

**Asylum Quarterly Engagement and Listening Session
Script & Talking Points
Oct. 6, 2022**

Sue Raufer, Acting Chief, Asylum Division, RAIO -- Opening

- Good afternoon, everyone, and thank you for joining today's event. And thank you to the USCIS Public Engagement Division for working with us on these Asylum Quarterly Stakeholder Engagements.
- Let me begin by saying that USCIS, and particularly the Asylum Division, recognizes and appreciates the vital role and contributions that you and your organizations play in advocating for the asylum community.
- Our goal today is to continue the dialogue we began earlier this year relating to the critical issues affecting those seeking asylum.
- I appreciate that so many of you submitted questions before today's event. We will do our best to answer as many as possible.
- Before I get into the questions, I would like to share some important personnel announcements. First, I am currently serving as the Acting Chief of the Asylum Division. I have been on detail to Asylum Headquarters spearheading our efforts related to asylum applications filed by Afghan nationals who were evacuated from Afghanistan starting in July 2021 under Operation Allies Welcome (OAW).
- In addition, we have temporarily updated our headquarters organizational structure to include two Acting Deputy Chief positions in the Asylum Division. Brooke Kirkland is currently serving as one of the Acting Deputy Chiefs of the Asylum Division. She is on detail to this position from her normal position as the Chief of the Quality Assurance Branch at Asylum Headquarters. Robert Daum is currently serving as the other Acting Deputy Chief of the Asylum Division. He is on detail to this position from his normal position as Director of the Houston Asylum Office.
- When we reviewed your questions, some clear themes emerged:
 - Backlog and frontlog reduction;
 - Afghan asylum processing;
 - The ongoing impact of COVID-19 on interview scheduling and interpretation;
 - Filing procedures and challenges; and
 - Unaccompanied alien children (UACs). Note that although USCIS uses "non-citizen" instead of the term "alien," we are using the term "UAC" instead of "UC" or "unaccompanied children" to be consistent with the applicable statutory language.
- Our updates today will address ongoing work in these areas.
- I'd like to begin today's meeting by providing updates on our hiring efforts, as well as general statistics for the Asylum Division. Then, I will touch on some of your pre-submitted questions before we proceed to the listening session portion of today's engagement.

Topic 1: Asylum Hiring

- During our engagement in February, we provided updates regarding our staffing levels and hiring goals. We will do this again today.
- As of August 26, the Asylum Division was at 77% of authorized staffing, with approximately 477 vacancies.
- The Asylum Division's total authorized staff is currently 2,082, with 1,605 filled and 578 in the recruitment pipeline. 800 of 1024 Asylum Officer positions are filled, which equals a 78% onboard rate.
- USCIS's goal is to achieve a 95% fill rate by December 31.

Topic 2: General Updates and Statistics

- As we did at our February engagement, we would like to share overall statistics for fiscal year 2022 to-date.
- For the fiscal year that just ended, we averaged over 14,000 affirmative asylum receipts per month. As of September 19, we have received over 165,000 affirmative asylum applications. This is a 178% increase from this time last year. Our current pending caseload is over 543,000 applications.
- So far this fiscal year, the top five nationalities for affirmative asylum receipts are Cuba, Venezuela, Haiti, Guatemala, and Colombia. Nationals of these five countries together make up 60% of our affirmative asylum receipts.
- As of September 19, we have received over 7,100 asylum applications from Afghan nationals paroled under OAW.
 - The Asylum Division has completed over 2,900 interviews for these cases.
 - Of the cases completed so far, we have an approval rate of 99%.
 - Over 99% of these cases are completed within the 150 days mandated by Congress, absent exceptional circumstances.
- As of September 19, we have received nearly 51,000 credible fear referrals and nearly 6,000 reasonable fear referrals. The top five nationalities for credible or reasonable fear referrals are Colombia, Nicaragua, Peru, Ecuador, and Brazil. Nationals of these five countries together make up 53% of our credible or reasonable fear receipts. Statistics related to the Asylum Processing IFR are also publicly available now on the Office of Immigration Statistics webpage: <https://www.dhs.gov/immigration-statistics/special-reports/asylum-processing-rule-report>.
- The most recent statistics published are current through September 16, 2022 and show that as of that date:
 - A total of 2,208 credible fear referrals were flagged as potential AMI cases at the credible fear stage.

- Of those CF referrals: 1,312 were negative CF determinations; 638 were positive; 15 were administratively closed; and 243 were pending interview or adjudication as of September 16.
- Of those 638 positive CF determinations of potential AMI cases: 572 were accepted as AMI filings as of September 16 (the remaining cases may have either fallen out of the phased implementation parameters or may be awaiting AMI scheduling).
- Of those 572 AMI filings, USCIS conducted 271 interviews and completed 208 AMI cases as of September 16.
- Of the 208 completed AMI cases, 110 were referrals to the IJ for streamlined INA 240 proceedings under the IFR; 49 were final grants of asylum; and 49 were administrative closures (reasons for admin closures may include unexcused no shows or applicants moving outside of a USCIS jurisdiction, among other reasons).

Topic 3: Affirmative Backlog and Frontlog

- Several of you asked about the affirmative asylum backlog.
- As we've discussed in past engagements, USCIS and RAIO leadership are committed to addressing the affirmative asylum backlog.
- USCIS is working hard to slow the growth of the backlog by hiring and dedicating more staff to affirmative asylum adjudications. We are also making technological changes and streamlining innovations to our asylum adjudications processes to achieve new efficiencies while ensuring the integrity and security of the asylum system. For example, we have consolidated and made available all resources related to Afghan cases on a Sharepoint site, and are further developing our Knowledge Management resources so that all adjudicative resources are more readily available to adjudicators. We are continuing to utilize technologies introduced during Covid, such as the ability to interview applicants from remote locations in order to more expeditiously reach applicants who are living far away from asylum offices or even traditional circuit ride locations. Importantly, we are developing tools that officers can use to streamline the interview note-taking process, including the ability to access suggested lines of inquiry based on the analytical framework of the case.
- We are in the midst of hiring, onboarding and training both appropriated positions and fee-funded positions.
- Just over half of the AO2 positions (our GS-9/11/12 asylum officers), who were hired using appropriated funding for backlog reduction, are currently onboard . In addition, approximately 24% of the new AO2 hires are in the final stages of the hiring process before entering on duty.
- The asylum offices are scheduling a mix of rescheduled, newly filed, and backlogged cases in the order described on the USCIS.gov website. Within the backlogged cases, the offices are focusing on the oldest cases, those filed before 2016.

- The Asylum Division is considering various ways to provide more advanced notice information to applicants and representatives so they have better understand when we may schedule an interview for a backlogged case.
- We also received a few questions about the frontlog of asylum applications, which has caused a delay in Form I-589 Receipt Notice generation.
- Due to these delays, asylum applicants properly filing Form I-589 may not receive a receipt notice in a timely manner. For purposes of the asylum one-year filing deadline, affirmative asylum interview scheduling priorities, and Employment Authorization Document eligibility based on a pending asylum application, asylum applicants' filing date is the date that USCIS **received** their properly filed Form I-589, not the date we processed it.

Topic 4: Afghan Asylum Processing

- Under the Extending Government Funding and Delivering Emergency Assistance Act, Congress has required USCIS to prioritize asylum applications for Afghan nationals who came to the United States through OAW.
- As mandated by Congress, we must conduct an initial asylum interview within 45 days of filing and, absent exceptional circumstances, complete the final adjudication within 150 days of filing.
- It is important to note that, although Congress has in the past streamlined the refugee or asylum processing of certain categories of cases, they did not do this for Afghan nationals who came to the U.S. through OAW. Applicants should come to the interview prepared to articulate their claim.
- Within the past year we moved from a period of no circuit-ride travel due to Covid restrictions, to a robust circuit-ride interview calendar with circuit-rides being conducted both in our traditional circuit-ride locations, and many new circuit-ride locations, identified based on the location of the resettled Afghans. We are continuing to identify new locations that will meet our needs, and be more easily accessible to the resettled Afghans. Since we are basing our determination of where we should be looking for interview locations on initial resettlement information provided to us by HHS/ORR, or based on the addresses of filed applications, we would particularly appreciate hearing from you regarding known secondary migration locations, so that we can be more proactive regarding locations we might need to target in the future.
- While it is true that some interviews are taking longer than average, these lengthy interviews are happening for several reasons, including complex and extensive history of engagement in armed conflict and applicants' lack of awareness of the asylum process and the extent to which we expect them to articulate their claim. These interviews are not inconsistent with interviews of individuals from other countries with similarly lengthy and complex histories.
- We received a question about the specialized training related to Afghan UACs provided to asylum officers. In addition to general training on children's claims, the Asylum

Division provides specialized training for Afghan/OAW cases. This includes an introductory overview of Operation Allies Welcome, parole, and the refugee resettlement process, as well as an in-depth review of Afghanistan country conditions before and after the Taliban takeover.

- The Asylum Division also provides specialized trainings on language and cultural considerations in Afghanistan, including geography, ethnicity, tribe, religion, politics, etiquette, family, marriage, sexual orientation, calendars, and naming conventions, and their interview implications.
- Another question referenced the shortage of Dari and Pashto interpreters and asked if RAIO would consider allowing applicants to provide their own interpreters who would appear remotely.
- While USCIS may, in its discretion, allow applicants to provide their own interpreters, these applicant-provided interpreters must appear in person. We are currently improving the availability of USCIS-provided telephonic interpreters for Dari, Farsi, Pashto, Urdu, and Uzbek, languages common among Afghan asylum applicants.

Topic 5: Impact of COVID-19 on interview scheduling and interpretation

- We received a few questions about how our continued pandemic posture will affect interview scheduling and interpretation.
- Offices began returning to in-person interviewing in March. However, whether an applicant has an in-person or video-facilitated interview depends on local COVID-19 transmission rates, which are monitored on a weekly basis. Local offices modify their plans for in-person and video-facilitated interviews as needed based on local transmission rates.
- On March 15 USCIS published a temporary final rule that extends the requirement for certain asylum applicants to use a USCIS-contracted telephonic interpreter through March 16, 2023. After March 16, 2023, we will again require applicants unable to proceed with an affirmative asylum interview in English to provide their own interpreters, unless we determine that the public health concerns remain and further extend the time frame.
- Applicants who are not fluent in English or one of the 47 languages listed on the USCIS website are currently required to bring an interpreter to their affirmative asylum interview. Please see the public USCIS.gov page [Temporary Final Rule: Asylum Interview Interpreter Requirement Modification Due to COVID-19](#) for more information.

Topic 6: Filing Procedures and Challenges

- We received a few questions relating to updating Forms I-589 with dependents and filing simultaneously as a principal and a dependent.
- A principal applicant may add to their asylum application a spouse or an unmarried child under the age of 21 who is in the U.S. and not under the jurisdiction of the Executive

Office for Immigration Review, either when they file their asylum application or at any time before the asylum office renders a final decision.

- To add a dependent before the asylum interview, the principal applicant files a packet with the service center or the asylum office with jurisdiction over the case. This packet includes:
 - One copy of their Form I-589 that includes the dependent's information.
 - One photograph of the dependent that the principal applicant wants to add, stapled on page 9 of the dependent's copy of the Form I-589.
 - One copy of evidence of relationship.
 - A brief statement that the principal applicant wishes to add a dependent to their Form I-589.
- A principal applicant may add a dependent to their asylum application at their asylum interview, if the dependent appears at the interview with them. To add a dependent who is present at the interview, the principal applicant submits to the asylum office the same packet described above.
- To add a dependent after the asylum interview, the principal applicant may submit materials to the asylum office that is adjudicating their application. The asylum office will not add an individual as a dependent if the asylum case management system indicates that the asylum office already issued a final decision to the principal applicant.
- Another question asked how to file asylum applications simultaneously as a principal applicant and as a dependent.
- Applicants should file these applications with the Asylum Vetting Center, as described in the “Special Instructions” section on USCIS’ Form I-589 webpage, [USCIS.gov/i-589](https://uscis.gov/i-589).
- We received a few questions regarding the Office of the Principal Legal Advisor (OPLA) exercising prosecutorial discretion to dismiss cases.
- RAIO and the Asylum Division, along with the offices of Policy and Strategy, Chief Counsel, the Director, External Affairs and other partners, are making progress on issuing updated policies, procedures, and public guidance to address individuals who were in removal proceedings with a pending asylum case and whose proceedings were dismissed under the Doyle Memo. We plan to issue this guidance during the first quarter of FY2023.

Pre-submitted Questions and Responses (some questions have been edited for clarity)

- Before moving into the listening session part of our event, I would like to answer a few specific questions we received in advance.

UACs

Note: We received several questions relating to the UAC caseload. For the sake of consistency, we will be using the term UAC throughout our responses in line with the language in the TVPRA.

- **Q1: Can USCIS confirm whether or not headquarters reviews all unaccompanied children's Form I-589 decisions?**

A1: The Asylum Division does not require headquarters review of all decisions on applications filed by unaccompanied children.

- **Q2: What are the current parameters for scheduling interviews for unaccompanied children's asylum applications? Are offices following differing procedures related to UAC interview scheduling?**

A2: There are no different procedures related to interview scheduling for UAC cases. The Asylum Division schedules all interviews, including UACs, according to the following priority order:

- First priority: Applications that were scheduled for an interview, but the interview was rescheduled at the applicant's request or for the needs of USCIS;
- Second priority: Applications that have been pending 21 days or less since filing;
- Third priority: All other pending asylum applications. We will schedule these for interviews starting with newer filings and working back toward older filings.

Workload priorities, including those related to border enforcement, may affect our ability to schedule all new applications for an interview within 21 days.

Asylum office directors may consider, on a case-by-case basis, a request to be scheduled for an interview outside of the priority order listed above. Please submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over your asylum application. Go to the [USCIS Service and Office Locator page](#) for contact information. You can also contact the asylum office with jurisdiction over your case for status updates. For asylum applicants who live far from an asylum office or sub-office, asylum offices schedule interviews at USCIS field offices, called circuit ride locations, as resources and local conditions relating to COVID-19 permit. Please contact the asylum office with jurisdiction over your case for more detailed information.

- **Q3: Can the Asylum Division confirm that the May 28, 2013, Memorandum on Initial Jurisdiction over UC asylum applications remains in effect? Can you share any supplemental guidance now in use?**

A3: Yes, the May 28, 2013, memorandum, "Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children"

remains in effect. The Asylum Division makes jurisdictional determinations under this memorandum in cases filed by unaccompanied children. There is no supplemental jurisdictional guidance in use.

- **Q4: In some cases, a UAC asylum application was filed with USCIS but it was erroneously processed as defensive. Will you please give us some guidance on helping fix the receipt issue. In these cases, we have contacted the local asylum office via email to make them aware of the issue, but they informed us they do not have the capacity or capability to fix the receipt issue. If the issue should be resolved with the NSC, what is the best way to communicate the issue with the NSC?**

A4: Applicants who believe their Form I-589 was incorrectly accepted as a defensive filing have a few options. First, the defensive Receipt Notice contains a telephone number and website address that people can use to contact USCIS about their case. Applicants can also reach out to the local asylum offices for assistance. The USCIS website instructs applicants who have an issue related to a UAC asylum application to contact the asylum office with jurisdiction over their case. Contact information for the asylum offices is available on the USCIS website at egov.uscis.gov/office-locator/#/asy. The UAC instruction sheet, which is widely available online, has the contact information for several asylum offices. Further, USCIS has community relations officers, or CROs, at our field offices and service centers and around the country, and although their function is not to assist with individual cases, they can help raise issues to agency leadership. When someone does bring a UAC issue to a CRO's attention, they forward it to the Asylum Division. Lastly, if applicants find they cannot resolve a problem by working directly with USCIS, they may request assistance from the USCIS Ombudsman at dhs.gov/case-assistance.

- **Q5: We represent UACs seeking asylum with USCIS who are also *Vangala* class members. In some cases, we have had cases rejected under blank space and then, when we refiled, erroneously processed as defensive. In these cases, we filed the Form I-589 with USCIS asking the date to be corrected. Although some of those cases were submitted over three months ago, we have yet to hear from the *Vangala* office. What is the turnaround time to receive a response from the *Vangala* office? We are also writing to confirm that is the best option instead of filing the Form I-589 with Nebraska identifying it as a *Vangala* settlement case.**

A5: Due to the general frontlog delays at the regional service centers and the Asylum Vetting Center, requests for modified receipt dates under the *Vangala* Settlement may be delayed by several weeks. Please note that the *Vangala* settlement period ended on July 20, 2022. We will not consider requests we received after that date. If we properly received your request for consideration under *Vangala* before that date, we will consider it and, if the case meets the criteria, we will apply the appropriate filing date to the Form I-589 and issue a receipt notice reflecting that date.

Online Filing/eProcessing

- **Q6: When will USCIS include information on the asylum webpage about filing Form I-589 online? Are there any problems with the online filing system that USCIS is working out?**

A6: USCIS is still in a soft launch trial period of several months to ensure the online filing option for Form I-589 works smoothly. We will not add the online Form I-589 to the “All Forms list” or the “Forms Available to File Online list” until after the soft launch period. We will make a public announcement on the expansion of I-589 online filing before the end of this calendar year..

To file a Form I-589 online, an applicant must first create a myUSCIS online account, which provides a convenient and secure method to track the status of any pending USCIS immigration request throughout the adjudication process.

For assistance with myUSCIS account issues, including password resets and customer service, applicants should contact myUSCIS at 800-375-5283.

Uniting for Ukraine

- **Q7: I would appreciate if you could clarify if Ukrainians arriving to the United States through Uniting for Ukraine program as humanitarian parolees would be eligible to apply for asylum due to the ongoing war against Ukraine.**

A7: Individuals who are physically present in the U.S., including applicants paroled into the U.S., may apply for asylum. We consider each request for asylum on a case-by-case basis according to the particular circumstances of the applicant.