



Asylum Interview Preparation Guide – Supplement on Bars to Asylum

Additional Guidance on Bars to Asylum for Afghan Applicants

1) Resources on Bars to Asylum

- a) Become familiar with the USCIS TRIG Situational Exemptions, here:
 - i) [Terrorism-Related Inadmissibility Grounds \(TRIG\) - Situational Exemptions | USCIS](#)
 - ii) [DHS and DOS Announce Exemptions Allowing Eligible Afghans to Qualify for Protection and Immigration Benefits | Homeland Security](#)
 - iii) [New Exemptions to Terrorism-Related Inadmissibility Grounds to Aid Afghan Allies | Catholic Legal Immigration Network, Inc. \(CLINIC\) \(cliniclegal.org\)](#)
- b) Watch the following trainings:
 - i) [TRIG training with PALA - Campaign \(supporthumanrightsfirst.org\)](#)
 - ii) [Affirmative Asylum for Afghan Nationals | VECINA \(teachable.com\)](#) (Bars to Asylum section)
- c) Review the bars materials found in the Project Afghan Legal Assist (PALA) Dropbox folder:
 - i) [Dropbox - 8. PREPARING FOR THE INTERVIEW](#)

2) Events/incidents that might trigger TRIG questioning:

- a) Actions that could be viewed as “assisting” the Taliban in encounters with the Taliban, such as when passing through Taliban check points
 - i) Interview questions:
 - (1) What did you/your family give to the Taliban?
 - (2) What did the Taliban take?
 - (3) What information did the Taliban request?
 - (4) What information did you/your family give to the Taliban?
 - (5) Did you do anything for the Taliban?

- b) Taliban take / steal any items from applicant or applicant's family
 - i) Even if items of minimal value, such as blankets stolen from a car, can trigger questions
 - ii) Items left on buses during evacuation, such as computers, other personal property – questions: What happened to your computer? Did the Taliban take it? (If you do not know, answer, “I do not know.”)
 - c) Remittances sent to family/friends in Afghanistan
 - i) If applicant sent money to others Afghanistan specifically to be used to pay bribes to the Taliban, could trigger material support bar – if you have this scenario, contact your Tahirih mentor attorney.
 - ii) Interview questions:
 - (1) Who did you send the money to?
 - (2) How much money did you send?
 - (3) How often do you send money?
 - (4) What was the money used for?
 - (5) Was it used to pay utilities? If so, were the utility payments made directly to the Taliban government, or to a third-party company that contracts with the government?
 - d) Incidents of Taliban arrest, detention, interrogation and torture of applicant or family members
 - i) Interview Questions:
 - (1) What do you know about this incident?
 - (2) What questions did the Taliban ask your family member?
 - (3) What information were they attempting to elicit?
 - (4) What information did your family member give to the Taliban?
 - (5) Who did your family member turn over to the Taliban? How? What happened to them?
 - e) Family members worked for former Afghan government after Taliban takeover in August 2021
- 3) **General advice on bars questions for applicants:**
- a) Answer the questions to the best of your knowledge only, if you do not know, state that you do not know. Do not speculate.
 - b) Be forthcoming, but answer the questions in yes/no form, unless specifically requested to provide additional information.

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4) **General advice on bars issues for pro bono attorneys:**

- a) Bars questioning could take up to two hours, and could comprise the majority of the interview.
- b) Bars questioning is often in yes/no format – the officer is likely hoping that no bars will be triggered, so answer the questions but do not offer additional content that could lead to further questions.
- c) Officers may have clearance to approve the claim but for any bars that arise. If a bar arises, in order to apply an exemption if one exists, the officer has to first find that a bar applies, and then find that an exemption applies, and apply that exemption. As the attorney, do not concede that a bar applies. Rather, make an “in the alternative” argument about an exemption in the event of a finding that a bar applies.
- d) If the officer finds that a bar applies, and the case needs an exemption, it will likely result in an adjudication delay. The case will likely get delayed in supervisory or headquarters review.
- e) Prepare your clients for bar questions. Screen for any bar issues present in the case. Get the facts beforehand and prepare your clients to answer questions consistent with exemption eligibility.
- f) Bars to the applicant can only be triggered by the applicant’s own conduct. However, questioning about bars may extend to the applicant’s family members, even extended family, friends, and even acquaintances.
- g) Take thorough notes on all questions asked in case your client is called back for a second interview related to bars, or the client is issued a Notice of Intent to Deny, or the decision is delayed.
- h) If the Asylum Officer believes a bar to asylum may apply, the officer may prepare a written transcript of the applicant’s testimony on the bar and any exemptions that may exist for the bar. If this happens in your client’s interview, you will have the opportunity to review the statement for accuracy before the officer finalizes it and has the client sign it. Make sure that you are taking very detailed notes during this portion of the interview, because the officer will give you the opportunity to make corrections to his or her transcript of the client’s testimony related to the bar. If the officer makes the client sign a sworn statement related to a bar, ask for the opportunity to submit a written closing statement. If the officer refuses, ask to make an oral argument in that moment. Argue first that the client is not barred, and second, in the alternative, that an exemption to the bar would apply. It would help to have a print out of the various exemptions to the material support bar in case you need to argue this in the moment. If this scenario takes place in your client’s interview, contact your Tahirih Mentor Attorney for support.

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