

**AILA / CHICAGO ASYLUM OFFICE LIAISON MEETING
JANUARY 14, 2016**

TVPRA

1. How many TVPRA asylum applicants have you interviewed since October 1, 2015?

See attached statistics.

2. How many TVPRA asylum cases have you adjudicated since October 1, 2015?

See attached statistics.

3. How many TVPRA asylum cases are currently pending awaiting a decision?

See attached statistics.

REASONABLE/CREDIBLE FEAR

1. How many credible fear interviews have you held since October 1, 2015?

See attached statistics.

2. How many reasonable fear interviews have you held since October 1, 2015?

See attached statistics.

3. How many individuals are currently waiting to receive a reasonable fear interview?

See attached statistics.

4. How many individuals are currently waiting to receive a reasonable fear decision?

See attached statistics.

5. If, during the course of a credible fear interview, concerns arise regarding the applicant's capacity or competency, what steps does the asylum office take to respond to the situation?

The Chicago AO will make every attempt to complete the interview. Should a chapter member raise the issue of the applicant's competency during the CFI, the officer is required to request supervisory assistance. In a case where an applicant cannot testify the AO will reach out to ICE to determine whether there are any other issues of inadmissibility and the Notice to Appear ("NTA") will be issued on those separate grounds.

6. If an attorney wants to request that the asylum office reconsider a negative credible fear decision pursuant to 8 C.F.R. 208.30 (g)(2)(iv)(A), to whom should the attorney direct the request?

*The regulations provide that any reconsideration of a negative CFI decision is at the discretion of CIS. Should chapter members seek this discretionary review they should send a written request by email **and** fax to the AO. The fax number for the Chicago AO is 312-849-5270 and the email address is Chicago.asylum@uscis.dhs.gov. The AO will make a decision on a case by case basis after reviewing the applicant's full file.*

7. What guidance do officers receive about the type of questions to ask during a credible fear interview and about giving applicants time to provide additional information regarding their fear of return? A number of credible fear applicants have reported that officers cut them off while they were trying to speak or would tell the applicants that they can only respond to the questions asked. Since the credible fear interview is the only real chance that these individuals have to obtain the opportunity to seek asylum, structuring the CFI in a rigid manner can be extremely prejudicial to these individuals.

Officers are given extensive training on CFI questions and CFI statements are reviewed by AO management. The AO requests that chapter members be understanding of the manner in which a CFI is conducted. The interviewing officer is required to type out the full statement of the applicant. Applicants are often cut off to allow for the interpretation and to keep responses short so that the officer can accurately and efficiently prepare their statement.

The interviewing officer does have the duty to fully develop the record. If a chapter member believes that they have a case in which the record was not fully developed, the AO requests that the individual case be brought to their attention. The AO will touch on this issue in staff training to reiterate its importance.

8. Confidentiality is often a difficult concept for many asylum seekers to fully understand, but it is particularly confusing for credible fear applicants because they typically have had no opportunity to consult with an attorney prior to the interview. Some credible fear applicants have reported that they did not understand the information provided during the CFI was confidential and therefore did not reveal critical information to the officer. Can you provide examples of the way confidentiality is explained to credible fear applicants?

Officers explain that the interview is confidential at the beginning of each interview and a confidentiality statement is read to the applicant from the CFI paperwork in their native language. The applicant also signs that they fully understood the statement. Officers conclude interviews by asking the applicant if they have any information that they would like to add to the record. The AO will touch on this issue during officer training to reiterate the importance of clearly defining confidentiality.

9. If an individual receives a negative credible fear decision and the individual's attorney has a G-28 on file with the asylum office, would the asylum office be able to provide notice of the CFI review hearing? It is often difficult to receive timely notice through EOIR because an E-28 cannot be filed until the individual is in the EOIR system, which typically happens at the same time the CFI review hearing is scheduled.

The AO is not able to provide notice to an attorney of record of the negative CFI review hearing date, as they do not have that information. The Immigration Court, not the Asylum Office controls the scheduling of these hearings as to time/date or location.

10. Since most of the border transfers are currently being detained at the Pulaski County Detention Center, would the asylum office accommodate attorneys who wish to represent a Pulaski detainee during a CFI by allowing them to participate in the interview from the Chicago Asylum Office? Would the asylum office entertain requests to bring Pulaski detainees to the Chicago Asylum Office for CFIs if the attorney is in Chicago?

All CFIs are done telephonically. Local applicants are brought to the basement of 536 S. Clark St. Attorneys are welcome to sit in on these interviews both at 536 S. Clark and telephonically from their own office. The AO is not able to entertain requests to bring detainees from Pulaski County to the Chicago Asylum Office if the attorney is in Chicago. The decision on the location of the interview is made by ICE.

ASYLUM

1. How many asylum cases have you adjudicated since October 1, 2015?

See attached statistics.

2. How many grants/denials/referrals?

See attached statistics.

3. Any new trends in asylum cases? Has the asylum office seen an influx of cases from any particular region of the world?

See attached statistics.

4. Have there been any changes in the interview and decision backlog in light of the new officers who have come on board in recent months?

The AO is devoting a significant amount of officer resources to provide CFIs and RFIs to detainees transferred to the jurisdiction of the Chicago AO from the southern border. This greatly affects the AO's ability to make headway through the backlogged asylum cases. To illustrate how the AO's resources are being impacted, the AO refers chapter members to the fact that in the 2015 fiscal year the AO completed approximately 500

CFIs. In comparison, the AO completed 439 CFIs in the last quarter alone. The AO is also obligated to send officers to Border States and overseas to assist the USCIS Refugee Corps in interviewing cases for resettlement in the United States.

The AO is doing everything in its power to continue to push through the backlogged cases. Please refer to the Affirmative Asylum Scheduling Bulletin for up-to-date information on interview scheduling for backlogged cases.

The link for the bulletin is:

<https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-scheduling-bulletin>

5. If an asylum applicant living in Chicago filed their asylum application in April 2014 but moves to another jurisdiction before they are interviewed, where in line would they be placed in the new jurisdiction? Would they retain their April 2014 place in line or would they be moved to the back of the line?

When an applicant requests that their case be transferred to a new jurisdiction they will retain their place in the line based upon filing date.

NACARA

1. How many NACARA applications are currently pending with the Chicago Asylum Office?

See attached statistics.

2. How many grants/denials?

See attached statistics.

MISCELLANEOUS

1. Can you provide an update on any new staff and supervisory positions?

As of the date of the liaison meeting, the Chicago AO was fully staffed at 32 officers. The AO is aware of one officer who will be leaving and two officers are on track for promotions. There are two new supervisors, Joi Robinson and Amy Stern. Of the officer staff, 1/3 have not yet been to training. 3/4 of the new untrained officers are scheduled for the February training class and the remaining new officers will attend training in May of 2016.

The AO continues to hire and anticipates that the new job announcements will go out at the end of January 2016. The Chicago AO encourages chapter members who are considering leaving their practice to apply for asylum officer positions.

The next AILA Asylum Office Liaison Meeting will be held on Thursday March 17, 2016 at 10:00 a.m. at the Chicago Asylum Office. The meeting is open to all Chicago Chapter AILA members, but all questions must be submitted to Diana Tafur at dtafur@heartlandalliance.org by Friday, March 11, 2016.