

ASYLUM BACKLOG PRIORITIZATION SCREENING CONOP

EXECUTIVE SUMMARY

Asylum Division leadership tasked the Asylum Vetting Center (ZGA) with providing support in an effort to screen the affirmative asylum backlog¹ to identify opportunities for interview prioritization. Asylum Division Chief Andrew Davidson identified four specific conditions for screening against the affirmative asylum backlog. This proposal serves to outline and document the methods ZGA will use to test the defined use cases against the backlog. The resulting data from the FY20 Q1 effort (summarized in [Appendix D](#)) have been submitted to Asylum Headquarters for further consideration and next steps.

INTRODUCTION

The Asylum Division has a sizeable backlog with finite resources to address it. Two major use cases underpin this effort to prioritizing the affirmative asylum backlog:

- enhancing national security and public safety, and
- identifying cases that require abridged asylum processing.

As such, ZGA was tasked to assist in an effort to screen the affirmative asylum backlog to determine if there is a need to prioritize specific cases for interview or other abridged asylum processing. The Asylum Division provided the following conditions to initiate the backlog prioritization project:

- 1. Identify individuals in the affirmative asylum backlog with criminal history information as determined by biometrics, TECS records or any other available derogatory information.**
The stated goal was to allow the Asylum Division to prioritize any alien with criminal history for interview. This meets the use case of enhancing national security and public safety.
- 2. Identify individuals in the affirmative asylum backlog who obtained permanent residence or who are pending a visa priority date.**
The stated goal was to administratively close applications of individuals in the backlog who obtained LPR status through other means, and to re-prioritize those that had an approved immigrant visa and pending visa priority date. This meets the use case of identifying cases that require abridged asylum processing.
- 3. Identify individuals in the affirmative asylum backlog with outbound foreign travel to determine I-131 issuance.**
The stated goal was to identify individuals who had abandoned their Asylum applications. This meets the use case of identifying cases that require abridged asylum processing.

¹ For the purpose of this proposal, the “backlog” is defined as any case that is pending as of the date of the data pull, with no (i) decision date, (ii) service date, (iii) closed on date, or (iv) termination date. Note that these criteria apply even if there is Notice of Intent to Deny or a recommendation to approve the case.

4. Identify untimely filed cases (UFC) and group them by office.

The stated goal was to prioritize untimely filed cases for interview. This meets the use case of identifying cases that require abridged asylum processing.

What follows herein is a proof of concept screening process defined by ZGA, in collaboration with Asylum HQ partners, outlining the steps to screen the affirmative asylum backlog to identify those individuals that test true for the above listed conditions. The near-term goal is to identify options for Asylum leadership to reduce the size of the backlog while enhancing national security, public safety and applicant services. The long-term goal is to design a long-term screening and vetting process that leverages the efficiency of batch vetting with the potential to introduce recurrent or continuous vetting requirements, as needed.

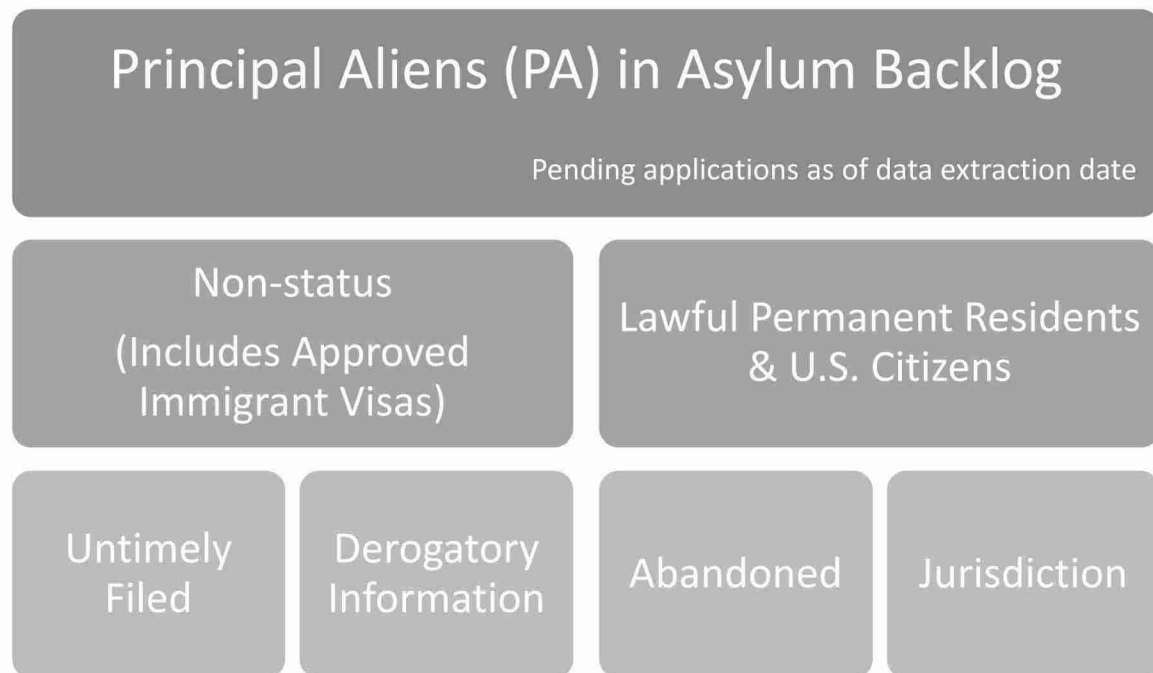


Figure 1: Affirmative Asylum Backlog Composition

STRATEGY

What follows are the specific steps that ZGA carried out in order to identify the datasets corresponding to the initial four conditions put forward by Chief Davidson. This screening process and the below steps exclusively address *how ZGA collected and tested the data under consideration*. These steps do not address any follow-on *actions that might be taken to remove an identified applicant from the backlog*. Appendix B provides additional considerations for Asylum leadership as they use the screened datasets to reduce the size of the backlog.

(b)(5)

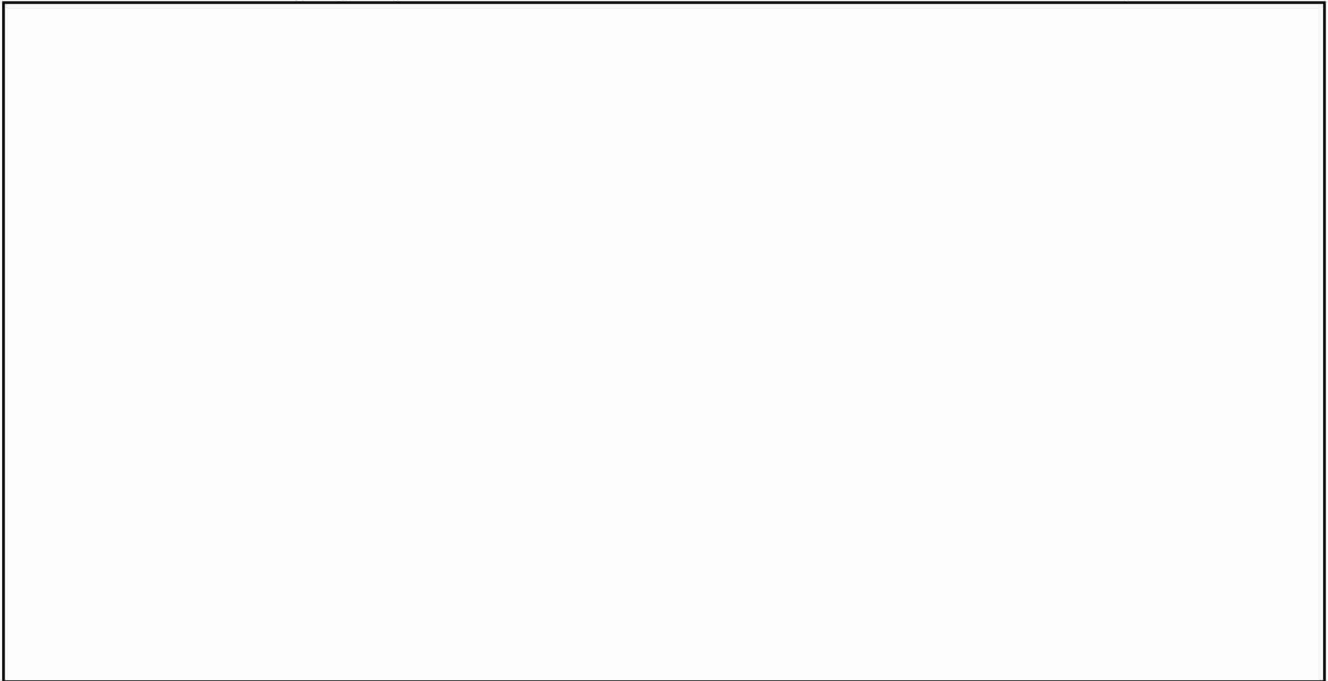
STEP ONE: Obtaining and Cleaning the Data





(b)(5)

STEP TWO: Identifying Adjusted Cases, Non-Jurisdictional Cases, & Visa Priority Cases



Step 2.1: Identify adjusted cases

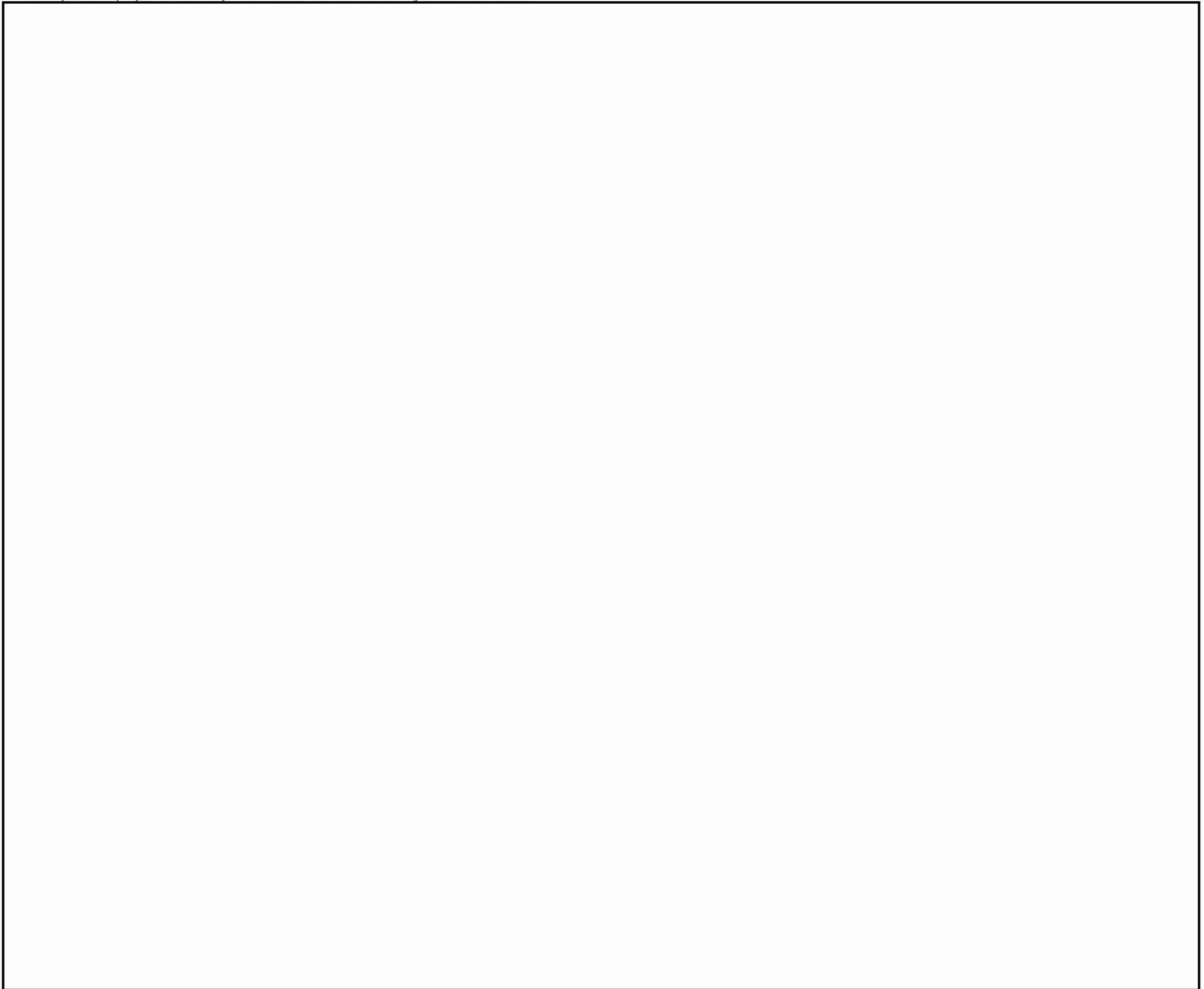


Step 2.1(a): Initial identification of presumed LPR/USC cases



(b)(5)

Step 2.1(b): Quality review and data finalization



Step 2.1(c): Sharing the data with the field



(b)(5)

Step 2.2: Identify cases over which USCIS lacks jurisdiction

--

Step 2.2(a): Strategies for identifying the dataset

DOJ-EOIR

--

EARM

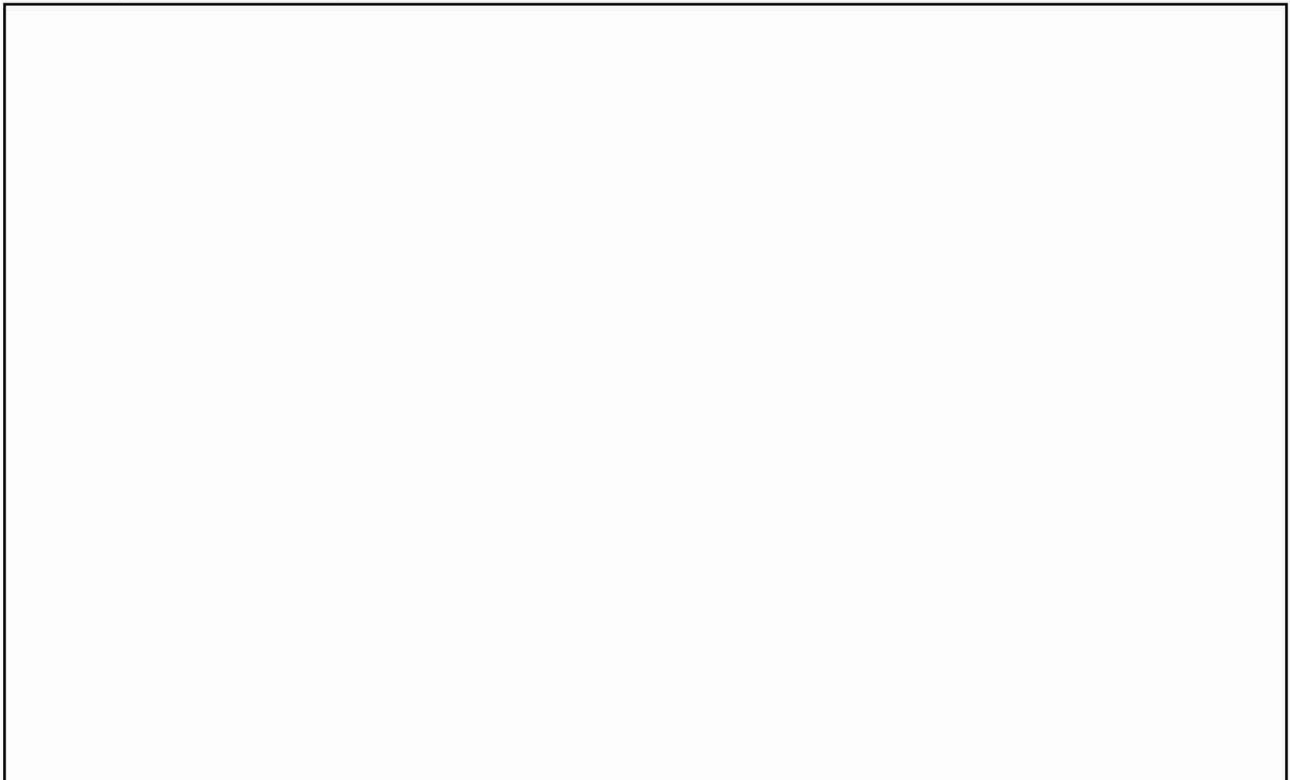
--

Global

--



Classes of Admission (COAs)

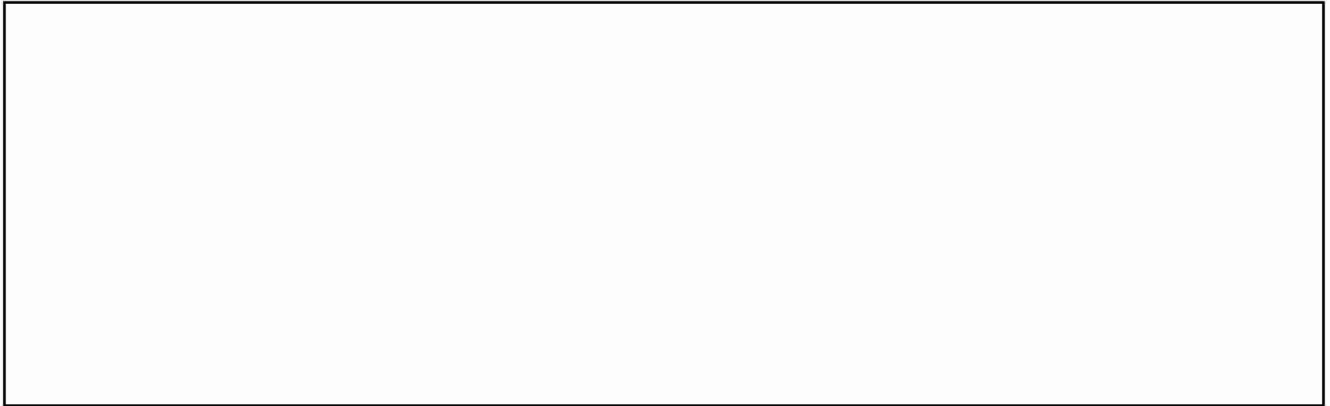


(b)(5)

Step 2.2(b): Sharing the data with the field

Step 2.3: Identify visa priority cases

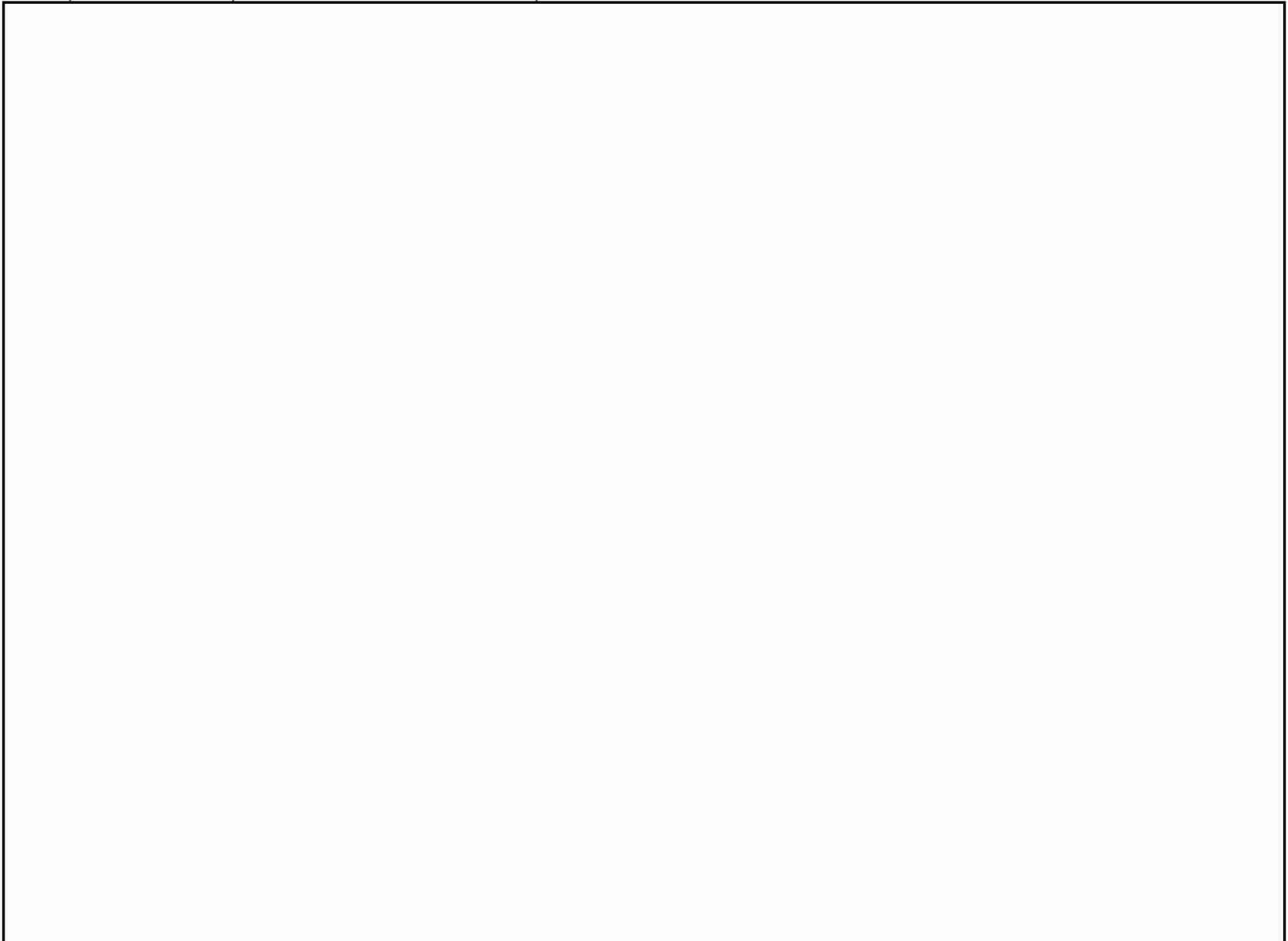
STEP THREE: Identifying Cases that are Presumed to be Abandoned¹³



Step 3.1: Identify who had permission to travel



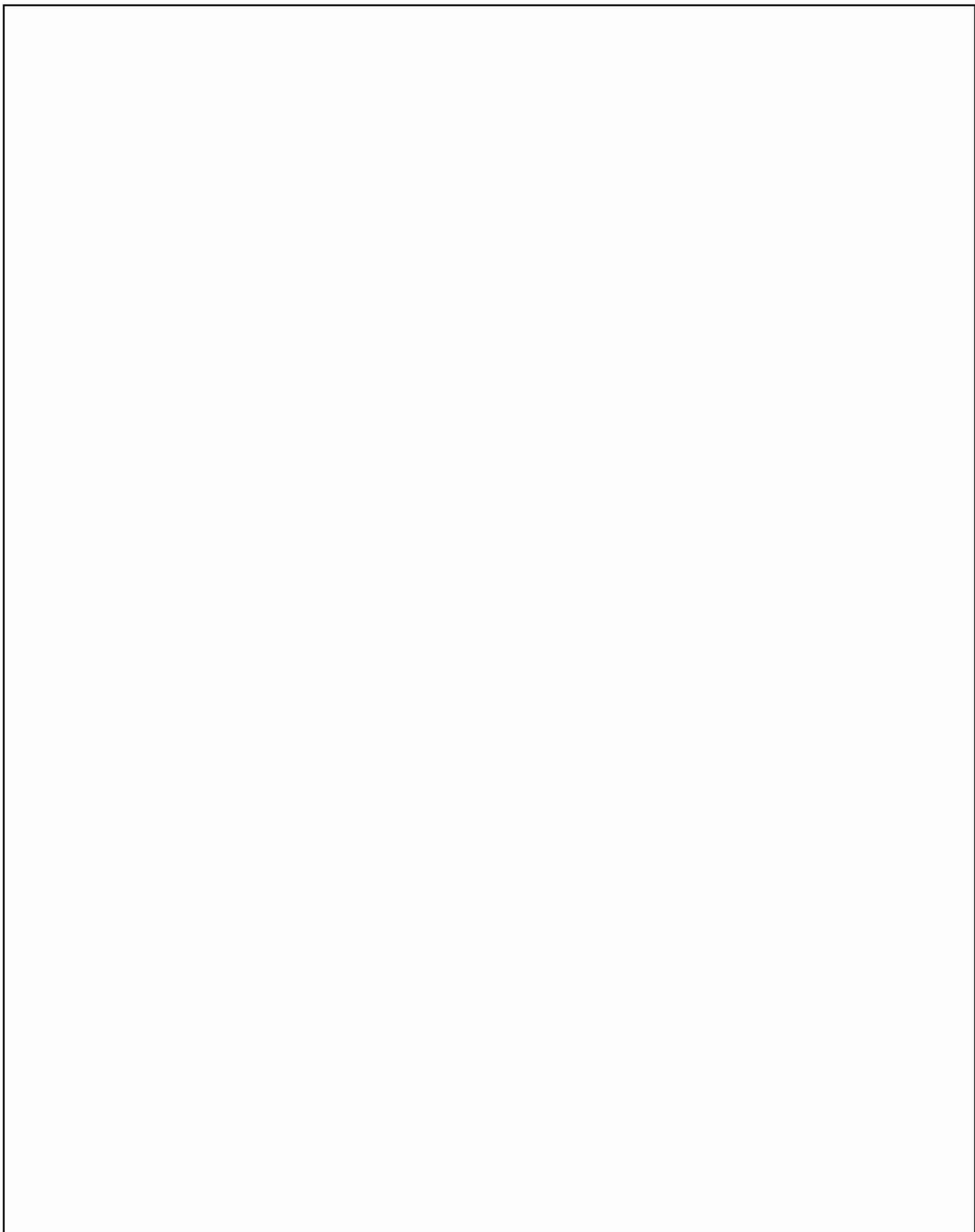
Step 3.2: Identify who travelled without permission





(b)(5)

Step 3.3: Curating the data for delivery

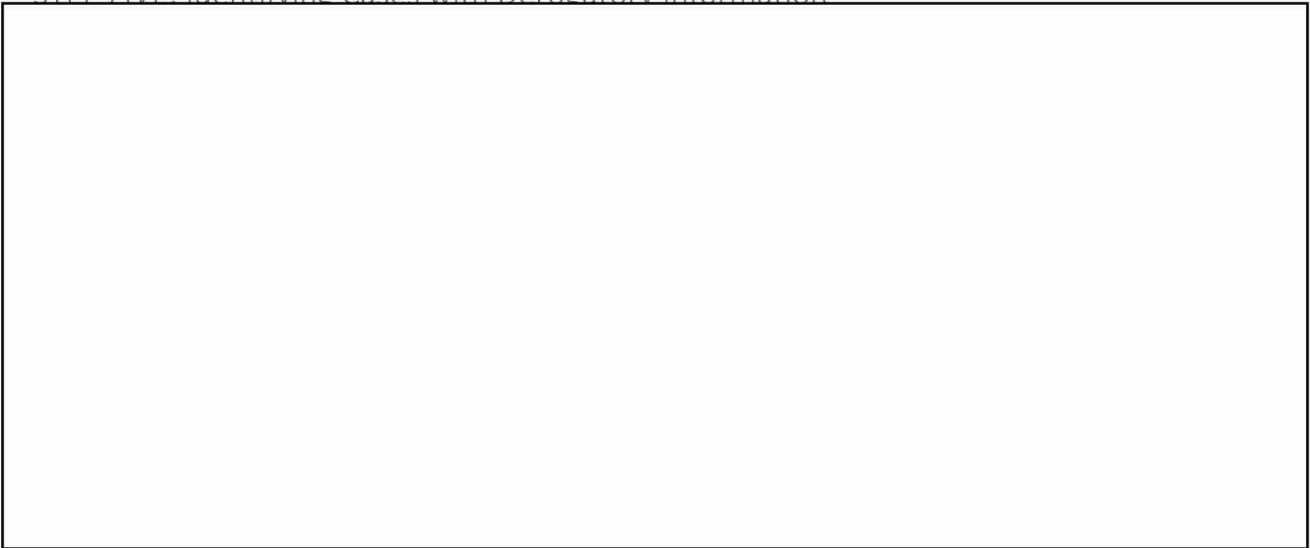


(b)(5)



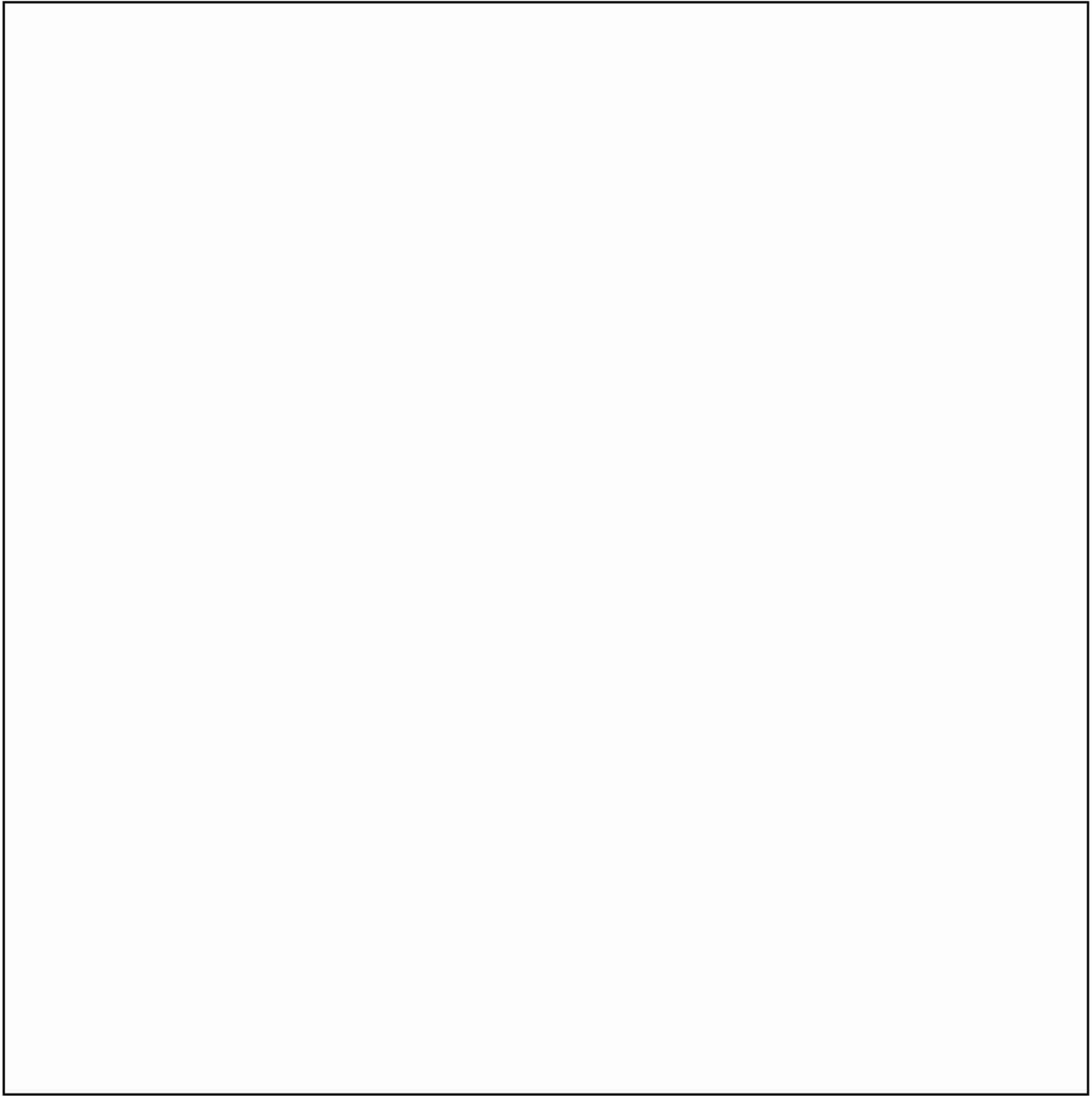
(b)(5)

STEP FIVE: Identifying Cases with Derogatory Information



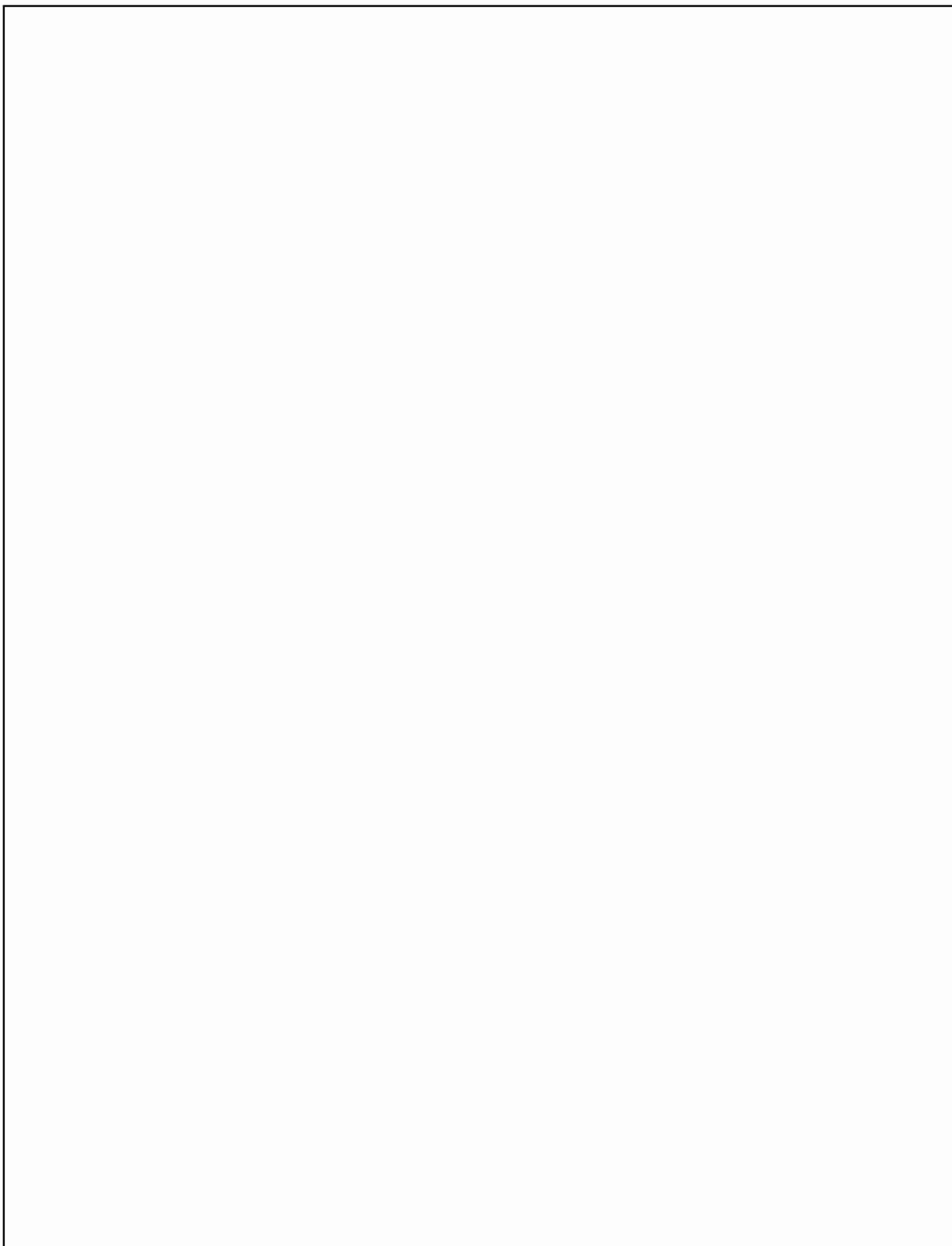
Step 5.1: Identify Derogatory Information Based on Biographic Data

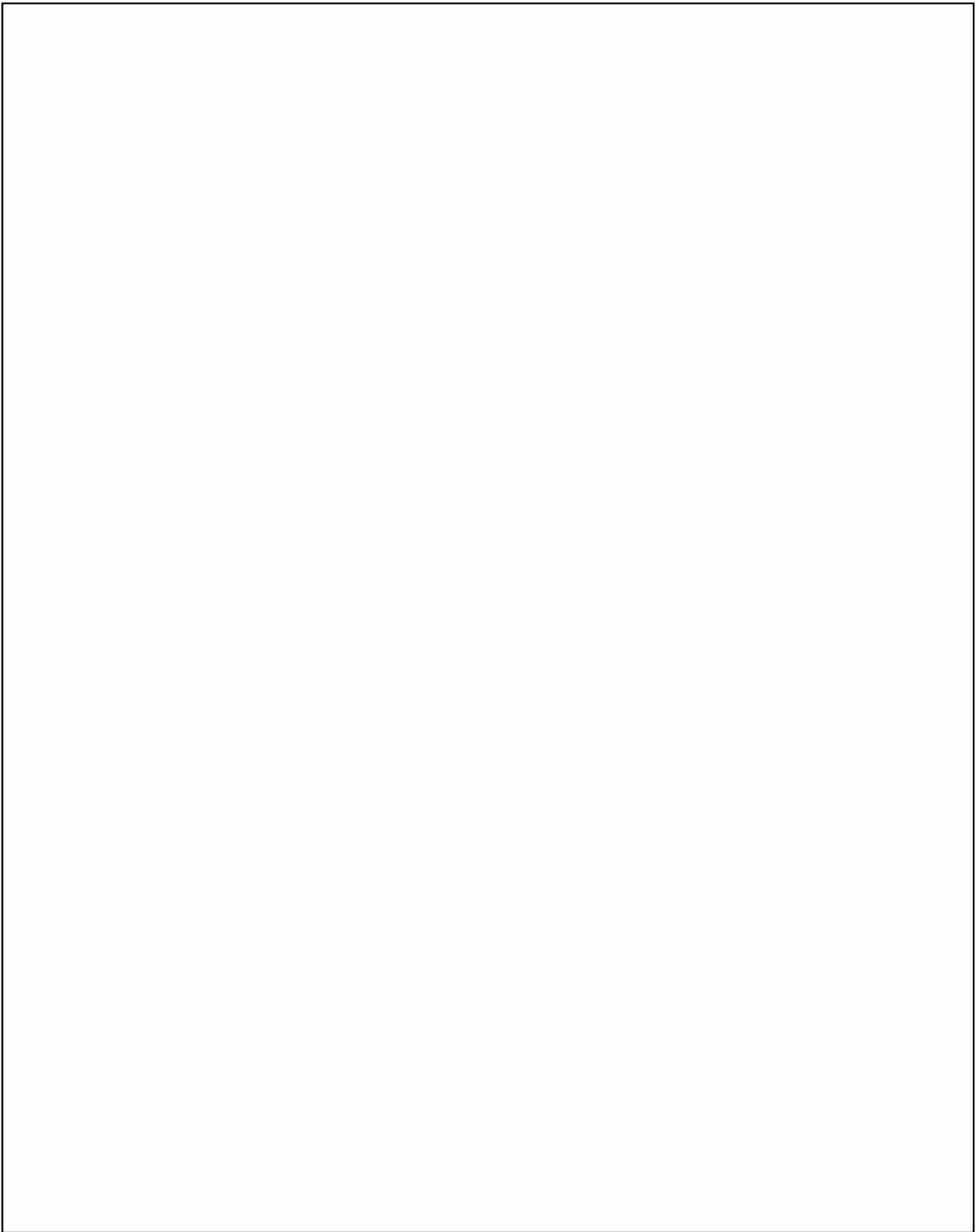


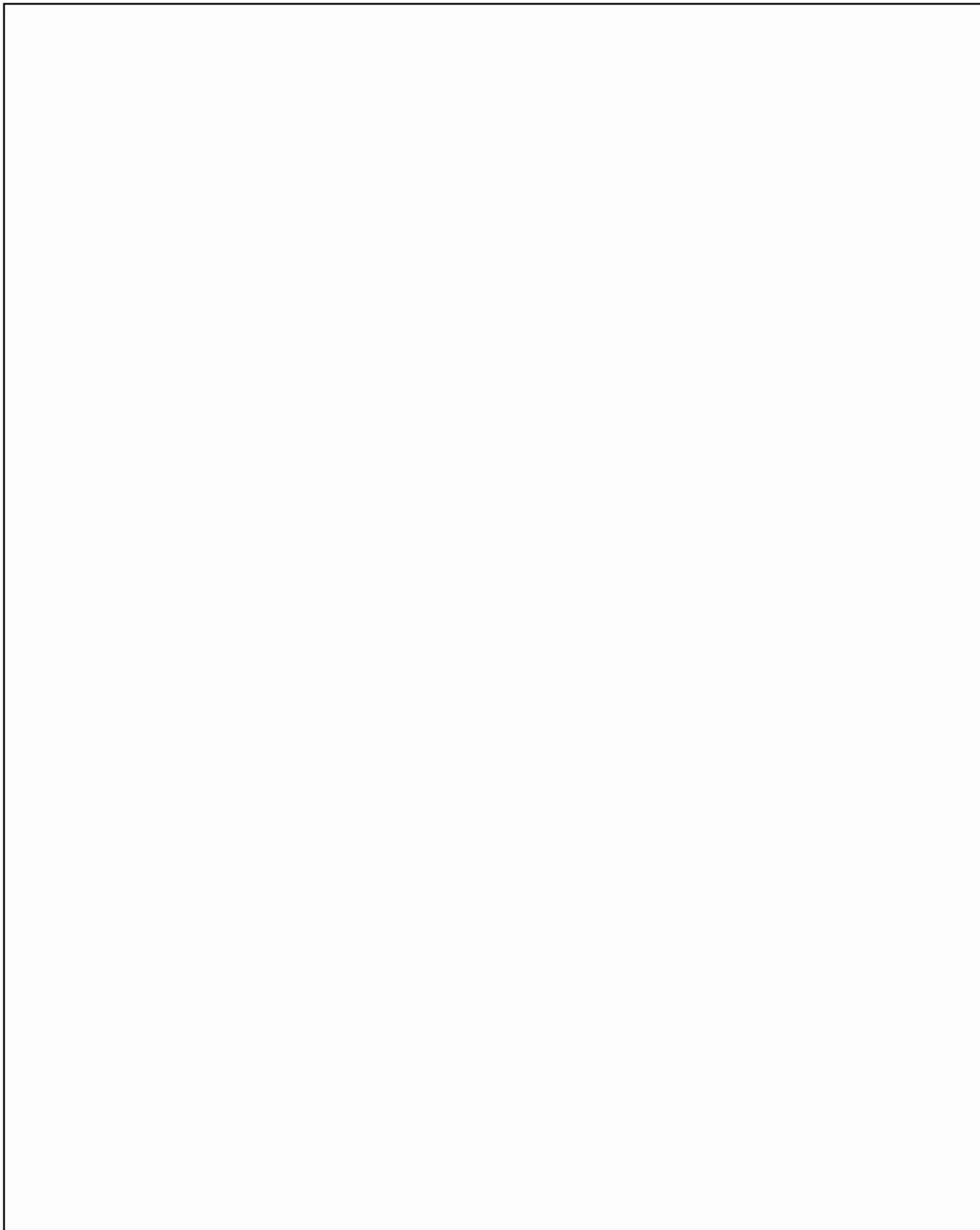


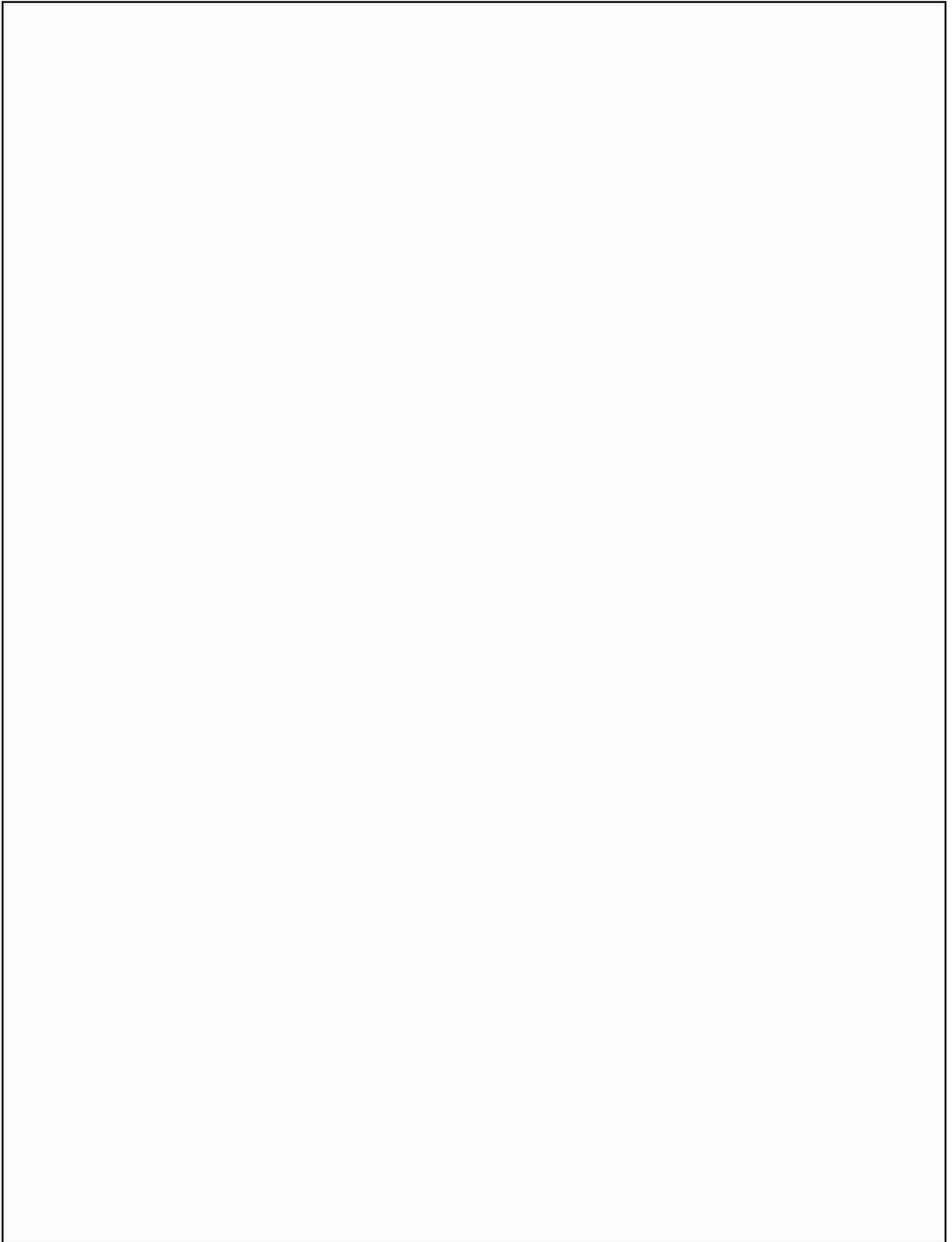
Step 5.2: Identify Derogatory Information Based on Biometric Data





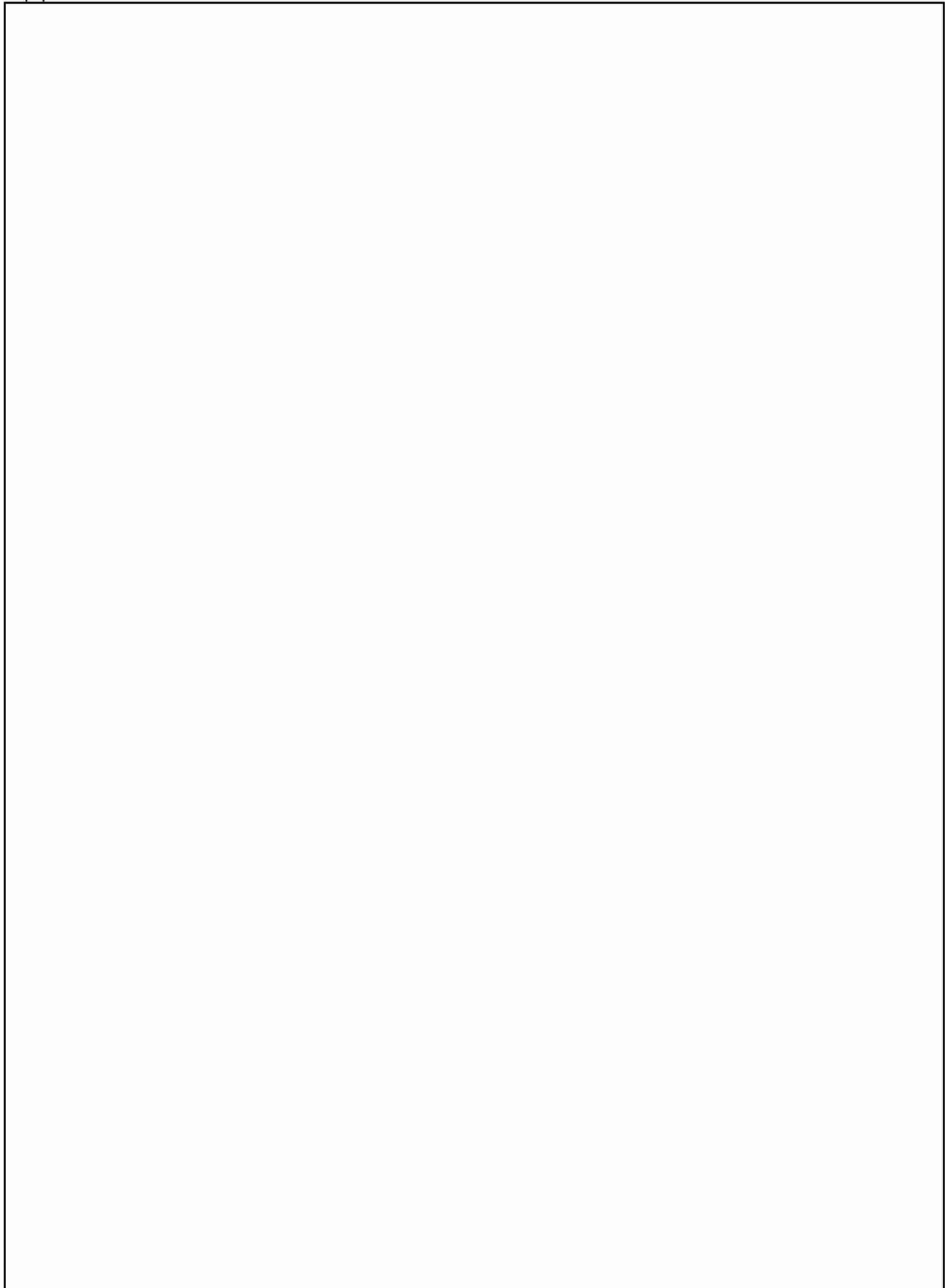


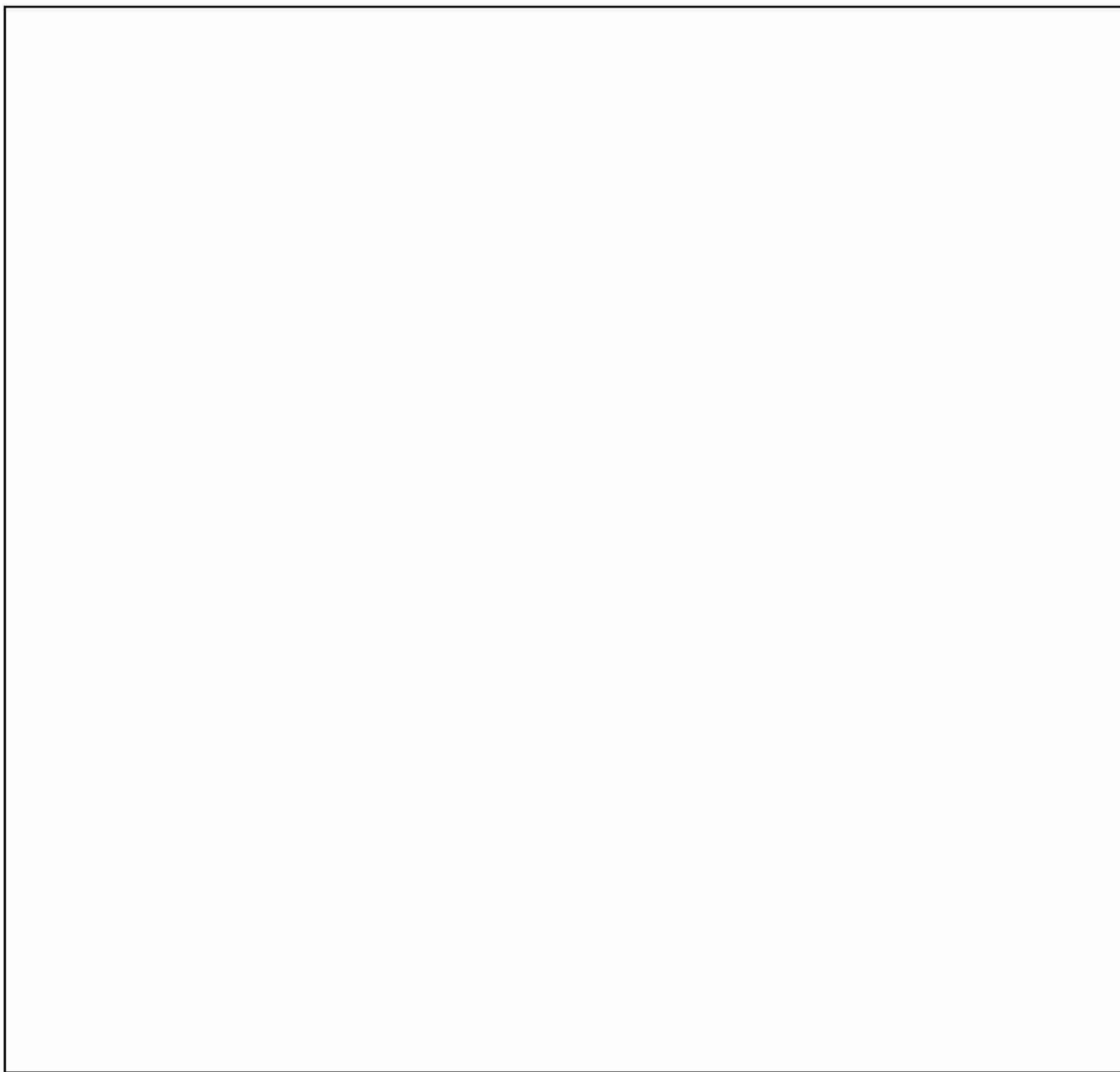




Appendix A: Dataset Fields from Global²²

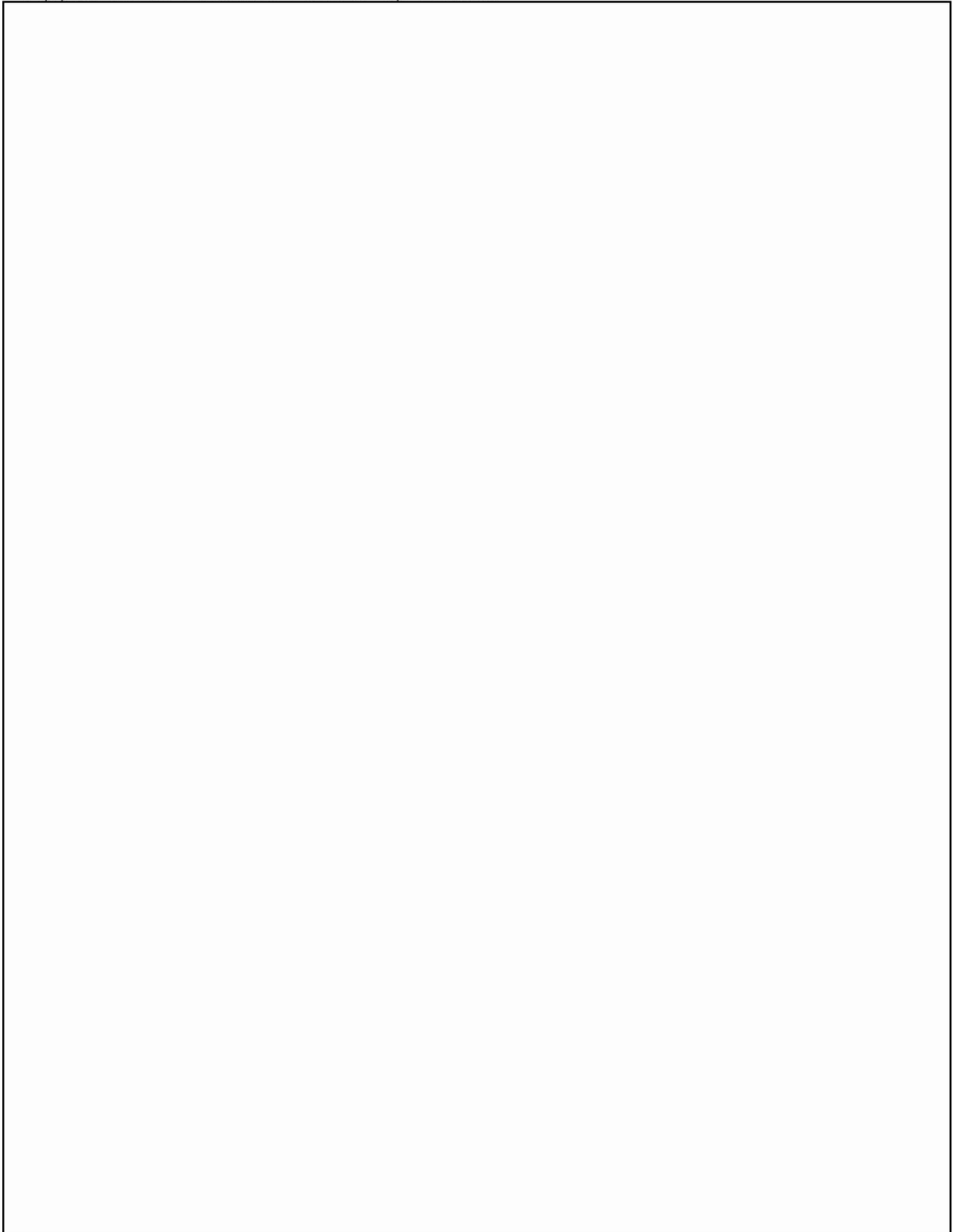
(b)(5)

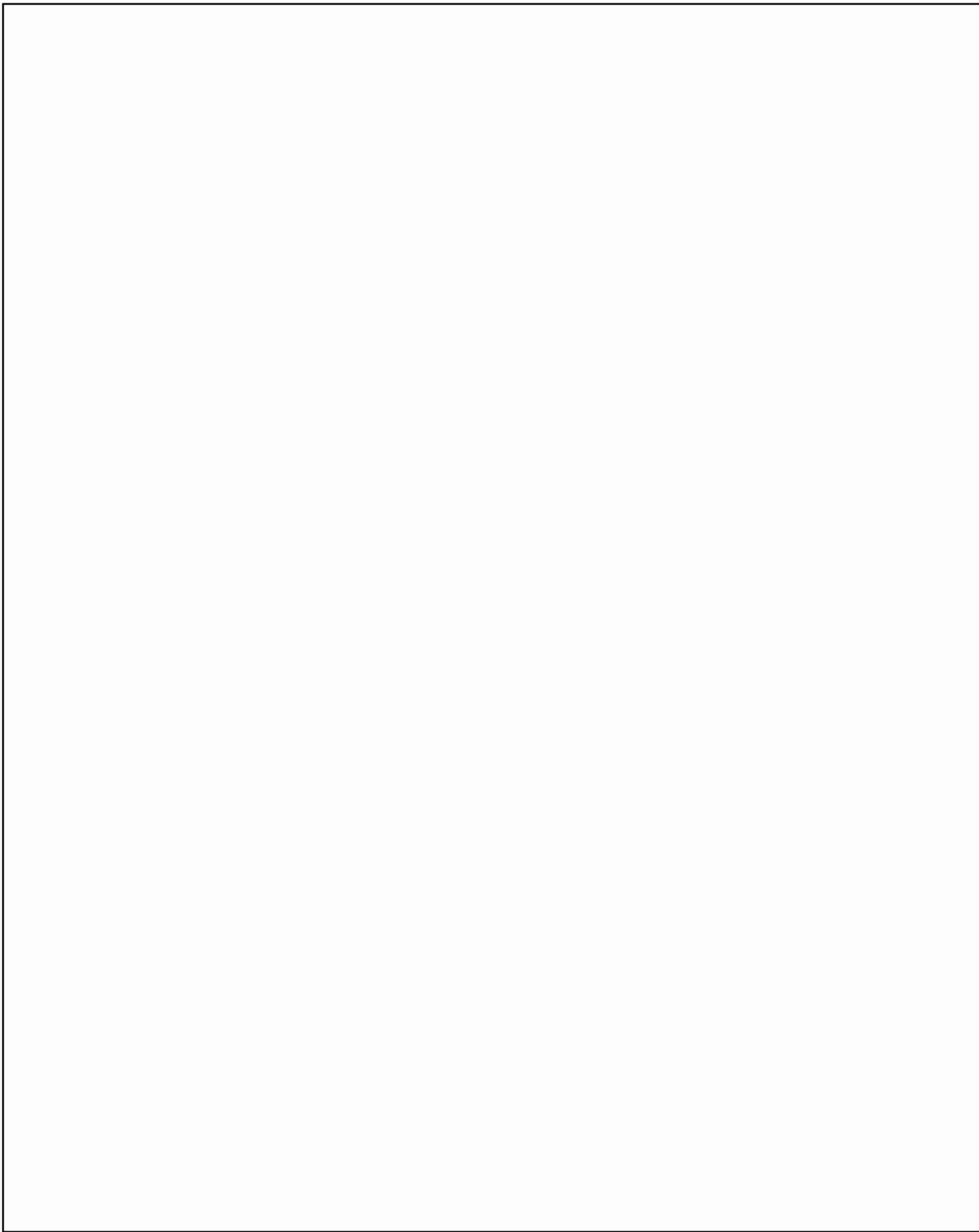




(b)(5)

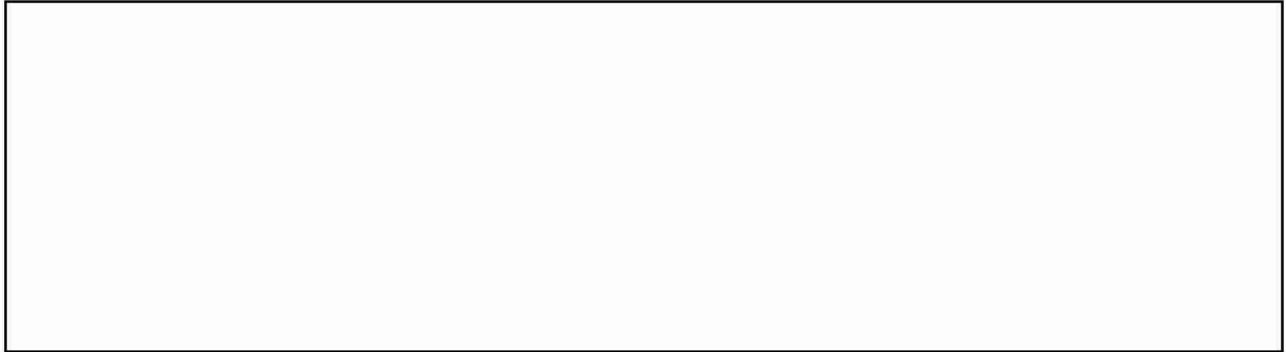
Appendix B: Possible Follow-up Efforts





Appendix C: Terms of Reference

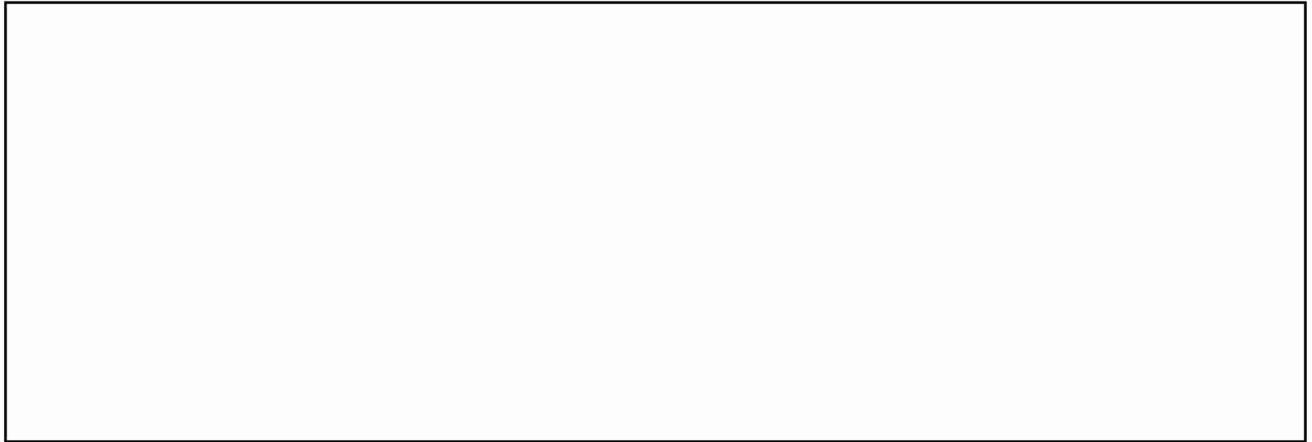
(b)(5)



(b)(5)

Appendix D: Outcomes (FY20 Q1)

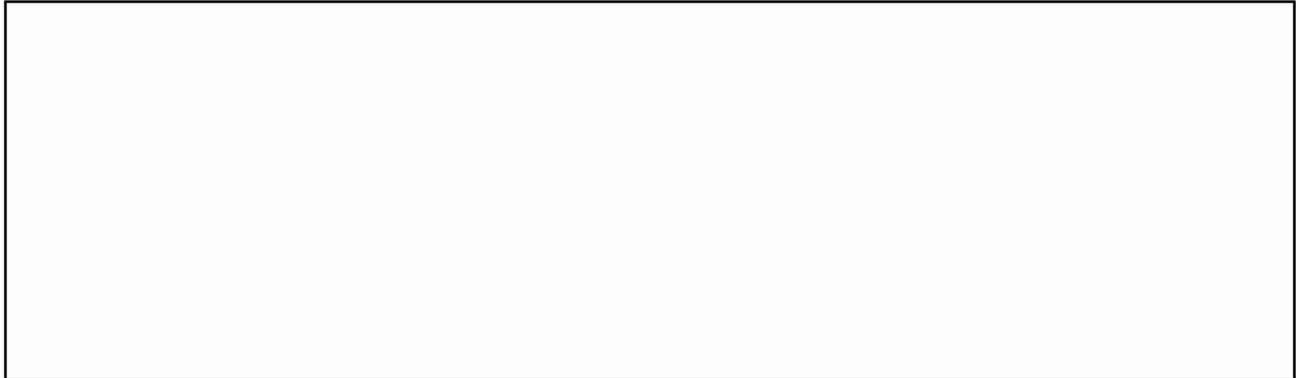
Step	Outcome	Associated File
Step 1: Obtaining and Cleaning the Data		
Step 2: Identifying Adjusted Cases, Non-Jurisdictional Cases, & Visa Priority Cases		
Step 3: Identifying Potentially Abandoned Cases		
Step 4: Identifying Untimely Filed Cases		
Step 5: Identifying Cases with Derogatory Information		



Analysis of Affirmative Asylum Scheduling in FY21¹

January 13, 2021

(b)(5)



The January 30th memorandum established four priority categories that would determine the method affirmative asylum interviews would be scheduled in RAPS and later continued in Global. The interview scheduling priority categories are as follows:

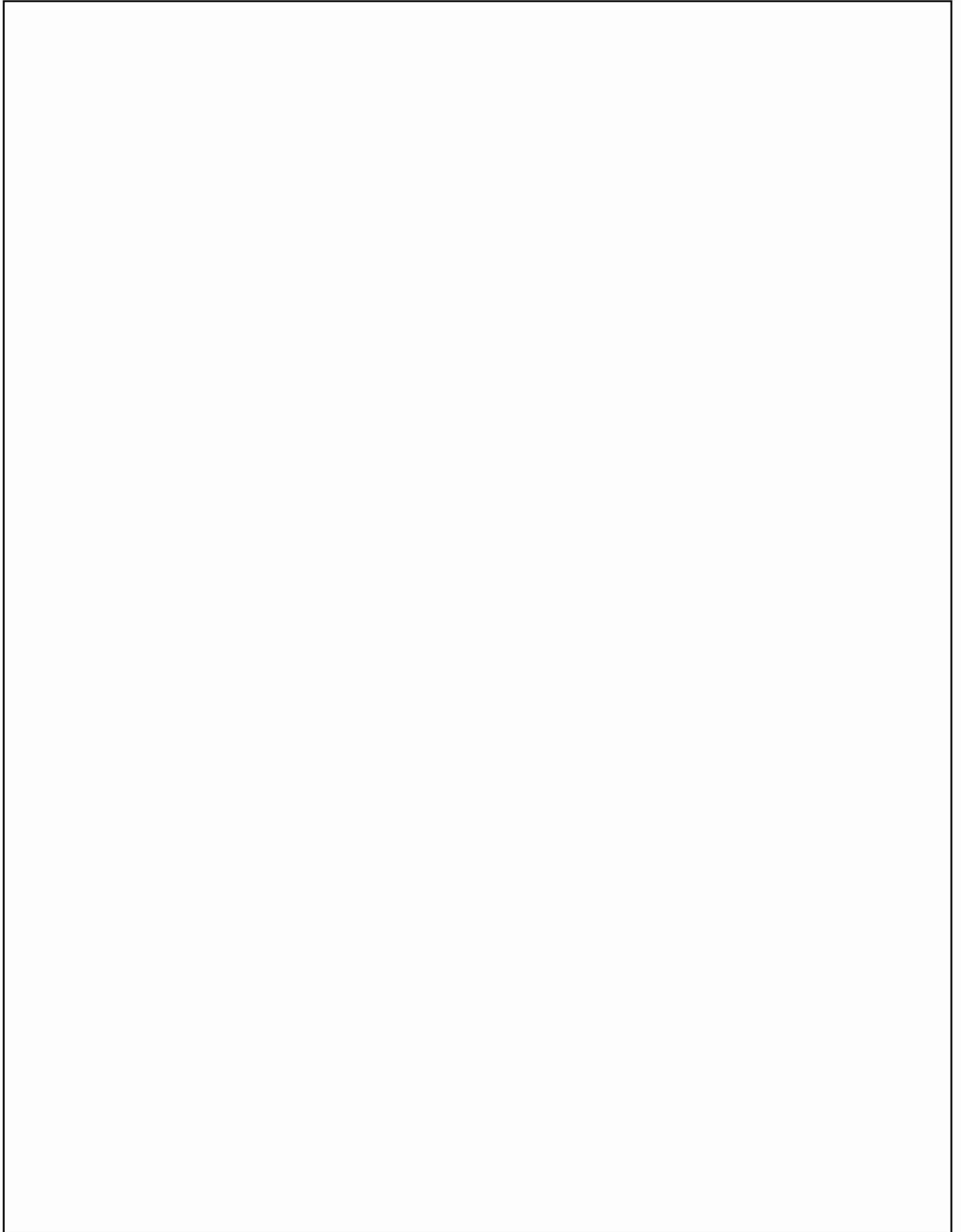
1. Rescheduled interviews, from newest filing to oldest
2. Cases beginning with those aged 21 days since filing date and working towards the newer cases
3. Cases between 22 and 100 days from the filing date, from newest to oldest
4. Cases over 100 days from the filing date, from newest to oldest

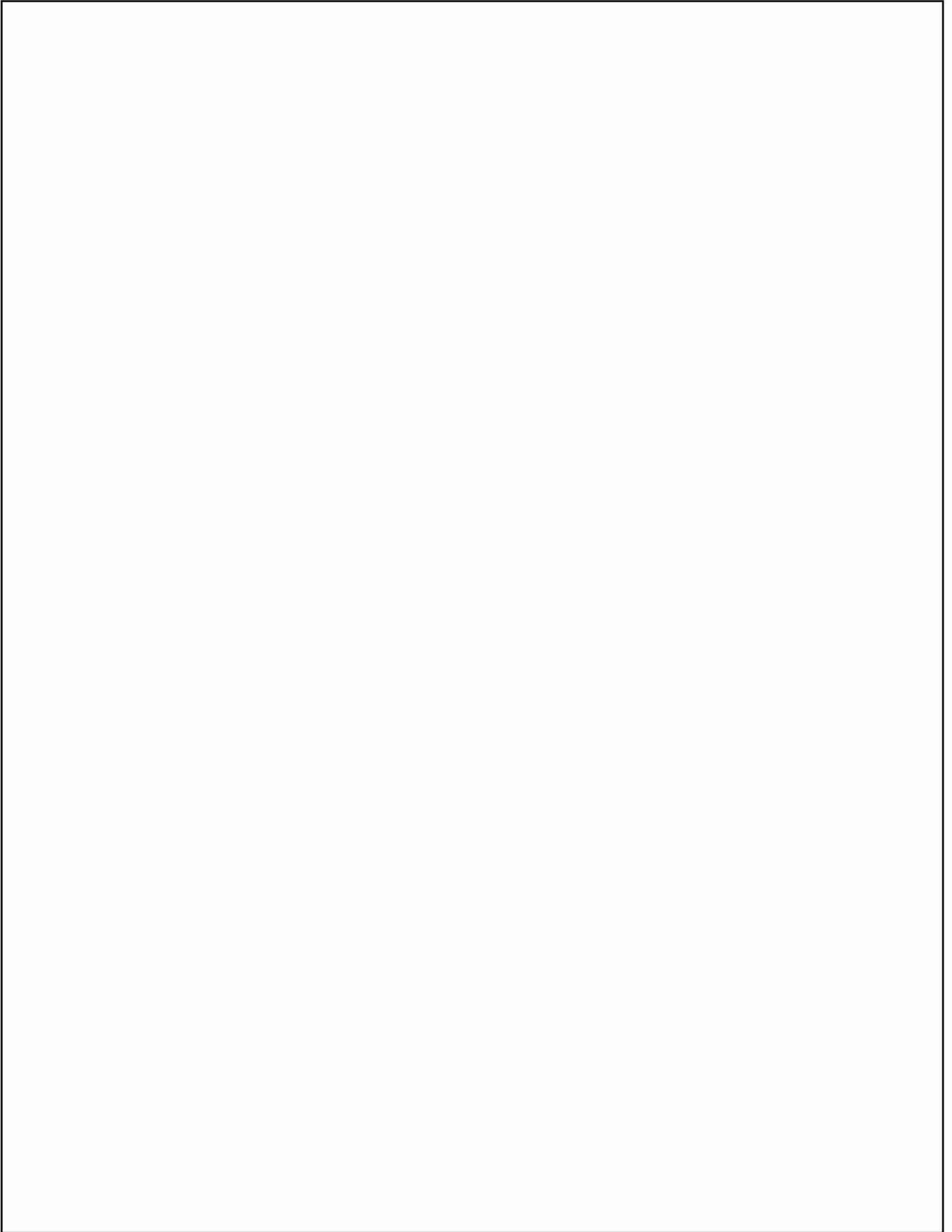


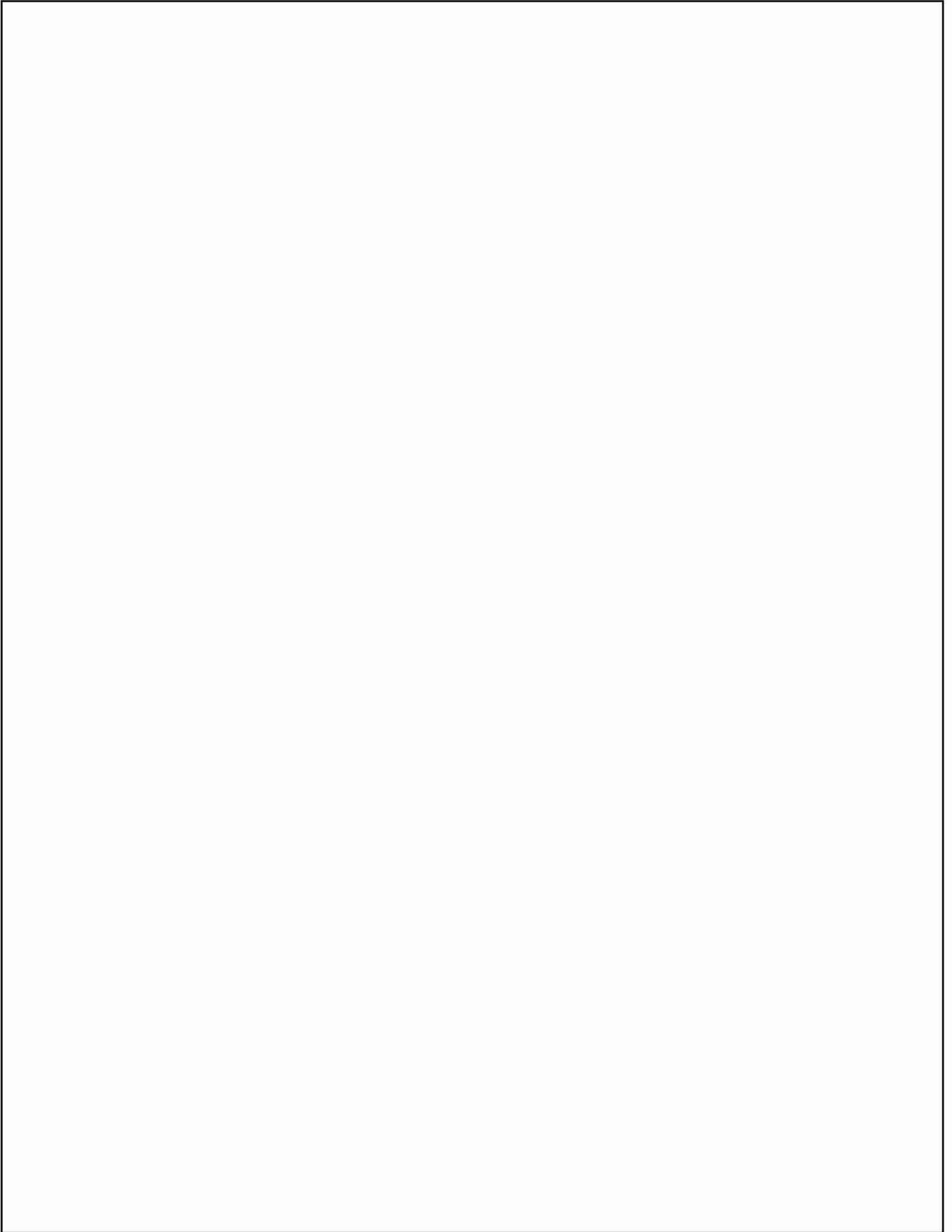
The timely interview and adjudication of new affirmative asylum claims is a key component of the asylum process. The asylum determination process was established to be resolved within 180 days of the initial filing. Asylum applicants who must wait longer than this period are allowed to work, through the issuance of a work authorization document, in order to avoid becoming dependent on public benefits.³ In 2020 Q4, the waiting period for work authorization was changed from 180-days to 365-days. In relation to this EAD eligibility period, the timely processing of new affirmative asylum cases prevents non-successful asylum claimants from becoming eligible for an EAD document. Failure to maintain the timely processing of new cases typically results in the increase in applications filed by individuals primarily seeking work authorization in the United States.

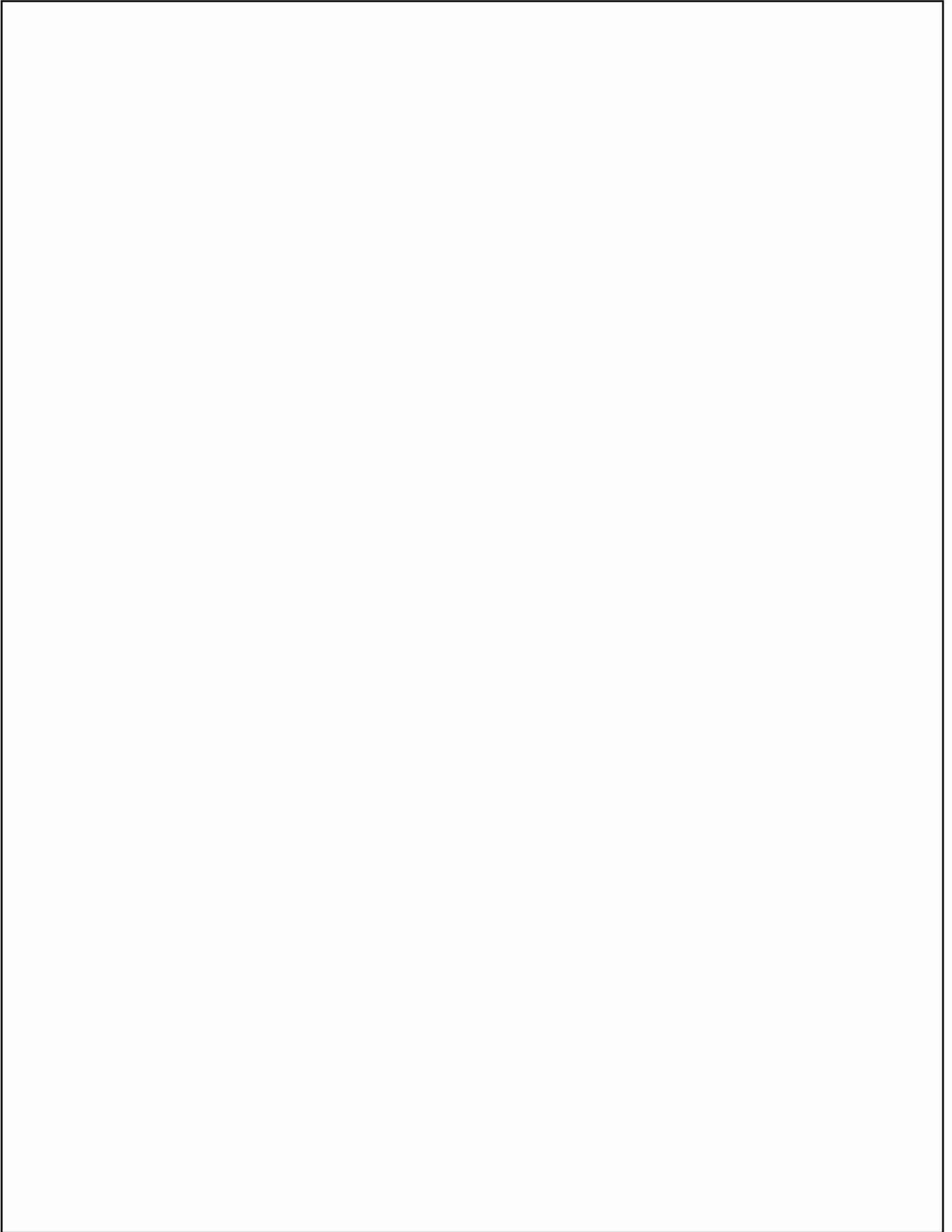


(b)(5)









(b)(5) (b)(6)

Ted,

Let me know if this update doesn't capture everything we need.

U.S. Citizenship and Immigration Services

Main Number

Work Mobile



**U.S. Citizenship
and Immigration
Services**

HQRAIO 120/9

Memorandum

TO: All Asylum Division Staff

FROM: Andrew Davidson
Chief, Asylum Division

SUBJECT: DRAFT Fiscal Year 2020 Organizational Goals

This memorandum establishes the Asylum Division's Fiscal Year (FY) 2020 productivity targets and staffing allocations, which have been developed in consultation with field leadership. The attached document includes spreadsheets detailing the national plan, individual plans for each office, and workload projections. Together, this guidance represents the Asylum Division's production goals and expectations for FY 2020.

Strategic Priorities

The following FY 2020 priorities have been established based on the order of strategic importance:

1. Protection Screenings
2. Affirmative Asylum Case Completions
3. I-730 Relative Petitions
4. Terminations
5. NACARA

National Goals and Projections

Consistent with the FY 2020 priorities, the Asylum Division has set the following national goals:

Measure	FY20 Target
Average Days for Processing All CF Referrals	≤ 10 calendar days
Average Days for Processing RF Referrals	≤ 10.49 business days
Affirmative Asylum (I-589) Completions	≥ 70,000
Actionable I-881's Pending Six Months or Less (I-881 Six-Month Real Cycle Time)	≥ 70%
All Staff Vacancy Rate	= 0%
Asylum Officer Over-Selection Rate	≥ 20%

Office-Specific Goals and Projections

Each office and sub-office should aim to achieve the national processing time goals listed above. The national affirmative asylum completions goal is a cumulative goal, and each office's individual office goal is listed in the table below. The completion goal for each office has been established based on current authorized staffing and projected workloads during the year. The affirmative asylum completions goals take into account any extra capacity provided to offices from the Refugee Affairs Division. With respect to staffing, throughout the year, all offices are expected to maintain a 100% on-board rate for all positions. To maintain this level of staffing, the current asylum officer over-selection requirement of 20% continues in FY 2020.

Affirmative Asylum Total Completions

Organizational Goal	FY20 National Target	ZAR	ZCH	ZHN	ZOL	ZLA	ZMI	ZNK	ZBO	ZNY	ZTA	ZSF
I-589 total completions*	70,1374	6,367	9,101	5,263	1,911	9,576	10,470	8,760	2,373	9,018	2,398	4,900

*Completion targets can be reached by any combination of adjudicated and unadjudicated completions. The break-downs included in the Plan and Projections are based on expected trends and staffing and are not intended as a target.

APSO: Estimated Average Workforce Assigned to Protection Screenings

	Total	ZAR	ZAC	ZCH	ZHN	ZOL	ZLA	ZMI	ZNK	ZBO	ZNY	ZSF
Asylum Officers	235	31	43	31	64	11	30	21	22	4	15	31

Office-Specific Staffing Allocations

In our analysis of asylum office staffing requirements, we identified staffing needs according to each office's protection screening caseloads and their local pending and new affirmative asylum workload. We first applied our analysis to a baseline model, which assumed the FY 2019 Q4 staffing distribution. This baseline model would produce uneven results: the CF timeliness targets could not be met, and the effectiveness of reform scheduling to asylum receipts was uneven between individual offices.

Staff may be redeployed either by a continued use of short-term TDY assignments and by a transfer of permanent positions. Only by reallocating staff from office to office can the offices achieve balanced affirmative asylum production, maximize the effect of reform scheduling, and best address protection screening demands. The redistributions also take into account planned facilities expansions, which must be staffed from existing positions absent an FY 2020 staffing enhancement. The final planning model still results in a modest growth to the affirmative asylum backlog and does project insufficient staffing to meet all CF timeliness targets in FY 2020. Please consult the detailed planning model for more information. Staff will be redeployed when feasible by the transfer of actual positions, which will be coordinated by headquarters.

The staffing redistribution is summarized in the table below:

Asylum Officer Staffing Assumptions

AO Staffing (Authorized)	ALL	ZAR / ZAC	ZCH	ZHN	NOZ	ZLA	ZMI	ZNK	BOZ	ZNY	ZSF
October 2019	771	64 / 61	92	116	25	96	76	75	13	68	84
September 2020	771*	80 / 70	80	105	25	96	76	66	20	68	65

**Total includes initial staffing for the Tampa Asylum Office*

Organizational/Processing Outlook 2017-2025

(b)(5)

Fiscal Year	2017	2018	2019	2020	2021	2022	2023	2024	2025
Asylum Officer Staff, authorized by Q1	625	700	750	750	600	550	550	550	550
Asylum Officer Staff, on board by Q4 (based on highest growth rates)	592	650	750	700	650	600	600	550	550
Refugee Officer Staff, deployed	50 (Q3-4)	100	100	100	100	100	100	0	0
Credible Fear Workload	75,574	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Reasonable Fear Workload	11,037	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Affirmative Receipts	145,290	158,000	100,000	50,000	40,000	40,000	40,000	40,000	40,000
Affirmative Completions	47,553	72,700	100,000	100,000	100,000	70,000	70,000	50,000	50,000
Pending Asylum Cases Q4	282,982	368,282	368,282	318,282	258,282	228,282	198,282	188,282	178,282



**U.S. Citizenship
and Immigration
Services**

HQRAIO 120/9

Memorandum

TO: All Asylum Division Staff

FROM: Andrew Davidson
Chief, Asylum Division

SUBJECT: DRAFT Fiscal Year 2020 Organizational Goals

This memorandum establishes the Asylum Division's Fiscal Year (FY) 2020 productivity targets and staffing allocations, which have been developed in consultation with field leadership. The attached document includes spreadsheets detailing the national plan, individual plans for each office, and workload projections. Together, this guidance represents the Asylum Division's production goals and expectations for FY 2020.

Strategic Priorities

The following FY 2020 priorities have been established based on the order of strategic importance:

1. Protection Screenings
2. Affirmative Asylum Case Completions
3. I-730 Relative Petitions
4. Terminations
5. NACARA

National Goals and Projections

Consistent with the FY 2020 priorities, the Asylum Division has set the following national goals:

Measure	FY20 Target
Average Days for Processing All CF Referrals	≤ 10 calendar days
Average Days for Processing RF Referrals	≤ 10.49 business days
Affirmative Asylum (I-589) Completions	≥ 70,000
Actionable I-881's Pending Six Months or Less (I-881 Six-Month Real Cycle Time)	≥ 70%
All Staff Vacancy Rate	= 0%
Asylum Officer Over-Selection Rate	≥ 20%

Office-Specific Goals and Projections

Each office and sub-office should aim to achieve the national processing time goals listed above. The national affirmative asylum completions goal is a cumulative goal, and each office's individual office goal is listed in the table below. The completion goal for each office has been established based on current authorized staffing and projected workloads during the year. The affirmative asylum completions goals take into account any extra capacity provided to offices from the Refugee Affairs Division. With respect to staffing, throughout the year, all offices are expected to maintain a 100% on-board rate for all positions. To maintain this level of staffing, the current asylum officer over-selection requirement of 20% continues in FY 2020.

Affirmative Asylum Total Completions

Organizational Goal	FY20 National Target	ZAR	ZCH	ZHN	ZOL	ZLA	ZMI	ZNK	ZBO	ZNY	ZTA	ZSF
I-589 total completions*	70,1374	6,367	9,101	5,263	1,911	9,576	10,470	8,760	2,373	9,018	2,398	4,900

*Completion targets can be reached by any combination of adjudicated and unadjudicated completions. The break-downs included in the Plan and Projections are based on expected trends and staffing and are not intended as a target.

APSO: Estimated Average Workforce Assigned to Protection Screenings

	Total	ZAR	ZAC	ZCH	ZHN	ZOL	ZLA	ZMI	ZNK	ZBO	ZNY	ZSF
Asylum Officers	235	31	43	31	64	11	30	21	22	4	15	31

Office-Specific Staffing Allocations

In our analysis of asylum office staffing requirements, we identified staffing needs according to each office's protection screening caseloads and their local pending and new affirmative asylum workload. We first applied our analysis to a baseline model, which assumed the FY 2019 Q4 staffing distribution. This baseline model would produce uneven results: the CF timeliness targets could not be met, and the effectiveness of reform scheduling to asylum receipts was uneven between individual offices.

Staff may be redeployed either by a continued use of short-term TDY assignments and by a transfer of permanent positions. Only by reallocating staff from office to office can the offices achieve balanced affirmative asylum production, maximize the effect of reform scheduling, and best address protection screening demands. The redistributions also take into account planned facilities expansions, which must be staffed from existing positions absent an FY 2020 staffing enhancement. The final planning model still results in a modest growth to the affirmative asylum backlog and does project insufficient staffing to meet all CF timeliness targets in FY 2020. Please consult the detailed planning model for more information. Staff will be redeployed when feasible by the transfer of actual positions, which will be coordinated by headquarters.

The staffing redistribution is summarized in the table below:

Asylum Officer Staffing Assumptions

AO Staffing (Authorized)	ALL	ZAR / ZAC	ZCH	ZHN	NOZ	ZLA	ZMI	ZNK	BOZ	ZNY	ZSF
October 2019	771	64 / 61	92	116	25	96	76	75	13	68	84
September 2020	771*	80 / 70	80	105	25	96	76	66	20	68	65

**Total includes initial staffing for the Tampa Asylum Office*

(b)(5) (b)(6)

From: Pilotti, David A
Sent: Thursday, August 01, 2019 5:23 PM
To: Caudill-Mirillo, Ashley B; Lafferty, John L
Subject: RE: Backlog reduction / new draft models / new update

Definitely. Here's the file and a text version of the chart below. I added drafts of the new footnotes.

Standard Model with Growth Considerations

2019

2020

2021

2022

2023

2024

From: Pilotti, David A
Sent: Wednesday, March 31, 2021 2:46 PM
To: 'Mura, Elizabeth E'
Subject: FW: Change from LIFO to FIFO
Attachments: DRAFT Memo on Scheduling 2-28-21.docx; FW: DRAFT Memo on Scheduling 2-27-2021a

Beth, d [REDACTED]
[REDACTED] Let me know what you think. Sorry if I missed a follow-up on this one already – I'm kind of on top of all email traffic, but I certainly could have missed something.

David

From: Davidson, Andrew J [REDACTED]
Sent: Wednesday, March 31, 2021 11:38 AM
To: Mura, Elizabeth E [REDACTED]; Caudill-Mirillo, Ashley B [REDACTED]
[REDACTED]
Cc: Pilotti, David A [REDACTED]; Broekman, Nathaniel D [REDACTED]
Subject: RE: Change from LIFO to FIFO

I agree Beth, [REDACTED]
from my perspective. That reminds me, where did we leave it with establishing the national framework for scheduling a percentage of older cases? I remember reviewing David's analysis and concluding that made good sense but what else do we need to do to institutionalize? TY

From: Mura, Elizabeth E [REDACTED]
Sent: Wednesday, March 31, 2021 11:22 AM
To: Davidson, Andrew J [REDACTED]; Caudill-Mirillo, Ashley B [REDACTED]
[REDACTED]
Cc: Pilotti, David A [REDACTED]; Broekman, Nathaniel D [REDACTED]
Subject: FW: Change from LIFO to FIFO

Hello,

We received the below inquiry asking whether we changed our scheduling policy from LIFO to FIFO from the advocacy community just after ZAR received a similar inquiry. It was traced back to ZNY, who identified the specific problem that someone provided old (2017) scheduling information in response to some status inquiries. ZNY remedied the situation and relayed corrected information. (Let me know if you would like more information about this.) I believe that the inquiry below also relates to the problem at ZNY. I am confident in saying that we did not change the scheduling policy. [REDACTED]

Proposed response:

1. Has this processing policy change taken place? No, the Asylum Division has not changed the affirmative asylum interview priorities. The priorities remain as described on the public website here: [Affirmative Asylum Interview Scheduling | USCIS](#).
2. If so, has there been a public announcement on this change? See above.

Let me know your thoughts. Thanks! Beth

Elizabeth E. Mura
Operations Branch Chief - Asylum Division
Refugee, Asylum and International Operations Directorate
Dept. of Homeland Security/U.S. Citizenship & Immigration Services

From: Kauffman, Kathryn E [REDACTED]
Sent: Wednesday, March 17, 2021 5:32 PM
To: Mura, Elizabeth E [REDACTED]; Sicard, Kimberly R [REDACTED]
Saunier, Jon-Paul (JP) [REDACTED]
Cc: Defensor, Michael R <[REDACTED]>; Kauffman, Kathryn E [REDACTED]

[REDACTED]; Asylum Taskers [REDACTED]

Subject: FW: Change from LIFO to FIFO

Hi Beth and team,

We received an inquiry from the USCIS Public Engagement Division that I am hoping you can assist us with.

PED's contact is stating that the Asylum Division has changed its policy from last in first out (LIFO) to first in first out (FIFO).

A few questions – has this processing policy change taken place? If so, has there been a public announcement on this change?

I am not aware of such a change or announcement, but please let me know if I am missing something.

Thank you,
Katy

KATHRYN E. KAUFFMAN
ADJUDICATIONS OFFICER
COMMUNICATIONS | RAIO | USCIS | DHS
20 Massachusetts Ave NW, Washington, D.C., 20001

PRONOUNS: SHE/HER

From: Wolde, Tsegaye (Tsegaye) [REDACTED]
Sent: Wednesday, March 17, 2021 1:02 PM
To: Kauffman, Kathryn E [REDACTED]
Cc: Defensor, Michael R [REDACTED]
Subject: FW: Change from LIFO to FIFO

Good afternoon Kathryn,

Andrea is the lady who assisted us coordinate the listening session between USCIS and AWG. She is stating that they heard from an attorney that the asylum office has changed its policy from last in first out (LIFO) to first in first out (FIFO). Has this change taken place? If so, is there any announcement about it?

Please let me know.

Thanks,
Tsegaye

From: Andrea Carcamo [REDACTED]
Sent: Wednesday, March 17, 2021 10:49 AM
To: Wolde, Tsegaye (Tsegaye) [REDACTED]
Subject: Change from LIFO to FIFO

CAUTION: This email originated from outside of the Federal Government. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the USCIS Security Operations Center with questions or click the "Report Suspicious Email" button to report it as a phishing attempt.

Good morning Tsegaye,

I hope your day is off to a great start.

First, please know that I'm still compiling the materials that we promised during the meeting with USCIS and will send them your way before the end of the week.

My main reason for sending this email is because we heard from an attorney that the asylum office has changed its policy from last in first out (LIFO) to first in first out (FIFO). We looked for any announcement on this policy change, but have not found anything. Can you please direct us to the person who would know about this policy change?

Thanks in advance!!

Andrea Carcamo
Senior Policy Counsel
The Center for Victims of Torture
Pronouns: she/her/ella

Cell: [REDACTED]

Join us on [Facebook](#) | Follow us on [Twitter](#) | www.cvt.org

From: Pilotti, David A
Sent: Monday, March 01, 2021 8:31 AM
To: 'Mura, Elizabeth E'
Cc: Gossett, Christopher R; Scott, Elizabeth M
Subject: FW: DRAFT Memo on Scheduling 2-27-2021a
Attachments: DRAFT Memo on Scheduling 2-28-21.docx

Beth,

Thanks a lot in advance for any input Ops may give. I really appreciate it.

David



**U.S. Citizenship
and Immigration
Services**

Memorandum

TO: All Asylum Division Staff

FROM: Andrew Davidson
Chief, Asylum Division

SUBJECT: **Changes to Affirmative Asylum Scheduling**

The affirmative asylum backlog reached 395,000 cases in January 2021. The overwhelming majority of the pending caseload consists of cases filed between FY2017 and FY2020. However, there is a small but significant number of cases that have been pending for more than six years. At present, these oldest caseloads total to 2,349 applications.

Pending Affirmative Asylum Cases Filed Prior to FY 2015

Pending Asylum	ZAR	ZBO	ZCH	ZHN	ZLA	ZMI	ZNK	ZNY	ZOL	ZSF	Total
Total Pending (2014 or earlier)	333	213	391	11	361	522	106	84	50	278	2,349
FY 2014 Applications	204	127	305	3	64	423	55	81	27	89	1,378
Pre-FY2014	129	86	86	8	297	99	51	3	23	189	971

(b)(5)

Background:

Affirmative Asylum Scheduling Procedures

The 1995 asylum reforms¹ created a case processing framework that allowed applicants to receive employment authorization if their application was pending for longer than the processing timeframe of 180-days². Providing work authorization following a waiting period allowed asylum seekers an opportunity to work if their cases fall outside of the standard processing time and reduced the incentive of others to file an asylum application solely to obtain employment authorization.

In FY16, the affirmative asylum backlog exceeded 200,000 cases, the first time that pending caseloads crossed that threshold since 1992 and the first time total cases remained above that level since 2004. In 2016, the backlog reached that volume following successive years of drawing down staff from affirmative asylum workloads to perform protection screenings and to support overseas refugee processing. In 2016 and 2017, the vast majority of pending cases were filed in the prior 18 months, placing most applicants with an open I-589 in a similar posture. Since FY18 asylum office staffing has been expanded and affirmative asylum receipts have decreased, slowing the growth of the affirmative asylum backlog.

When the 1997 Asylum Reforms were first established, it was anticipated that any backlog of pending cases could be administered during periods appropriate to allow staff to be redeployed from reform processing. In addition, applicants in the backlog were as a matter of practice allowed to request early processing, which would typically result in receiving an affirmative asylum interview.

In FY21, circumstances are appropriate for the agency to assign additional resources to the longest pending cases. The Asylum Division is authorized for 1,700 employees and 769 asylum officers. This staff is sufficient to process nearly 10,000 a month on a full interview schedule. For much of FY21, it is anticipated that asylum office operations will remain under restrictions set forth in Executive Order 13991³ and implementation guidance, reducing the ability to assign staff to LIFO case processing through the scheduling of in person interviews. In addition, due to limitations at application appointment centers, fewer new filings in FY21 will be ready for processing within the asylum reform time requirements. Together, these circumstances limit the ability to assign most available staff to asylum reform processing.

Batch Interview Scheduling Priorities:

The interview priorities detailed in the memo *Changes to RAPS Batch Scheduling Priorities* (Jan. 30, 2018) remain largely unchanged by this guidance. Offices are expected to continue to prioritize rescheduled interviews and LIFO cases as defined by the memo. The automated scheduling priorities, as restated below, will remain unchanged. Scheduled cases will still require either fingerprint results in Global or have a biometrics appointment scheduled at the ASC with an appointment date before the potential interview date. Most Priority 2 and Priority 3 applicants may not have biometric appointments within 21-days, and will not be selected by the

¹ 59 Fed. Reg. 62,284 (1994)

² 35 Fed. Reg. 38,532, June 26, 2020 (effective Aug. 25, 2020), expanded the employment authorization waiting period to 365 days

³ Exec. Order No. 13,991, 86 Fed. Reg. 7045 (Jan. 20, 2021), "Protecting the Federal Workforce and Requiring Mask-Wearing"

Affirmative Asylum Scheduling Procedures

automated scheduler for an appointment. In FY21 Q1, many scheduled cases have been from the affirmative asylum backlog due in part to the modified schedule being used at Application Support Centers (ASC) to process biometric requests.

Interview Priority and Sort Code	Days Since Filing	Other
1	Any	Rescheduled
2	21 or less	n/a
3	22 to 100	
4	101 or more	

Case Review of Cases Filed in FY2014 or Earlier

We have identified approximately 2,000 cases nationwide that should be prioritized for individualized case review. For these cases, it may be possible to administratively close the I-589 application without an interview. In reviewing the longest pending cases for interview, offices should take steps to identify cases belonging to individuals who may no longer be seeking asylum with a case file review of the longest pending cases. If the applicant is represented, the asylum office should consider contacting counsel to determine whether the applicant is prepared for an interview and intends to pursue their asylum claim.

During the case review, offices should also determine whether the asylum applicant has not contacted USCIS recently and may have abandoned their claim. Applicant records should be reviewed to determine if the applicant may have naturalized or adjusted to lawful permanent resident status through an unrelated application or petition.

Other attributes of the case may indicate that some individuals may no longer be pursuing asylum and may not be present in the United States. Offices should explore ways to resolve groups of cases for which the applicants may no longer be pursuing their requests for asylum. One option might be to schedule asylum interviews for applicants who have not applied for an employment authorization document (EAD) in two years. Asylum offices may also consider soliciting requests for an interview from the oldest pending cases through a mailing to the applicant's representative or the applicant's last address. This approach would allow offices to scale the volume of interviews to existing capacity and also provide a more reliable way to determine whether applicants will appear for the interview.

Interview Scheduling

During the remainder of FY21, asylum offices should assign approximately 10% of all interviews to cases that were filed in FY14 or earlier. Offices currently using the automatic scheduler to assign interviews can continue that practice for most interviews. Cases identified from the backlog cases filed in FY14 or earlier should be manually scheduled further than 21 days out. These manually scheduled cases will encumber the interview slot before the automated scheduler automatically assigns these interviews. If any offices are manually scheduling all

Affirmative Asylum Scheduling Procedures

cases, a proportion of new interviews should be scheduled for backlog cases filed in FY14 or earlier.

The Scheduling of Priority 2 Cases

Priority 2 cases are new applications received in 21 days or less and have either fingerprint results in Global or have a biometrics appointment scheduled at the ASC with an appointment date before the potential interview date. Offices should review cases scheduled by Global for a future interview to confirm that new asylum filings are being scheduled for an interview if a biometrics appointment has been assigned. Since asylum offices reopened to the public on June 4, very few Priority 2 cases have been scheduled for interview. A review of system records and an exploration of operational changes suggest that the low level of Priority 2 and Priority 3 interviews may be related to modified operations at the Application Support Centers and the delay in scheduling biometrics appointments. Hopefully, by having offices review cases that fall into Priority 2, the extent of the problem may be better understood, and offices may be able to manually schedule some of these cases that were not selected by the automatic scheduler.

Attachment

Analysis of Affirmative Asylum Scheduling in FY21¹

January 13, 2021

(b)(5)

The January 30th memorandum established four priority categories that would determine the method affirmative asylum interviews would be scheduled in RAPS and later continued in Global. The interview scheduling priority categories are as follows:

1. Rescheduled interviews, from newest filing to oldest
2. Cases beginning with those aged 21 days since filing date and working towards the newer cases
3. Cases between 22 and 100 days from the filing date, from newest to oldest
4. Cases over 100 days from the filing date, from newest to oldest

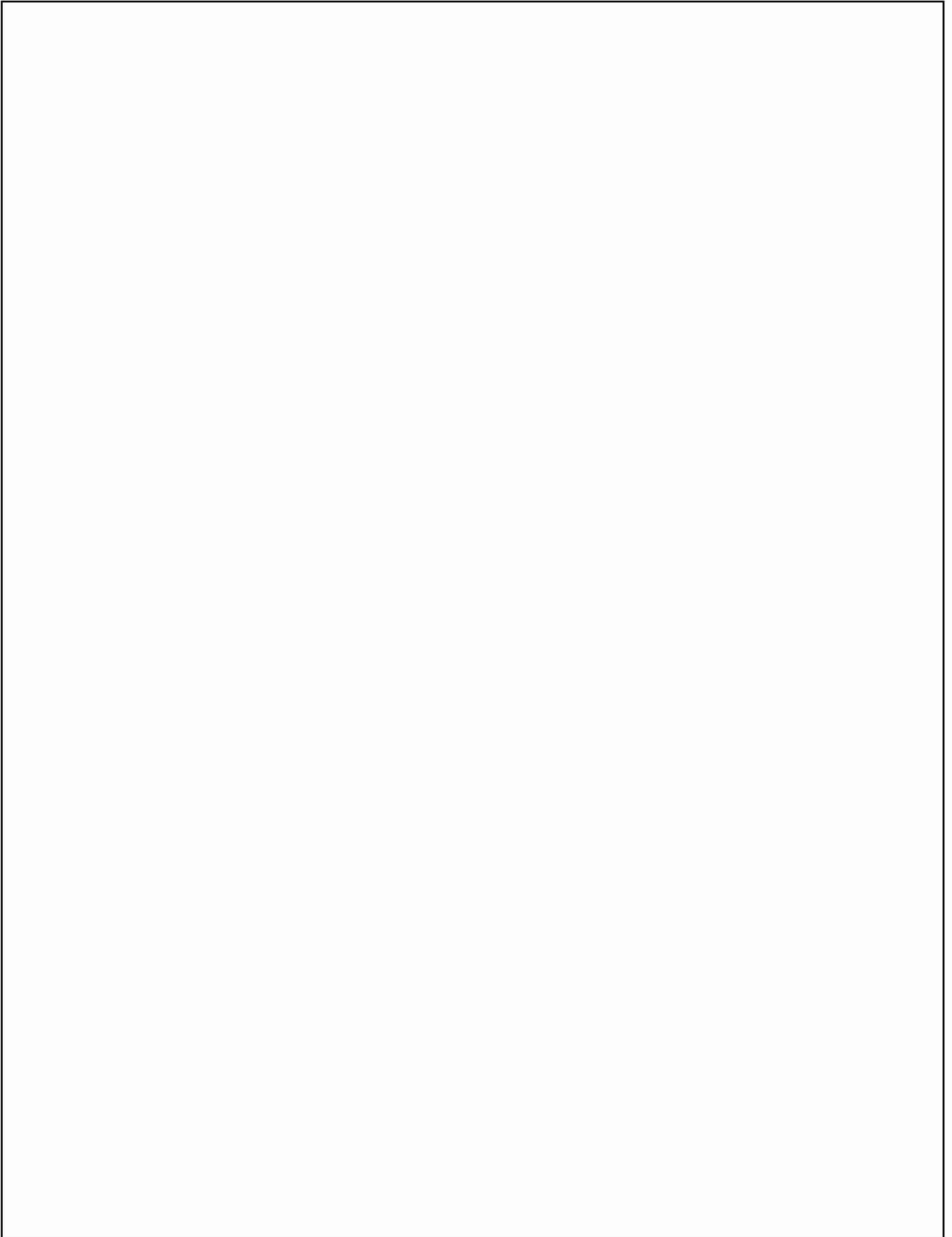
The timely interview and adjudication of new affirmative asylum claims is a key component of the asylum process. The asylum determination process was established to be resolved within 180 days of the initial filing. Asylum applicants who must wait longer than this period are allowed to work, through the issuance of a work authorization document, in order to avoid becoming dependent on public benefits.³ In 2020 Q4, the waiting period for work authorization was changed from 180-days to 365-days. In relation to this EAD eligibility period, the timely processing of new affirmative asylum cases prevents non-successful asylum claimants from becoming eligible for an EAD document. Failure to maintain the timely processing of new cases typically results in the increase in applications filed by individuals primarily seeking work authorization in the United States.

¹ The data in this analysis is preliminary in nature and is subject to change following further review.

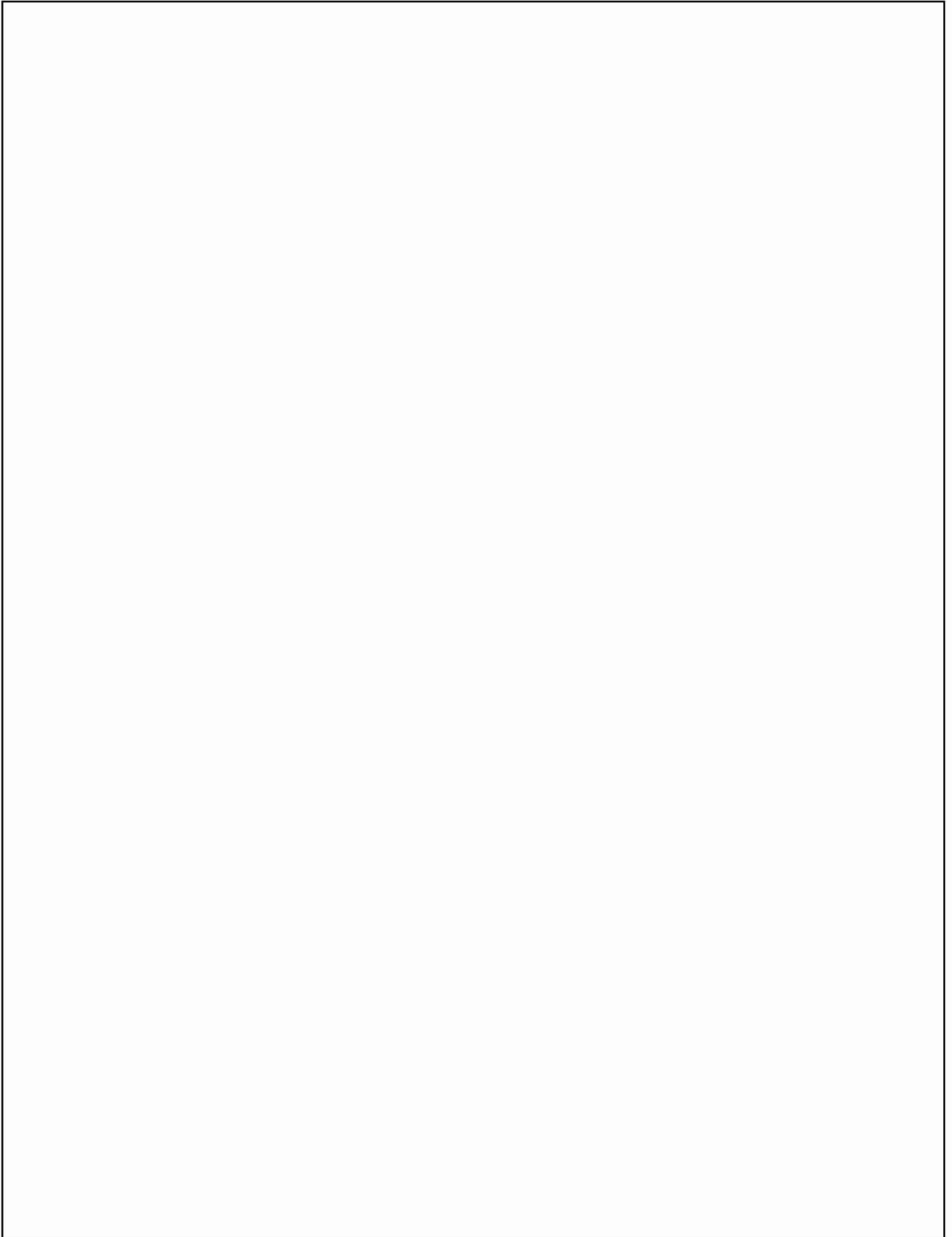
² 8 USC 1158(d)(5)(a)(ii)-(iii)

³ Refugee Act of 1980 (H. Rept. 96-781)

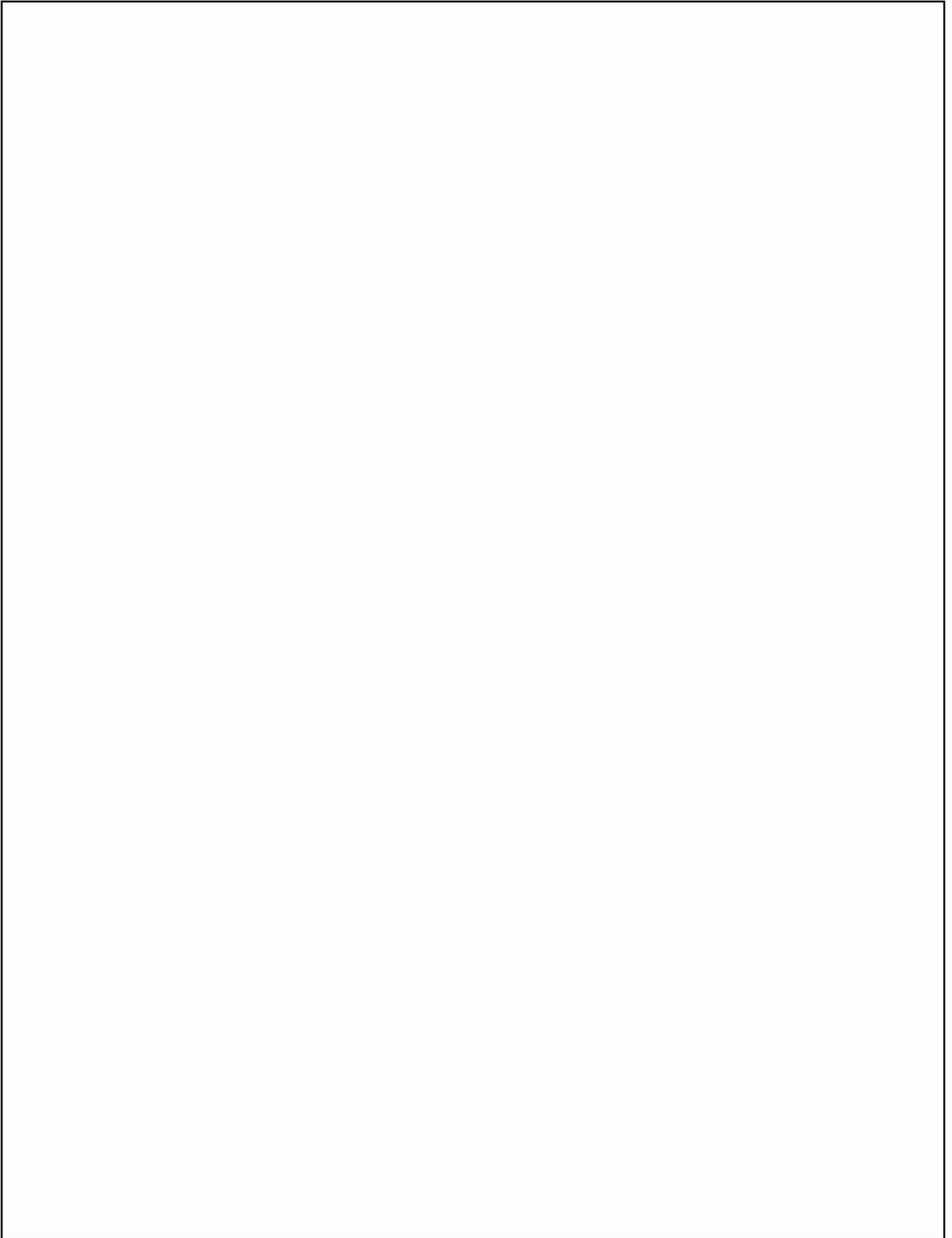
(b)(5)



(b)(5)



(b)(5)



(b)(5)

