



U.S. Citizenship  
and Immigration  
Services

HQRAIO 120/9

## Interoffice Memorandum

To: All Asylum Office Personnel

From: Joseph E. Langlois /s/  
Chief, Asylum Division  
Refugee, Asylum and International Operations Directorate

Date: October 10, 2006

Re: FY 2006 Year-In-Review

FY 2006 will be remembered by many in the Asylum Division as an extraordinarily challenging year in which they were tested and stretched close to their limits. All Asylum Office staff were asked to dig deep, take on a demanding workload, learn new processes, and, in doing so, commit many hours of hard work and overtime. I am extremely proud of the way members of the Asylum Division rose to the challenge of the USCIS backlog elimination plan, which assigned the Asylum Division with productivity goals that matched some of the most ambitious targets ever set for the program. While taking on the enormous task of eliminating the backlog, Asylum Division personnel helped to implement a series of new and often complicated initiatives aimed at strengthening the integrity of the asylum process. Through your many contributions, skill, and sheer effort, the Asylum Division compiled a significant list of accomplishments and laid a strong foundation for the future of the asylum program. This memorandum reviews FY 2006 for the purposes of recognizing the important work achieved and acknowledging the issues and challenges facing the Asylum Division in FY 2007.

### Productivity, Timeliness, and Backlog Elimination

When measured against our capacity, annual performance goals, and program objectives in combination, the Asylum Division once again performed at very high levels in FY 2006. As you know, timely case processing is a vital benchmark for the Asylum Division, and the asylum program exceeded both of our timeliness targets for the asylum and credible fear caseloads. We completed 88% of I-589 reform referrals at local offices within sixty days. This reflects the continued success of the Asylum Division's efforts to ensure that, consistent with asylum reform, a sufficient number of referrals to the immigration court are completed within sixty days to deter individuals from applying for asylum solely to obtain employment authorization. The Asylum Division completed 84% of all credible fear screenings within 14 days of referral – exceeding our timeliness target by 4%. The Asylum Division's ability to timely process the vast majority of credible fear referrals furthered the goals of the DHS Secure Border Initiative to remove aliens more expeditiously through the expansion of expedited removal.

With respect to NACARA 203, the Asylum Division exceeded by 6% the productivity goal of completing 37,610 cases, processing a total of 39,900 cases and reducing the pending caseload by 57% (from 27,848 to 11,874). The Asylum Division also reduced the NACARA cycle time<sup>1</sup> from 14.96 months in the beginning of FY06 to 2.91 months nationwide. Notably, every Asylum Office came under the 6-month cycle time target for NACARA 203 case processing. This was a significant achievement and reflected an efficient use of budgetary resources and personnel by the Asylum Office Directors and hard work by all asylum staff.

While the Asylum Division did not meet the targets for I-589 completions or cycle time, I believe we did the best we possibly could under the circumstances and with the resources provided. As in past years, the Asylum Division calculated I-589 productivity targets based on projections of the number of cases that could be interviewed and adjudicated on the merits and the number of cases that would be completed without an interview (i.e. "unadjudicated completions"). The Asylum Division set a target of 28,999 asylum cases to be adjudicated on the merits and surpassed this target by adjudicating on the merits 32,828 asylum applications. Despite this success, the program could not meet the unadjudicated completions target of 61,865, and therefore the I-589 completions and cycle time targets, because of factors largely outside of our control. Nonetheless, the Asylum Division was able to decrease the number of pending asylum applications from 98,449 to 55,038 – a decrease of 44%.

There were two main factors that prevented the Asylum Division from obtaining a 6-month cycle time with existing resources. First, there were significantly fewer asylum cases that could be completed *without* decision on the merits than had been projected. Second, there were significantly more requests to reopen previously closed asylum cases than had been projected. These factors presented unanticipated obstacles both with respect to an increased workload and an increase in the amount of labor required to process that workload.

The asylum program made every effort to reach the targets that were laid out in the backlog elimination plan without compromising the quality of decision-making; Asylum Division management intentionally did not increase productivity standards for individual asylum officers in order to meet program production goals. Since the beginning of the year, Asylum Headquarters made the necessary funds available to fully utilize each Asylum Office's capacity for overtime. For much of the year, Asylum Offices were running on all cylinders, maximizing interview schedules, and even deploying staff to other offices to help meet the needs of those other offices. Officers from Asylum Headquarters were detailed to the Arlington Asylum Office, and officers from the Refugee Corps were temporarily detailed to augment the Asylum Corps. Asylum Officers stationed in Miami and New York were also detailed to assist offices with larger backlogs. In short, we used every measure within our means to increase production while holding firm on the number of asylum cases assigned to ensure the quality of each decision.

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<sup>1</sup> Cycle time is calculated as the number of pending cases divided by average monthly production over the last twelve months.

### New Initiatives Implemented

There were a number of enhancements to the integrity of the asylum program instituted during FY 2006. First, the Asylum Division deployed US-VISIT to all Asylum Offices and, with the US-VISIT Office, built an interface that loads US-VISIT responses directly into the Asylum Division's case management system (RAPS). This new access to US-VISIT enabled the Asylum Division to view more than six times the volume of data previously available through Asylum-IDENT. US-VISIT also freezes the identity of applicants at an earlier stage of case processing, integrates security check processes to ensure that the person whose fingerprints were sent to the FBI is the same person who appears for an asylum interview, and provides the Asylum Offices an early warning system for cases involving national security and criminality issues.

Second, the Asylum Division extended professional, neutral telephonic monitoring for affirmative asylum interviews conducted at all USCIS Asylum Offices and circuit ride locations. This monitoring service brings the Asylum Division one step closer to the long sought after institution of direct, professional interpretation in asylum interviews, which we expect to occur after regulations are finalized and published.

Third, the Asylum Division successfully completed the second phase of the pilot project with the Canadian government to share biometric data on asylum applicants. The successful completion of the information-sharing pilot will allow USCIS and our Canadian counterparts to take the next steps to develop protocols and infrastructure for systematic sharing of biometric information on asylum seekers, which will enhance the integrity of both governments' asylum programs.

### Outlook

In fiscal year 2007, the Asylum Division will continue to bring new enhancements to the asylum program and take on assignments that advance our mission to extend protection to refugees. The Asylum Division will assume responsibility for adjudicating I-730s for beneficiaries in the United States. The Form I-730, *Refugee/Asylee Relative Petition*, is a benefit for the spouse and children of petitioners who have been admitted to the United States as a refugee or granted asylum status in the United States. The adjudication of I-730s will be modeled on the current asylum adjudication process, requiring interviews and checks against US-VISIT, in addition to the other standard mandatory security checks.

As of October 1<sup>st</sup>, the Asylum Division has fully implement the automated process to issue secure I-766 employment authorization documents (EAD) for asylees granted by the Asylum Division and eliminated local production of the less secure I-688Bs. This increases efficiency in our EAD issuance process by eliminating manual production of cards, enhances customer service to the applicant by doubling the validity period of the EAD from one year to two years, and promotes integrity in our process by issuing a more secure EAD.

In order to maximize the benefits of US-VISIT, effective November 1, 2006, the Asylum Division will change its business model to require that all asylum applicants be fingerprinted at an ASC prior to being interviewed. This measure will ensure that asylum officers have access to any FBI and US-VISIT data on an

applicant prior to the asylum interview and prevent certain applicants who have not complied with security check procedures from obtaining employment authorization.

In support of the Rice-Chertoff Initiative (RCI), USCIS and the State Department are in the process of establishing information sharing projects. Initial RCI activities will focus on data sharing initiatives between Consular Affairs and USCIS to improve efficiency of non-immigrant processes and to verify personal information for fraud detection purposes. Under the auspices of RCI, the State Department and USCIS signed a Memorandum of Understanding to share systems access, including the State Department's Consolidated Consular Database (CCD), which contains detailed information about visa applications. The CCD complements US-VISIT, which verifies through biometrics the fact that the asylum applicant previously applied for a visa, by providing valuable follow-up details contained in the visa application about the individual's identity, previous travel history, method of entry into the United States, or background. We are excited at the prospect of fully implementing CCD access and procedures in all of our Asylum Offices in FY 2007.

In reviewing significant events of FY 2006, it deserves mention that the Asylum Division came under considerable scrutiny as a result of the CIS Ombudsman's recommendation to limit the affirmative asylum process to only in-status applicants. In helping to formulate the agency's response to the recommendation, we solicited input from the affirmative asylum program's key stakeholders to ensure that all views were considered. In the process, the affirmative asylum program experienced a groundswell of support from government agencies, such as Immigration and Customs Enforcement and the Executive Office for Immigration Review, the advocacy community, and the general public. Throughout the process, we were required to re-examine why we do things the way we do and question our underlying assumptions. We also believe that the support we received from stakeholders validated the hard work and high quality of adjudication performed by asylum officers. The Executive Office for Immigration Review described the affirmative asylum program as an indispensable part of the overall U.S. asylum system, and in no way a duplicative step in making asylum determinations. The United States Immigration and Customs Enforcement joined the dialogue by emphasizing the tangible value of the asylum officer's assessment in conducting asylum hearings in Immigration Court.

Now that the Asylum Division is approaching the elimination of the asylum backlog, we have an opportunity to change the way we do business to further improve the affirmative asylum process. In close collaboration with you, we will strive to develop high standards for quality and implement a more structured program to effectively maintain those standards. We will also look at the way we process cases end-to-end and look for opportunities to create efficiencies and standardize best practices. We will try to dovetail these projects with ongoing efforts by the U.S. Government Accountability Office (GAO) and others who are assessing the affirmative asylum process to seek improvements. By year's end, we hope to arrive at a consensus with stakeholders on quality assurance and several other areas of case processing that are being examined. Just one part of this process will include a survey of asylum officers issued by the GAO, and I encourage officers to make themselves available when they are called upon to participate. This will be an excellent chance to provide your individual input on various aspects of the asylum program, including those related to the achievements and challenges described in this memorandum.

Again, on behalf of the entire Asylum Division, I wish to express my appreciation for the continuing efforts of all asylum office staff in helping the Asylum Division achieve its goals while maintaining the high level of excellence that has become expected of the asylum program. I look forward to working with you in the coming year to take on future challenges.