

**AILA / CHICAGO ASYLUM OFFICE LIAISON MEETING  
OCTOBER 29, 2015**

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**TVPRA**

1. How many TVPRA asylum applicants have you interviewed since October 1, 2014?

*See attached statistics.*

2. How many TVPRA asylum cases have you adjudicated since October 1, 2014?

*See attached statistics.*

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

*See attached statistics.*

4. AILA members have identified several trends in the questioning of unaccompanied immigrant children (UIC) the chapter seeks to bring to your attention and also understand whether this is due to new mandates from HQ or a change in training.

- a. AILA members report officers continue to push UICs on duration of events and more precise figures and time periods after the applicant has repeatedly said they do not know/remember. For example, one officer continuously asked an UIC about how long she was forced to be a girlfriend by a gang member.

*It is fair for an officer to ask follow-up questions to try to clarify a general timeline of events in the UIC's story. Asking a question in different ways to accomplish a more specific timeline is both encouraged and appropriate. The AO agrees that it is inappropriate for an officer to pose the same question multiple times where the applicant is adamant that they do not know the answer to the question.*

- b. AILA members report officers continue to pressure UIC's on articulating nexus and to articulate social concepts for which they have not yet developed a vocabulary.

*The AO will re-emphasize with officers that they should be especially careful when interviewing children to be sensitive to the cognitive ability of the applicant. Attorneys will be asked to identify the particular social group of an applicant and can also refer the officer to specific places in the record where they can refer to materials that might help articulate nexus issues.*

- c. AILA members report officers incorrectly rephrasing UIC's answers when asking follow up questions, for example, one child reported gang members broke into her friend's home while she was visiting. Then the officer asked her why the gang

members broke into *her* home. For one child, although the minor stated she was not a gang member and never underwent an initiation process, the officer asked her if she remained a gang member until she came to the United States.

*Officers generally re-state facts when they are unclear and seek to clarify their notes. Officers do not have any malicious intent in the event they mis-state substantive facts.*

*With regard to all of the above-noted issues, members should request supervisory intervention where they feel that the questioning of their client is inappropriate as to content, cognitive level, manner, and/or accuracy the Chapter members may request to speak with a supervisor.*

Is there a form/asylum interview check list officers use that requires officers to provide exact figures, dates, quantities, or quotes necessary for each legal element? Do officers receive training on considering circumstantial evidence in considering nexus and not only the applicant's testimony?

*There are no new mandates, forms, or memoranda with regard to providing more specific details on UIC interviews. In part the AO is working against a significant learning curve as many of the officers are new. The AO requests the chapter's patience with regard to the ongoing training of the new officers.*

*Should a chapter member decide not to request supervisory intervention during the interview and instead make a complaint after the interview, the AO requires as much detail as possible to address the officer at issue. Liaison committee co-chairs encourage chapter members to report issues at the AO to them as well. Addressing issues as quickly and thoroughly as possible provides for a more positive experience for all parties involved.*

Contact information for liaison co-chairs:

- KiKi Mosley, 312-600-6220 or [kiki@kikislaw.com](mailto:kiki@kikislaw.com)
- Diana Tafur, 312-660-1668 or [dtafur@heartlandalliance.org](mailto:dtafur@heartlandalliance.org)

5. AILA members report officers limit their questions about persecution to only physical harm. Do officers receive training on how other forms of non-physical harm may rise to persecution under *Stanojkova v. Holder*, 645 F.3d 943, 947 (7th Cir. 2011)?

*Officers are trained that non-physical harm may rise to persecution. Generally, in the TVPRA context, officers will seek to establish whether there are other examples of physical harm that may not have been addressed in the sworn affidavit. The AO notes that it is common for children to reveal additional sources of harm in the interview that for various reasons may not have been addressed in the child's sworn affidavit.*

## **REASONABLE/CREDIBLE FEAR**

1. How many credible fear interviews have you held since October 1, 2014?

*See attached statistics.*

2. How many reasonable fear interviews have you held since October 1, 2014?

*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. How many applicants who received a CFI or were paroled into the United States were permitted to apply for asylum affirmatively?

*The AO is unable to provide statistics on this question. Where the applicant is subject to an order of expedited removal the AO generally does not have jurisdiction over the case. Where the applicant applies for asylum during the period in which they have been paroled in the public interest, but have not yet had an NTA filed with EOIR, they may apply affirmatively to the AO, however, the filing of an NTA with EOIR will divest the AO of jurisdiction. Applicants who are paroled in the public interest and are not issued an NTA should apply affirmatively to the AO.*

## **ASYLUM**

1. How many asylum cases have you adjudicated since October 1, 2014?

*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. How many cases have been sent to USCIS HQ?

*The Chicago AO has 48 cases pending with HQ. The timeline for cases pending at HQ depends on the individual case. The fastest a case is returned from HQ is about 30 days.*

5. At the last AILA Liaison Committee meeting the Asylum Office indicated they are issuing decisions for cases interviewed in 2012. What cases are currently being issued decisions?

- *Cases interviewed in 2012 pending decision: Virtually zero. A couple cases remain on HQ hold, the AO will complete these as soon as possible.*
- *Cases interviewed in 2013 pending decision: 10*
- *Cases interviewed in 2014 pending decision: 150*

*Please refer to the Affirmative Asylum Scheduling Bulletin as a tool to help prepare long-pending cases to interview:*

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

6. Has HQ been contacted regarding the policy of allowing attorneys to use their computer/tablet to take notes during the Asylum Office interview? Would the Chicago Office consider exploring the possibility of providing the applicant with a copy of the interview notes after the interview?

*The Chicago AO has asked that HQ reconsider its current position that attorneys may not use laptops during asylum interviews and will contact the chapter should there be any change in this policy. The AO will not provide officer notes at the end of the interview to the attorney.*

7. If a NOID is issued that only allows for a 14 day response, will the Asylum Office provide for additional time to respond if an applicant or lawyer requests a copy of the asylum questions/responses from USCIS through a FOIA? If yes, how should the applicants/lawyers best communicate with the Asylum Office so that no deadlines are missed and the case is not denied for abandonment? If no, please explain?

*The decision to allow for additional time is made by a supervisor on a case by case basis. Requests should be made in writing to the AO via fax, email, postal mail, or hand delivery. The AO regularly grants requests for additional time to respond to NOIDs when the attorney or applicant is able to articulate a specific reason for the need for additional time. The AO will not approve extensions of time to respond to NOIDs to receive a response to a FOIA request.*

8. For asylum applicants who speak an indigenous language and who are unable to find an interpreter who speaks the indigenous language and English fluently, can two interpreters be brought to the interview? Would you allow for a telephonic interpreter for the

indigenous language and in an in-person Spanish-language interpreter? In other words, would the asylum office allow for relay interpretation?

*Yes, the AO allows for relay interpretation where both translators are present in-person for the interview. In rare situations a supervisor may grant a request for relay interpretation where one interpreter is on the phone and one interpreter is physically present at the AO.*

9. AILA members report receiving excessively long asylum interviews, for example, one interview lasted five hours. Is the Asylum Office seeing a trend in providing longer interviews?

*Any trends in longer interviews are likely linked to the relative youth and newness of the officers as they learn how to conduct interviews efficiently. The AO ideally strives to keep interviews to about 1-1.5 hours depending upon the circumstances of the case. For more complicated and/or high profile cases, the interview may take longer. The officers will be reminded that they should work to ensure that the interviews are conducted as efficiently as possible.*

10. AILA members report officers are not making themselves familiar with the filing before the interview. For example, confusing countries and asking the applicant questions based on facts not included in the applicant's affidavit. What is the current policy with regards to officer preparation for an interview? How far ahead of time are the officers given the files for the interviews they conduct? Do the officers receive any country-specific or region-specific training as part of their initial and/or ongoing training requirements?

*Officers generally receive an applicant's file the week before the interview. The AO shares our concern about reports that officers are unfamiliar with substantive facts of the case and/or geography. The AO and liaison co-chairs request that chapter members report these issues immediately. Chapter members report officer confusion with respect to three (3) geographical areas in particular: central Asia, the Balkans, and Congo/Democratic Republic of Congo. The liaison committee has noted these particular areas of concern with the AO supervisory team.*

## **NACARA**

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

*See attached statistics.*

12. How many grants/denials?

*See attached statistics.*

*If members have any long-pending NACARA cases please contact the AO so that those cases can be adjudicated.*

## MISCELLANEOUS

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

*The AO has hired an additional ten (10) officers and is still hiring. Since the August 2015 liaison meeting one (1) new officer from the Refugee Corps has joined the Chicago AO, three (3) new officers have established start dates from November to January, and start dates for the remaining six (6) new hires are pending conclusion of their security checks. The goal for the Chicago AO is to have a staff of 35 asylum officers. The Chicago AO encourages chapter members who are considering leaving practice to apply for asylum officer positions.*

**The next AILA Asylum Office Liaison Meeting will be held on Thursday January 14, 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](mailto:dtafur@heartlandalliance.org) by Friday, January 8, 2016.**