

RIF ASYLUM SUPPORT

The Basics of the Asylum Interview

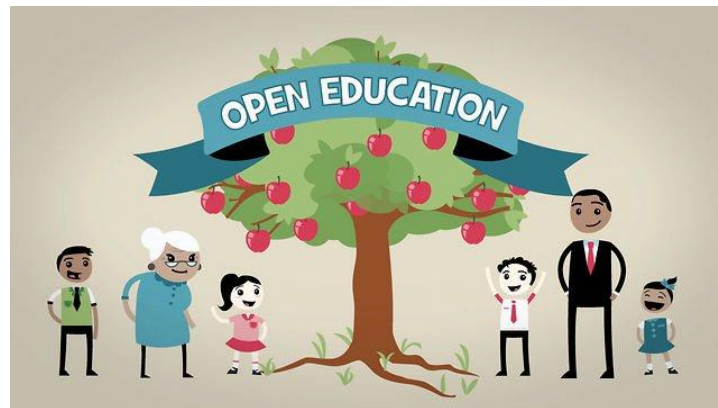
Neil Hernandez, Ph.D.
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Talking Points

- ❑ Reasons for Participation and Limitations
- ❑ Asylum Interview
 - ❑ Observation of an Interview from *Tales from Real Life*
 - ❑ Asylum Officer's Credentials & Key Duties
 - ❑ Applicant's Basic Responsibilities
 - ❑ The Basic Requirements of being a Refugee, Past Persecution, and Well-Founded Fear
 - ❑ Credibility
 - ❑ Corroboration
- ❑ Asylum Decision
 - ❑ Types of Decisions/Service
- ❑ Trends
- ❑ USCIS Office Re-openings and COVID-19 Precautions
- ❑ Interview Tips
- ❑ Contact Information and Question/Answer Session

Reasons for Participation

- Provide information regarding the U.S. asylum system
- Prepare you for the interview
- Make the asylum process easier to understand



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Limitations

- No legal advice to be provided
- Share information that is publicly assessible
- No mention of individual cases due to confidentiality



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Asylum Interview: *Tales from Real Life*



Credit: Robertson & Camerini (2004) [minutes 18:23 to 23:20 from <https://vimeo.com/153161644>]

Asylum Officers' Credentials

Officers have unique credentials:

- Well educated; 22% had Masters degree and 59% were lawyers in 2011 (Schoenholtz et al. 2014)
- Well-trained, including 6-week training program
 - Legal writing and research
 - Interviewing techniques
 - Examinations conducted (USCIS 2017)



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Asylum Officer's Key Duties

Establish and maintain a non-adversarial environment for the interview (§ II(J)(1) of the Affirmative Asylum Procedures Manual [AAPM] 2016).

- Instructions for officers: “It is not the role of the interviewer to oppose the principal interviewee’s request or application. Because the process is non-adversarial, it is inappropriate for you to interrogate or argue with any interviewee. You are a neutral decision-maker, not an advocate for either side. In this role you must effectively elicit information from the interviewee in a non-adversarial manner, to determine whether he or she qualifies for the benefit” (Refugee, Asylum, & International Operations [RAIO] Directorate Lesson Plan 2013).



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Asylum Officer's Key Duties

The officer needs to provide the applicant with an opportunity to tell her story by eliciting testimony (§ II(I)(5) of the AAPM).



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Applicant's Basic Responsibilities

The applicant has the burden of proof to establish that she is a refugee (8 U.S.C. § 1158(b)(1)(B)(i)).

Refugee:

- A person who is outside of her country of nationality and;
- Who is unable or unwilling to return to that country and she is unable or unwilling to obtain protection of that country because of;
- Past persecution or;
- Future persecution;
- Because of race, religion, nationality, membership in a particular social group or political opinion (8 U.S.C. § 1158(b)(1)(B)(i)).

Applicant's Basic Responsibilities, cont.

Past Persecution	Well-Founded Fear
Serious harm	You have a protected characteristic.
Nexus to a protected characteristic	You can be identified by that characteristic.
Persecutor is the government or a non-governmental group.	The persecutor is capable of harming you.
If the persecutor is a non-governmental group, then the applicant must show that the government was unable or unwilling to protect him.	The persecutor is inclined to harm you.
You have to prove that the details of your story are more likely true than not true.	You have to prove that there is a fair chance you could suffer serious harm.

Asylum Officer will Assess Credibility

The officer can determine, based on a totality of the circumstances, the applicant's credibility based on such factors as:

- Demeanor, candor, or responsiveness;
- Consistency of your statements;
- Consistency of your statements compared to other evidence, including witnesses; or,
- Any inaccuracies or falsehoods (8 U.S.C. § 1158(b)(1)(B)(iii)).



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Corroboration through Documentation

The testimony of the applicant may be sufficient to prove her case, if the asylum officer finds the applicant credible, persuasive, and the applicant has provided specific facts.

Otherwise, the applicant needs corroboration. The officer can request documentary evidence (8 U.S.C. § 1158(b)(1)(B)(ii)).

- No restriction applies to the amount or type of documentation an applicant may submit, including videotapes, audiotapes, and photographs (§ II(J)(7) of the AAPM). Other documentation includes newspaper articles.

Corroboration through Documentation, cont.

- You can offer medical and psychological reports, including from your country of origin.
- You can provide country conditions reports regarding the nations, regions, and ethnic groups you are from or belong to in support of your claims.



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Asylum Decision

Possible decisions: grant or referral.

Types of service: “Pick-up” or “Mail-out” (§ II(K)(2) of the AAPM).

- Pick-up will be two weeks
- Mail-out may occur for various reasons, including the asylum officer requesting the applicant to provide evidence.

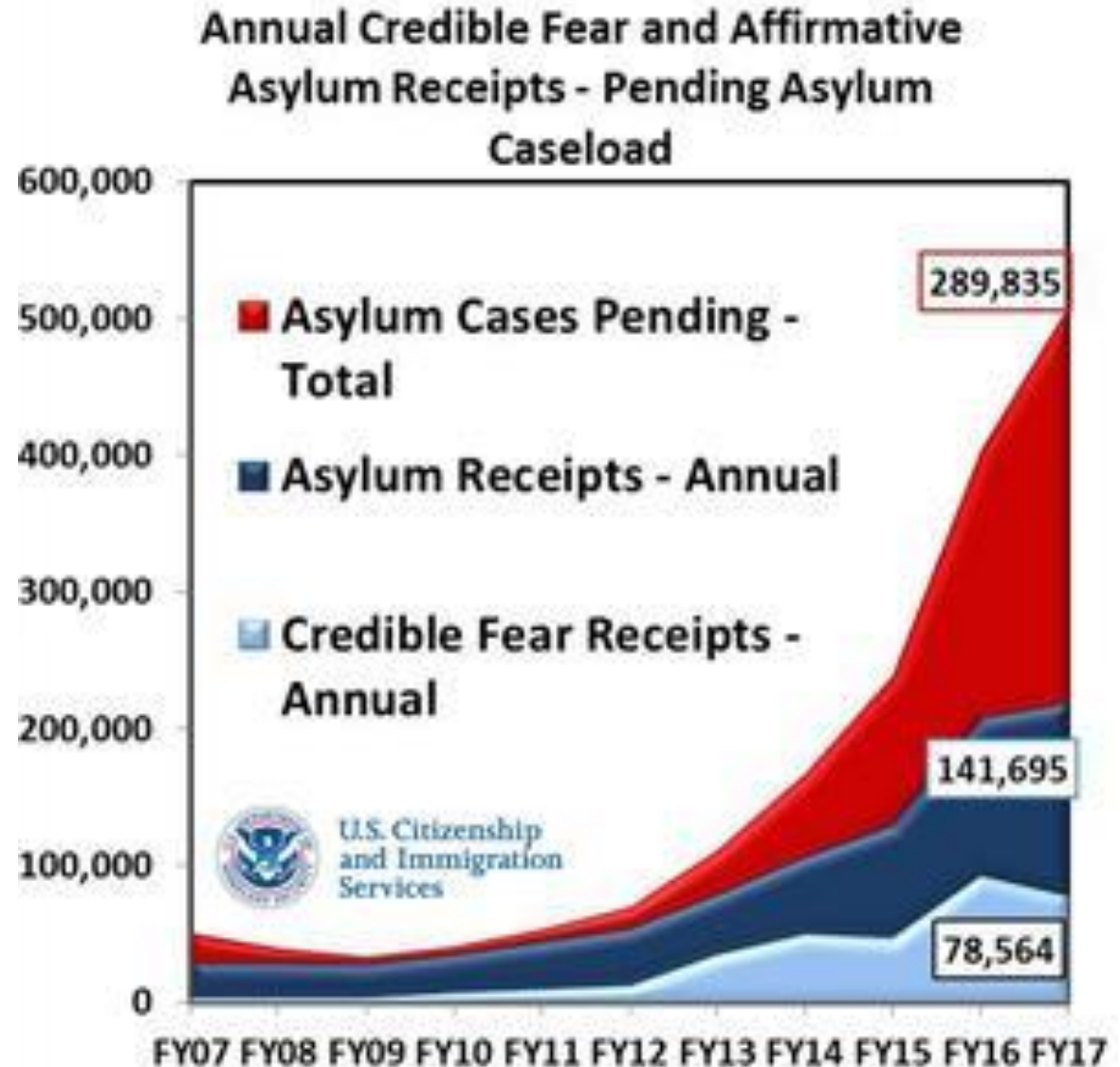


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Trends

Asylum Backlog

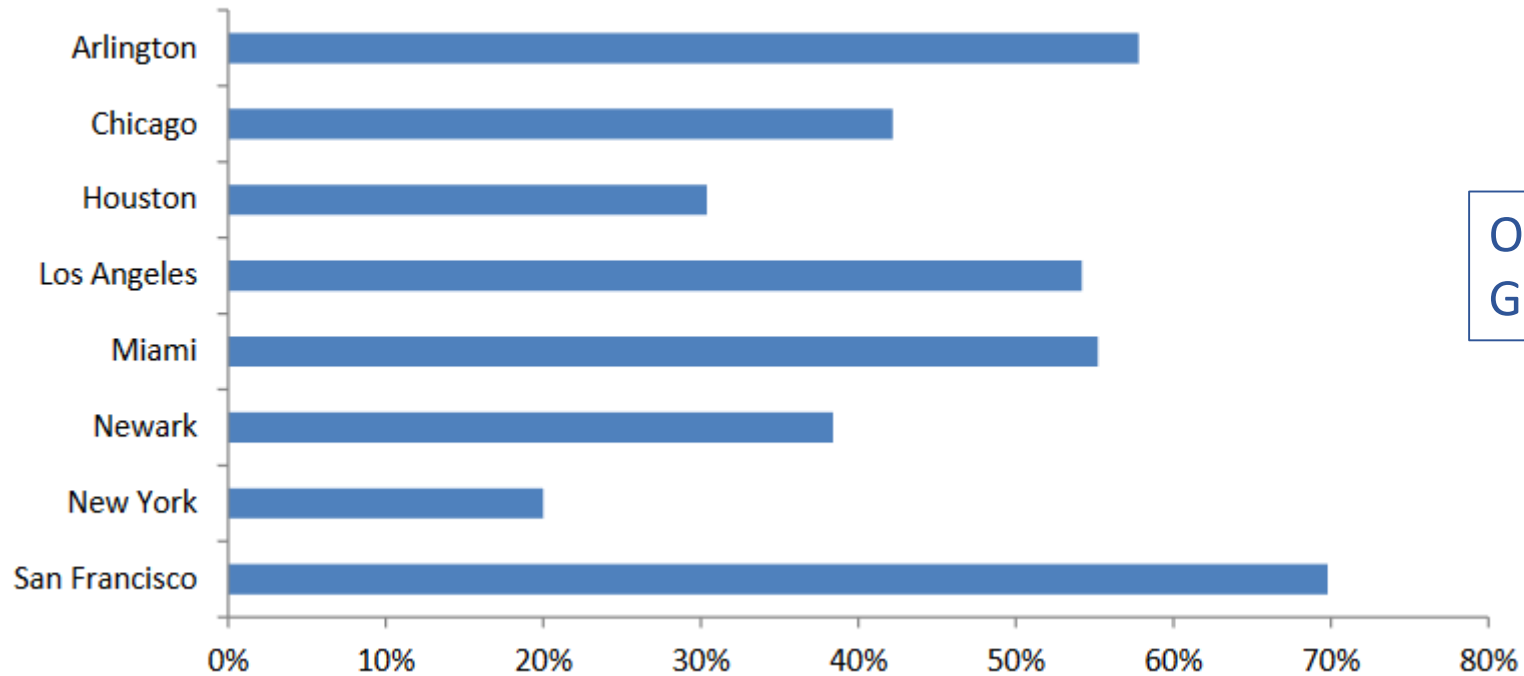
USCIS describes its caseload as having “a crisis-level” backlog (2018).



Trends, cont.

Asylum Grant Rate

Figure 2: Average Office Grant Rate FYs 2011-2015



Credit: USCIS (2017)

Trends, cont.

A snapshot of more recent USCIS data indicate that on average, for every three asylum applicants, only one obtains protection from this agency.

- In March 2019, the grant rate in affirmative asylum cases was 33% (USCIS Asylum Division 2019).



U.S. Citizenship
and Immigration
Services

USCIS Re-openings & Some COVID-19 Precautions

- You must have a mask.
- Bring black or blue pens
- You cannot enter the office until 15 minutes before your interview.



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U.S. Citizenship
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Baruch
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OF PUBLIC AND
INTERNATIONAL
AFFAIRS

CUNY

Asylum Office Re-openings

- The Newark Asylum Office will be operating from another location; the New York Asylum Office will work from its usual place.
- You and your dependents need to be present.
- You need to have your interpreter present, as well as your attorney or legal representative, if you have one. Also, you can bring witnesses.
- All parties will be in separate rooms and the interview will be remote; USCIS will provide mobile devices.



Interview Tips

- Re-read your statement and your application
- Get a good night's sleep: at least 8 hours
- Bring a bottle of water (and tissues) for the interview
- Since you may be waiting to be called for your interview, think about doing something that relaxes you, such as listening to music or meditating.
- Bring some small snacks with you for energy, like a protein bar or nuts.



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Contact Information

Neil Hernandez

neil@neilhernandez.com

646-660-6795 (office)

www.neilhernandez.com



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Questions & Answers



Credit: Pixabay