN Leadership</u> 2:00 pm – 2:30 pm (.5 hrs.) <i>Continue from morning</i> 2:30 pm – 4:00 pm (1.5 hrs. with a 15 min. break) <u>Those in Group C for interviews can prepare for tomorrow's interview</u>	<i>Continue from morning</i> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break) <i>Officers who were not interviewing and had completed their write-up were given the option of observing trained BPAs complete interviews</i>
4:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

OJT CREDIBLE FEAR FOR USBP TRAINING

	(DAY 11) FEBRUARY 3	(DAY 12) FEBRUARY 4	(DAY 13) FEBRUARY 5	(DAY 14) FEBRUARY 6	(DAY 15) FEBRUARY 7
7:30	<u>Complete work from last week</u> 7:30 am – 8:00 am (.5 hr.) <u>FDNS updates from Travis Wessler</u> 8:00 am – 10:00 am (2.0 hrs.) <u>Introduction to J. Maalona</u> 10:00 am – 10:30 am (.5 hr.) <u>Watch the PDF Webex and instruction</u> 10:30 am – 11:15 am (.75 hr. with a 15 min. break). <u>Nexus review</u> 11:15 am – 12:00 pm (.75 hr.) <i>Complete write-ups from last week, including any revisions. Officers will also have the opportunity to meet with AOs and TOs for feedback during this time.</i>	<u>Officers in group B conduct one interview (observed by an officer), complete paperwork</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in group A and C complete COI research and credibility exercise</u>	<u>Officers in group C conduct one interview (observed by an officer), complete paperwork</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in Group A and B review the self-guided study plans and feedback practice cases</u> <u>Officers in Group B complete paperwork</u>	<u>Officers in group A conduct one interview (observed by an officer), complete paperwork</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break) <u>Officers in Group B and C review the self-guided study plans and feedback from practice cases</u> <u>Officers in Group C complete paperwork</u> <u>Officers in Group B complete COI and credibility exercise</u>	<u>FDNS & security check exercise and group A, B and C work on pending revisions/completions</u> 7:30 am – 12:00 pm (4.5 hrs. with a 15 min. break)
	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>	<u>LUNCH</u>
12:30	<u>Nexus review and checklist refresher</u> 12:30 pm – 3:00 pm with a 15 min. break (2.5 hrs.) <u>Dissolution, family unity, joinder and rare language procedures</u> 3:00 pm -3:30 pm (with a 15 min. break) <u>Prepare for interview on Tuesday or COI research</u> 3:30 pm – 4:00 pm with a 15 min. break	<i>Continue from morning</i> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break)	<i>Continue from morning</i> 12:30 pm – 2:00 pm (3.5 hrs. with a 15 min. break)	<i>Continue from morning</i> 12:30 pm – 4:00 pm (3.5 hrs. with a 15 min. break)	<i>Continue from morning</i> 12:30 pm-2:00 pm and 3:30 pm-4:00 pm (2.0 hrs. with a 15 min. break) <u>Wrap up and answer questions</u> 2:00 pm – 3:30 pm (1.5 hrs.)
4:00					
	8 HOURS	8 HOURS	8 HOURS	8 HOURS	8 HOURS

From: Alexander, Shannon
To: Hogan, Heather J
Cc: Roberts, Rhonda J; Gordon, Jonathan; O'Malley, Robert L
Bcc: Quinones, Eugenio Jr; QUINONES, EUGENIO; Sanchez, Eric A; SANCHEZ, ERIC A; Hernandez, Ruth N; HERNANDEZ, RUTH; Espinoza, Salvador H; ESPINOZA, SALVADOR H; Gutierrez, Ervey; GUTIERREZ, ERVEY; Valdez, Luis S; VALDEZ, LUIS S; Saiz, Jose A; SAIZ, JOSE A; Goldston, Sterling W; GOLDSTON, STERLING W; Natividad, Frank; NATIVIDAD, FRANK; Carrillo, Efrain; CARRILLO, EFRAIN; Dorame, Brian A; DORAME, BRIAN A; Tipton, Dax R; TIPTON, DAX R (DGL); Rutkowski, Thomas M; RUTKOWSKI-II, THOMAS M; Genoves, Gabriel; GENOVES, GABRIEL; Perez, Ubaldo; PEREZ, UBALDO; Jiron, Marvin P; JIRON, MARVIN P; Torrick, Jason J; TORRICK, JASON J; Etling, John E; ETLING, JOHN E; Mceachen, John W; MCEACHEN, JOHN W; Morrison, Andrew F; MORRISON, ANDREW F; Vazquez, Robert M; VAZQUEZ, ROBERT M; Baez, Jonathan; BAEZ, JONATHAN; Gali, Orlando; GALL, ORLANDO; Roberts, Robin J; ROBERTS, ROBIN J; Brennan, Ciaran P; BRENNAN, CIARAN P
Subject: On the Job Training
Date: Wednesday, August 14, 2019 12:57:00 PM

Good Afternoon Everyone (and Morning to those of you on the West Coast),

Heather and I have enjoyed hearing from a few of you since your return to asylum. We know you are all working hard to ramp up to a full schedule. This definitely takes patience, practice and time. We appreciate your efforts.

We wanted to reach out to the entire group to give you an opportunity to share any feedback, issues, suggestions or concerns you may have concerning your On the Job Training. If there is anything you'd like for us to know, we encourage you to reply to this email.

We know several of you have not started yet but please feel free to check in with us after your OJT training has begun.

Enjoy the rest of your week!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

From: Maloney, Kathleen M

To:

Cc: Ruhee V; Devaney, Ginger E; De Lucia, Corina F; Sermeno, Heidi M; Gibson, Vanessa M; Raney, Lisa M
Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon; Leigh, Francis W; Maalona, John L; Grady Madera,
Adrianne M

Subject: Please read--Instructions for Thursday and ZHN leadership meeting

Date: Thursday, November 21, 2019 8:35:29 AM

AOs: We will need to move you 8:00 interviews until 11:30. When the applicant arrives, please let her know that she should eat at 11:00 and return at 11:30 for her interview. BP agents asked to observe more interviews and in light of the low intake, we moved the schedule so they can benefit from being at Dilley. Reach out right away to Sharon and me if an applicant does not want a male in the room. CIS is meeting with ZHN leadership at 10:00 in the ICE conference.

BP: You will be prepping, observing and writing up the interview today. You will also have two sessions in the classroom at 9:00 and 2:30.

Please look at today's schedule you received yesterday from Adrianne (and look for the password in a different e-mail from her). Go to Global and pull and print the triggering documents. In the table below, you will see the AO you are working with. Connect with that person at 8:00 to see how they prep for an interview. You will have a meeting with ZHN leadership at 9:00 in the classroom and via webex. After the meeting, please use the form fillers and begin the forms. Eat lunch before the 11:30 interview. At 11:30 return to the AO. Return to the class at 2:30 for your FDNS session. After that session, please complete the forms and e-mail them to Sharon and me.

AO	BP
Aruch, Jaclyn B	
Hollemans, Sarah M	
Lankford, Katherine E	
Vagle, Ruhee V	
Devaney, Ginger E	
De Lucia, Corina F	

(b)(7)(c)

Sermeno, Heidi M	
Gibson, Vanessa M	
Raney, Lisa M	

(b)(7)(c)

Thank you all!

Best,
Kathleen and Sharon

From: Alexander, Shannon
To: Kirkland, Brooke A; Mura, Elizabeth E; Hussey, Jedidah M; Doeren, Graham R; Kogut, Alison A; Fernandez, Sandra V; Daum, Robert L; Gadson, Irvin C; Douglas, Audrey M
Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J
Subject: Presenters for CF for CBP 1/6-1/17
Date: Tuesday, December 10, 2019 9:54:00 AM
Attachments: CF for USBP Schedule USBP Cohort 5; OFO Cohort 1 DRAFT.docx
Importance: High

Good Morning Everyone!

Please see the attached draft schedule for the next round of training for CBP. This iteration is called CF for CBP as we will be training 25 agents from Border Patrol as well as 20 officers from the Office of Field Operations (OFO).

All 45 agents and officers started Distance Training this week. They will attend face to face training at 999 from Monday, January 6th through Thursday, January 16th. They will then depart for their OJT at either Dilley or ZAR. The current plan is for the BPAs to continue interviewing at the FRCs while the OFOOs conduct PASR/HARP interviews.

Please review the draft schedule and let us know if the identified presenters from your branch/office are available. If not, please propose an alternate. If no presenter is identified, please provide a name.

We would like to have the schedule finalized soon so we would appreciate your responses by COB, this Friday the 13th (bit of an ominous date there).

Thank you very much for all of your help and support of this project!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

From: [Alexander, Shannon](#)
To: [Caudill-Mirillo, Ashley B](#); [Davidson, Andrew J](#); [Roberts, Rhonda J](#); [Rellis, Jennifer L](#); [Mura, Elizabeth E](#)
Cc: [Gordon, Jonathan](#)
Subject: RE: Asks/Tasks from Call with ZHN
Date: Thursday, December 19, 2019 12:17:00 PM

Hi All,

Thanks for the prompt reply!

Sorry the “Asks of BP” are questions I had for the Mikes.

Best,

Shannon

From: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>
Sent: Thursday, December 19, 2019 12:03 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Mura, Elizabeth E <Elizabeth.E.Mura@uscis.dhs.gov>
Cc: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Subject: RE: Asks/Tasks from Call with ZHN

Shannon,

See my thoughts below.

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Sent: Thursday, December 19, 2019 11:47 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>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>
Cc: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Subject: Asks/Tasks from Call with ZHN
Importance: High

Good morning All,

I had a call this morning with Irvin, Bubba and Kathleen regarding OJT for Cohort 5.

First, ZHN is at capacity, or “stuffed to the gills,” so OJT will need to happen at Dilley. I have let RAIO Travel know.

Kathleen did send over an OJT schedule with 10 hour days. As we now have BUEs their training days are limited to 8 hrs. ASC Reilly said we can do 10 hrs if we call it something else. We have consistently been calling it OJT so I think we are stuck with that label for at least the first week. Kathleen is going to rework the schedule.

Asks of HQ:

1. Someone to assist Kathleen with the training. This is a massive lift for one TO and Kathleen will need the help. She mentioned Sharon was a big help. I believe Lisa Andre is signed up for two weeks in January. Feel free to reach out to ZLA but from talking to them, they are pretty strapped, particularly as I yesterday asked if I can borrow Diana back temporarily to assist with the Assessment Generator as Erin told me yesterday she cannot keep up with this while on detail to HQ and we have some major updates we hoped to roll out.
2. Receipts are low at Dilley. Cases will be borrowed from ZHN but could Dilley also take some cases from ZNK (Berk's County facility)? I am fine with this but I am not sure what, if any, disruption this would cause operations with either ZNK or ICE in Berks. I recommend you and Irvin Gadson reach out to Sue and company to ferret out the operational feasibility of this.

3.

(b)(5)

4. Is there a Global POC who can work with ZHN/Dilley when there are Global issues? Beth Mura will need to be asked. Adding her. Also, what kinds of issues are we anticipating? I am really unclear what this means.
5. Could someone from QA provide an update and case examples of the DV PSGs?

(b)(5)

Asks of BP:

- 1.
 - 2.
-

(b)(6)

3.

4.

5.

Best,

(b)(6)

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

From: [Alexander, Shannon](#)
To: [Beighley, Tracy L](#)
Subject: RE: BPA training question
Date: Monday, October 07, 2019 12:59:00 PM

Oh and at least ZNK has brought officers back to give them additional training and to check in.

The contact there are Desislava Stefanova, Ewa Baj, Victoria Lewis and Brooke Kelly if you wanted more details from them.

Best,

Shannon

From: Beighley, Tracy L <tracy.l.beighley@uscis.dhs.gov>
Sent: Monday, October 07, 2019 12:57 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: RE: BPA training question

Thank you, Shannon!!

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Sent: Monday, October 07, 2019 12:43 PM
To: Beighley, Tracy L <tracy.l.beighley@uscis.dhs.gov>
Subject: RE: BPA training question

Hi Tracy,

BPA's had on the job training with the asylum offices to which they were assigned. I've attached the recommended training plan we gave those offices. While they were on the ground there, I believe many of them attended the in office weekly trainings.

I do not know if it continued once they reported back to their sectors to conduct telephonics.

Best,

Shannon

From: Beighley, Tracy L <tracy.l.beighley@uscis.dhs.gov>
Sent: Monday, October 07, 2019 12:31 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: BPA training question
Importance: High

Hi, Shannon,

I am trying to finish by 2:00 today another Congressional inquiry comparing BPA Detailee/AO/USCIS

Detailee training. Do BPAs receive any additional training once they are on the job? (e.g., like AOs have weekly training – do BPAs have any office-specific training after they start, or any other formalized training once they arrive at their details?)

Please let me know if it would be helpful for me to explain further.

Sorry for the rush!

Tracy

Tracy Beighley
HQ Asylum Officer

ASYLUM DIVISION

Training Branch

RAIO | USCIS | DHS



[REDACTED] | ✉: TRACY.L.BEIGHLEY@USCIS.DHS.GOV

(b)(6)

From: [Alexander, Shannon](#)
To: [Beighley, Tracy L](#)
Subject: RE: BPA training question
Date: Monday, October 07, 2019 12:42:00 PM
Attachments: [CF for USBP Training and Ramp-Up Requirements and Schedules Draft 8.2.19.docx](#)

Hi Tracy,

BPA's had on the job training with the asylum offices to which they were assigned. I've attached the recommended training plan we gave those offices. While they were on the ground there, I believe many of them attended the in office weekly trainings.

I do not know if it continued once they reported back to their sectors to conduct telephonics.

Best,

Shannon

From: Beighley, Tracy L <tracy.l.beighley@uscis.dhs.gov>
Sent: Monday, October 07, 2019 12:31 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: BPA training question
Importance: High

Hi, Shannon,

I am trying to finish by 2:00 today another Congressional inquiry comparing BPA Detailee/AO/USCIS Detailee training. Do BPA's receive any additional training once they are on the job? (e.g., like AOs have weekly training – do BPA's have any office-specific training after they start, or any other formalized training once they arrive at their details?)

Please let me know if it would be helpful for me to explain further.

Sorry for the rush!

Tracy

Tracy Beighley
HQ Asylum Officer
ASYLUM DIVISION
Training Branch
RAIO | USCIS | DHS
  TRACY.L.BEIGHLEY@USCIS.DHS.GOV

(b)(6)

From: Alexander, Shannon
To: Leigh, Francis W; Gordon, Jonathan
Cc: Maloney, Kathleen M; Roberts, Rhonda J
Subject: RE: CF for CBP, USBP Cohort 6/OFO Cohort 2
Date: Tuesday, February 11, 2020 12:34:00 PM

Hi Bubba and Kathleen,

Looping in Rhonda.

The dates at this point are firm. They have already gone out to USBP and were included in their solicitation. Telling them that they need to come to Texas for three weeks a month later would be problematic. In addition, there would be issues with securing seasoned AOs for observation as well as TOs and SAOs as ADOTP will be occurring at FLETC in late April.

By my count you have 21 BPAs currently on the ground at Dilley. Please correct me if I am wrong. There will be 22 next week when Agent Boyd joins you. By 3/23, you will have fewer (roughly 18) as Brown, Morales, Schroll and Lilly have indicated departure dates that precede 3/23.

We may have to be creative (ie virtual OJT, sending agents to other locations to interview ZHN cases to free up space etc) or we may have to send BPAs who will not be mentors back to their home sectors to conduct telephonic interviews.

Having 14 BPAs is not possible. USBP always solicits 25 BPAs. Most of the time we wind up with fewer - perhaps 22 or 23 - but never as few as 14.

Best,

Shannon

From: Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>
Sent: Tuesday, February 11, 2020 12:09 PM
To: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Cc: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>
Subject: FW: CF for CBP, USBP Cohort 6/OFO Cohort 2

Just realized that the OJT at Dilley for Cohort 6 scheduled for March 23 to April 10 will not work. We only have 22 to 24 offices with 46 BPAs assigned to Dilley. Cohort 5 will depart 4/20/2020. Therefore, OJT has to start the week of 4/23/2020. In addition, can we only have 14 BPAs for Cohort 6? Is that possible? This way we can maximize the office space and have the ability assign 2 cases per/day every day. Let me know if you have any questions. Thanks.

Francis "Bubba" Leigh
Supervisory Asylum Officer
Houston Asylum Office
Office: (b)(6)
Office Cell:

From: Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>

Sent: Wednesday, February 05, 2020 10:04 AM

To: RAIO-CBPFearTRN <raio-cbpfeartrn@uscis.dhs.gov>; Baerwald, Leslie K <leslie.k.baerwald@uscis.dhs.gov>; Hopkins, Sherona A <sherona.a.hopkins@uscis.dhs.gov>; Otten, Henry D <Henry.D.Otten@uscis.dhs.gov>; Barker, Sherri H <Sherri.H.Barker@uscis.dhs.gov>; Gossett, Christopher R <Christopher.R.Gossett@uscis.dhs.gov>; Broekman, Nathaniel D <nathaniel.d.broekman@uscis.dhs.gov>; Kommel-Bernstein, Jeremy <jeremy.kommel-bernstein@uscis.dhs.gov>; Doeren, Graham R <Graham.R.Doeren@uscis.dhs.gov>; Dhanjal, Manpreet S <Manpreet.S.Dhanjal@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>

Cc: Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>; Mura, Elizabeth E <Elizabeth.E.Mura@uscis.dhs.gov>; Roscher, Matthew P (Matt) <matthew.p.roscher@uscis.dhs.gov>

Subject: CF for CBP, USBP Cohort 6/OFO Cohort 2

Good Morning,

We wanted to let everyone know the plan for the next cohort of CF for CBP. The schedule is as follows:

- Distance Training: Thursday February 20th to Friday March 6th.
- Face to Face Training (DC): Monday, March 9th to Thursday, March 19th
- On the Job Training OFO (ZAR): Friday, March 20th to Friday, April 10th
- On the Job Training USBP (Dilley): Monday, March 23rd to Friday, April 10th

USBP has already sent out their solicitation and are expecting 25 BPAs to be participating in the next cohort. We are still awaiting word from OFO on their participation and if so how many CBPOs will be participating. We will update the total numbers of participants as we know more. As you know, there are usually substitutions and withdrawals. Once the list has settled, we will forward names to those who need them for ECN access, laptop pick up, etc.

If you have any questions about the schedules, please let Shannon and I know.

Shannon and I will start reaching out to individual teams to start planning training and ensuring that the BPAs and CBPOs have all travel, tech, systems access, and training that they need to participate in the Credible Fear Task Force.

Thank you all for your assistance with this program!

Shannon Alexander and Jonathan Gordon

(b)(7)(c)

From: Yasrobi, Sharon A

To:

Cc: [Miller, Rebecca E](#); [Bosman, Karina M \(Kina\)](#); [Solaimani, Sheila](#); [Badrajan, Garabet V](#); [Nadaban, Michelle R](#); [Ausloos, David A](#); [Holleman, Sarah M](#); [Rajoo, Ann M](#); [Maloney, Kathleen M](#); [Douglas, Audrey M](#); [Leigh, Francis W](#); [Alexander, Shannon](#); [Maalona, John L](#); [Grady Madera, Adrienne M](#)

Subject: RE: In-person interviews

Date: Tuesday, December 03, 2019 8:31:50 AM

My apologies! The interviews are Wednesday, Thursday and Friday! The AOs will be conducting interviews that you observe today. I shouldn't email while tired. Sorry for the confusion!!

(b)(7)(c)

Observing AO	Wednesday	Thursday	Friday
Rebecca Miller			
Karina Bosman			
Sheila Solaimani			
Garabet (Gary) Badrajan			
Michelle Nadaban			
David Ausloos			
Sarah Hollemans			
Ann Rajoo			

From: Yasrobi, Sharon A

Sent: Monday, December 2, 2019 3:30 PM

(b)(7)(c)

To:

Cc: [Miller, Rebecca E](mailto:rebecca.e.miller@uscis.dhs.gov) <rebecca.e.miller@uscis.dhs.gov>; [Bosman, Karina M \(Kina\)](mailto:karina.m.bosman@uscis.dhs.gov) <karina.m.bosman@uscis.dhs.gov>; [Solaimani, Sheila](mailto:sheila.solaimani@uscis.dhs.gov) <sheila.solaimani@uscis.dhs.gov>; [Badrajan, Garabet V](mailto:garabet.v.badrajan@uscis.dhs.gov) <garabet.v.badrajan@uscis.dhs.gov>; [Nadaban, Michelle R](mailto:michelle.r.nadaban@uscis.dhs.gov) <michelle.r.nadaban@uscis.dhs.gov>; [Ausloos, David A](mailto:david.a.ausloos@uscis.dhs.gov) <david.a.ausloos@uscis.dhs.gov>; [Holleman, Sarah M](mailto:Sarah.M.Hollemans@uscis.dhs.gov) <Sarah.M.Hollemans@uscis.dhs.gov>; [Rajoo, Ann M](#)

<ann.m.rajoo@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Maalona, John L <John.L.Maalona@uscis.dhs.gov>; Grady Madera, Adrienne M <adrienne.m.grady-madera@uscis.dhs.gov>

Subject: In-person interviews

Hi everyone!

Your first interviews will be this week. We will still have Asylum Officers on site, and you will each have an AO sitting in on your first interview. Below is a chart showing the day on which you will be conducting your interview. Please let Kathleen and me know ASAP if there is any reason you cannot conduct an interview on that day.

Observing AO	Wednesday	Thursday	Friday
Rebecca Miller			
Karina Bosman			
Sheila Solaimani			
Garabet (Gary) Badrajan			
Michelle Nadaban			
David Ausloos			
Sarah Hollemans			
Ann Rajoo			

(b)(7)(c)

The AO you will be working with is listed above, and we will send the information about your case as soon as we have it ☺.

Let us know if you have any questions!

Sharon & Kathleen

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

 | Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

From: Alexander, Shannon
To: Hussey, Jedidah M
Cc: Doeren, Graham R; Osuji, Kizito; Tran, Due H; Roberts, Rhonda J; Caudill-Mirillo, Ashley B
Subject: RE: January CF for CBP Training: OFO Cohort 1 at ZAR
Date: Thursday, December 05, 2019 3:24:00 PM

Answers in *italicized purple*.

Best,

Shannon

From: Hussey, Jedidah M <Jedidah.M.Hussey@uscis.dhs.gov>
Sent: Thursday, December 05, 2019 2:45 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Cc: Doeren, Graham R <Graham.R.Doeren@uscis.dhs.gov>; Osuji, Kizito <Kizito.Osuji@uscis.dhs.gov>; Tran, Due H <due.h.tran@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>
Subject: Re: January CF for CBP Training: OFO Cohort 1 at ZAR

Shannon,

Thanks for this information. It's good to know that we will be involved in OJT/ramp-up training for those officers/agents assigned to us. A few minutes later questions to inform our planning:

- Is December 17th an ok target for us to get the planned OJT schedule to you? *Absolutely.*
- Is the expectation that the OFO officers will conduct their full detail out of ZAC, or will they be interviewing telephonically from their home offices, or a mix of both? *I defer to Ashley/Andrew on this but my understanding is that most interviews will be conducted telephonically from home offices with the potential of going elsewhere to interview if requested or required.*
- Do we know from which positions the OFO cadre will be chosen? *Supervisors and HQ. No bargaining unit.*
- When will we receive the names of the officers so that we can begin, in coordination with you, of course, the reach out to plan and coordinate on logistics? This is particularly needed if we will have a lot of them interviewing out their offices. *I will send you a complete list shortly after I have it (we are still waiting for one name).*

Also, I anticipate that we will not be able to dedicate all 20 OFO officers to HARP cases, but we should be able to dedicate them to PASR and HARP. This is based on our projections on the number of PASR/HARP cases that are referred and the proportion of those that are HARP cases. *Okay, thank you for informing us.*

This will fall during a tough time for us with our space issues and being in the midst of the move to 131 M, but we will make it work! *Thank you for your flexibility.*

Best,
Jeddy

Sent from my iPhone

On Dec 5, 2019, at 10:32 AM, Alexander, Shannon <shannon.alexander@uscis.dhs.gov> wrote:

Good Morning Everyone,

As you may be aware, the next CBP cohort is scheduled to begin soon. Distance Training will start next week and Face to Face Training will be held from Monday, January 6th through Friday, January 17th. The December/January training class will be composed of 25 Border Patrol Agents (BPAs) and 20 Officers from CBO's Office of Field Operations (OFO).

Face to Face Training will occur here in DC at RAD's training space - 999 North Capitol. It will be organized and run by Asylum HQ. We are working on a schedule and will send it to you as soon as it is complete. We will likely request that ZAR assist us with the Face to Face training by organizing an interview for the BPAs to observe. We will be in touch shortly with the request details.

OJT will immediately follow Face to Face Training and will be held in Texas for the BPAs, who will be assigned to Dilley/ZHN. OJT for the OFO Officers will be held in Arlington, as they will be assigned to ZAR/ZAC with the expectation that they will be interviewing pilot cases, specifically HARP.

The solicitation sent to OFO mentioned a seven week training program. Consequently, any on the ground OJT/ramping up should take no longer than three weeks. Please send us your OJT/ramp up schedule once it is completed. You may choose to reach out to Audrey Douglas and Kathleen Maloney who have conducted several successful OJTs for BPAs interviewing applicants at the FRCs (both telephonically and in person).

Please reply with any questions or concerns.

Thanks you very much for all of your assistance with this program.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED] (b)(6)

Cell: [REDACTED]

From: [Yasrobi, Sharon A](#)
To: [Maalona, John L](#); [Casey, Marta V](#); [Douglas, Audrey M](#); [Maloney, Kathleen M](#); [Rodrigues, Maria L](#); [Grady Madera, Adrienne M](#); [Rodrigues, Maria L](#)
Cc: [Alexander, Shannon](#); [Hollemans, Sarah M](#)
Subject: RE: Observations needed on Monday
Date: Friday, December 06, 2019 3:43:24 PM

Yes, we will need Marta and Maria back on Monday, and Audrey okayed it!

From: Maalona, John L <John.L.Maalona@uscis.dhs.gov>
Sent: Friday, December 6, 2019 12:32 PM
To: Casey, Marta V <marta.v.casey@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Rodrigues, Maria L <maria.l.rodrigues@uscis.dhs.gov>; Grady Madera, Adrienne M <adrianne.m.grady-madera@uscis.dhs.gov>; Rodrigues, Maria L <maria.l.rodrigues@uscis.dhs.gov>
Cc: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Hollemans, Sarah M <Sarah.M.Hollemans@uscis.dhs.gov>
Subject: RE: Observations needed on Monday

Hi guys,
I heard that Marta an Maria are coming Tues as well? Is that correct?

John L Maalona
Supervisory Asylum Officer
South Texas Family Residential Center @Dilley

From: Casey, Marta V <marta.v.casey@uscis.dhs.gov>
Sent: Friday, December 06, 2019 7:53 AM
To: Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Rodrigues, Maria L <maria.l.rodrigues@uscis.dhs.gov>; Grady Madera, Adrienne M <adrianne.m.grady-madera@uscis.dhs.gov>
Cc: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Maalona, John L <John.L.Maalona@uscis.dhs.gov>; Hollemans, Sarah M <Sarah.M.Hollemans@uscis.dhs.gov>
Subject: RE: Observations needed on Monday

Good morning, Audrey,

I have been to Dilley and still have my ID from the facility. I am familiar with the workspace and was in the "corte" building when I was there.

Best,
Marta

From: Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>

Sent: Friday, December 6, 2019 7:51 AM

To: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Rodrigues, Maria L <maria.l.rodrigues@uscis.dhs.gov>; Casey, Marta V <marta.v.casey@uscis.dhs.gov>; Grady Madera, Adrienne M <adrianne.m.grady-madera@uscis.dhs.gov>

Cc: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Maalona, John L <John.L.Maalona@uscis.dhs.gov>; Hollemans, Sarah M <Sarah.M.Hollemans@uscis.dhs.gov>

Subject: RE: Observations needed on Monday

Maria/Marta: have you been to Dilley before? Do you know how to get there and get to our work space?

From: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>

Sent: Thursday, December 5, 2019 8:55 PM

To: Rodrigues, Maria L <maria.l.rodrigues@uscis.dhs.gov>; Casey, Marta V <marta.v.casey@uscis.dhs.gov>; Grady Madera, Adrienne M <adrianne.m.grady-madera@uscis.dhs.gov>

Cc: Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Maalona, John L <John.L.Maalona@uscis.dhs.gov>; Hollemans, Sarah M <Sarah.M.Hollemans@uscis.dhs.gov>

Subject: Observations needed on Monday

Hi Maria and Marta,

I hope you are enjoying Pearsall.

We have been giving on the job training to BP agents doing CF interviews at Dilley. Part of their on the job training is to be observed by an AO. (I will give you more details once confirmed.) We only have one AO at Dilley doing CF interviews next week and she is observing a different BP agent on Monday. (You both know Sarah.)

Can you please come to Dilley on Monday morning to assist us? ZHN cleared your schedule on Monday to allow for this. We will ask Adrienne (our POC) to schedule your interviews for 10:00 AM to allow time to drive down to Dilley with the carpool van after dropping off the other TDYers. You will be finished in time to carpool home with the other TDYers at Pearsall.

Adrienne, if Maria and Marta are joining us, can we please give them 10:00 AM interviews to observe?

Please let me know if you have any 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: (b)(6)

CELL PHONE:

[HTTPS://EAASPIV.DHS.GOV/OWA](https://EAASPIV.DHS.GOV/OWA)

From: Alexander, Shannon
To: Maloney, Kathleen M; Douglas, Audrey M; Yasrobi, Sharon A
Subject: RE: OJT Schedule 11.18.19
Date: Monday, November 18, 2019 9:31:00 AM

Thank you!

Hope it is all going smoothly thus far.

Could you also send us the materials for the mocks and paired exercises?

Best,

Shannon

From: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>
Sent: Monday, November 18, 2019 6:39 AM
To: Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>
Subject: OJT Schedule 11.18.19

Here is an updated schedule. I added IFR and gave alternative schedules for Tuesday/Wed because of people being out. I also cut observations for today, based on the schedule. When I sit with Sharron, we will review it together and let you know if we modified anything.

Kathleen

From: [Alexander, Shannon](#)
To: [Yasrobi, Sharon A](#); [Roberts, Rhonda J](#); [Douglas, Audrey M](#); [Leigh, Francis W](#)
Cc: [Maloney, Kathleen M](#)
Subject: RE: OJT wrap-up
Date: Friday, December 06, 2019 9:38:00 AM

Hiya,

We do not have a form for that but we will end up surveying them on OJT during their task force participation.

Best,

Shannon

From: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>
Sent: Thursday, December 05, 2019 6:13 PM
To: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov>; Leigh, Francis W <Francis.W.Leigh@uscis.dhs.gov>
Cc: Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>
Subject: OJT wrap-up

Hi folks,

With OJT ending tomorrow, I wanted to check in and see what you need from us for wrap up before we release the BPAs from training at the end of the day tomorrow. Some form of feedback on the OJT process comes to mind, but I'm not sure if you have a form for that or if it will be collected separately.

Let us know!

SY

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAO

 | Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

From: [Yasrobi, Sharon A](#)
To: [Kirkland, Brooke A](#)
Cc: [Roberts, Rhonda J](#); [Alexander, Shannon](#); [Mathew, Ajai](#)
Subject: RE: PSG PowerPoint instructor version
Date: Tuesday, December 03, 2019 11:54:04 AM

Thank you!!!!

From: Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>
Sent: Tuesday, December 3, 2019 8:54 AM
To: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>
Cc: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Mathew, Ajai <ajai.mathew@uscis.dhs.gov>
Subject: RE: PSG PowerPoint instructor version

Sorry, Sharon. We can't find the final version of the instructor ppt and Corey, who last taught it, is out this week. Ajai will send you the most recent draft he has. Please don't share it since it's in draft form. Thanks!!

From: Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>
Sent: Tuesday, December 03, 2019 11:44 AM
To: Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>
Cc: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: RE: PSG PowerPoint instructor version

Hi Brooke –

I wanted to follow up on this, because I'd like to go over PSGs with the agents this afternoon because they're starting their own interviews tomorrow.

Thanks!

Sharon

From: Yasrobi, Sharon A
Sent: Monday, December 2, 2019 9:08 AM
To: Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>
Cc: 'Roberts, Rhonda J (Rhonda.J.Roberts@uscis.dhs.gov)' <Rhonda.J.Roberts@uscis.dhs.gov>; Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Subject: PSG PowerPoint instructor version

Hi Brooke,

I'm on-site at Dilley for the on-the-job training for the BPAs, and the agents have all requested a

refresher on PSGs now that they've seen interviews and have context for what they'll be doing. I think that they could use a refresher, as well, so I'd like to run through the materials with them tomorrow. I have the student copy of the PowerPoint from the DC training, but I'd like to see the instructor version, if possible, so I don't stray from the information they were already told. Is it possible to get this so I can cover PSGs with them again tomorrow?

Thanks!

Sharon

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

 | Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:
Cc: Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Gordon, Jonathan; Leigh, Francis W
Subject: RE: Questions re: Cohort 5
Date: Friday, December 20, 2019 9:12:00 AM

Thank you!

I am looping in Bubba (Francis) because I think he can tell us the Dilley transport/car rental policy in detail.

Best,

Shannon

Referred to U.S. Customs and Border Protection

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Sent: Thursday, December 19, 2019 4:29 PM
To: [REDACTED] (b)(7)(c)
Cc: [REDACTED]; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Subject: Re: Questions re: Cohort 5

Thank you!

They can stay in Dilley, Cotulla or San Antonio. The last group just grumbled a lot about the suggestion to stay in market square.

So overtime and the work day depends on their BPPRA. I presume that level is fixed and not something we should manipulate or change. We will inquire about their levels then. Obviously we will continue to check in with you for all overtime issues.

Hasta mañana.

Sent from my iPhone

On Dec 19, 2019, at 4:18 PM, [REDACTED] wrote:
(b)(7)(c)

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>
Sent: Thursday, December 19, 2019 1:53 PM
To: [REDACTED] (b)(7)(c)
[REDACTED]
Cc: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>
Subject: Questions re: Cohort 5
Importance: High

Good Afternoon!

I had a call with the Dilley team this morning and quite a few questions came out of it:

1. Cohort 4 had all kinds of complaints about their hotel selection in San Antonio. The Dilley office has list of suggested hotels in the market

square area because the vanpools depart from those hotels. Agents can stay elsewhere but are responsible for getting to vanpool locations for the ride in. Are there special rules for BUEs regarding hotel suggestions? No there are no special rules. Would it be more beneficial for the agents to stay in a hotel in Dilley and have some vans there?

2. What are the limitations on workdays and workweeks? Can they work 10 hr days? Weekends? Depending on their election level of BPPRA. They either elect Level 1= 2hrs 10 hr, day., Level 2= 1 hr. 9 hr. day, or Level 3 = 0 hrs 8 hour day.
3. What are the rules on overtime for BUEs? Same rules as before.
4. How will BUE formal grievances and less formal complaints be received? What are our respective roles regarding grievances and complaints? Should we engage our OCCs on this? That's a good question that I will run by our LER folks. As in the past, they usually reach out to Mike and I.
5. Are there any differences in BUE's rights during this detail? Let me talk to LER.
6. Request for the most current copy of the CBA. CBA attached.
7. Update on ADOBE PRO I thought they reached out and provided the license numbers already, I will find out in the AM.

Thank you!

Best,

Shannon Alexander

Asylum Officer
Asylum Training Division
DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

<CBA-NBPC 2019.pdf>

From: [Alexander, Shannon](#)
To: [Douglas, Audrey M](#)
Subject: Re: TDY Opportunity: MEMORANDUM: USCIS Asylum Officer Detail Solicitation / Short Turnaround
Date: Thursday, November 21, 2019 8:28:44 AM

2 weeks face to face
2 weeks DT
3 weeks OJT

And I think that pass language is in there in case we need to remove someone during training. We don't have any specific criteria.

The plan is that this group (OFO) goes to ZAR - right now, no plans for them to interview at Dilley.

Sent from my iPhone

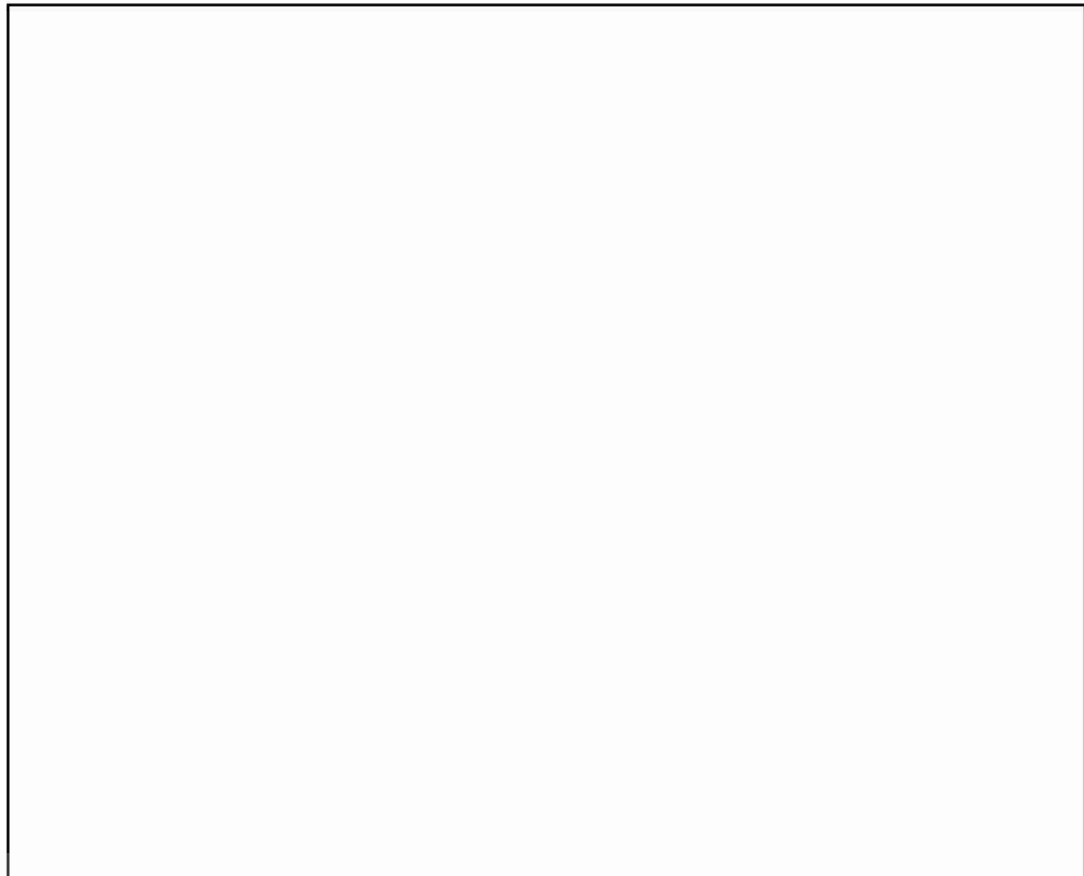
On Nov 21, 2019, at 3:21 AM, Douglas, Audrey M <Audrey.M.Douglas@uscis.dhs.gov> wrote:

Hey there- hadn't seen this solicitation language before. Question: where is the 7 week course held and who determines the "pass"?

Sent from my iPhone

Begin forwarded message:

Referred to U.S. Customs and Border Protection



Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

From: Alexander, Shannon
To: (b)(7)(c)
Cc: [Roberts, Rhonda J](#)
Subject: RE: Thank you and Next Class
Date: Thursday, December 05, 2019 1:57:00 PM

Wonderful! Tentatively have you down for 2:45-5:00 PM Friday, January 10th. Hopefully that means a (slightly) less early train...

Best,

Shannon

Referred to Immigration and Customs Enforcement

Referred to Immigration and Customs Enforcement

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>

Date: Thursday, Dec 05, 2019, 11:47

To: [REDACTED] (b)(7)(c)

Cc: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>

Subject: Thank you and Next Class

Lynne,

I hope you had a wonderful Thanksgiving last week.

Please accept our long overdue *Thank You* for your incredible presentation to USBP Cohort 4. We received excellent feedback on your session. You connected well with the BPAs and they found the content of your session extremely useful.

Our next cohort is set to start their Face to Face training in January. We would love to have you again if you and your office are amenable. Would you be available to present again the afternoon of Friday, January 10th?

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

From: [Maloney, Kathleen M](#)
To: [Alexander, Shannon](#)
Subject: RE: Tomorrow's Training
Date: Thursday, October 24, 2019 4:52:19 PM

Hi Shannon,

No need to thank me, it was my pleasure. John Maalona is my supervisor, but I already told him about the training.

Have a great day ☺

Best,
Kathleen

From: Alexander, Shannon <shannon.alexander@uscis.dhs.gov> (b)(7)(c)
Sent: Thursday, October 24, 2019 3:38 PM
To: [REDACTED] Bissell, Catherine E (Kate) <Catherine.E.Bissell@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Andre, Lisa S <Lisa.S.Andre@uscis.dhs.gov>; Mongkolpumirat, Voranan <voranan.mongkolpumirat@uscis.dhs.gov>
Cc: Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>
Subject: RE: Tomorrow's Training

Thank you all so much for your participation today!

Could you please send me the name of your supervisor for thank you notes?

Best,

Shannon

From: Alexander, Shannon (b)(7)(c)
Sent: Thursday, October 24, 2019 11:50 AM
To: [REDACTED]; Bissell, Catherine E (Kate) <Catherine.E.Bissell@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Andre, Lisa S <Lisa.S.Andre@uscis.dhs.gov>; Mongkolpumirat, Voranan <voranan.mongkolpumirat@uscis.dhs.gov>; Bissell, Catherine E (Kate) <Catherine.E.Bissell@uscis.dhs.gov>
Cc: 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>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>
Subject: RE: Tomorrow's Training

Attached is the final answer sheet for the practical exercise. Thanks again to Kathleen and Audrey!

Just to be clear – I blame my lack of sleep – the practical exercise from 12:45-1:15 does not have an interactive component or calendar invite. It is just time bookmarked for them to do the exercise.

If you could all please log in 10 or 15 minutes early, that would be great. You can deselect the video option ☺ I will be monitoring the chat box and skype throughout the Q&A in order to ask you questions and relay comments.

Best,

Shannon

From: Alexander, Shannon (b)(7)(c)
Sent: Wednesday, October 23, 2019 1:02 PM
To: [REDACTED]; Bissell, Catherine E (Kate) <Catherine.E.Bissell@uscis.dhs.gov>; Maloney, Kathleen M <kathleen.m.maloney@uscis.dhs.gov>; Andre, Lisa S <Lisa.S.Andre@uscis.dhs.gov>; Mongkolpumirat, Voranan <voranan.mongkolpumirat@uscis.dhs.gov>; Bissell, Catherine E (Kate) <Catherine.E.Bissell@uscis.dhs.gov>
Cc: 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>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>
Subject: Tomorrow's Training
Importance: High

Good Afternoon,

Thank you all very much for volunteering your time to discuss Interviewing Children with the Border Patrol Agents tomorrow! They have asked for additional training on this topic and I expect they will be engaged.

Their schedule looks like this:

10:30 AM EST – 12:15 PM EST Recorded Webinar: Children's Claims
12:15 PM EST – 12:45 PM EST Lunch
12:45 PM EST – 1:15 PM EST Practical Exercise: Interviewing Children Question Analysis
1:15 PM EST – 1:30 PM EST Break
1:30 PM EST – 2:15 PM EST Live Q&A with Asylum SMEs and Lynne Wilson-Bruchet, Victim Assistance Specialist with HSI in Newark
2:15 PM EST – 3:00 PM EST Live Check in with Asylum HQ

The Children's Claims PP is the same that our AOs view during RAIOTCP. You can find it [here](#). Password: [REDACTED] (b)(6)

They will also have half an hour for the attached exercise. If there is a lull in conversation, I think we should go over the questions but if we are having a fruitful conversation, I am comfortable sending them the answer sheet (which Kathleen worked on – thank you - and we are in the processing of finalizing).

Lynne will speak briefly on law enforcement interviewing vs interviewing applicants and then will open it up for discussion.

Kathleen, Lisa, Voranan and Kate, as Asylum SMEs please answer any questions related to asylum practice, policy and procedures. Audrey, you should feel free to chime in as well.

Andrew has asked for the last half an hour from 2:30 – 3:00 PM so there is a little wiggle room.

We have the RAIO Conference Room on the 6th floor for those at 20 Mass tomorrow.

Are there any questions or concerns?

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

From: Alexander, Shannon

To: Asylum TRAINING-COORDINATORS; [REDACTED]

Cc: Gordon, Jonathan; Mendelson, Amanda R; Asylum TRAINING-COORDINATORS

Subject: RE: Welcome to APSO for USBP!

Date: Friday, October 25, 2019 1:00:00 PM

Attachments: RAIO CT - DT Persecution - SIMPLe PE.docx

Good Afternoon Everyone,

Happy Friday!

Several of you have caught that there is no exercise attached to The Refugee Definition: Persecution Webinar. Our apologies. There is an exercise in the webinar to do along with watching a Youtube video. It requires a sheet (attached). We did not initially include it so we will not make it mandatory. However, if you have time, we encourage you to complete it.

You do not need to do the exercises at the end of the webinar.

Please continue to email the training coordinators inbox if you have any questions or concerns.

Thanks!

Best,

Shannon

From: Asylum TRAINING-COORDINATORS

Sent: Monday, October 21, 2019 3:59 PM

To: Asylum TRAINING-COORDINATORS <asylumtraining-coordinators@uscis.dhs.gov> [REDACTED]

(b)(7)(c)

Cc: 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>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>; Mura, Elizabeth E <Elizabeth.E.Mura@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Mendelson, Amanda R <Amanda.R.Mendelson@uscis.dhs.gov>

(b)(7)(c)

Subject: RE: Welcome to APSO for USBP!

Good Afternoon Everyone,

We have received a few inquiries today so we wanted to reiterate a few things and add a few things:

- You do not have to read the supplemental materials in the Lesson Plans, though please feel free to do so if you have time. In particular, please do not worry about the materials that link to the Asylum ECN. We will be giving you all necessary ECN access when you arrive for face to face training. Until then, if a link requires permissions to our ECN, please bypass and continue with your Distance Training.
- In the absence of Westlaw, you can search for case law in [Google Scholar](#) (select case law) or on the [BIA webpage](#) (if it is a BIA case).
- The current link for Administrative Office of the U.S. Courts, Understanding the Federal Courts (Washington, D.C. 2003) is <https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>
- Your sector POCs are now copied on this email.

We are happy that you've started your Distance Training and appreciate you reaching out. Please continue to do so as you have questions.

Best,

Shannon

From: Asylum TRAINING-COORDINATORS <asylumtraining-coordinators@uscis.dhs.gov>

Sent: Friday, October 18, 2019 4:43 PM

To:

(b)(7)(c)

(b)(7)(c)

Cc: 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>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>; Mura, Elizabeth E <Elizabeth.E.Mura@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; Gordon, Jonathan <Jonathan.Gordon@uscis.dhs.gov>; Mendelson, Amanda R <Amanda.R.Mendelson@uscis.dhs.gov>; [REDACTED] <asylumtraining-coordinators@uscis.dhs.gov>; Asylum TRAINING-COORDINATORS

(b)(7)(c)

Subject: Welcome to APSO for USBP!

Good afternoon!

Welcome to APSO for U.S. Border Patrol! Next week, you will begin the required training necessary to conduct APSO screenings, including credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

During Distance Training you will read Lesson Plans, complete exercises and view webinars. You are not required to read all of the cases and supplemental materials linked in the Lesson Plans. Many are available on our ECN, but you will not have access to our network before you arrive. If you are interested in reading additional cases, you may be able to locate them through Google Scholar.

Please note that Mass Atrocities and Genocide Awareness is not an Lesson Plan but a Presidential Directive. The link to the directive is in the Workbook.

Webinars work best in Chrome and on a wired connection. There may be complications with some of the webinars if you are using a hotspot or a VPN. If you are having any issues viewing the webinars, please let us know as soon as possible.

Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

As has been messaged by CBP leadership, you should complete the Distance Training requirements - and not performing other duties - once you are in training status for APSO for U.S. Border Patrol.

Workbook and Attestations

The Distance Training Workbook, Syllabus with Attestation and Exercises are attached. Please use the Workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin on Monday, you will have exactly 10 days to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for USBP class. Please make sure you initial and date all of the appropriate spaces on the attestation.

The deadline to submit Attestations is **COB Friday, November 1st**. Please submit them to Asylum Training Coordinators mailbox, copying your sector's POC.

Evaluations

You will be evaluated based on: a multiple choice exam, a practical exercise and observed APSO interviews.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in another email.

Training Dates

The initial Face to Face Training (F2F) will take place in Washington, DC. It is tentatively scheduled from Monday, November 4th through November 15th, 2019. **These dates are subject to change.** The second part of the training – On the Job Training (OJT) - will occur at a location and on dates TBD. The dates for OJT will take place and conclude no later than Friday, December 20, 2019. We are cognizant of the Thanksgiving holiday for planning purposes. We will inform you of additional details during the coming week.

We will send a follow up email with additional travel and reporting information. For now, please do not make any travel arrangements.

Dress Code

You may wear your uniform or business casual attire during the F2F portion of training in Washington DC. You may also carry concealed.

Building Access

Please bring your PIV card with you.

If you have any questions or concerns, please reach out to your USBP POCs, Shannon Alexander, Jonathan Gordon, Amanda Mendelson and Training Branch Chief Rhonda Roberts. We are looking forward to working with you!

Best,

The Asylum Team

From: Alexander, Shannon

To:

Cc:

RAIO - Asylum HQ Leadership; Tolson-Hightower, Dawn N; Hopkins, Sherona A; Hogan, Heather J; Doran, Benjamin B (Ben); O'Malley, Robert L; Yasrobi, Sharon A; Asylum TRAINING-COORDINATORS;

(b)(7)(c)

Subject: RE: Welcome to CF for USBP! Follow Up!

Date: Tuesday, May 28, 2019 4:22:00 PM

Good Afternoon Everyone,

We hope you were able to commemorate Memorial Day and that you had a restful weekend.

Thank you to everyone who has reached out with a question or a concern. We appreciate it! We wanted to check in and follow up on a few issues that have come to our attention.

- ★ You have been selected to participate in the CF for USBP pilot training. This training is designed to teach you how to conduct credible fear screenings for applicants in expedited removal who claim a fear of returning to their home countries. In addition to the Distance Training material we sent on Thursday, you will attend a face to face training in the Washington DC area.
- ★ The Distance Training Material included a Syllabus and Attestation, a Workbook, Lesson Plans and a few supplemental materials. If you did not receive all of these, please let us know.
- ★ You have POCs both at Asylum HQ and with your local sector. Your asylum POCs are Heather, Ben, Rhonda and I. Below is the list of CBP POCs that was provided to us. All of the POCs are copied above.

[Redacted]

(b)(7)(c)

- ★ While USCIS has Concur and CBP has Concur, our Concurs actually do not... concur. Therefore, RAIO Travel will be making the arrangements for you and you do not need to book using your Concur. RAIO Travel has already sent out an email with information and you should be working with them to complete your travel arrangements.
- ★ Thank you to all of those who sent in their 11000-5s! Heather has sent emails to those of you with outstanding 11000-5s.
- ★ You may need to install or update certain software to view the webinars. If you are unable to access the webinars even after doing so, please let us know as soon as possible.
- ★ You cannot access the required readings in the Lesson Plans that are located on our network because you currently do not have access. Therefore, these readings are not “required.” We will send digital copies of any supplemental readings or exercises that we request you complete.
- ★ You cannot access the cases in the Lesson Plans that link to Westlaw unless you have a Westlaw account. We will not be arranging Westlaw accounts for this training. In lieu of Westlaw, you should be able to access specific cases using Google Scholar’s case law search.

Again, if you have any questions or concerns, please contact one of us. Thank you!

Best,

The Asylum Team

From: Alexander, Shannon

Sent: Thursday, May 23, 2019 3:50 PM

To:

[Redacted]

(b)(7)(c)

[Redacted]

(b)(7)(c)

Cc: RAIO - Asylum HQ Leadership <RAIO-AsylumHQLeadership@uscis.dhs.gov>; Tolson-Hightower, Dawn N <dawn.n.tolson-hightower@uscis.dhs.gov>; Hopkins, Sherona A <sherona.a.hopkins@uscis.dhs.gov>; Hogan, Heather J <Heather.J.Hogan@uscis.dhs.gov>; Doran, Benjamin B (Ben) <benjamin.b.doran@uscis.dhs.gov>; O'Malley, Robert L <robert.l.omalley@uscis.dhs.gov>; Yasrobi, Sharon A <sharon.a.yasrobi@uscis.dhs.gov>; Asylum TRAINING-COORDINATORS <asylumtraining-coordinators@uscis.dhs.gov>; [REDACTED]

(b)(7)(c)

Subject: Welcome to CF for USBP!

Good Afternoon,

Welcome to Credible Fear for U.S. Border Patrol! This message will provide details about the pilot's Distance Training as well as preliminary information regarding Tech and Travel.

Distance Training

During Distance Training you will read Lesson Plans, complete exercises and view webinars. Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

The webinars have been recorded in Adobe Connect and are available for you to view as you proceed through the syllabus. USCIS will be transitioning from Adobe on June 1st. As a result, please view the webinars before Friday, May 31st.

There were some issues with the last class regarding access to the webinars. Please contact us if the webinars are not working.

If the webinar requires a password, the password is "ADOTP." You may have to enter the password twice to gain access.

Workbook and Attestations

I have attached the Distance Training Workbook, Syllabus with Attestation and Exercises. Please use the workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin tomorrow, you will have exactly 10 days to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for USBP class.

The deadline to submit Attestations is **Friday, June 7th**. Please submit them to Asylum Training Coordinators mailbox, copying your office's POC, and me

Evaluations

- You will be evaluated based on: a multiple choice exam, a practical exercise and observed Credible Fear interviews.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in another email.

Tech

- When you arrive in Washington DC, you will be issued a laptop. You will also need access to our network. In order to start the process of obtaining access for you, please fill out Section two of the attached 11000-5, encrypt it and send it to your POC (copied above) by **COB tomorrow, Friday May 24th**. Your POCs will send them to us. Once we receive this form, we will complete section one and pass it on to OSI for review and completion.

Travel Dates

- The Face to Face Training will take place in Washington DC and Arlington, VA. The first day of training is Monday, June 10th. The last day of CF for USBP is Friday, June 28th.

You will travel on Sunday, June 9th and Saturday, June 29th.

Our travel team, RAIO Travel, sent a message with items for you to complete and submit in order to travel. Please follow their instructions to complete the Invitational Travel Request form and the Flight Information Form, and return all forms back to RAIO Travel by (C.O.B) 5:00pm EST, Tuesday May 29, 2019. Completed forms

should be sent to: RAIO-Travel@uscis.dhs.gov. **Because of the sensitive nature of the information being provided on forms, emailed forms MUST BE PASSWORD PROTECTED.**

Locations

For your reference, you will be training at the following addresses:

- ★ Asylum HQ
June 10 – June 17
20 Massachusetts Ave NW Washington, DC 20001
Closest metro: Union Station but also convenient to Chinatown

- ★ Arlington Asylum Office
June 18 – 28
1525 Wilson Blvd Suite 300, Arlington, VA 20598
Closest metro: Rosslyn

Please be advised when considering hotels that **there will be no metro service south of National Airport on the blue or yellow lines during your training. Buses will replace the metro along that route.**

The dress requirement is business attire for interviews and business casual for training (non-uniformed, non-armed).

Building Access

You must bring your PIV card to enter the buildings and to use the laptop you will be issued. You must bring the laptop, power cord, and PIV to class daily.

If you have any questions or concerns, please reach out to your location's POC, Asylum Officer Heather Hogan, Asylum Officer Ben Doran, Training Branch Chief Rhonda Roberts and me. We are looking forward to working with you!

Best,

The Asylum Team

From: Asylum TRAINING-COORDINATORS
To: Asylum TRAINING-COORDINATORS [REDACTED]
[REDACTED]
Cc: Roberts, Rhonda L; Davidson, Andrew L; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; [REDACTED]
[REDACTED]
Subject: RE: Welcome to Credible Fear for U.S. Customs and Border Protection!
Date: Thursday, December 05, 2019 6:12:00 PM
Attachments: [Distance Training Lesson Plans.zip](#)

Lesson Plans attached.

From: Asylum TRAINING-COORDINATORS
Sent: Thursday, December 05, 2019 6:12 PM
To: [REDACTED]

(b)(7)(c)

[REDACTED]

Subject: Welcome to Credible Fear for U.S. Customs and Border Protection!

Good Evening!

Welcome to Credible Fear for U.S. Customs and Border Protection or CF for CBP! Next week, you will begin the training required to conduct APSO screenings, specifically credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

During Distance Training, you will read Lesson Plans, complete exercises and view webinars. You are not required to read all of the cases and supplemental materials linked in the Lesson Plans. Many are available on our ECN, but you will not have access to our network before you arrive.

Webinars work best in Chrome and on a wired connection. There may be complications with some of the webinars if you are using a hotspot or a VPN. If you are having any issues viewing the webinars, please let us know as soon as possible.

Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

As has been messaged by CBP leadership, you should complete the Distance Training requirements - and refrain from performing other duties - once you are in training status for CF for CBP.

Workbook and Attestations

The Distance Training Workbook, Syllabus with Attestation and Exercises are attached. Please use the Workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin on Monday, you will have plenty of time to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for CBP class. Please make sure you initial and date all of the appropriate spaces on the Attestation.

The deadline to submit Attestations is **COB, Friday, December 20th**. Please submit them to this Asylum Training Coordinators address. If you require additional time, please let us know as soon as you can.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in a separate email.

As mentioned above, you do not have to read the supplemental materials in the Lesson

Plans. Of course, please feel free to do so if you have time. In particular, please do not worry about the materials that link to the Asylum ECN. We will be giving you all necessary ECN access when you arrive for face to face training. Until then, if a link requires permissions to our ECN, please bypass and continue with your Distance Training.

If you have time to read the cases and do not have access to Westlaw, you can search for case law in [Google Scholar](#) (select case law) or on the [BIA webpage](#) (if it is a BIA case).

The current link for Administrative Office of the U.S. Courts, Understanding the Federal Courts (Washington, D.C. 2003) is <https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>

Please note that Mass Atrocities and Genocide Awareness is not an Lesson Plan but a Presidential Directive. The link to the directive is in the Workbook.

Live Sessions

There will be two live sessions during Distance Training:

- ★ Check in with the Asylum Division including Director Andrew Davidson - Monday, December 16th at 11:00 AM EST
- ★ Discussion and Q&A with BPAs currently conducting CF Interviews – Wednesday, December 18th at 11:00 AM EST

We will send calendar invites for these sessions.

Evaluations

During your training, you will be evaluated based on: a multiple choice exam, a practical exercise and observed APSO interviews.

Training Dates

The initial Face to Face Training (F2F) will take place in Washington, DC. It is scheduled from Monday, January 6th through Thursday, January 16th 2019. Your On the Job Training (OJT) will take place in Texas. It will begin on Monday, January 21st and will finish approximately Friday, February 7th. These dates may change so we appreciate your flexibility.

You will attend F2F training with OFO Officers. USBP and OFO will then complete separate OJTs.

We will send a follow up email with additional travel and reporting information. For now, please do not make any travel arrangements.

Dress Code

You may wear your uniform or business casual attire during the F2F portion of training in Washington, DC. You may also carry concealed.

Questions/Concerns

If you have any questions or concerns, please reply to this email address ccing Shannon Alexander and Rhonda Roberts (copied first above). We are looking forward to working with you!

Best,

The Asylum Team

(b)(7)(c)

From: Asylum TRAINING-COORDINATORS
To: [REDACTED]

Cc: Roberts, Rhonda J; Davidson, Andrew J; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Mura, Elizabeth E; Rellis, Jennifer L; [REDACTED]

Subject: RE: Welcome to Credible Fear for U.S. Customs and Border Protection!

(b)(7)(c)

Date: Thursday, December 05, 2019 5:52:00 PM

Attachments: [Distance Training Lesson Plans.zip](#)

Lesson Plans are attached.

From: Asylum TRAINING-COORDINATORS

Sent: Thursday, December 05, 2019 5:51 PM

To: [REDACTED]

(b)(7)(c)

[REDACTED]
<SUSANA.RODRIGUEZ@CBP.DHS.GOV>

Cc: Alexander, Shannon <shannon.alexander@uscis.dhs.gov>; Roberts, Rhonda J <Rhonda.J.Roberts@uscis.dhs.gov>; Davidson, Andrew J <Andrew.J.Davidson@uscis.dhs.gov>; Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>; Kirkland, Brooke A <Brooke.A.Kirkland@uscis.dhs.gov>; Mura, Elizabeth E <Elizabeth.E.Mura@uscis.dhs.gov>; Rellis, Jennifer L <Jennifer.L.Rellis@uscis.dhs.gov>; [REDACTED]
[REDACTED]

Subject: Welcome to Credible Fear for U.S. Customs and Border Protection!

(b)(7)(c)

Good Evening!

Welcome to Credible Fear for U.S. Customs and Border Protection or CF for CBP! Next week, you will begin the training required to conduct APSO screenings, specifically credible fear interviews. This message will provide details about Distance Training and other preliminary information.

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The deadline to submit Attestations is **COB, Friday, December 20th**. Please submit them to this Asylum Training Coordinators address. If you require additional time, please let us know as soon as you can.

Lesson Plans

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We will send calendar invites for these sessions.

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During your training, you will be evaluated based on: a multiple choice exam, a practical exercise and observed APSO interviews.

Training Dates

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You will attend F2F training with USBP Agents. OFO and USBP will then complete separate OJTs.

We will send a follow up email with additional travel and reporting information. For now, please do not make any travel arrangements.

Dress Code

You may wear your uniform or business casual attire during the F2F portion of training in Washington, DC. You may also carry concealed.

Questions/Concerns

If you have any questions or concerns, please reply to this email address ccing Shannon Alexander and Rhonda Roberts (copied first above). We are looking forward to working with you!

Best,

The Asylum Team

(b)(7)(c)

From: Maloney, Kathleen M

To:

[Redacted]

[Redacted] Hedde, Lydia M; Villena, Daniel A; Smith, Stephanie E; Occhiogrosso, Rachel; Hollemans, Sarah M; Miller, Rebecca E; Sermeno, Heidi M; Jiron, Marvin P; Torrick, Jason J; Tipton, Dax R; PACHECO, HUGO M; FACCIN, ALESSIO F; SESSION, SHONE D; MCEACHEN, JOHN W; PETERS, ERIC S; RAMIREZ, EBED M; Brennan, Ciaran P; Gutierrez, Ervey; GUTIERREZ, ERVEY; Quinones, Eugenio Jr; DUTTON, JULIE L; Hernandez, Ruth N; Espinoza, Salvador H; Gali, Orlando; Sanchez, Eric A; VALDEZ, JACOB B; CLARK, STEVEN C; LOPEZ, ANDRES; TOVAR, RAFAEL; Valdez, Luis S; Etling, John E; Natividad, Frank; Perez, Ubaldo;

[Redacted]

Cc: Douglas, Audrey M; Maloney, Kathleen M; Maalona, John L; Lehman, Danielle E; Andre, Lisa S; Yasrobi, Sharon A; Alexander, Shannon

Subject: READ before you complete any interviews---Updated Guidance on Credible Fear Processing Pursuant to AI Otro Lado Litigation - FOR INTERNAL USE ONLY

Date: Monday, November 25, 2019 10:06:00 AM

Attachments: [330 - Order Granting PI.pdf](#)
[USCIS Metering Questions 11.22.19.docx](#)
[I-870 Annotated 7.16.19 \(updated\).doc](#)
[208.13\(c\)\(4\) Mandatory Bar Worksheet 7.16.19 Updated.docx](#)
[AI Otro Lado Guidance 11.24.19.pdf](#)

Importance: High

(b)(7)(c)

Good morning,

If you are in an interview now, please ask the applicant to wait with Core Civic before you complete the interview. Take time to read the attached materials and then call the applicant back into your office to ask the newly required questions. If you are not in an interview, do not begin your interview before reading the attached.

I am reviewing the materials now. Feel free to reach out to your SAO or me if you have any questions. I am happy to assist.

Best,
Kathleen

From: Caudill-Mirillo, Ashley B <Ashley.Caudill-Mirillo@uscis.dhs.gov>

Sent: Sunday, November 24, 2019 8:26 PM

To: RAIO - Asylum Field Office Staff <RAIO-Test@uscis.dhs.gov>; RAIO - Asylum Field Office Managers <RAIO-AsylumFieldOfficeManagers@uscis.dhs.gov>; RAIO - Asylum HQ <RAIO-Asylum@uscis.dhs.gov>

Cc: RAIO - Asylum HQ Leadership <RAIO-AsylumHQLeadership@uscis.dhs.gov>; RAIO - Executive Leadership <RAIO-ExecutiveLeadership@uscis.dhs.gov>; RefugeeAffairsTDY <refugeeaffairstdy@uscis.dhs.gov>

Subject: Updated Guidance on Credible Fear Processing Pursuant to AI Otro Lado Litigation - ~~FOR INTERNAL USE ONLY~~

~~**FOR INTERNAL USE ONLY**~~

Dear Colleagues,

On November 19th, the U.S. District Court for the Southern District of California issued an order granting provisional class certification and a preliminary injunction in *Al Otro Lado v. Wolf*, a lawsuit that seeks to prevent DHS from applying the Third Country Transit Asylum bar to individuals who attempted to enter at a POE before July 16, 2019, but were unable to do so due to the CBP queue management practice known as “metering.”

The Court’s order is attached, and the pertinent language is copied below:

For the reasons stated above, the Court **GRANTS** Plaintiffs’ Motion for Provisional Class Certification (ECF No. 293). The Court provisionally certifies a class consisting of “all non-Mexican asylum-seekers who were unable to make a direct asylum claim at a U.S. POE before July 16, 2019 because of the U.S. Government’s metering policy, and who continue to seek access to the U.S. asylum process.”

Furthermore, the Court **GRANTS** Plaintiffs’ Motion for a Preliminary Injunction (ECF No. 294) and orders the following: Defendants are hereby **ENJOINED** from applying the Asylum Ban to members of the aforementioned provisionally certified class and **ORDERED** to return to the pre-Asylum Ban practices for processing the asylum applications of members of the certified class.

IT IS SO ORDERED.

To comply with this order, asylum officers must immediately use the attached list of questions when conducting credible fear interviews for non-Mexican nationals. Consistent with the provisional class defined above, the focus of these questions is on whether the individual was subject to CBP’s queue management practices before 7/16/19.

If, after answering these questions, the individual has established that it is more likely than not that he or she was metered before 7/16/19, then the individual is determined to be an *Al Otro Lado* class member and USCIS cannot apply the Third Country Transit Asylum Bar IFR, and their claims will be assessed under the lower “significant possibility” standard consistent with pre-Third Country Transit Asylum Bar IFR procedures.

As this order is effective immediately, asylum officers must be given time to review the attached guidance before conducting a credible fear interview of a non-Mexican national. The attached files include:

1. *Al Otro Lado* Guidance (Outlining Case Processing)
2. *Al Otro Lado* Court Order
3. USCIS Metering Questions
4. I-870 Annotated
5. Third-Country Transit Bar Worksheet (8 CFR 208.13(c)(4))

Additional guidance will be shared as soon as it is available. Please direct any questions or concerns to HQ Asylum through your chain of command.

Sincerely,
Ashley Caudill-Mirillo

FOR INTERNAL USE ONLY

Ashley Caudill-Mirillo
Deputy Chief
Asylum Division
Refugee, Asylum, and International Operations

From: Alexander, Shannon
To: Roberts, Rhonda J; Hussey, Jedidah M; Lafferty, John L; O'Malley, Robert L; Caudill-Mirillo, Ashley B; Haertling, Peter G; Daum, Robert L; Heinrich, Lorie R; Gulati, Sonia; Lehman, Danielle E; Zeleke, Aster N; Papazian, Varsenik L; Klayman, Amy S; Tyrell, Jody A; Radel, David M; Pueschel, Tracy W; Raufer, Susan; Boyle, Meghann W; Dhanjal, Manpreet S; Mikesell, Hannah K; Bondy, Timothy; Aguilar, Kimberly M; Gadson, Irvin C; Isaacson, Mollie; Hong, Marianne X; Madsen, Kenneth S; Rellis, Jennifer L; Flanagan, Lisa M; Kruszka, Robert F; Bardini, Emilia M; Hemming, Bryan D; Douglas, Audrey M; Motolenich Torres, Catherine; Timothee, Fritz G; Brodrecht, Anna M; Carter, Lovely L; Sellung, Ashlee; Fairbank, Christina; Berger, Jack S III; Robinson, Joi L; Jackson, Yolanda; Powless, Crystal Y
Subject: Schedules and Other Details for CF for USBP
Date: Friday, August 9, 2019 11:19:00 AM
Attachments: HB 5300-13A CBP Travel Handbook.pdf
Management Guidance for Implementing the Physical Fitness Program.pdf

Happy Friday Everyone,

We hope all is going well this week. We have received some great feedback and really appreciate everyone's excellent efforts.

Below please find more information about the rules governing agents' schedules, physical fitness requirement, meals, overtime and comp time, leave and commuting.

USBP provided two documents that you may find helpful: CBP's Travel Handbook and Management Guidance for Implementing the Physical Fitness Program. They are attached.

We anticipate that there may be questions on the information below. Please send them to me, Bob and Rhonda.

Thank you.

Pilot End Date

- USBP agents in cohorts 2 and 3 will complete their details on Friday, December 20th.

Daily Schedule

- BPAs will follow their existing pay reform election regarding the hours worked per day. Once a year, all agents select either an 8, 9 or 10 hours per work day (5 days a week). The hourly rate they are paid overtime is scalable based on the amount of OT they work. The majority of the agents should be on a 10 hour day.
- Agents must not change their schedule.
- Asylum field offices can schedule BPAs to work weekends, nights and holidays. This would be part of their 5 day work week with two days off in the middle of the week.
- If Saturday and/or Sunday are the 6th and/or 7th scheduled work day(s) of the week then this would all be considered 45 ACT OVERTIME (please see the overtime section below).

Meals

- According to the Border Patrol Agent Pay Reform Act, BPAs working 10 hours per day, 5 days a week, may have an unpaid off-duty meal break (if requested with no description of the length of timer).
- Under the BPAPRA, agents' says may be "interrupted" by an unpaid meal break

with supervisor's approval. While the supervisor has the discretion to approve or deny a request for an unpaid meal break, agents are not required to take an unpaid meal break if they have not requested such a break.

- BPAs are allowed to have a meal within their 10 hour day but the USBP does not schedule unpaid meal breaks.
- In order to avoid complicating agents' scheduling or pay, Asylum will accommodate this practice. **Accordingly, 10 hours is 10 hours regardless of whether an agent takes a lunch.** If an agent on a 10 hour day schedule begins work at 7:00 AM, he or she will finish at 5:00 PM.

Overtime and Comp Time

- If a BPA works more than his or her selected level, this work is converted to comp time. If the BPA is on a 10 hour schedule, any hours in excess of 100 hours per two week pay period will be comp time.
 - For example, if Agent Friday is scheduled 10 hours per day and ends up working 11 hours, she has earned 1 hour of comp time. She is then allowed to use it like any other type of leave unless she is on leave restriction. Agents must coordinate with their SAO for scheduling.
- BPAs cannot earn more than 10 hours of comp time per pay period without USBP supervisor approval.
- BPAs are allowed to earn up to 240 hours (not 260) of comp time per year and they must use that leave within 26 pay periods of earning that leave or they will forfeit it. Therefore, we will probably encounter BPAs that already have use or lose comp time.
 - Barring exigent circumstances and leave restriction, agents are permitted to take this leave. BPAs with use or lose comp time should schedule and coordinate with their SAO and USBP supervisor. This use or lose may be very minimal - sometimes as short as 15 minutes.
- ***Scheduled OT is true OT and not Comp time. Unscheduled OT is Comp Time. For example, if a BPA is working on something that carries beyond the end of their regularly scheduled 10 hour work day, it is comp time.***
- Any hours scheduled over an agents' 10 hours per day, or 6th or 7th worked day per week, is overtime under the Federal Employees Pay Act of 1945, This must be approved and funded by the USBP and reimbursed by USCIS.
- Please do not schedule agents for more than 10 hours per day or more than five days per week without consulting and coordinating with HQ. The default should be to schedule the BPAs 10 hours per day, 5 days a week.

Physical Fitness Program

- BPAs can work out up to 3 hours per week on the clock. This can be completed incrementally across the week.
- Workout time does not need to be scheduled. However, as a courtesy it should be coordinated with the SAO. It must be approved by the SAO.
- Donning and doffing workout gear, showering and travel to and from the closest "approved" workout facility is not counted as time against the 3 hour per week limitation.
- "Approved" location is dependent upon the SAO.
- BPAs may use the gym at their hotel while on duty with SAO approval if use of this

gym is reasonable. The BPAs would still be held to 3 hours per week. They may work out at any gym closer to the office at their own cost.

- Ultimately, there will be some differences in what is available. A workout does not necessarily require a gym. BPAs can perform calisthenics anywhere. In all cases, consideration must be given to securing gear.

Quarterly Qualifiers (and other trainings required to maintain LEO status)

- Certain training to maintain their LEO status and current position (i.e. Quarterly Quals, SLCP, SLT, etc.) is allowable but needs to be scheduled with their SAO in coordination with the USBP. These trainings should be of short duration.
- Any questions about what would qualify can be directed to HQ for discussion and resolution with USBP.

Leave

- USBP approved master leave will be applicable while working for Asylum. BPAs must coordinate and schedule this with their SAO.
- Additionally, any other type of leave (EAL, SL, SS, TC, etc.) will be coordinated directly with the SAO on case by case basis.
- Some of this leave is already noted in the spreadsheets.

Commuting

- According to BPAPRA:
 - (e) Travel Time.--Travel time to and from home and duty station by a BPA shall not be considered hours of work under any provision of law.
- However, commuting distance is a possible factor of reimbursement. According to the CBP handbook, any commute greater than their normal commuting can be reimbursed.
 - If the travel is more than 50 miles (one way), please reach out to HQ to discuss providing a travel authorization or an alternative location.
 - If the travel is less than 50 miles (one way) per day, Chapter 4 of the Handbook (attached for reference) defines local travel and how a difference in travel from their Permanent Duty Station (PDS) to a Temporary Duty Station (TDS) is to be reimbursed if the excess amount of travel is greater to the TDS. It does not include work hours and is to be entered in USBP's travel system under Local Expense Report.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: (b)(6)

Cell: (202) 531-7270

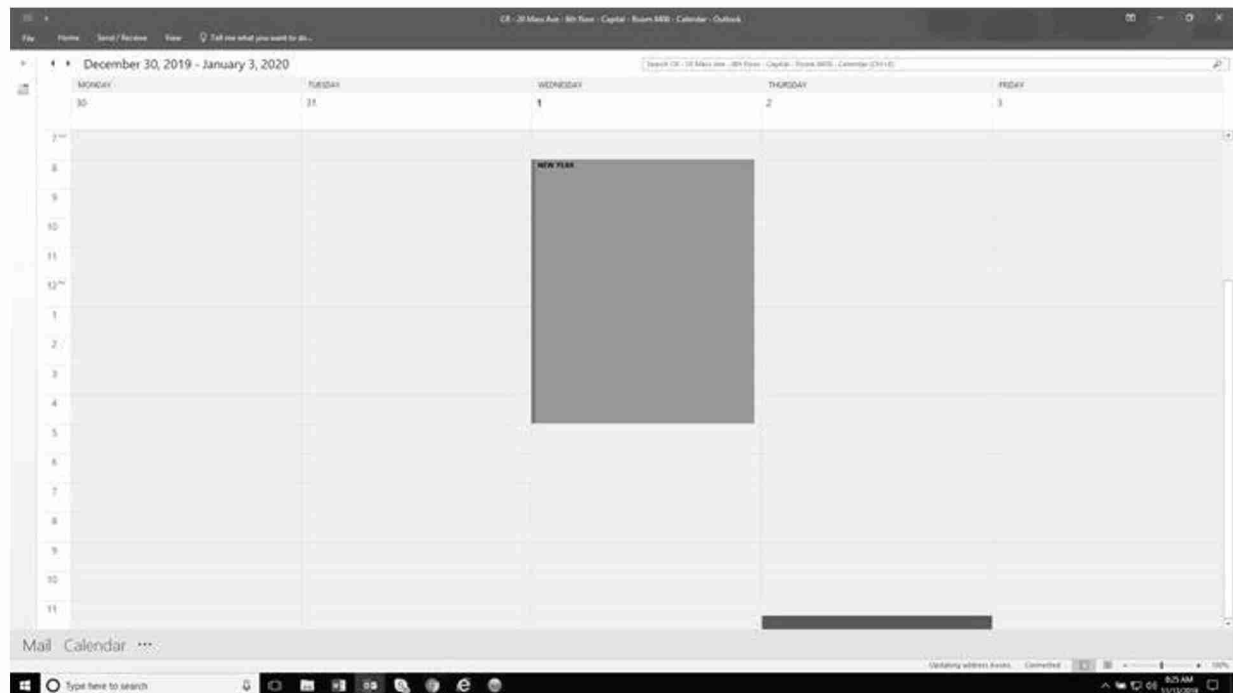
From: Alexander, Shannon
To: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J
Subject: Space for USBP Cohort 5 and OFO Cohort 1
Date: Monday, December 02, 2019 12:19:00 PM
Attachments: Tomich Jan 6-10.jpg
Tomich Jan 13-17.jpg
Tomich Jan 20-24.jpg
Tomich Jan 27-31.jpg
Importance: High

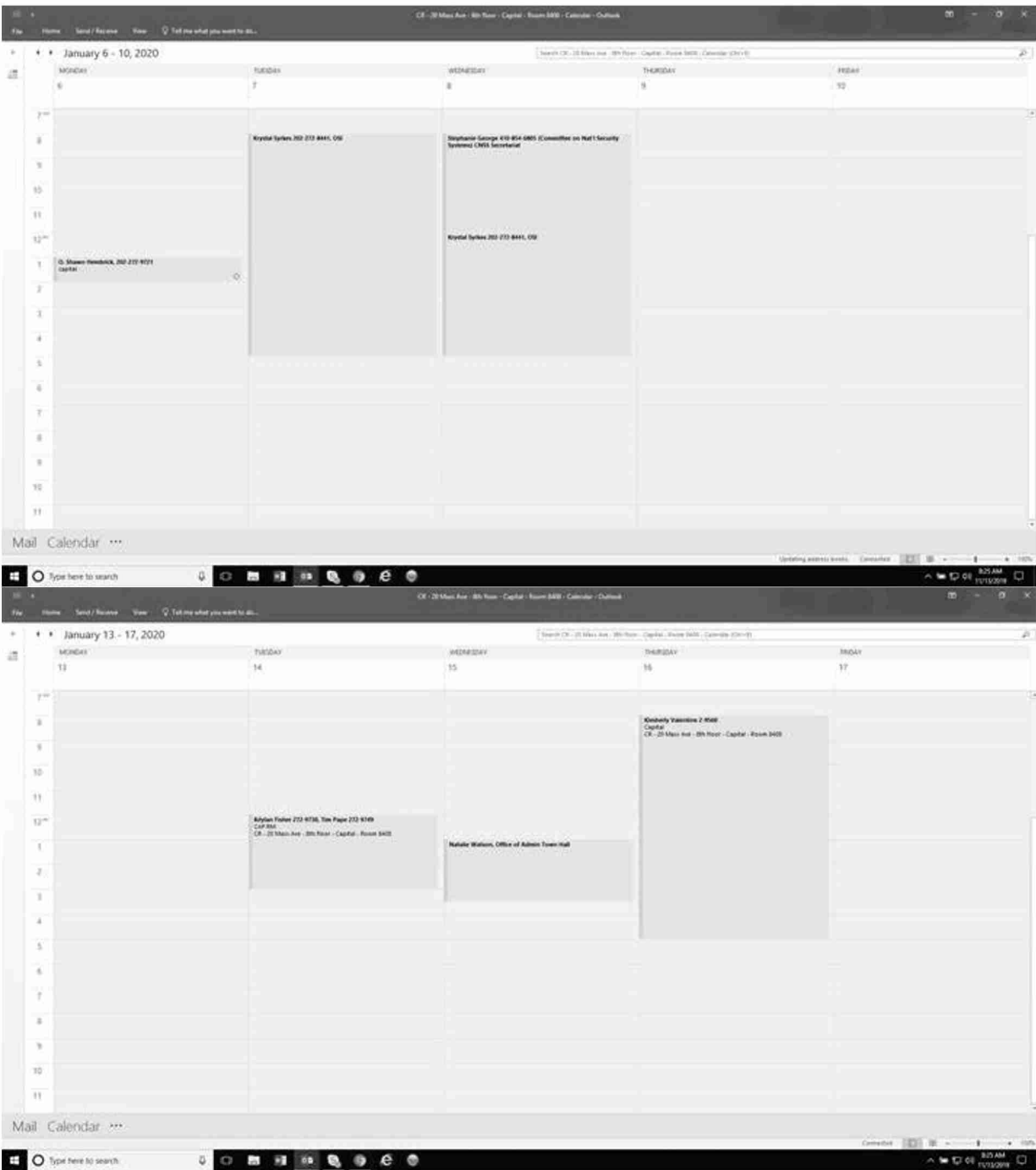
Good Morning!

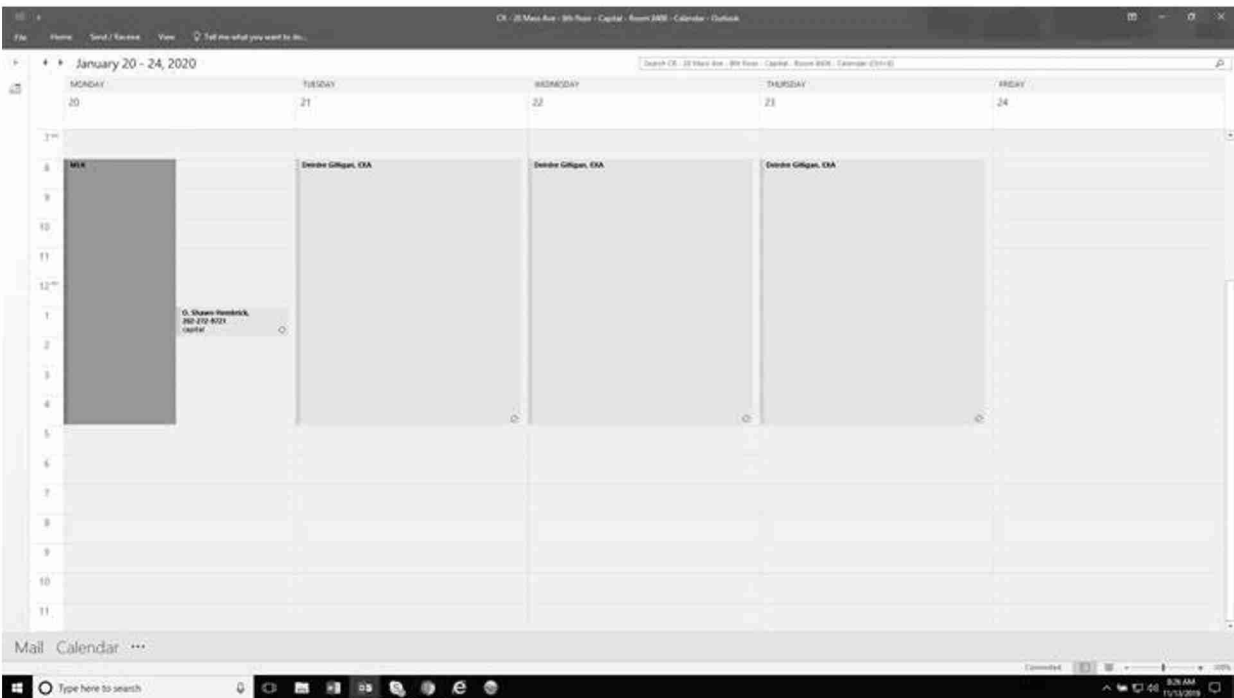
As you know, the face to face training for USBP Cohort 5 and OFO Cohort 2 is tentatively scheduled for Monday, January 6th through Friday, 17th. The spaces that can accommodate 45 people – Tomich and Capital - are both full (please see attached and below).

ZAR might have some availability for their training room but they will need it twice to administer the exams for RAIO Remote.

Beyond 999, are there other venues you'd like to explore? When should we reach out to USBP and/or OFO to determine if they may have space?







Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED]

(b)(6)

From: [Maloney, Kathleen M](#)
To: [Douglas, Audrey M](#); [Roberts, Rhonda J](#); [Alexander, Shannon](#); [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](#); [Mayer, Rachel S](#); [Matos, Kastherine C](#); [Hollemaans, Sarah M](#); [Sermeno, Heidi M](#)
Cc: [Leigh, Francis W](#); [Castillo, Zoragina \(Zora\)](#); [Arenas, Hugo E](#); [Maalona, John L](#); [Douglas, Audrey M](#)
Subject: Status of the Asylum Eligibility and Procedural Modifications IFR Following SCOTUS Decision - **FOR INTERNAL USE ONLY**
Date: Friday, September 13, 2019 8:49:58 AM
Importance: High

FOR INTERNAL USE ONLY

Asylum Division Staff,

Yesterday, the Supreme Court of the United States lifted the injunction of the Interim Final Rule (IFR) titled, *Asylum Eligibility and Procedural Modifications*. As such, Asylum Division staff should immediately implement the IFR to all pending cases nationwide as described below.

Specifically, the third-country-transit rule now applies nationwide to:

- (1) All credible-fear screenings, or immigration-judge reviews of such screenings, that are either conducted after or remain pending after September 11, 2019 (for individuals who entered, attempted to enter or arrived in the United States on or after July 16, 2019); and
- (2) All asylum applications filed by aliens who entered, attempted to enter, or arrive in the United States on or after July 16, 2019—whether filed affirmatively with USCIS or defensively in removal proceedings—that remain pending (whether before USCIS, before an immigration judge, or before the Board of Immigration Appeals) after September 11, 2019.

Three additional points: First, the rule should not be applied to any alien who has been granted asylum on or before September 11, 2019. Second, if an alien was previously found to satisfy the credible-fear standard because the third-country-transit rule had been enjoined, that alien should not be placed back into expedited removal proceedings for a new credible-fear interview; rather, the rule may be applied to such an alien in removal proceedings. Third, as has been true since the rule was issued, the rule applies only to an alien who enters, attempts to enter, or arrives in the United States across the southern land border on or after July 16, 2019.

Effective immediately, please ensure you are following this directive and previously issued operational guidance. Thank you for your hard work and dedication.

Sincerely,

Ashley

Ashley Caudill-Mirillo
Deputy Chief
Asylum Division

Refugee, Asylum, and International Operations

From: [Yasrobi, Sharon A](#)
To: [Roberts, Rhonda J](#)
Cc: [Alexander, Shannon](#)
Subject: Training materials
Date: Tuesday, December 03, 2019 1:08:27 PM

Hi!

The agents are starting interviews tomorrow, but we can only have 8 of them go per day because of limited resources and case intake. In the down time w/ the 15 agents who aren't interviewing each day, I'd like to make them to checklist write-ups from notes I redact and give to them. We were thinking about credibility for sure and then maybe a PSG or a CAT pos. But before I spend time making materials, I wanted to make sure you're okay going forward with this plan.

Thanks!

SY

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

 | Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

(b)(7)(c)

From: Maloney, Kathleen M

To:

Rajoo, Ann M; Solaimani, Sheila; Nadaban, Michelle R
Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon
Subject: Tuesday interviews at 8:00 AM and join Webex at 11:45 AM
Date: Monday, December 02, 2019 5:49:49 PM

Good evening,

BP agents: Tomorrow you will be observing an 8:00 AM interview. Please do security checks for your interview. Please write up this case and send it to Sharon and me.

We will all be together in the afternoon in the classroom. We will cover A LOT of information, so please leave your interview by 11:00 AM and then take lunch. We will start the classroom work at 11:45 PM and work through until 5:30 PM. If you finish early and/or at 11:30 AM please start to write up your morning interview.

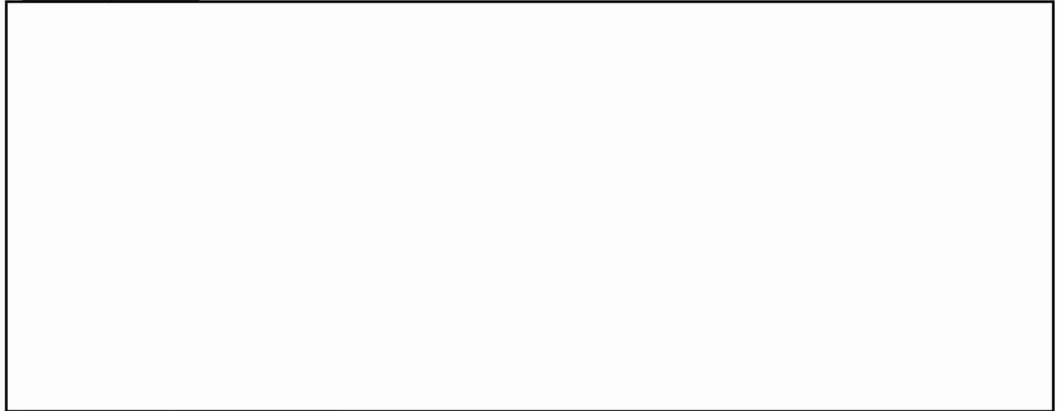
AOs-BP agents will observe your 8:00 AM interview & will have to leave by 11:45 AM. On Wednesday 8 agents will be interviewing and you will be observing them.

AO	BP agent
Rebecca Miller	(b)(7)(c)
Karina Bosman	
David Ausloos	
Garabet Badrajan	
Michelle Nadaban	
Shiela Solaimani	
Sarah Hollemans	
Ann Rajoo	

Best,
Kathleen

(b)(7)(c)

From: Alexander, Shannon
To:



Cc: Powless, Crystal Y; Hunt, Margo M; Osuji, Kizito; Bardini, Emilia M; Boss, Juliet M; Cleary, Heather M; Mireles, Charity J; Brodrecht, Anna M; Andre, Lisa S; Minnick, Frank R; Kim, Alejandra; Lynn, Mallory L; Stefanova, Desislava I; Lewis, Victoria E; Baj, Ewa; McPherson, Yaniece A; Garrett, Natalie M; Talamantes, Eudelia A; Klayman, Amy S; Aguilar, Kimberly M; Kelly, Brooke A; Zeleke, Aster N; Kerr, Alex X; Scott, Elizabeth M; Gossett, Christopher R; Joseph, Ebbed; Saunier, Jon-Paul; Hemming, Bryan D; Douglas, Audrey M; Carter, Lovely L; Fairbank, Christina; Basseas, Marina M; Haverkamp, Emily R; Roberts, Rhonda J; O'Malley, Robert L
Subject: Typing Practice Resources
Date: Tuesday, September 17, 2019 2:33:00 PM

Good Afternoon Everyone,

We hope your week is off to a good start.

Taking contemporaneous notes is challenging and several of you have given us feedback on this issue. Therefore, we are providing you with a few options for typing practice. Thank you to our colleagues at ZAR for locating the following:

- ★ [Typingtest.com](https://www.typingtest.com) - offers an initial test of your typing skills and then practice courses to improve your hand placement and speed
- ★ [Typing.com](https://www.typing.com) - offers lesson on specific keys and a video accompaniment, along with practical exercises
- ★ [Typingclub.com](https://www.typingclub.com) - offers lessons starting with specific keys and shows accuracy percentages

These courses are not offered via one of our platforms but we hope they are helpful nonetheless.

If you are interested in using one of these typing tutorials during duty time, please reach out to your SAO to discuss potential practice time. Please note that it may not be possible to accommodate you immediately depending on your office's caseload and resources.

If you have any questions or concerns, please limit your reply to me and Rhonda.

Have a good week!

Best,

Shannon Alexander
Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

(b)(7)(c)

From: Alexander, Shannon
To:

Cc: Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Gordon, Jonathan; Mendelson, Amanda R; Hogan, Heather J
Subject: Typing Resources and Confidentiality Fact Sheet
Date: Monday, November 04, 2019 5:08:00 PM
Attachments: Fact Sheet on Confidentiality 10 18 12.pdf

Good Afternoon All,

It was so nice to put faces to names today!

Here are a few resources for typing practice:

Typingtest.com - <https://www.typingtest.com/>

Typing.com - <https://www.typing.com/>

Typingclub.com - <https://www.typingclub.com/>

Keybr.com - <https://www.keybr.com/>

The Factsheet on Confidentiality is attached.

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: (b)(6)

Cell:

(b)(7)(c)

From: Yasrobi, Sharon A
To: [REDACTED]
Cc: Miller, Rebecca E; Bosman, Karina M (Kina); Solaimani, Sheila; Badrajan, Garabet V; Ausloos, David A; Hall, Sarah R; Rajoo, Ann M; Nadaban, Michelle R; Douglas, Audrey M; Alexander, Shannon; Grady Madera, Adrienne M; Morales, Oscar C; Maloney, Kathleen M
Subject: Update to tomorrow's observation schedule
Date: Wednesday, December 04, 2019 11:37:32 AM

Hello everyone!

Due to changes to the scheduling of cases tomorrow, we had to modify the observation schedule slightly. Please use this schedule to determine with AO you will be working with.

Observing AO	Thursday
Rebecca Miller	[REDACTED]
Karina Bosman	
Sheila Solaimani	
Garabet (Gary) Badrajan	
David Ausloos	
Sarah Hollemans	
Ann Rajoo	

(b)(7)(c)

Tyson and Jesus will be doing in-person family interviews at Dilley. The rest of you will be doing telephonic interviews of single, adult applicants detained at other facilities.

Please let us know if you have any questions!

Sharon

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

[REDACTED] | Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

From: Alexander, Shannon
To: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Gordon, Jonathan; Mura, Elizabeth E; Kirkland, Brooke A; Kliska, Jennifer R
Cc: Mathew, Ajai; Cardona, Rene; Scott, Elizabeth M; Basseas, Marina M; Joseph, Ebbel; Queen, Courtney C; Pena, Scarlett E; Gordon, Jonathan
Subject: Updated CF for CBP Schedule
Date: Monday, March 16, 2020 5:19:00 PM
Attachments: CF for USBP Cohort 6 Contingency No Exam No Interview.docx
Importance: High

Hi Everyone,

The BP class has been dismissed with instructions to travel tomorrow, take an admin day Wednesday and resume training – remotely – on Thursday. Attached is the schedule for the remote portion of training. Everyone has confirmed that they are available.

Jonathan will be sending out calendar invites and instructions.

Thanks!

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube: [REDACTED]

Cell: [REDACTED] (b)(6)

From: Maloney, Kathleen M
To: Douglas, Audrey M; Alexander, Shannon; Yasrobi, Sharon A; Roberts, Rhonda J
Subject: Updated schedule and hypos
Date: Friday, November 15, 2019 12:58:10 PM
Attachments: OJT Schedule 11.18.19.docx
Mock interview and interview hypos.docx

Hi everyone,

I updated the training schedule and attach the hypos. Let me know if you want me to make any changes. I am going to the field office to be fingerprinted for security clearance and then to the doctor this afternoon, but I will be working this weekend to be ready for Monday.

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: (b)(6)
CELL PHONE:

[HTTPS://EAASPIV.DHS.GOV/OWA](https://EAASPIV.DHS.GOV/OWA)

From: Alexander, Shannon
To:

(b)(7)(c)

Cc: Hogan, Heather J; Roberts, Rhonda J; Asylum TRAINING-COORDINATORS
Subject: Updates!
Date: Monday, July 08, 2019 2:33:00 PM
Attachments: [RAIO Research Unit June 2019 News Summary Bulletin.msg](#)
[crediblefearlessonplan 4-30-19.pdf](#)
[CFforUSBP-02 - Overall Course Eval - BLANK.docx](#)

Good Afternoon Everyone!

We hope all is well!

We wanted to reach out with a few updates.

First, please find the latest Credible Fear Lesson Plan attached. Please read it as soon as you can. When this training began with the first cohort in May, the Lesson Plan you read was the most current. It was updated in the midst of Cohort 1's Distance Training. We sent them the updated Lesson Plan separately but we forgot to replace it in the zip file. Apologies!

Thank you all very much for your meaningful feedback! One of the things you mentioned was more COI, so we are attaching the RAIO Research June Bulletin. It has lots of great information and sources.

If you were not able to give feedback and would like to, the form is attached. You can send it to one of us or to asylumtraining-coordinators@uscis.dhs.gov.

Finally, the MOU is still a work in progress. As soon as we have an update, we will let you know.

Best,

Shannon

From: Alexander, Shannon
Sent: Friday, June 28, 2019 6:32 PM
To:

(b)(7)(c)

(b)(7)(c)

Cc: Hogan, Heather J <Heather.J.Hogan@uscis.dhs.gov>; Roberts, Rhonda J
<Rhonda.J.Roberts@uscis.dhs.gov>

Subject: Tech Information

Hi Everyone,

Please see the attached concerning how to connect to our network using the VPN and wireless from hotel/home etc.

In case you have any issues, the help desk number is: (b)(6)

Again, we really enjoyed hosting, training and learning from you. Please do not hesitate to contact us if you have any questions or concerns (tech or otherwise).

Best,

Shannon Alexander

Asylum Officer

Asylum Training Division

DHS/USCIS/RAIO

Cube:

Cell: (b)(6)

From: [Yasrobi, Sharon A](#)
To: [Kirkland, Brooke A](#)
Cc: [Roberts, Rhonda J](#); [Alexander, Shannon](#)
Subject: USBP Credibility PE
Date: Tuesday, December 03, 2019 10:13:23 PM
Attachments: [Interview Notes USBP Cred.pdf](#)

Hi Brooke,

We are doing a credibility refresher with the BPAs tomorrow and Thursday using the same materials in DC (they are broken into groups), but after the refresher, we are going to do a writing exercise with them. I have attached the notes from the case we plan to use. It isn't an FRC case. Lara reviewed it recently at ZLA and found it to be legally sufficient as a credibility negative. I redacted all of the PII.

I spoke with Rhonda about it today and she was fine with it being a non-FRC case, but we wanted to loop you in on the PE. We don't intend to give them a written sample – I will just talk through what they identified as the inconsistencies, confrontations, and explanations and whether they found the explanations reasonable. In terms of written samples, we will use the QA-approved one that's on the ECN.

Let me know if you have any questions or concerns!

Thanks!

Sharon

SHARON A.S. YASROBI

SUPERVISORY ASYLUM OFFICER | LOS ANGELES ASYLUM OFFICE | ASYLUM DIVISION | RAIO

| Sharon.A.Yasrobi@USCIS.DHS.GOV

(b)(6)

(b)(7)(c)

From: Maloney, Kathleen M

To:

Cc: Yasrobi, Sharon A; Douglas, Audrey M; Alexander, Shannon

Subject: Watch this Webex re: the PDF requirement before your interview

Date: Tuesday, December 03, 2019 10:44:51 AM

Attachments: [image001.png](#)
[image002.png](#)

Hi new AOs,

We are working to have Adobe Pro installed on all your laptops because telephonic interviews require you to combine all the files you create into one PDF document. You are also required to upload that PDF to Global. In addition, you will also upload the checklist and the NTA or court referral documents in WORD to Global. (If you are in person and have a case that goes to FDNS, you are also required to upload this PDF.)

During interviews this week, you will be using Adobe Pro with your AO partner.

Please use the link below and follow the instructions to start the training. After you view the training, if you have any questions, please ask in the training room or call me at [REDACTED]. (b)(6)

<https://uscis.webex.com/recording/service/sites/uscis/recording/playback/4d3419b2edb847cddbddd695f71285078>
Password: [REDACTED] (b)(6)

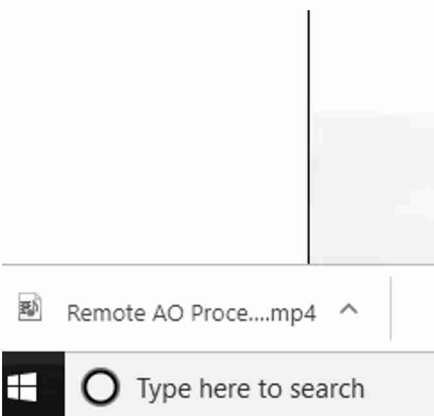
When you click on the link and enter the password, training will not begin immediately. You will need to take a few more steps before you see and hear the training.

After you enter the password, you will see Remote AO Processing. Next to that, there is an arrow. (Highlighted in yellow.) Double click on that arrow.

Remote AO Processing  



This will start downloading a file in the bottom left of your computer. (See below.) Once the download has completed double click on the file and it will begin playing the training.



Best,
Kathleen

(b)(7)(c)

From: Maloney, Kathleen M
To:



Cc: [Douglas, Audrey M](#); [Yasrobi, Sharon A](#); [Alexander, Shannon](#)
Subject: Welcome back
Date: Monday, December 02, 2019 9:13:30 AM

Good morning,

Right now, you are either in class or calling into a Webex at 8:30. You all will be observing 12:30 PM interviews today. Also, you will all do an interview this week. The first BP interview will happen on Wednesday, but everyone will have completed an interview and all paperwork by Friday afternoon.

Let me know if you have any questions.

(b)(7)(c)

From: Asylum TRAINING-COORDINATORS

To:



Cc: Davidson, Andrew J; Caudill-Mirillo, Ashley B; Roberts, Rhonda J; Kirkland, Brooke A; Mura, Elizabeth E; Rellis, Jennifer L; Gordon, Jonathan; Mendelson, Amanda R; REILLY, MICHAEL J; RINGLER, MICHAEL A; Asylum TRAINING-COORDINATORS

Subject: Welcome to APSO for USBP!

Date: Friday, October 18, 2019 4:42:00 PM

Attachments: APSO for USBP Workbook October 2019.pdf
CF for USBP DT Attestation November 2019.rtf
DT Exercises.zip

Good afternoon!

Welcome to APSO for U.S. Border Patrol! Next week, you will begin the required training necessary to conduct APSO screenings, including credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

During Distance Training you will read Lesson Plans, complete exercises and view webinars. You are not required to read all of the cases and supplemental materials linked in the Lesson Plans. Many are available on our ECN, but you will not have access to our network before you arrive. If you are interested in reading additional cases, you may be able to locate them through Google Scholar.

Please note that Mass Atrocities and Genocide Awareness is not an Lesson Plan but a Presidential Directive. The link to the directive is in the Workbook.

Webinars work best in Chrome and on a wired connection. There may be complications with some of the webinars if you are using a hotspot or a VPN. If you are having any issues viewing the webinars, please let us know as soon as possible.

Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

As has been messaged by CBP leadership, you should complete the Distance Training requirements - and not performing other duties - once you are in training status for APSO for U.S. Border Patrol.

Workbook and Attestations

The Distance Training Workbook, Syllabus with Attestation and Exercises are attached. Please use the Workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin on Monday, you will have exactly 10 days to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for USBP class. Please make sure you initial and date all

of the appropriate spaces on the attestation.

The deadline to submit Attestations is **COB Friday, November 1st**. Please submit them to Asylum Training Coordinators mailbox, copying your sector's POC.

Evaluations

You will be evaluated based on: a multiple choice exam, a practical exercise and observed APSO interviews.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in another email.

Training Dates

The initial Face to Face Training (F2F) will take place in Washington, DC. It is tentatively scheduled from Monday, November 4th through November 15th, 2019. **These dates are subject to change.** The second part of the training – On the Job Training (OJT) - will occur at a location and on dates TBD. The dates for OJT will take place and conclude no later than Friday, December 20, 2019. We are cognizant of the Thanksgiving holiday for planning purposes. We will inform you of additional details during the coming week.

We will send a follow up email with additional travel and reporting information. For now, please do not make any travel arrangements.

Dress Code

You may wear your uniform or business casual attire during the F2F portion of training in Washington DC. You may also carry concealed.

Building Access

Please bring your PIV card with you.

If you have any questions or concerns, please reach out to your USBP POCs, Shannon Alexander, Jonathan Gordon, Amanda Mendelson and Training Branch Chief Rhonda Roberts. We are looking forward to working with you!

Best,

The Asylum Team

From: Alexander, Shannon

To:

Cc: RAIO - Asylum HQ Leadership; Tolson-Hightower, Dawn N; Hopkins, Sherona A; Hogan, Heather J; Doran, Benjamin B (Ben); O'Malley, Robert L; Yasrobi, Sharon A; Asylum TRAINING-COORDINATORS;

(b)(7)(c)

Subject: Welcome to CF for USBP!

Date: Thursday, May 23, 2019 3:50:00 PM

Attachments: [DHS Form 11000-5 - DHS Personnel Security Data Verification Request.pdf](#)
[CF for USBP Workbook.pdf](#)
[CF for USBP DT Attestation.pdf](#)
[DT Exercises.zip](#)

Good Afternoon,

Welcome to Credible Fear for U.S. Border Patrol! This message will provide details about the pilot's Distance Training as well as preliminary information regarding Tech and Travel.

Distance Training

During Distance Training you will read Lesson Plans, complete exercises and view webinars. Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

The webinars have been recorded in Adobe Connect and are available for you to view as you proceed through the syllabus. USCIS will be transitioning from Adobe on June 1st. As a result, please view the webinars before Friday, May 31st.

There were some issues with the last class regarding access to the webinars. Please contact us if the webinars are not working.

If the webinar requires a password, the password is You may have to enter the password twice to gain access.

(b)(6)

Workbook and Attestations

I have attached the Distance Training Workbook, Syllabus with Attestation and Exercises. Please use the workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin tomorrow, you will have exactly 10 days to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a

supervisor who is NOT participating in the CF for USBP class.

The deadline to submit Attestations is **Friday, June 7th**. Please submit them to Asylum Training Coordinators mailbox, copying your office's POC, and me

Evaluations

- You will be evaluated based on: a multiple choice exam, a practical exercise and observed Credible Fear interviews.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in another email.

Tech

- When you arrive in Washington DC, you will be issued a laptop. You will also need access to our network. In order to start the process of obtaining access for you, please fill out Section two of the attached 11000-5, encrypt it and send it to your POC (copied above) by **COB tomorrow, Friday May 24th**. Your POCs will send them to us. Once we receive this form, we will complete section one and pass it on to OSI for review and completion.

Travel Dates

- The Face to Face Training will take place in Washington DC and Arlington, VA. The first day of training is Monday, June 10th. The last day of CF for USBP is Friday, June 28th.

You will travel on Sunday, June 9th and Saturday, June 29th.

Our travel team, RAIO Travel, sent a message with items for you to complete and submit in order to travel. Please follow their instructions to complete the Invitational Travel Request form and the Flight Information Form, and return all forms back to RAIO Travel by (C.O.B) 5:00pm EST, Tuesday May 29, 2019. Completed forms should be sent to: RAIO-Travel@uscis.dhs.gov. **Because of the sensitive nature of the information being provided on forms, emailed forms MUST BE PASSWORD PROTECTED.**

Locations

For your reference, you will be training at the following addresses:

★ Asylum HQ

June 10 – June 17

20 Massachusetts Ave NW Washington, DC 20001

Closest metro: Union Station but also convenient to Chinatown

★ Arlington Asylum Office
June 18 – 28
1525 Wilson Blvd Suite 300, Arlington, VA 20598
Closest metro: Rosslyn

Please be advised when considering hotels that **there will be no metro service south of National Airport on the blue or yellow lines during your training. Buses will replace the metro along that route.**

The dress requirement is business attire for interviews and business casual for training (non-uniformed, non-armed).

Building Access

You must bring your PIV card to enter the buildings and to use the laptop you will be issued. You must bring the laptop, power cord, and PIV to class daily.

If you have any questions or concerns, please reach out to your location's POC, Asylum Officer Heather Hogan, Asylum Officer Ben Doran, Training Branch Chief Rhonda Roberts and me. We are looking forward to working with you!

Best,

The Asylum Team

(b)(7)(c)

From: Asylum TRAINING-COORDINATORS
To:
Cc: Alexander, Shannon; Roberts, Rhonda J; Davidson, Andrew J; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Mura, Elizabeth E; Rellis, Jennifer L; (b)(7)(c)
Subject: Welcome to Credible Fear for U.S. Customs and Border Protection!
Date: Thursday, December 05, 2019 5:51:00 PM
Attachments: CF for CBP DT Attestation December 2019.pdf
CF for CBP Workbook December 2019.pdf
DT Exercises.zip

Good Evening!

Welcome to Credible Fear for U.S. Customs and Border Protection or CF for CBP! Next week, you will begin the training required to conduct APSO screenings, specifically credible fear interviews. This message will provide details about Distance Training and other preliminary information.

Distance Training

During Distance Training, you will read Lesson Plans, complete exercises and view webinars. You are not required to read all of the cases and supplemental materials linked in the Lesson Plans. Many are available on our ECN, but you will not have access to our network before you arrive.

Webinars work best in Chrome and on a wired connection. There may be complications with some of the webinars if you are using a hotspot or a VPN. If you are having any issues viewing the webinars, please let us know as soon as possible.

Distance Training requires roughly 80 hours to complete. You must finish all webinars and the exercises before your arrival at the Face to Face Training.

As has been messaged by CBP leadership, you should complete the Distance Training requirements - and refrain from performing other duties - once you are in training status for CF for CBP.

Workbook and Attestations

The Distance Training Workbook, Syllabus with Attestation and Exercises are attached. Please use the Workbook to complete exercises associated with the reading. The Attestation tracks your progress and is used to certify that you have completed all of the assigned readings and tasks.

You will notice on your Attestation that there are time estimates assigned to each task. If you begin on Monday, you will have plenty of time to finish the approximately 80 hour Distance Training.

Attestations must be initialed and signed by the student and then signed by a supervisor who is NOT participating in the CF for CBP class. Please make sure you initial and date all of the appropriate spaces on the Attestation.

The deadline to submit Attestations is **COB, Friday, December 20th**. Please submit them to this Asylum Training Coordinators address. If you require additional time, please

let us know as soon as you can.

Lesson Plans

The Lesson Plans will be sent, via zipfile, in a separate email.

As mentioned above, you do not have to read the supplemental materials in the Lesson Plans. Of course, please feel free to do so if you have time. In particular, please do not worry about the materials that link to the Asylum ECN. We will be giving you all necessary ECN access when you arrive for face to face training. Until then, if a link requires permissions to our ECN, please bypass and continue with your Distance Training.

If you have time to read the cases and do not have access to Westlaw, you can search for case law in [Google Scholar](#) (select case law) or on the [BIA webpage](#) (if it is a BIA case).

The current link for Administrative Office of the U.S. Courts, Understanding the Federal Courts (Washington, D.C. 2003) is

<https://www.uscourts.gov/sites/default/files/understanding-federal-courts.pdf>

Please note that Mass Atrocities and Genocide Awareness is not an Lesson Plan but a Presidential Directive. The link to the directive is in the Workbook.

Live Sessions

There will be two live sessions during Distance Training:

- ★ Check in with the Asylum Division including Director Andrew Davidson - Monday, December 16th at 11:00 AM EST
- ★ Discussion and Q&A with BPAs currently conducting CF Interviews – Wednesday, December 18th at 11:00 AM EST

We will send calendar invites for these sessions.

Evaluations

During your training, you will be evaluated based on: a multiple choice exam, a practical exercise and observed APSO interviews.

Training Dates

The initial Face to Face Training (F2F) will take place in Washington, DC. It is scheduled from Monday, January 6th through Thursday, January 16th 2019. Your On the Job Training (OJT) will also take place in the Washington DC area. It will begin on Friday, January 17th and will finish no later than Friday, February 7th. These dates may change so we appreciate your flexibility.

You will attend F2F training with USBP Agents. OFO and USBP will then complete separate OJTs.

We will send a follow up email with additional travel and reporting information. For now, please do not make any travel arrangements.

Dress Code

You may wear your uniform or business casual attire during the F2F portion of training in Washington, DC. You may also carry concealed.

Questions/Concerns

If you have any questions or concerns, please reply to this email address ccing Shannon Alexander and Rhonda Roberts (copied first above). We are looking forward to working with you!

Best,

The Asylum Team

Credible Fear (CF) for CBP Distance Training Syllabus and Completion Attestation Instructions for Students

Introduction

The CF for CBP training 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 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 attachment as follows: Last Name, First Name - CF for CBP DT – Completion and Attestation.** Please CC your CBP and Asylum POCs.
- The CF for CBP Distance Training schedule totals approximately 80 hours (around 8 to 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>	<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</i> (PW: RAIOCTPdt19!)	<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>	<i>2 hours</i>	
Interviewing – Working with an Interpreter: <i>reading</i>	<i>2 hours</i>	
Detecting Possible Victims of Trafficking: <i>reading</i>	<i>1.5 hours</i>	
Cross-Cultural Communication: <i>reading</i>	<i>.75 hours</i>	
Evidence: <i>reading</i>	<i>2 hours</i>	
Evidence: <u>Webinar</u> (PW: RAIORemote123!)	<i>1 hour</i>	
Fraud and FDNS Overview: <i>reading</i>	<i>2.5 hours</i>	
International Religious Freedom Act (IRFA): <i>reading</i>	<i>2 hours</i>	
Persecutor Bar: <i>reading</i>	<i>2 hours</i>	
Mass Atrocities and Genocide Awareness: <i>reading</i>	<i>.5 hours</i>	
LGBTI Claims: <i>reading</i>	<i>2 hours</i>	
Gender-Related Claims: <i>reading</i>	<i>1.75 hours</i>	
Children’s Claims: <i>reading</i>	<i>3.5 hours</i>	

Children's Claims: <u>Webinar</u> (PW: RAIORemote123!)	1.5 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>	1.5 hours	
Firm Resettlement: <i>reading</i>	1.25 hours	
Discretion: <i>reading</i>	.5 hour	
Decision-Making: <i>reading</i>	1.5 hours	
Office of Security & Integrity (OSI) and Significant Incident Reporting: <u>webinar</u> (PW: RAIOTPDt19!)	1 hour	
Past Persecution - Rebuttable Presumption: <u>Presentation</u> (PW: ADOTPDt1!)	2 hours	
LP Asylum Process and Procedures: <i>reading</i>	.75 hour	
Asylum Process and Procedures Manual and Introduction to the AAPM Wiki: <u>Presentation</u> (PW: ADOTPDt1!)	.5 hour	
LP Mandatory Bars Overview and Criminal Bars: <i>reading</i>	1.25 hours	
LP Credibility: <i>reading</i>	2 hours	

LP Credible Fear: <i>reading</i>	<i>1.25 hours</i>	
LP ABC/NACARA: <i>reading</i> • Pages 2-16	<i>.5 hour</i>	
LP – Reasonable Fear: <i>reading</i>	<i>1.5 hours</i>	
India COI, Eliciting Testimony, and Fraud <u>Webinar</u> (PW: India2019!)	<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: 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:

Issue: What is the likelihood that a -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 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

A 45-year old male asylum-seeker from Algeria states that he self-identifies as Muslim, but belongs to a particular sect called the Ahmadis. He claims that the government is preventing him from practicing his religion in Algeria, despite Algeria's Muslim majority demography.

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 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> (b)(6)
Past Persecution – Rebuttable Presumption	<u>Webinar</u> (b)(6)
Evidence	<u>Webinar</u> (b)(6)
Children’s Claims	<u>Webinar</u> (b)(6)
Office of Security & Integrity (OSI) and Significant Incident Reporting	<u>Webinar</u> (b)(6)
Asylum Process and Procedures	<u>Presentation</u> (b)(6)
India COI, Eliciting Testimony, and Fraud	<u>Webinar</u> (b)(6)

(b)(6)

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. 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

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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* 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.

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 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?	

Alieva Interview Spreadsheet saved here:

SharePoint Uploads/2019/COW2019501574 Evers/RAIO Records via SIG Share Drive/Shannon

September 4, 2019 12:49:40 PM from Orlando Gali to All Panelists: Is it at the discretion of the person conducting interview or the sup or who?

September 4, 2019 12:50:26 PM from Orlando Gali to All Panelists: Yes

September 4, 2019 1:00:06 PM from Benjamin Rodriguez to All Panelists: How does internal relocation work for a family unit?

September 4, 2019 1:02:36 PM from Ciaran Brennan to All Panelists: clear as mud

September 4, 2019 1:02:42 PM from Audrey Douglas to All Participants: :)

September 4, 2019 1:04:08 PM from miguel lemus to All Panelists: Just to clarify, does the AO location have any bearing on whether the bar applies to the applicant? It is our understanding that the location of the AO conducting the interview does not impact whether the bar is applicable or not correct?

September 4, 2019 1:05:59 PM from miguel lemus to All Panelists: yes, IFR

September 4, 2019 1:06:51 PM from Emily Haverkamp to All Panelists: Does everyone need to be screened separately for IFR like with mandatory bars?

September 4, 2019 1:10:07 PM from Armando to All Panelists: whooa... alot of info there.....

September 4, 2019 1:10:12 PM from Frank Natividad to All Panelists: If the parent is deemed not credible, are they allowed to speak on behalf of their child or can we move on to interviewing the child or children

September 4, 2019 1:12:02 PM from Benjamin Rodriguez to All Panelists: If the mother provides enough testimony to establish CF for one of her kids, do you still need to talk to the kids?

September 4, 2019 1:16:54 PM from Erik Stephany to All Panelists: If this family crossed in the 5th circuit and the father is housed in the 9th circuit how is it handled

September 4, 2019 1:23:15 PM from Armando to All Panelists: webex works best on chrome

September 4, 2019 1:23:23 PM from Matthew Joseph to All Participants: Break ends at 1:40 PM EST

September 4, 2019 1:43:58 PM from Frank Natividad to All Panelists: Do you have some scenario or examples?

September 4, 2019 1:45:03 PM from Frank Natividad to All Panelists:

yes RF

September 4, 2019 1:45:33 PM from Ciaran Brennan to All Panelists:
Yeah, like when is what testimony reasonable vs significant possibility?

September 4, 2019 1:46:39 PM from Ciaran Brennan to All Panelists:
Like this testimony, testimony x, works under significant possibility, but
testimony x, when judged under the lense of resonable possibility does not work.

September 4, 2019 1:47:32 PM from Ciaran Brennan to All Panelists:
Can you send us a resonable fear lesson plan

September 4, 2019 1:47:38 PM from Orlando Gali to All Panelists:
Please include all of us in the samples.

September 4, 2019 1:47:44 PM from Ciaran Brennan to All Panelists:
Maybe it has examples?

September 4, 2019 1:47:50 PM from Orlando Gali to All Panelists: RF
plan and samples

September 4, 2019 1:48:04 PM from Ciaran Brennan to All Panelists:
Maybe some law resources?

September 4, 2019 1:48:06 PM from Ciaran Brennan to All Panelists:
IDK

September 4, 2019 1:48:16 PM from Ciaran Brennan to All Panelists:
Case law examples?

September 4, 2019 1:48:46 PM from Armando to All Panelists: (I
stepped ou to restroom) I missed it... where is reasonable possibility lesson
plan...

September 4, 2019 1:49:21 PM from Ciaran Brennan to All Panelists:
Will QA HQ help us with this or our offices?

September 4, 2019 1:50:08 PM from Ciaran Brennan to All Panelists:
Thank you!

September 4, 2019 2:07:40 PM from miguel lemus to All Panelists:
Asking for a friend: What if the child wishes to dissolve? Do the parents have the
last word?

September 4, 2019 2:09:48 PM from miguel lemus to All Panelists:
Thank you

September 4, 2019 2:16:09 PM from Shone Session to All Panelists:
How do we get through the legal requirements such as the M-444, 1.28, and 3.2, etc.
with the child? Is that done through the parents?

September 4, 2019 2:21:30 PM from miguel lemus to All Panelists:
What is the new guidance on attorneys being able to record interviews? Was there something sent out on this?

September 4, 2019 2:24:13 PM from miguel lemus to All Panelists:
Thank you for the clarification.

September 4, 2019 2:24:27 PM from Stephen Dougherty to All Panelists:
Is an attorney allowed to let their assistant observe an interview on their behalf?

September 4, 2019 2:24:29 PM from Ciaran Brennan to All Panelists:
Can you send that guidance out to everyone, about recording, because I haven't seen that.

September 4, 2019 2:26:33 PM from Ciaran Brennan to All Panelists:
Yeah, how does that work? What if an applicant's council doesn't show up, and then the SAO denies a reschedule...

September 4, 2019 2:26:47 PM from Ciaran Brennan to All Panelists:
and then the alien refuses to speak to you

September 4, 2019 2:29:25 PM from luis rivera to All Panelists: Is the G-28 applicable to all family members or just to the applicant who requested representation?

September 4, 2019 2:34:02 PM from Ciaran Brennan to All Panelists:
Does the recording bar apply to phone calls too? Should we be telling consultants that they can't audio record?

September 4, 2019 2:36:11 PM from Ciaran Brennan to All Panelists:
How does that work? What if their notes are different than our notes?

September 4, 2019 2:36:38 PM from Ciaran Brennan to All Panelists:
This officer berated my client!

September 4, 2019 2:36:47 PM from Ciaran Brennan to All Panelists:
Is he a Border Patrol Agent?

September 4, 2019 2:40:53 PM from Frank Natividad to All Panelists:
Does today's training include the notes provided us or just the training slides

September 4, 2019 2:41:37 PM from Ciaran Brennan to All Panelists:
All those things

September 4, 2019 2:41:46 PM from Ciaran Brennan to All Panelists:
Who controls access?

September 4, 2019 2:41:58 PM from Ciaran Brennan to All Panelists:

Building

September 4, 2019 2:42:16 PM from Ciaran Brennan to All Panelists:
Are there docking stations?

September 4, 2019 2:42:23 PM from Ciaran Brennan to All Panelists:
Can we use the printers?

September 4, 2019 2:42:45 PM from Orlando Gali to All Panelists:
Will we be calling or will the facility be calling us? When are we expected to begin conducting the telephonic interviews?

September 4, 2019 2:42:52 PM from Ciaran Brennan to All Panelists:
Are there enough phone lines and interview rooms?

September 4, 2019 2:43:10 PM from Ciaran Brennan to All Panelists:
My facility is severely lacking space and phone lines and it bottlenecks logistics

September 4, 2019 2:43:28 PM from Frank Natividad to All Panelists:
Are the plans to have agents TDY to Dilley, or we will be conducting telephonic interviews

September 4, 2019 2:44:53 PM from Del Rio Team to All Panelists: It is hard to commit to Dilley if I haven't gotten paid for Houston yet. Just saying.

September 4, 2019 2:44:58 PM from Ciaran Brennan to All Panelists:
Government credit cards are starting to max out because of voucher delays...just for your awareness.

September 4, 2019 2:45:26 PM from Robin J. Roberts to All Panelists:
Will we have a separate office/desk area for on-site, share

September 4, 2019 2:45:28 PM from miguel lemus to All Panelists:
here

September 4, 2019 2:45:58 PM from miguel lemus to All Panelists:
here

September 4, 2019 2:46:07 PM from Del Rio Team to All Panelists:
Luis Valdez and Ervey Gutierrez here

September 4, 2019 2:46:49 PM from Marvin Jiron to Host, Presenter & Panelists: Jiron

September 4, 2019 2:47:04 PM from Aldo Ochoa to Host (privately):
Goldston is here

September 4, 2019 2:47:06 PM from miguel lemus to All Panelists:
lemus

September 4, 2019 HERNANDEZ HERE!	2:47:06 PM	from RUTH to All Panelists: RUTH
September 4, 2019 No thank you Shannon!	2:47:11 PM	from Ervey Gutierrez to All Panelists:
September 4, 2019 ZZAARRR	2:47:15 PM	from Ervey Gutierrez to All Panelists:
September 4, 2019 Faccin is here	2:47:20 PM	from Aldo Ochoa to Host (privately):
September 4, 2019 Eugenio Quinones Present !	2:47:21 PM	from Eugenio to Host (privately):
September 4, 2019 martin	2:47:22 PM	from miguel lemus to All Panelists:
September 4, 2019 Has any accomodation for quarterly trainings been accounted for in plans for extended details?	2:47:23 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 Presenter & Panelists: Genoves is here	2:47:36 PM	from Thomas Rutkowski to Host,
September 4, 2019 Erik Stephany	2:48:08 PM	from Erik Stephany to All Panelists:
September 4, 2019 Lozano is here and Miranda is here and Pacheco as well	2:48:11 PM	from Aldo Ochoa to Host (privately):
September 4, 2019 Some of us have CIS laptops, some of us have CBP laptops, will connectivity be universal at the Dilley facility?	2:48:28 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 Ebed M. Ramirez here	2:48:29 PM	from Ebed Ramirez to All Panelists:
September 4, 2019 Presenter & Panelists: Dougherty- Here!	2:48:29 PM	from Stephen Dougherty to Host,
September 4, 2019 Agent Natividad is present and accounted for....I see you too	2:48:29 PM	from Frank Natividad to All Panelists:
September 4, 2019 Tipton is here too	2:48:31 PM	from Dax Tipton to All Panelists:
September 4, 2019 Quinones here !	2:48:31 PM	from Eugenio to All Panelists:

September 4, 2019 Eric Peters	2:48:33 PM	from eric peters to All Panelists:
September 4, 2019 you get the following agents?	2:48:38 PM	from miguel lemus to All Panelists: did
September 4, 2019 Ubaldo Perez-here	2:48:51 PM	from ubaldo perez to All Panelists:
September 4, 2019 my bad	2:48:53 PM	from Dax Tipton to All Panelists: ok,
September 4, 2019 ZAAAAARRRRRR	2:48:54 PM	from Orlando Gali to All Panelists:
September 4, 2019 I felt left out	2:48:55 PM	from Frank Natividad to All Panelists:
September 4, 2019 Dickey and Balen	2:48:57 PM	from miguel lemus to All Panelists:
September 4, 2019 Presenter & Panelists: Is there Wifi at the facility for CBP laptops?	2:51:34 PM	from Stephen Dougherty to Host,
September 4, 2019 How does it work is there a Dilley shared drive?	2:51:39 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 Scans	2:52:37 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 and stuff	2:52:42 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 What dates are still available for Dilley? Can we TDY two weeks at a time?	2:52:56 PM	from miguel lemus to All Panelists:
September 4, 2019 Will the same "limits" apply?	2:54:06 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 2 cases a day?	2:54:11 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 -IDK if that's universal	2:54:14 PM	from Ciaran Brennan to All Panelists:
September 4, 2019 please clairify - i was told a USCIS laptop cannot be plugged into a USBP ethernet i was attempting to connect to a USBP printer at my USBP station	2:54:14 PM	from John Etling to Host (privately):
September 4, 2019	2:55:04 PM	from miguel lemus to All Panelists:

What time do interviews normally start? Trying to calculate what time you would have to leave San Antonio to get there in time.

September 4, 2019 2:55:38 PM from Dax Tipton to All Panelists: Are we keeping our originally assigned SAOs?

September 4, 2019 2:56:21 PM from Ciaran Brennan to All Panelists: Will there be a Dilley SAPSO or will we be bouncing questions against our own SAPSOs?

September 4, 2019 2:56:41 PM from miguel lemus to All Panelists: Can you tell us a little bit about the carpool? Is that set up amongst us or is it set up by you guys. Last question I promise.

September 4, 2019 2:56:45 PM from Ciaran Brennan to All Panelists: -Because some duty sups know APSO and some don't

September 4, 2019 2:57:52 PM from Ciaran Brennan to All Panelists: Sweet!

September 4, 2019 2:58:05 PM from Cory Clements to All Panelists: John Etling asked: please clairify - i was told a USCIS laptop cannot be plugged into a USBP ethernet i was attempting to connect to a USBP printer at my USBP station

September 4, 2019 2:58:27 PM from miguel lemus to All Panelists: Thanks

September 4, 2019 2:59:23 PM from Ciaran Brennan to All Panelists: Can you send us Dilley POC and phone lists and stuff?



U.S. Citizenship and Immigration Services



Standard of Proof



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Reasonable Possibility

The “reasonable possibility” standard is the same standard required to establish eligibility for asylum (the “well-founded fear” standard)

Standard of Proof



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Reasonable Possibility

The “reasonable possibility” standard is lower than the “more likely than not standard” required to establish eligibility for withholding of removal or deferral of removal (under CAT).

Standard of Proof



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Reasonable Possibility

It is higher than the standard of proof required to establish a “credible fear” of persecution.



RF vs. CF: Analytical Differences

Credible Fear

Significant
Possibility

Consider *Chen*
and Other
Serious Harm

Reasonable Fear

Reasonable
Possibility

No exercise of
discretion

Dissemination



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DHS-19-1398-D, 19-1400-C-000453



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CREDIBLE FEAR FAMILY PROCESSING PROCEDURES

USCIS ASYLUM DIVISION / OPERATIONS

FOR OFFICIAL USE ONLY (FOUO)

Last Updated: April 2, 2018
DHS-19-1398-D, 19-1400-C-000454

The Plan & Quick Reference



U.S. Citizenship
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- ♦ Expedited Removal/Credible Fear Reminder – slide 4
- ♦ Dependents in CF and Desire to be Included– slides 5-12
- ♦ Discretion – slides 13-14
- ♦ Orientation – slides 18-19
- ♦ Security Checks – slide 20
- ♦ Interviewing – slides 21-31
- ♦ Determinations and Service Documents – slides 32-48
- ♦ Split Families (RF/CF) – slides 49-51
- ♦ Processing families detained separately or not detained – slide 52
- ♦ Scenarios and Important Reminders – slides 53-57

DHS-19-1398-D, 19-1400-C-000455

Overview



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Issues may arise in any CF processing context, including:

- ♦ Family Residential Centers (FRCs)
- ♦ Adult detention facilities
- ♦ Non-detained
- ♦ Family members discovered at the time of interview

Expedited Removal/Credible Fear



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- ♦ Each individual is placed into ER separately and has the right to an individual CF determination.
- ♦ **ALL** potential asylum seekers must be given the opportunity to be heard.

Dependents in CF



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- ♦ A **spouse or child** **may** be included in an applicant's CF evaluation and determination.
- ♦ To be included as a dependent, the spouse or child must:
 1. Arrive in the United States **concurrently** with the principal alien (PA);
 2. **Desire to be included** in the PA's determination.

Spouse or Child



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Only a spouse or child may be a dependent:

- ♦ **Spouse**: includes common law and same sex if recognized by law where the marriage took place
- ♦ **Child**: unmarried, under age 21



Concurrently



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- ♦ Concurrently means same time, same place.
- ♦ **FRC families**: to be detained together they must have arrived concurrently. Ask about other family members who arrived concurrently who are not detained in the FRC.
- ♦ **Non-FRC families and split families**: need evidence that they arrived concurrently. Evidence can be found in:
 - ♦ I-213 narrative
 - ♦ EARM Event ID #

Desires to be Included



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- **Previous guidance:** instructed AOs to ask the dependent if he or she wanted to be included on the PA's determination.
- **Current guidance:** provide an explanation to the PA and dependent and ask each person if they understand and agree.
- An indication that the PA and dependent understand and agree constitutes an expression of the dependent's desire to be included in the PA's claim.

Remember: Desires to be Included



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- Do not ask children or spouses if they want to be included on the PA's case.
- Do not ask parents if they want to be included on their child's case, and do not ask children if they want their parents to be included on their case.

Explanation



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AOs must explain to the entire family and document the explanation was provided and response:

- *Your spouse and/or child may be included in your credible fear claim if they arrived in the United States with you and want to be included in your claim. If your spouse and/or child are included in your claim and you are found to have a credible fear, then they will also be found to have a credible fear.*
- *If you are not found to have a credible fear we will not include your spouse and/or child in that determination. Instead we will make a separate credible fear determination for your spouse and/or child.*
- *Do you understand and agree?*

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Explanation



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AOs must explain to the entire family and document the explanation was provided:

- *You, your spouse, and your child(ren) each have the right to speak with an asylum officer separately. We will ask your spouse and/or child(ren) whether they want to interviewed with you or separately from you.*
- *We may speak with your child about any possible claim he or she may have. If we are unable to speak with your child because he or she is too young to talk or understand then we will ask you to testify on behalf of your child.*

Explanation



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When the child appears unable to respond:

- Document that you have informed the parent that the child appears unable to respond and that you asked the parent if he or she will speak on behalf of the child.
- **For example:** *It appears that your child is not able to respond due to her age. Would you like to respond on behalf of your child?*
- Where the parent answers for the child, document that the parent is speaking for the child to confirm understanding of and agreement to USCIS policy to include the child on the parent's determination if it is positive.

Discretion



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- ♦ Regulations provide that a spouse or child may be included in an applicant's CF evaluation and determination if they arrived together and the spouse or child desires to be included.
- ♦ If these criteria are met, it is USCIS **discretion** whether or not to include.
- ♦ The decision to exercise our discretion is case-specific.

Use of Discretion



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Generally, **use** discretion and **include** a spouse or child when PA receives a **positive** CF determination.



Generally, **do not** use discretion and **do not** include a spouse or child when PA receives a **negative** CF determination.

Dependents and Detention



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- ♦ USCIS has discretion to process dependents together with the principal applicant in any custody arrangement:
 - ♦ PA and dependents detained together
 - ♦ PA and dependents detained separately (including in different asylum office jurisdictions)
 - ♦ PA and dependents not detained

Best Practice to Identify Families



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- **During ALL CF interviews, ask:**
 - Did any family members travel with you to the United States? Who?
 - Did you arrive together?
- **If the applicant says that he or she arrived with a spouse, child, or parent, ask:**
 - If possible, would you like to be processed with your family members and included in your spouse or parent's CF determination?

Remember: All Families



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- The spouse or child must arrive concurrently with the PA and desire to be included.
- Only a spouse or child may be a dependent on a positive CF determination. Siblings and parents cannot be dependents.
- USCIS will not include a dependent on a negative CF determination.
- Families do not need to be detained together to be included in the positive determination or receive an NTA for purposes of family unity.

Security Checks



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- Security checks are required for each family member
- Complete a BISC for each family member



Interview – Documenting Family Members Present



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- Note all family members present at the interview in I-870 section 1.14.

1.12 Persons present at the interview (check which apply)

1.13 ☐ Consultant(s)

1.14 ☒ Other(s), list:

Applicant's son, A (b)(6)

1.15 ☐ No one other than applicant and asylum officer

Interview – Process



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1) Interview the principal applicant.

If PA Appears Positive

- FRCs: AOs do not need to physically see and attempt to interview the children.
- Non-detained: AOs must physically see all children.

If PA Appears Negative

- AOs must ask the parent about his or her children's potential fears.
- If parent's testimony doesn't establish a positive CF for children, AOs must physically see all children and attempt to interview them.

DHS-19-1998-D; 19-1400-C-000473

Interview - Rapport



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- It's important to establish rapport with all applicants, especially with children.
- AOs may use the background gathering portion of the interview as a time to build rapport.
- Include a summary of rapport-building in the Q&A for each person interviewed.
- As you are building rapport, determine whether the child is capable of testifying in a meaningful manner.
- Consult the Children's Claims Lesson Plan on ways to build rapport with children.

Interview – Confidentiality and Privacy



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- Ask all applicants (adults and children) if they wish to be interviewed with or without other family members present.
- Consider privacy of family members, particularly with regard to sensitive topics such as rape and domestic violence.
- Ask all applicants (adults and children) at the beginning of the interview if they feel comfortable proceeding and follow up if the applicant indicates he or she is not comfortable.

Interview – Confidentiality and Privacy



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Services

- Explain to the parent that the presence of children at the interview may impact their willingness to disclose details of traumatic events and impact the interview.
- Maintain flexibility in rescheduling an interview when there are possible concerns about a child's presence at the interview.
- AOs should explain to a parent whose child is present that the interview may be rescheduled if the parent needs to arrange for child care.
- If parent is caring for a sick child that may warrant a reschedule.

Interview - Children



U.S. Citizenship
and Immigration
Services

- If a child appears unable to testify, document that you have informed the parent that the child appears unable to testify and that you asked the parent if he or she will speak on behalf of the child.
- **For example:** *It appears that your child is not able to testify today due to her age. Would you like to testify on behalf of your child?*
- Where the parent answers for the child, document that the parent is testifying about the child's fear.

Interview - Children



U.S. Citizenship
and Immigration
Services

- Ask children which language they would like their interview to be conducted in.
- Ask children if they would prefer to be interviewed by a female or male officer.
- Ask children if they would prefer a female or male interpreter.
- Remember to provide paragraph 1.28 to each person you interview, including children.

Interview - Children



U.S. Citizenship
and Immigration
Services

- When interviewing children, fully develop the record (actively listen, ask relevant follow-up questions).
- Adjust your language to make it child-friendly and understandable.
- No age limit: even very young children may be able to establish a credible fear of persecution or torture.
- If child is unable to testify the parent may testify on behalf of the child.
- Even if the child is able to testify, the parent can always add testimony.
- Remember: children may need breaks more frequently than adults.

Interview – FRC Mandatory Questions



U.S. Citizenship
and Immigration
Services

Always ask these questions at the FRCs:

- Have you ever been harmed by a family member?
- Has/have your children ever been harmed by a family member?
- Have you ever been harmed by anyone you were in a relationship with?
- Have your children ever been harmed by anyone you were in a relationship with?
- Is there anything/anyone else you fear that we have not discussed today?

Interview – Mandatory Bars & Adverse Info Memo



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and Immigration
Services

- Each immediate family member, regardless of age, must be screened for mandatory bars to asylum.
- The parent may respond to mandatory bar questions on behalf of herself and her children, unless there are indications that one or more bars may apply to a child. Even then, if the child is unable to meaningfully respond the parent may respond on the child's behalf.
- Mandatory bars do not impact the CF determination.
- APSOs must complete a *Memo of Adverse Information* whenever they have reasonable grounds to believe that a mandatory bar may apply to an applicant, except the firm resettlement bar.

DHS-19-1398-D, 19-1400-C-000481

Interview – Summarizing Testimony



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- Summarize every claim in the summary, including the children's claims. If a child is able to testify in a meaningful way, then summarize the child's testimony back to the child, along with any additional testimony from the parent.
- If the child cannot testify in a meaningful way, then summarize the parent's testimony about the child's fear to the parent.
- The notes must clearly reflect each applicant's summarized claim.

Case Outcomes



U.S. Citizenship
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Services

1. Positive adult (either spouse)
2. Negative adult, positive child
3. Negative adult, negative child

1. Positive Adult



- No separate credible fear determination is necessary for the spouse and/or unmarried children under 21 who arrived concurrently with the principal applicant.
- AOs do not need to interview the spouse and/or children.
- AOs must screen all immediate family members for mandatory bars. The parent may respond to mandatory bar questions on behalf of her children, unless there are indications that one or more bars may apply. Even then, if a child is unable to meaningfully respond the parent may respond on the child's behalf.

1. Positive Adult - Documenting



U.S. Citizenship
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Services

Update the adult's I-870 sections 2.13 – 2.18 with information about spouse and children.

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):

(b)(6)

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

Citizenship

Present location (if w/PA,
list A-Numbers)

Did child
arrive with
PA?

Is child
included in
PA's claim?

(b)(6)

☒ Yes ☐ No

☒ Yes ☐ No

1. Positive Adult – Service Docs



U.S. Citizenship
and Immigration
Services

- I-870 for positive adult applicant
- CF Determination Checklist for positive adult applicant
- I-862 for each immediate family member who arrived concurrently. Check box that respondent has demonstrated a credible fear of persecution or torture.
- Interview notes

2. Negative Adult



- USCIS will not exercise its discretion to include a dependent in a PA's negative determination.
- AOs must make separate credible fear determinations for the spouse/child. Parent's testimony may establish a claim for a child.
- If parent's testimony does not establish a claim for a child, AOs must attempt to interview each dependent child and specifically ask them if they are afraid to return, even if there is no prior indication of a fear.
- If other spouse is positive, follow procedures for positive adult.
- Multiple children may each be able to establish credible fear.

DHS-19-1398-D, 19-1400-C-000487

2. Negative Adult, Positive Child Under 18 Years Old



U.S. Citizenship
and Immigration
Services

- **If a child under 18 years old is found to have a credible fear and the parent(s) and other under 18 year old siblings are not:**
 - We can use our discretion to place the child's parent(s) and any siblings under age 18 into §240 proceedings in the interest of family unity.
 - While we may refer to the child as the “principal applicant” in this context, the parent(s) and sibling(s) do not become dependents.
 - We are using DHS discretion to NTA parent(s) and any siblings under age 18 based on the child's positive CF determination.
- **We cannot issue discretionary NTAs to siblings age 18 and older who cannot establish CF.**

DHS-19-1398-D, 19-1400-C-000488

2. Negative Adult, Positive Child Under 18 Years Old



U.S. Citizenship
and Immigration
Services

- We cannot NTA parent(s) and sibling(s) under 18 years old for purposes of family unity unless they cannot establish CF on their own.
- Family unity interests are not implicated until and unless it is determined that the parent(s) and sibling(s) under 18 years old cannot establish CF on their own.

2. Negative Adult, Positive Child Age 18 and Older



U.S. Citizenship
and Immigration
Services

If a child aged 18 and older is found to have a credible fear and the parent(s) and other siblings are not:

- Generally we cannot use our discretion to place the child's parent(s) and any siblings into §240 proceedings in the interest of family unity.
- The policy to issue discretionary NTAs was adopted to promote family unity is only for children under age 18 who cannot establish CF.
- Check with your supervisor. In some locations ICE ERO has been amenable to our use of discretion in cases with this scenario.

2. Negative Adult, Positive Child Under 18 - Documenting



U.S. Citizenship
and Immigration
Services

Document persons present at the interview in I-870 section 1.14

1.12 Persons present at the interview (check which apply)

- 1.13 ☐ Consultant(s)
- 1.14 ☒ Other(s), list: Applicant's mother, (b)(6)
- 1.15 ☐ No one other than applicant and asylum officer

2. Negative Adult, Positive Child Under 18 - Documenting



U.S. Citizenship
and Immigration
Services

If positive family member is a child, do not list parents or siblings in section 2.18.

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):

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	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

DHS-19-1398-D, 19-1400-C-000492

2. Negative Adult, Positive Child Under 18 - Documenting



U.S. Citizenship
and Immigration
Services

Document in the comment section of the I-870 that, as an exercise of discretion, the positive finding is used as a basis for issuing NTAs for the entire immediate family (except siblings age 18 and older).

ADDITIONAL INFORMATION/CONTINUATION

(b)(6)

A large rectangular box with a black border, representing a redacted section of the form. The text "(b)(6)" is positioned above the top-left corner of this box.

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2. Negative Adult, Positive Child Under 18 - Documenting



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When the parent testifies on the child's behalf annotate the I-870 so it clearly reflects the parent testified on behalf of the child and whether the child was present at the interview.

1.12 Persons present at the interview (check which apply)

(b)(6)

1.13 ☐ Consultant(s)

Applicant's mother, [REDACTED]. The applicant's mother testified on his/her behalf. The applicant was not present at the interview.

1.14 ☒ Other(s), list:

1.15 ☐ No one other than applicant and asylum officer

2. Negative Adult, Positive Child Under 18 - Documenting



U.S. Citizenship
and Immigration
Services

When the parent testifies on the child's behalf make a credibility determination about the parent's testimony.

- 4.1 ☒ ~~There is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.~~ *Applicant's mother found credible.*
- 4.2 ☐ Applicant found **not** credible because (check boxes 4.3-4.5, which apply):
- 4.3 ☐ Testimony was internally inconsistent on material issues.
- 4.4 ☐ Testimony lacked sufficient detail on material issues.
- 4.5 ☐ Testimony was not consistent with country conditions on material issues.

• Also annotate how the child's identity was established

- 4.25 ☒ Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.26 ☒ ~~Applicant's own~~ *Applicant's mother's* credible statements. (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty).
- 4.27 ☐ Passport which appears to be authentic.
- 4.28 ☐ Other evidence presented by applicant or in applicant's file (List): _____

2. Negative Adult, Positive Child Under 18 - Service Docs



U.S. Citizenship
and Immigration
Services

- I-870 for each positive applicant
- CF Determination Checklist for each positive applicant
- I-862 for each immediate family member (parent, siblings under 18)* who arrived concurrently. Check box that respondent has demonstrated a credible fear of persecution or torture.
- Interview notes clearly documenting that each immediate family member's claim was fully explored
- Family unity NTA memo to file

DHS-19-1398-D, 19-1400-C-000496

3. All Negative



- APSOs must physically see and attempt to speak to each family member and ask questions about a fear of return.
- The record must clearly reflect that APSOs explored all possible claims for each family member:
 - The parent's fear for herself;
 - The parent's fear for her child(ren); and
 - The child(ren)'s fear.

3. All Negative



- Where no immediate family members are found to have a credible fear, the APSO follows procedures for preparing, serving, and processing each family member's decision for a negative CF determination.
- Each family member receives his or her own CF determination, including his or her own I-870 and CF Determination Checklist.
- The parent's I-870 should indicate that the child is not included in the parent's negative determination.

3. All Negative



U.S. Citizenship
and Immigration
Services

- I-870 for each family member
- CF Determination Checklist for each family member
- I-869 for each family member
- I-863 for each family member (if requested)
- Interview notes (separate, or clearly documenting each person's potential claim was explored)

Family Processing – Split RF/CF



U.S. Citizenship
and Immigration
Services

- We cannot include a child in a parent's positive RF determination
- We will not issue an NTA to the child based on the parent's positive RF determination.
- APSOs may use the parent's Q&A as a basis for a positive CF finding for a child as long as the parent's agreement to her testimony being included in the child's application is documented on the parent and child's Q&A and I-870.
- APSOs must screen everyone for mandatory bars.
- As in CF, if the child is incapable of testifying, clearly document this and ask the parent if she is willing to testify on the child's behalf.

Family Processing – Split RF/CF



U.S. Citizenship
and Immigration
Services

- Where the parent is in RF and the children are in ER/CF, and;
- Where one sibling has a positive CF determination but the other children under 18 do not;
- Issue NTAs for those other siblings (except siblings age 18 and over) for family unity.

Family Processing – Split RF/CF Documents



U.S. Citizenship
and Immigration
Services

- Parent receives positive or negative RF determination
- I-870 for each child
- CF Determination Checklist for each child
- I-862 for each positive child (check box that respondent has demonstrated a credible fear of persecution or torture)
- I-869 and I-863 (if requested) for each negative child
- Interview notes (separate, or clearly documenting each person's claim was fully explored)

Non-FRC Families



U.S. Citizenship
and Immigration
Services

- If they arrived concurrently with the PA, a spouse and/or child of a PA who was found positive for CF may be joined as a dependent at any time.
- There is no need to interview a spouse or child dependent if PA received a positive determination.
- Everyone must be screened for potential mandatory bars.
- If immediate family members are in separate jurisdictions coordinate with the other asylum office.

Family Processing - Scenarios



U.S. Citizenship
and Immigration
Services

How do you process this case?

1) Mother arrives concurrently with two minor children, ages 9 and 3. They are all in ER/CF and detained together. Mother does not establish a credible fear.

Family Processing - Scenarios



U.S. Citizenship
and Immigration
Services

How do you process this case?

2) Mother arrives concurrently with spouse, one 15 year old child, and one 19 year old child. They are all in ER/CF and detained separately.

Family Processing - Scenarios



U.S. Citizenship
and Immigration
Services

How do you process this case?

3) Mother arrives concurrently with two minor children and they are detained together. The mother is in RF and children are in CF.

Important Reminders



U.S. Citizenship
and Immigration
Services

- Only spouses and children can be dependents.
- Ensure parent is aware of the availability of childcare and how child's presence may impact her ability to testify.
- When a parent is negative and his or her testimony does not establish a positive CF for a child, AOs must see, attempt to interview, and make a determination for each dependent. Each applicant has the right to an individual CF determination.
- Summarize each person's testimony. If a parent testifies on behalf of a child, summarize that testimony.
- Build rapport with all applicants. Note in the Q&A how you established rapport with children.
- When everyone is negative make sure the record is fully developed for all family members.

Important Reminders



U.S. Citizenship
and Immigration
Services

OUTCOME	INTERVIEW CHILD?	MANDATORY BARS	SERVICE DOCS
Positive Parent	No, unless child requests	Yes, for parent, spouse, and all children.*	I-870 and checklist for parent, NTAs for each family member
Negative Parent, Positive Child under 18 years old	Maybe. If parent's testimony doesn't establish a positive CF for child, AOs must see and attempt to interview all children.	Yes, for parent, spouse, and all children.*	I-870 and checklist for each positive child, NTAs for purposes for family unity for parent(s) and siblings under 18 years old who are unable to establish CF.
Negative Parent, Positive Child 18 years old and over	Yes. AOs must see and attempt to interview all children.	Yes, for parent, spouse, and all children.*	I-870, checklist, and NTA for positive child. I-870, checklist, I-869 and I-863 (as requested) for each negative family member.
Negative Parent, Negative Child	Yes. AOs must see and attempt to interview all children.	Yes, for parent, spouse, and all children.*	I-870, checklist, I-869 and I-863 (as requested) for each family member.

*Parent may respond to mandatory bar questions on behalf of herself and her children, unless there are indications that one or more bars may apply to a child. Even then, if a child is unable to meaningfully respond the parent may respond on behalf of the child.

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Questions?



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