

From: Ho, Cheri L
Sent: Friday, April 09, 2021 10:41 AM
To: RALDGroup
Subject: FW: Asylum Office Backlogs

FYI

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From: [REDACTED]
Sent: Friday, April 9, 2021 8:00 AM
To: ZSF STAFF - CIS [REDACTED]
Subject: Asylum Office Backlogs

Protection Postponed: Asylum Office Backlogs Cause Suffering, Separate Families, and Undermine Integration

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April 09, 2021

Protection Postponed: Asylum Office Backlogs Cause Suffering, Separate Families, and Undermine Integration

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The Biden Administration has inherited a large and growing backlog of asylum claims. As of September 2020, more than [386,000](https://www.uscis.gov/sites/default/files/document/reports/Quarterly_All_Forms_FY2020Q4) (https://www.uscis.gov/sites/default/files/document/reports/Quarterly_All_Forms_FY2020Q4) applications were awaiting adjudication by the Asylum Division of U.S. Citizenship and Immigration Services (USCIS). This backlog exploded under the Obama Administration, which [increased](https://www.vox.com/2014/4/9/5575006/2-million-immigrants-have-been-deported-under-obama) (<https://www.vox.com/2014/4/9/5575006/2-million-immigrants-have-been-deported-under-obama>) the use of expedited removal and redirected asylum officers from adjudicating asylum cases to instead conduct fear screenings. Over the past four years, the backlog continued to grow as the Trump Administration diverted Asylum Division resources to block and turn back refugees seeking U.S. asylum protection – in violation of U.S. laws and treaty obligations.

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[HTTPS://WWW.HUMANRIGHTSFIRST.ORG/SITES/DEFAULT/FILES/PROTECTION_PO](https://www.humanrightsfirst.org/sites/default/files/protection_postponed_asylum_office_backlogs_cause_suffering_separate_families_and_undermine_integration.pdf)

As a result, refugees face catastrophic, years-long delays to receive an asylum interview. Although U.S. law (<https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-1687.html>) requires the government to conduct asylum interviews within 45 days of filing, many asylum seekers – including those who filed applications during the Obama Administration – have waited years. They are trapped in legal limbo without permanent status and are often subjected to prolonged separation from their families, including many who are living in danger abroad. While waiting, asylum seekers are often unable to pursue educational opportunities or secure employment, all the while living in fear that they could be deported to persecution or torture.

The backlog coincides with record levels of global refugee displacement. At the end of 2020, the U.N. Refugee Agency (UNHCR) reported that more than 26 million refugees were displaced (<https://www.unhcr.org/refugee-statistics/>) worldwide, including refugees from Cameroon, Central African Republic, China, El Salvador, Eritrea, Guatemala, Honduras, Nicaragua, Russia, Syria, South Sudan, Venezuela, and Yemen, as political repression, civil conflicts, and other violence forced people to flee their homes in search of protection. For instance, since 2014, political violence in Venezuela has led to an 8,000 percent (<https://www.unhcr.org/en-us/venezuela-emergency.html>) increase in the number of Venezuelans seeking refugee protection worldwide, with over 100,000 (<https://data2.unhcr.org/en/situations/vensit>) Venezuelans seeking refuge in the United States. Since September 2016, Venezuelans (<https://fas.org/sgp/crs/homesec/R45539.pdf>) have filed more affirmative asylum applications each month with USCIS than asylum seekers of any other nationality.

Despite these acute needs, U.S. policies and practices are forcing more asylum seekers to wait even longer to receive protection as Asylum Division resources are diverted to implement harsh and flawed border policies, including the expansive use of expedited removal. In fiscal years (FY) 2016 and 2019, an astounding 89 percent (https://www.dhs.gov/sites/default/files/publications/20_0630_cisomb-2020-annual-report-to-congress.pdf) of asylum officers were temporarily reassigned from adjudicating affirmative asylum to other duties, including screenings for asylum seekers placed in expedited removal as well as those subjected to the Trump Administration's illegal policies to block refugees at the southern border, such as the Migrant Protection Protocols (<https://deliveredtodanger.org/>) (MPP) and Asylum Cooperative Agreements (<https://www.hrw.org/report/2020/05/19/deportation-layover/failure-protection-under-us-guatemala-asylum-cooperative>) (ACA).

At the same time, USCIS's decision to prioritize more recent applicants – the so-called “last in, first out” (<https://www.uscis.gov/uscis-to-take-action-to-address-asylum-backlog>)” (LIFO) policy – has failed to reduce the backlog, essentially freezing those already waiting for interviews while adding new asylum seekers to the backlog each year. During the COVID-19 pandemic, the backlog has continued to expand and wait times have grown even longer.

This report, which builds on Human Rights First's prior [research](https://www.humanrightsfirst.org/resource/balance-backlogs-delay-protection-us-asylum-and-immigration-court-systems) (<https://www.humanrightsfirst.org/resource/balance-backlogs-delay-protection-us-asylum-and-immigration-court-systems>), examines the human impact of the backlog through interviews with our asylum clients who have been waiting years for asylum office interviews. It also analyzes government policies and data to explain underlying causes of the backlog, challenges it poses, and opportunities to resolve it.

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“Human Rights First is a premier institution devoted to the noblest of all causes. ” — *Senator John McCain (R-AZ)*



Protecting our Allies



Keeping the Door Closed on Torture

From: Asylum Chief
Sent: Monday, February 08, 2021 9:39 AM
To: RAIO - Asylum HQ Leadership; RAIO - Asylum Field Office Managers; ASM HQ Supervisors; RAIO - Asylum HQ; RAIO - Asylum Field Office Staff
Subject: FY21 Key Initiatives and Workload Goals - End of Q1 Status Update
Attachments: FY2021 Asylum Division Annual Plan 11.23.20.pdf; FY21 Key Initiatives and Workload Goals - End of Q1.pdf

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Colleagues,

On November 23, 2020, I issued the Asylum Division's Fiscal Year 2021 Annual Plan. The Annual Plan featured a comprehensive list of key initiatives and workload performance goals. As I noted at that time, the goals and initiatives described in the plan are indicative of my view that our organization cannot be one-dimensional. For it to be effective, our organization should set milestones and markers reflective of its core values that shapes both its present state and what it aspires it to be.

I am proud to report that we have made considerable progress on the key initiatives and workload performance goals outlined in our Annual Plan. As a division, we have every reason to take pride in what we have accomplished so far. In addition to expressing my gratitude for the remarkable dedication, flexibility, and professionalism demonstrated by our division on a continuous basis, I also want to encourage each of you to embrace new opportunities on the horizon for us to work collectively to achieve our goals. I have attached the Annual Plan and a document that outlines the end of Q1 status for each initiative and goal. I encourage you to review both documents and to speak to your supervisor or office leadership if you have any questions.

I will continue to update you on our organization's progress throughout the year and will continue to share any information we have regarding any forthcoming changes or impacts to our work. To that end, Ashley and I will be virtually participating in at least one town hall in each field office between now and the end of FY 2021. We are look forward to discussing our organization and hearing your ideas, suggestions, and concerns.

Thanks,

Andrew



U.S. Citizenship and Immigration Services

ASYLUM DIVISION

ANNUAL PLAN

Fiscal Year 2021

November 23, 2020

INTRODUCTION

The Asylum Division (ASM) adjudicates affirmative asylum applications for people who are already in the United States and, generally, are not already in removal proceedings. ASM also adjudicates applications to suspend deportation or cancel removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and processes domestic I-730 follow-to-join petitions filed by refugees for their family members.

Additionally, ASM conducts credible fear screenings for people placed in expedited removal; reasonable fear screenings for people subject to final administrative removal orders or reinstatement of prior removal orders; screenings for people processed under the Migrant Protection Protocols; and screening functions under bilateral asylum cooperative agreements.

In performing this work, ASM preserves the integrity of its processing by incorporating mandatory biographic and biometric security checks and working in conjunction with Fraud Detection and National Security teams in each of its offices and jurisdictions.

For FY 2021, ASM is authorized a total of 1,709 staff. As of PP21, the ASM's onboard rate is 97%. ASM is composed of Headquarters (HQ), 10 field offices, 1 sub-office, 1 asylum pre-screening center, and one intake and vetting center. There are also embedded Fraud Detection and National Security staff throughout HQ and the field components. Currently, the total FDNS staff authorized for ASM is 133. As of PP21, the onboard rate for FDNS personnel in the ASM is 86%.

FY 2021 STRATEGIC PLAN

The purpose of this document is to outline the fiscal year (FY) 2021 key initiatives and organizational goals. The priorities laid out in this strategic plan are in alignment with the USCIS Strategic Plan 2019-2021 and the Refugee, Asylum and International Operations (RAIO) Operating Plan. Key initiatives and organizational goals were developed in consultation with field and HQ leadership and were informed by larger RAIO initiatives focused on employee engagement, inclusivity, and organizational health. They were also informed by recommendations by external stakeholders such as the Government Accountability Office (GAO), among others.

To that end, ASM management aims to provide its staff with the training and tools necessary to accomplish our work, as well as the opportunity to provide input on how we do our work, so that we may most effectively and efficiently accomplish our mission. Throughout the year, ASM management will, in conjunction with RAIO efforts, continue to provide opportunities for employee development and engagement, and will work with all staff to identify ways to increase employee engagement and retention. Six of our key initiatives are directly linked to the USCIS goal to strengthen our investment in an empowered workforce, while many others are aimed at improving guidance, training, and case processing. As we advance our mission through this annual plan, ASM management also reaffirms our intent to practice the [RAIO Collective Commitments](#), and we invite our employees to do the same. Together, we can foster a workplace where all feel respected, empowered, and supported.

ASM will publish its progress on the key initiatives and goals outline in this document on a quarterly basis.

FY 2021 KEY INITIATIVES

A key initiative is defined as a project aimed to improve operations, opportunities, and/or organizational health. While there are several other projects the ASM hopes to accomplish in FY 2021, the 27 key initiatives included in this list are being prioritized for resources largely because of their potential to support field operations and staff. It is imperative that our field staff have access to the best tools, training, and guidance we can provide for them to be successful in carrying out our mission. Similarly, it is in the organization's interest to invest in our employees and to seek out ways we can increase job satisfaction thereby improving the long-term health of our organization.

The key initiatives are categorized by the USCIS strategic goal to which they are linked but are not in any priority order. In addition to these implementing the initiatives below, we are committed to providing support to RAIO leadership on the RAIO goals for FY 2021, including, but not limited to, participation in RAIO Ignite, RAIO Thrive, the Daring Leaders Program, and the RAIO Employee Strategy Council.

USCIS Goal 1: Strengthen our investment in an empowered workforce to better accomplish the agency's mission

Initiative
1. Implement components of an Asylum Officer (AO) retention plan that was developed in FY20, including Stay Interviews, Exit Surveys, and Asylum staff job satisfaction surveys to inform management policies and improve job satisfaction across the Directorate. Evaluate the performance of these initiatives and extend to other positions.
2. Finalize nationwide Asylum Pre-Screening Officer (APSO) module and develop standardized field ramp up programs for Division-wide implementation.
3. Develop, administer and analyze results of National Asylum Training Needs Survey.
4. Work collaboratively with HQ Branches and field offices to develop and implement a National Training Curriculum that will provide field training officers with a framework of essential trainings that are to be delivered throughout the fiscal year.
5. Finalize nationwide APSO module and develop standardized ramp-up programs, as well as a pre-deployment training for offices assigned to interview and screen family units.

6. Develop and implement an electronic-based communications framework that provides information and updates to the workforce in an engaging and attractive format.

USCIS Goal 2: Safeguard the Homeland by deterring, detecting, and addressing vulnerabilities in the immigration system

Initiative
7. Implement action items identified in the fraud risk assessment that was recommended by the GAO in GAO-16-50, "ASYLUM: Additional Actions Needed to Assess and Address Fraud Risks."
8. Develop and implement a plan to assess, track, and evaluate fraud indicators, as well as increase interagency cooperation with respect to boilerplate claims in credible fear cases.
9. Conduct a review of the Enhanced FDNS Review process and implement appropriate procedural changes.
10. Draft and release at least 4 pieces of written guidance on FDNS procedures.

USCIS Goal 3: Ensure fair and efficient adjudication of benefits and delivery of information

Initiative
11. Pilot the RAIO Ignite Policy Sync Concept.
12. Fully integrate all affirmative asylum decision types into the assessment generator, so that the tool can assist AOs with efficiently drafting legally sufficient, consistent, and high-quality assessments for all case types.
13. Evaluate results of periodic review following issuance of updated Credible Fear Checklist, make modifications as needed to format/substance of checklist, and assess whether additional training is needed.

14. Conduct a review of I-589 cases that evaluates the impact and/or effectiveness of efforts to bring better quality and consistency to this caseload such as the use of the Assessment Generator and changes to mandatory supervisory review.

15. Schedule and plan RAIO QA review of RF cases.

16. Continue to evaluate and recommend updates to field AO performance management guidance, tools, and forms to ensure the entire body of work is considered, including work on newer application types such as I-730s.

17. Collaborate with RAIO Training and IRAD in development of RAIO Foundations, the re-designed Directorate training. Develop decision writing legal analysis components for I-589 module. Facilitate development of eliciting testimony curriculum for Virtual Foundations. Review course materials.

USCIS Goal 4: Continuously improve key processes, programs, and systems

Initiative
18. Begin research and development on a machine learning model to predict case complexity to inform a “smart” scheduling system to maximize efficiency of interview scheduling.
19. Complete remaining GAO recommendations issued in GAO-20-250, “IMMIGRATION: Actions Needed to Strengthen USCIS’s Oversight and Data Quality of Credible and Reasonable Fear Screenings.”
20. Design and implement an ECN-based tool to facilitate communication and transparency between and across Asylum Offices and Headquarters in support of personnel and recruitment requests.
21. Plan and develop an orderly transition of intake and adjudication of I-730 FTJ-A from SCOPS to RAIO.

22. Work with Public Engagement Division to develop a process to receive, answer and post publicly responses to national stakeholder questions.

23. Utilize hiring freeze exemption process to ensure mission-critical positions are filled and that ASM retains near 100% staffing to the degree possible, as permitted by Agency policy. If, and when the hiring freeze is lifted, monitor field recruitment efforts to ensure all available tools are being effectively utilized to keep the Division above 90% onboard.

24. Partner with Office of Information Technology to operationalize the initial MVP phase of the I-589 e-processing initiative and continue working on e-processing initiatives for I-589 and fully participate in USCIS directives to actualize e-processing.

25. Continue to monitor needed interpreter services, particularly for rare languages and to implement the Temporary Final Rule, evaluate effectiveness of current contractual vehicles, and engage with the Office of Contracting to procure more interpreter services as needed to meet the Division's needs.

26. Assist the Asylum Vetting Center (ZGA) with developing locally filed application process and piloting intake procedures.

27. Leverage technology and process improvements to allow AOs to conduct affirmative asylum interviews remotely via telework and to enable attorneys to participate remotely in affirmative interviews.

WORKLOAD PERFORMANCE GOALS

The workload performance goals are operational workload goals associated with ASM's mission. In FY 2021, the ASM will have six organizational goals. ASM HQ and field offices will monitor progress against these goals using standardized reports.

Measure	Performance Target
1. Average Days for Processing All Credible Fear Referrals	≤ 14.0 calendar days
2. Average Days for Processing All Reasonable Fear Referrals	≤ 10.49 business days
3. Affirmative Asylum (I-589) Completions	$\geq 34,000$
4. Affirmative Asylum (I-589) Post-Interview Completion Rate (Home Office) for cases filed since June 4, 2020.	$\geq 50\%$ completed in 20 days or less
5. Average Days for Processing Migrant Protocol Referrals	≤ 1.0 days
6. Actionable I-881s Pending Six Months or Less (I-881 Six-Month Real Cycle Time)	$\geq 70\%$

FY2021 WORKLOAD OUTLOOK

FY 2021 promises to be a challenging year that demands maximum adaptability and the potential for significant changes in receipts. The organizational goals outlined above are informed by revised volume projections, onboard staffing levels, and each office's ability to maintain local operations consistent with social distancing protocols and practices. The goals are ambitious but are also calibrated to the current operational environment taking several factors into account.

The timely processing of border screenings, to the extent in which they are received, continues to be the highest priority for ASM. As in years past, those caseloads need to be sufficiently staffed first, leaving whatever staffing remains for affirmative asylum processing.

The USCIS Volume Projections Committee (VPC) originally set the number of credible fear referrals at 75,000 credible fear and 13,500 reasonable fear referrals. Actual credible fear receipts have been recorded at much lower levels at the end of FY20 and are expected to continue at these rates into FY21. COVID-19 travel restrictions continue to be in place as of October 1st and it is anticipated these restrictions will continue to have a significant impact on the volume of border screening referrals. Consequently, Q1-Q2 border screening projections have been adjusted, bringing the projection for credible fear down to 22,000 cases in the first of FY21, a reduction of 30%.

Reasonable fear receipt levels have continued to trend high, and as a consequence, the original projection of 13,500 cases has been retained. The level of Migrant Protection Protocol (MPP) cases has been held at the original FY21 projection of 18,400 over the course of FY21. The drop in border workloads from the original projections allows more staff to be assigned to affirmative asylum caseloads, resulting in affirmative asylum cases being a higher proportion of the Division's overall completions.

ASM is projecting that offices will complete approximately 34,000 affirmative cases against a projected 95,000 affirmative asylum receipts. These case completion projections have been used to set each asylum office's annual performance goal for affirmative asylum processing. As in years past, interviewed and uninterviewed completions are treated the same towards each office's success in achieving the performance goals. The I-589 targets for the individual asylum offices are:

Office	FY 2020 Actual	FY 2021 Target ¹
ZAR / ZAC	5,167	3,271
ZBO	1,715	1,071
ZCH	7,629	5,354
ZHN	4,752	3,141
ZOL	1,797	1,537
ZLA	7,140	3,612
ZMI	7,292	4,583
ZNK	7,376	3,349
ZNY	7,677	4,500

¹ Completion targets can be reached by any combination of adjudicated and unadjudicated completions. The completion details included in the Plan and Projections are based on expected trends and staffing and are not intended as separate targets.

ZSF	5,205	3,463
<i>Total</i>	55,750	33,881

In FY16, two goals were adopted to target the timely completion of affirmative asylum interviews. In the intervening years however, the overwhelming demands of border screenings diverted the majority of staff and processing expectations towards credible fear and other southwest border workloads. FY21 presents a renewed opportunity to focus sufficient resources on affirmative asylum processing and to raise achievable expectations to meet the processing timelines inherent to the affirmative program.

In FY21, all offices will be expected to complete at least 50% of interviewed cases within 20 days, counting from the first day following the interview, for cases processed at a local asylum office. This goal aligns with the statutory expectation that affirmative asylum cases be completed within 180 days of filing, including subsequent proceedings for cases referred to immigration court. To meet this target, it will be imperative that offices utilize their resources and monitor workloads in order to complete interviewed cases in a timely manner to prevent the development of a post-interview backlog. The target rate has been set to only 50% to allow offices to complete aged cases that have already been interviewed.

In accordance with standard operating procedures, most asylum applications would be completed with a decision issued to the applicant at a pick-up appointment within two weeks of the asylum officer interview. However, with social distancing measures, all pick-up appointments have been suspended, and instead decisions are being mailed to applicants. New reports are being developed to help offices and headquarters staff monitor whether we are still able to mail decisions within two weeks of the interview. Initially, this target will be reviewed using available SMART reports with a focus on ensuring the target is reasonable and sufficiently accounts for delays outside of an office's control. The goal will be subject to change as more data becomes available.

Lastly, ASM has factored in approximately 385 new NACARA 203 applications and 1,739 terminations this year.

Ultimately, we recognize COVID-19 and the ongoing budget shortfall create a potentially dynamic and fluid situation that may pose distinct new challenges. As such, offices will need flexibility to adapt to changing situations, and office directors have discretion to assign asylum office staff in the manner deemed most effective to reach the performance goals. These goals will be reviewed and considered for adjustments each quarter. If the workload projections or other intervening requirements demand an adjustment of these organizational goals, they will be changed consistent with those new realities.

Affirmative Asylum Backlog

In the past year, USCIS and ASM made significant strides towards achieving the necessary staffing levels, facility footprint, and procedural efficiencies in order to better position itself to reduce the backlog of pending affirmative asylum cases. At the beginning of Q2 FY20, trends suggested the

backlog could be eliminated in several offices within the next two years and significantly reduced nationwide. Intervening events in FY20 – including the March 18th office closures and the introduction of our critical social distancing policies which are of paramount importance – ended the immediate prospect of reducing the pending affirmative asylum caseload in the near term. Since March 18, the pending caseload has grown from 353,370 to 386,207. ASM projects the continuation of current receipt levels for FY21, and the pending caseload is expected to reach 400,000 in Q1. Steps are being taken to introduce procedural changes that will allow offices to handle more cases while preserving social distancing practices. If these steps are successful, the annual goals and underlying plan may in the coming months be revised to reflect the change in capacity realized by the new procedures.

In setting this year's affirmative asylum goals, it was understood that affirmative asylum case processing would continue to be significantly constrained by established social distancing protocols. Low volumes of protection screening referrals at the southwest border have also been factored into the FY21 outlook. On March 20, 2020 the U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC) issued an order under Sections 362 & 365 of the Public Health Service Act (42 U.S.C. §§ 265, 268), with subsequent amendments and extensions, suspending the introduction of certain persons from countries where a communicable disease exists. . While this order remains in effect and protection screening referrals remain at current levels , offices are expected to have resources to apply to affirmative asylum that were otherwise needed for border-related case processing.

Assumptions of Work-Rates and Workloads

ASM has established several important staffing and productivity assumptions. The percentage of unavailable staff is based on vacancy rate trends and other factors such as opportunities for professional development that temporarily divert staffing resources from production. These factors are collectively assumed to require 20% of authorized staffing. Carried over from FY20 is the assumption that, generally, AOs are assigned 16 interviews per pay period. ASM has maintained the staffing levels allocated to special projects at a national rate of 10% with one exception (ZLA). ZLA is responsible for adjudicating the Form I-730 Refugee Relative Petitions. To account for this work, the special project rate for ZLA has been increased by 20% in Q1 and Q2 and 10% in Q3 and Q4.

In June 2020, asylum offices began to conduct interviews under strict social distancing protocols. These health and safety measures are factored into each office's FY21 performance goals. The social distancing protocols require offices to conduct video-assisted interviews that allow applicants to sit separately from the AO as well as the applicant's attorney. The practices also limit the number of staff and applicants who may be present in an office, with restrictions tailored to the size and layout of each asylum office facility. The overall number of asylum interviews will continue to be limited due to social distancing practices although new procedures are being explored that may allow offices to increase interviews. In modeling the possible workloads under social distancing, the actual number of cases each office recorded since June was closely analyzed. These local trends informed the affirmative production estimate for FY21.

Staffing Allocations

For FY21, the nationwide authorized staffing level is 788 AO positions.² Staff may be redeployed either by arranging for temporary details from one office to the other, which would be coordinated by individual offices and overseen by HQ, or by the transfer of actual positions, which would be coordinated by HQ.

In FY20, offices completed a successful hiring surge that resulted in 100% onboard staffing across ASM. Due to expected attrition during and after this hiring surge, recruitment for the AO position was especially robust and resulted in an anticipated overstaffing of these positions in many offices.³ In FY21, office completion goals have been established based on authorized AO staffing with the expectation that newly vacant officer positions above authorized levels will not be backfilled with a new AO recruitment action. By allowing onboard officer levels to fall to what is authorized, we expect officer staffing levels to match authorized staffing over time. The staffing redistribution is summarized in the table below:

FY 2021 Asylum Officer Staffing Distribution

FY 2021	ZAR	ZBO	ZCH	ZHN	ZOL	ZLA	ZMI	ZNK	ZNY	ZSF
Onboard Staffing (Beginning FY21)	143	9	117	158	24	96	83	67	83	69
Authorized Staff (End FY21)	135	11	94	133	30	90	77	74	71	73

² Nationally, the asylum offices are authorized at 788 AO positions. Currently, the onboard AO staffing exceeds this level due to the additional selections that were made as part of the FY20 hiring surge.

³ While the hiring surge resulted in ASM being overstaffed in the AO position, it is not overhired above its authorized level for all positions.

FY 2021 ASYLUM DIVISION KEY INITIATIVES

End of Q1 Status

Note: All goals should be presumed to be on track and ongoing unless otherwise noted.

USCIS Goal 1: Strengthen our investment in an empowered workforce to better accomplish the agency's mission

Initiative		End of Q1 Status
1. Implement components of an Asylum Officer (AO) retention plan that was developed in FY20, including Stay Interviews, Exit Surveys, and Asylum staff job satisfaction surveys to inform management policies and improve job satisfaction across the Directorate. Evaluate the performance of these initiatives and extend to other positions.		The Asylum Division continues to monitor Exit Surveys to ensure field compliance with conducting exit surveys with departing employees. The Asylum Division piloted Asylum Officer stay interviews in December 2020 with 279 AOs participating. Every Asylum Division field office participated in the survey (except Tampa, which is still staffing up). Headquarters is currently analyzing the results of this project in order to develop a strategic retention plan to address factors revealed in the survey results which contribute to attrition and to strengthen those which foster retention. The Asylum Division anticipates extending stay interviews to other occupational groups in Q2. The Asylum Division completed the first Asylum Division Job Satisfaction Survey (ADJSS) in November 2020. The results are presently being analyzed. The survey will be administered on a quarterly basis to gather information to help improve our workplace continuously.

2. Finalize nationwide Asylum Pre-Screening Officer (APSO) module and develop standardized field ramp up programs for Division-wide implementation.	ASM HQ branches, in collaboration with RAIO Training, are in the process of creating training materials and practical exercises for all APSO adjudication types. Representatives from each asylum office participated in a roundtable discussing the draft APSO module and ramp up programs and feedback is being incorporated. Asylum office representatives to the APSO Working Group will begin in February to prepare local office materials in standardized format for the APSO module and ramp up. The APSO module and standardized ramp up is expected to commence in May 2021. These training modules are part of the redesigned RAIO Directorate Officer Training Program, a key Directorate-wide initiative.
3. Develop, administer and analyze results of National Asylum Training Needs Survey.	The administration of the 2021 Asylum National Training Needs Survey began on January 25, 2021, and must be completed by eligible participants no later than March 18, 2021. Each office will allocate two training sessions for the completion of the survey. HQ officers will also participate in the survey. The results will be analyzed and offices provided with a tailored report of their survey results before the close of FY21 Q4.
4. Work collaboratively with HQ Branches and field offices to develop and implement a National Training Curriculum that will provide field training officers with a framework of essential trainings that are to be delivered throughout the fiscal year.	Asylum HQ Branches have met to discuss the development of a national training curriculum. Early discussion centered on identification of topics, potential schedules and frameworks, and initial thoughts on how to leverage resources across asylum offices. These elements will be further defined in upcoming discussions that will include field representation and feedback on concepts. Development of the curriculum is targeted for FY21 Q4.

5. Finalize nationwide APSO module and develop standardized ramp-up programs, as well as a pre-deployment training for offices assigned to interview and screen family units.	The APSO module and standardized APSO ramp up development is discussed above at number 2. In conjunction with that development and in accordance with accepted GAO recommendations, training for those assigned to interview and screen family units is being updated and individuals performing interviews and screening of family units at FRCs will be required to complete the updated FRC training in advance of deploying to/conducting interviews of family units at the FRCs. The targeted completion date of this recommendation is March 31, 2021.
6. Develop and implement an electronic-based communications framework that provides information and updates to the workforce in an engaging and attractive format.	Asylum Headquarters developed and released a short-communications survey on 1/25/21 to determine staff's preference for the mode and content of communications. The response level to the survey was overwhelming and will be utilized to develop a communications tool soon.

USCIS Goal 2: Safeguard the Homeland by deterring, detecting, and addressing vulnerabilities in the immigration system

Initiative	Q1 STATUS
7. Implement action items identified in the fraud risk assessment that was recommended by the GAO in GAO-16-50, "ASYLUM: Additional Actions Needed to Assess and Address Fraud Risks."	A draft of the Fraud Risk Assessment is pending review with agency leadership.
8. Develop and implement a plan to assess, track, and evaluate fraud indicators, as well as increase interagency cooperation with respect to boilerplate claims in credible fear cases.	The working group created a new framework to identify potential boilerplate claims and is finalizing a training to strengthen officers' capacity to document negative credible fear determinations when boilerplate claims are made in credible fear

	cases. The working group also began to engage with interagency partners to discuss proposed changes to the process and increased cooperation. Next steps will be forthcoming.
9. Conduct a review of the Enhanced FDNS Review process and implement appropriate procedural changes.	Draft memo is pending with Directorate leadership.
10. Draft and release at least 4 pieces of written guidance on FDNS procedures.	The first of four pieces of guidance has been drafted and released. On November 29, 2020, HQ Asylum FDNS released a template and written instructions for a new Local Information Report (LIR) for Intelligence Research Specialists to use in drafting LIRs for use in Asylum Offices.

USCIS Goal 3: Ensure fair and efficient adjudication of benefits and delivery of information

Initiative	Q1 STATUS
11. Pilot the RAIO Ignite Policy Sync Concept.	The Asylum Division posted a detail announcement and made selections of two Policy Communicators who will develop and implement this pilot. The Policy Communicators will begin their detail in February and will receive background briefings on the Policy Sync concept, as well as training on human centered design principles. Additional updates will be provided on the pilot in future communications.

12. Fully integrate all affirmative asylum decision types into the assessment generator, so that the tool can assist AOs with efficiently drafting legally sufficient, consistent, and high-quality assessments for all case types.	As of Q1, all affirmative decision types are now included within the Assessment Generator tool except NOIDs which are still under development.
13. Evaluate results of periodic review following issuance of updated Credible Fear Checklist, make modifications as needed to format/substance of checklist, and assess whether additional training is needed.	ASM HQ solicited feedback from asylum officers and supervisory asylum officers regarding suggested modifications. Proposed modifications are currently on hold due to litigation (<i>Kiakombua v. Wolf</i>) challenging the CF checklist.
14. Conduct a review of I-589 cases that evaluates the impact and/or effectiveness of efforts to bring better quality and consistency to this caseload such as the use of the Assessment Generator and changes to mandatory supervisory review.	Asylum is planning a review of I-589 cases in April that will pull a double sample of cases. One that has been through SAO review and one that has not. This review will attempt to quantify the merit of mandatory SAO review. Additionally, the review will quantify and quality improvements seen in the use of the assessment generator and other innovations in adjudicating cases.
15. Schedule and plan RAIO QA review of RF cases.	ASM HQ, in collaboration with RAIO QA, anticipate that this will be completed in Q4, after the FY21 RAIO QA Affirmative review is conducted.
16. Continue to evaluate and recommend updates to field AO performance management guidance, tools, and forms to ensure the entire body of work is considered, including work on newer application types such as I-730s.	The Division released an updated AO Companion Guide and performance management forms in FY21Q1 and held a train the trainer session for field office POCs. In Q2, ZSF will pilot the use of a new database called Ephemeris. This database, developed by the Asylum Division and RAIO IDEA, works directly with Global to automate and streamline PPA data collection, including information for evaluation forms, biweekly reports, and the PPA workbook. This will be a valuable time-saver for AOs and SAOs. After the ZSF pilot concludes at the

	end of March, Headquarters will then roll out Ephemeris to remaining asylum offices. The Asylum Division created an initial draft of an I-730 Evaluation Form. Once finalized, this evaluation form will also be included in Ephemeris.
17. Collaborate with RAIO Training and IRAD in development of RAIO Foundations, the re- designed Directorate training. Develop decision writing legal analysis components for I-589 module. Facilitate development of eliciting testimony curriculum for Virtual Foundations. Review course materials.	The redesign of the RAIO Directorate Officer Training Program is underway with the inaugural RAIO Foundations Virtual training expected to commence on March 1, 2021. Representatives from each asylum office participated in a series of roundtables on various aspects of the Foundations training plan and feedback is being incorporated. More detailed information regarding the training will be disseminated in the coming weeks ahead of the launch.

USCIS Goal 4: Continuously improve key processes, programs, and systems

Initiative	Q1 STATUS
18. Begin research and development on a machine learning model to predict case complexity to inform a “smart” scheduling system to maximize efficiency of interview scheduling.	Early development efforts are underway. The IDEA Branch is currently drafting a proposal to outline data collection methods as well as developing code for data extraction.
19. Complete remaining GAO recommendations issued in GAO-20-250, “IMMIGRATION: Actions Needed to Strengthen USCIS’s Oversight and Data Quality of Credible and Reasonable Fear Screenings.”	Recommendations 2, 3 and 4 have been completed and USCIS has requested that the GAO close the recommendations. Recommendation 1 remains pending and is addressed above at number 5.

20. Design and implement an ECN-based tool to facilitate communication and transparency between and across Asylum Offices and Headquarters in support of personnel and recruitment requests.	Complete. The Asylum Division finalized the ECN-based tool, which has been fully operational and utilized by Asylum Offices since November 2020. The Division worked directly with field users to maximize the site's utility. Unless adjustments are needed, no further updates are expected.
21. Plan and develop an orderly transition of intake and adjudication of I-730 FTJ-A from SCOPS to RAIO.	Asylum HQ, with the support of RAIO APC, is engaged in discussions with SCOPS to scope out the work needed to complete this transition.
22. Work with Public Engagement Division to develop a process to receive, answer and post publicly responses to national stakeholder questions.	A draft report template is under review by Asylum leadership.
23. Utilize hiring freeze exemption process to ensure mission-critical positions are filled and that ASM retains near 100% staffing to the degree possible, as permitted by Agency policy. If, and when the hiring freeze is lifted, monitor field recruitment efforts to ensure all available tools are being effectively utilized to keep the Division above 90% onboard.	As of pay period 26 (which began on 12/31/2020), Asylum was overall at a 95% staffing level with 1624 of 1709 authorized positions filled. We are over our authorized onboard rate for Asylum Officers (797 or 770 positions filled for 104% onboard) and at 90% onboard or 130 out of 148 for Supervisory Asylum Officers. Headquarters has prioritized the new Tampa Asylum Office among those put forward for limited hiring freeze exemption requests. Of note, exceptions were granted for eleven adjudications and operations positions. Recruitment for the Tampa positions began the week of 1/19/21.
24. Partner with Office of Information Technology to operationalize the initial MVP phase of the I-589 e-processing initiative and continue working on e-processing initiatives for I-589 and fully participate in USCIS directives to actualize e-processing.	Global expects to finish necessary improvements and OIT expects to operationalize the initial MVP in approximately late February. Asylum HQ is working alongside RAIO IDEA to prepare training documents, policy, and procedure.

25. Continue to monitor needed interpreter services, particularly for rare languages and to implement the Temporary Final Rule, evaluate effectiveness of current contractual vehicles, and engage with the Office of Contracting to procure more interpreter services as needed to meet the Division's needs.	Asylum's Management Branch is working closely with the USCS Contracting Office in efforts aimed at correcting performance deficiencies with two interpreter services vendors. The vendors are working on detailed corrective active plans to address the deficiencies identified in December (namely unaccommodated call rates due to the lack of appropriate levels of cleared interpreter availability). Field staff are reminded and encouraged to continue updating the Interpreter Log in Global (with limited exceptions on the ECN log) with detailed entries demonstrating performance deficiencies when they occur. The HQ and field partnership in this area is essential to ensuring that vendors are held accountable under the terms of the contract.
26. Assist the Asylum Vetting Center (ZGA) with developing locally filed application process and piloting intake procedures.	Complete. As of November 2, 2020, ZGA began receiving locally filed applications. See the Special Instructions section of the Form I-589 landing page https://www.uscis.gov/i-589.
27. Leverage technology and process improvements to allow AOs to conduct affirmative asylum interviews remotely via telework and to enable attorneys to participate remotely in affirmative interviews.	Deployment delayed until Q2. The Global team has put the majority of the technology in place and the Division hopes to begin an initial pilot for AOs to conduct affirmative interviews via telework in late February 2021. Remote attorney participation will move into a pilot phase mid-February 2021.

WORKLOAD PERFORMANCE GOALS

The workload performance goals are operational workload goals associated with ASM's mission. In FY 2021, the ASM will have six organizational goals. ASM HQ and field offices will monitor progress against these goals using standardized reports.

Measure	Performance Target	End of Q1 Status
1. Average Days for Processing All Credible Fear Referrals	≤ 14.0 calendar days	10.5 calendar days
2. Average Days for Processing All Reasonable Fear Referrals	≤ 10.49 business days	3.6 business days
3. Affirmative Asylum (I-589) Completions	$\geq 34,000$	8,694
4. Affirmative Asylum (I-589) Post-Interview Completion Rate (Home Office) for cases filed since June 4, 2020.	$\geq 50\%$ completed in 20 days or less	73%*
5. Average Days for Processing Migrant Protocol Referrals	≤ 1.0 days	0.2 days
6. Actionable I-881s Pending Six Months or Less (I-881 Six-Month Real Cycle Time)	$\geq 70\%$	30%**

* For Fiscal Year 2021, the Division will measure this goal as the number of days from latest completed interview to the date of AO decision or administrative close in Global. Starting Fiscal Year 2022, the Division will measure this goal as the number of days from latest completed interview to service.

**It should be noted that the Asylum Division's capacity to interview NACARA cases, like all in-person interviews, has been severely limited due to COVID-19.



Backlog Reduction of Pending Affirmative Asylum Cases

REPORT TO CONGRESS ON

THE EFFORTS TO REDUCE THE BACKLOG OF ASYLUM APPLICATIONS,
WHILE ENSURING THAT ASYLUM APPLICANTS ARE PROPERLY REVIEWED
FOR SECURITY PURPOSES

Month XX, 2021

Fiscal Year 2021 Report to Congress

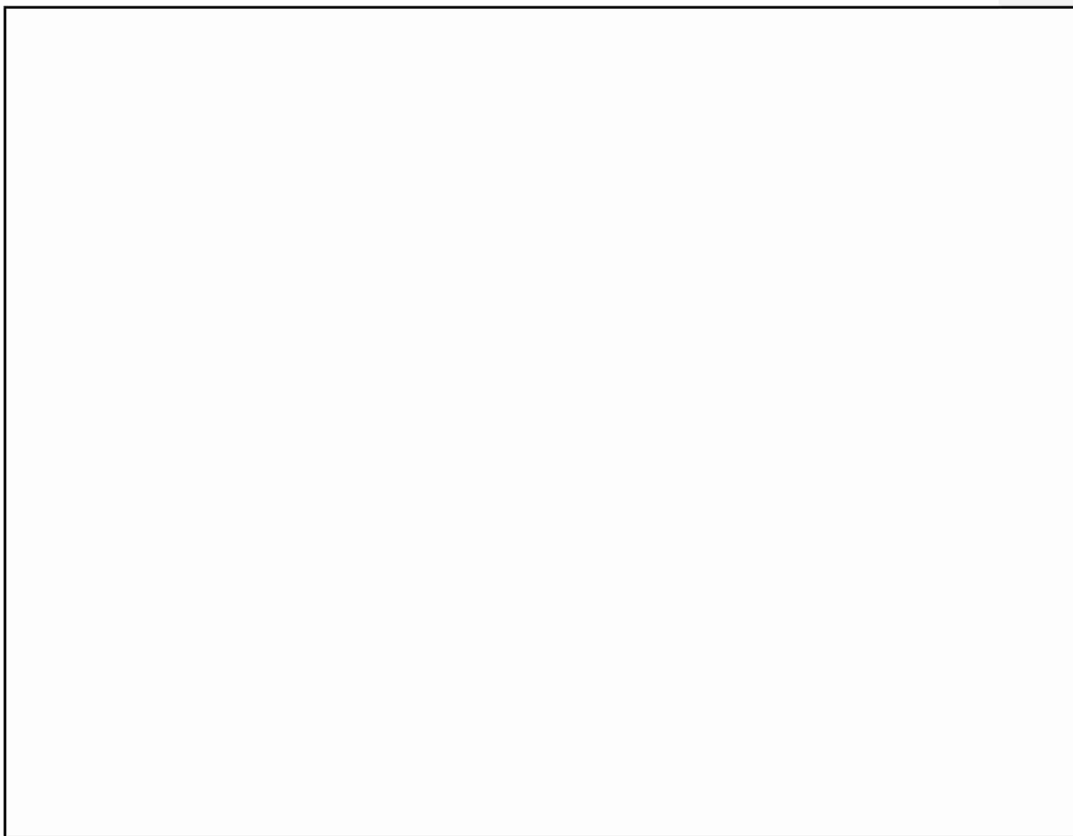


Homeland
Security

*Insert name of Component or office
(NO SEALS)*

Message from the Senior Official Performing the Duties
of the Director

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Sincerely,

Name

Title

Component/Agency

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Executive Summary

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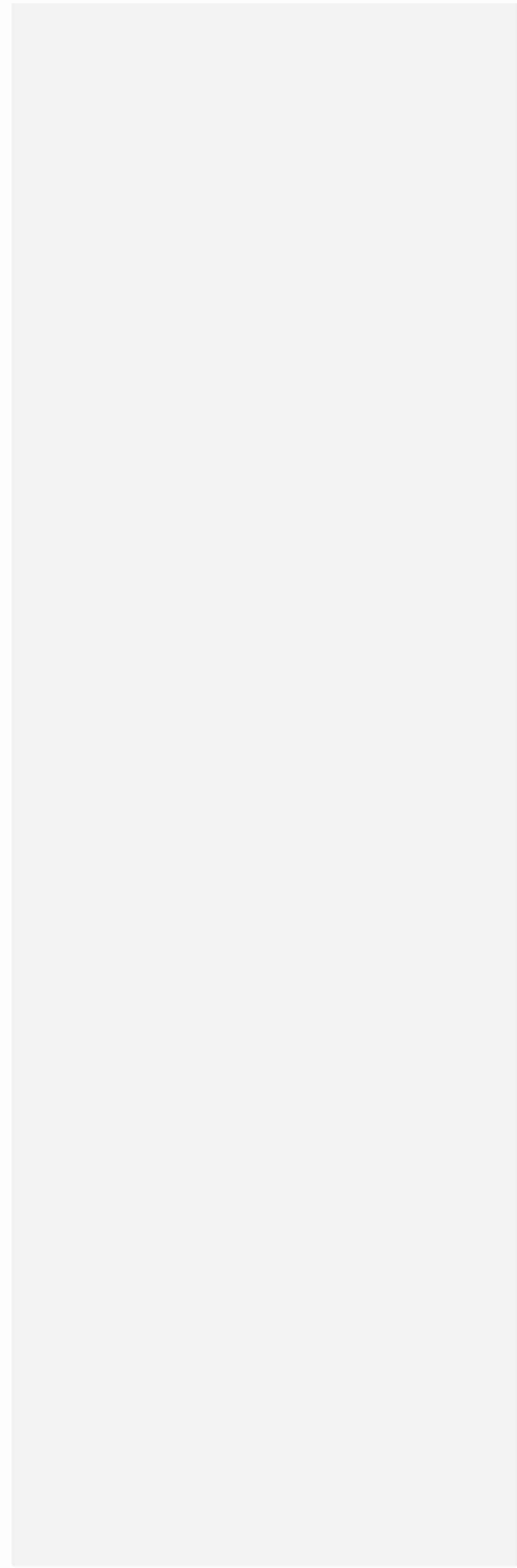
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Backlog Reduction of Pending Affirmative Asylum Cases

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I. Legislative Language

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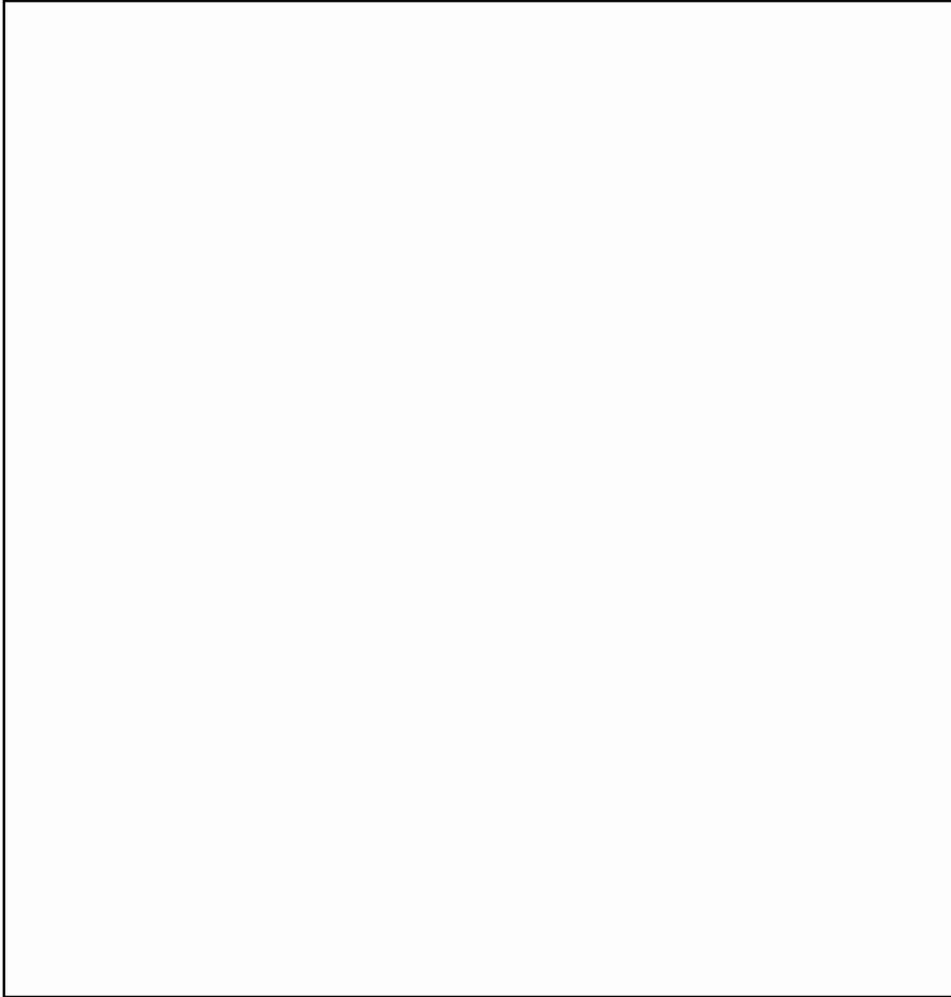
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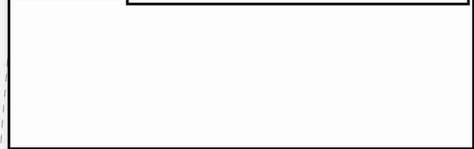
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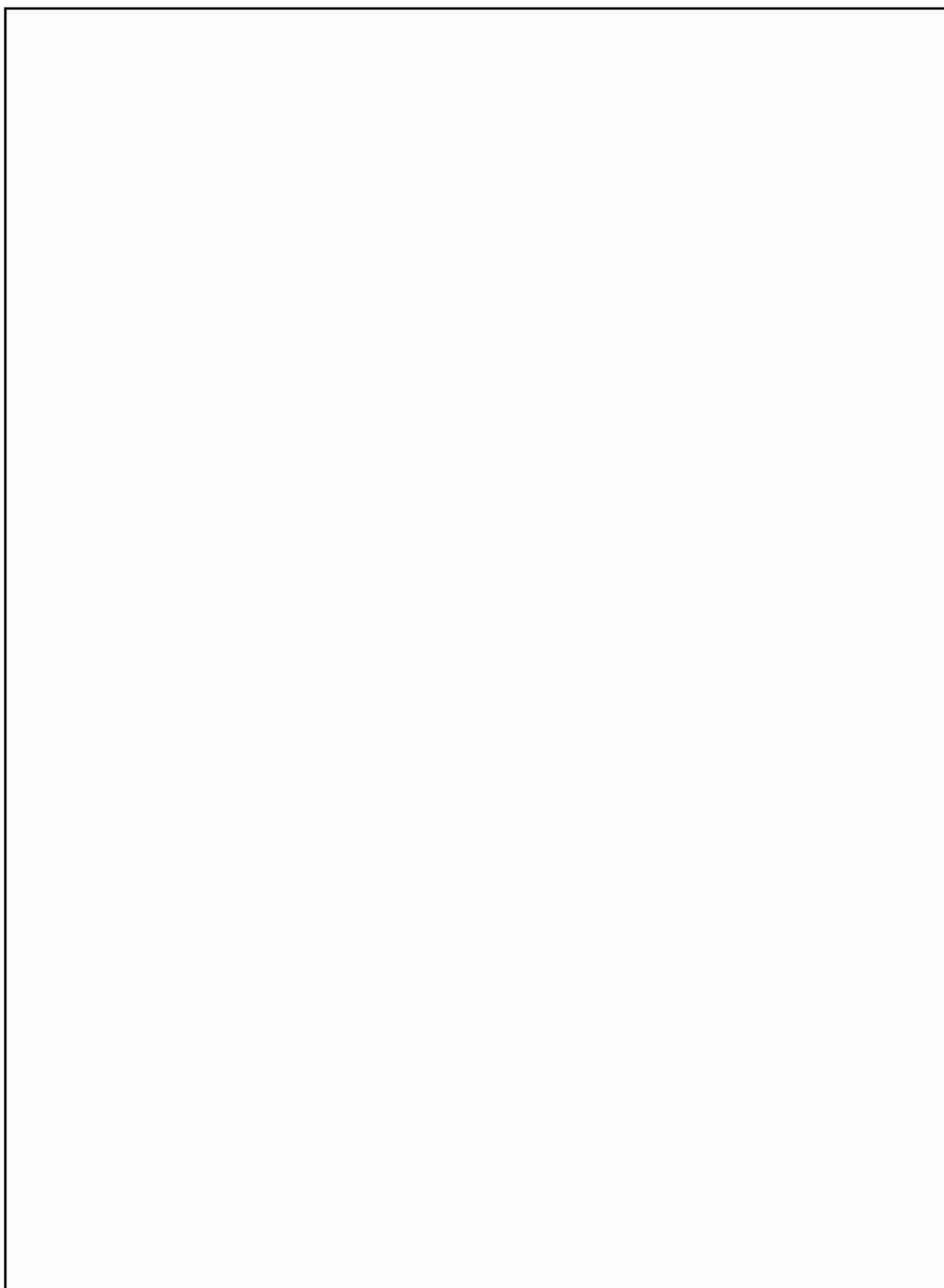
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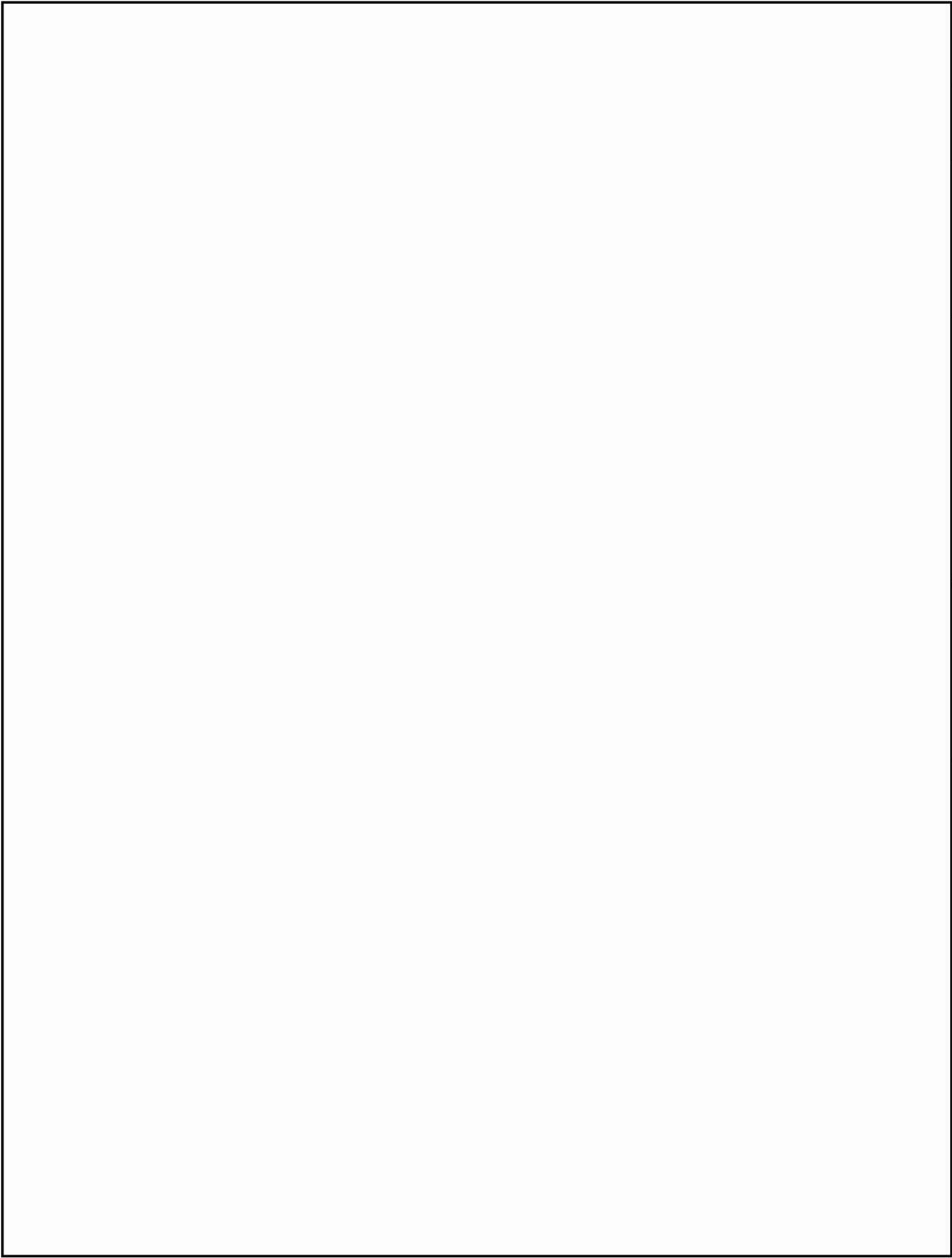
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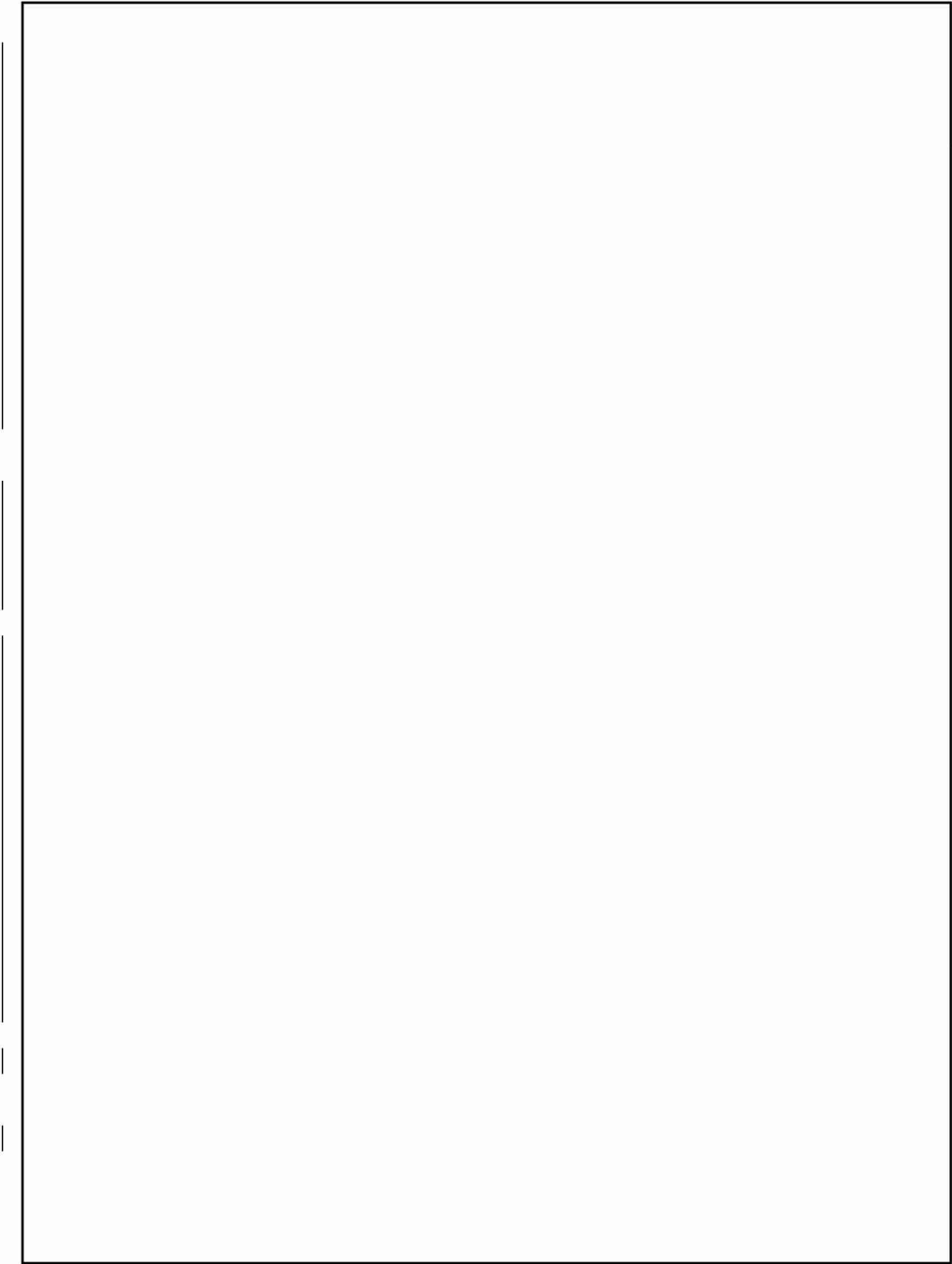


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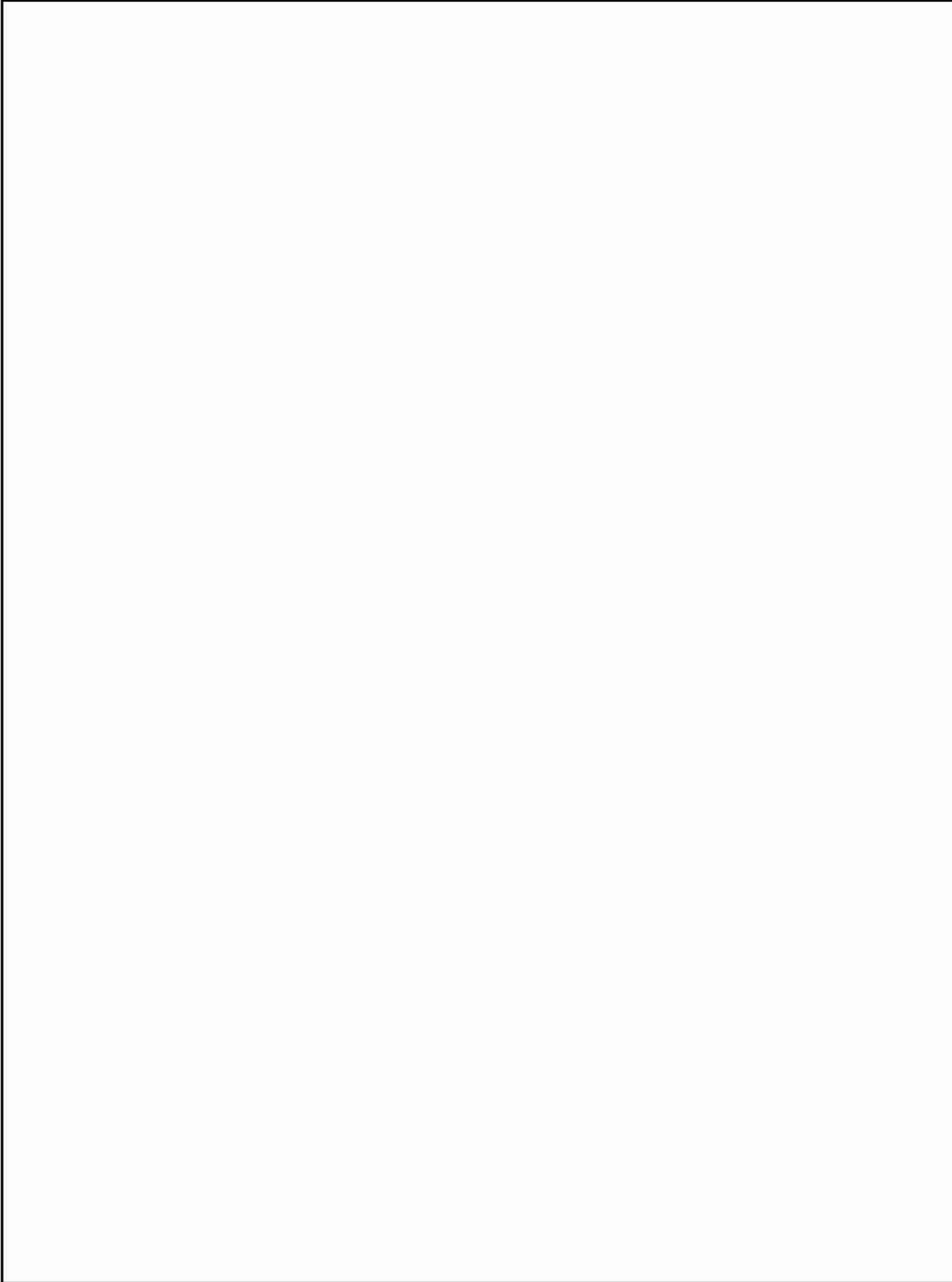
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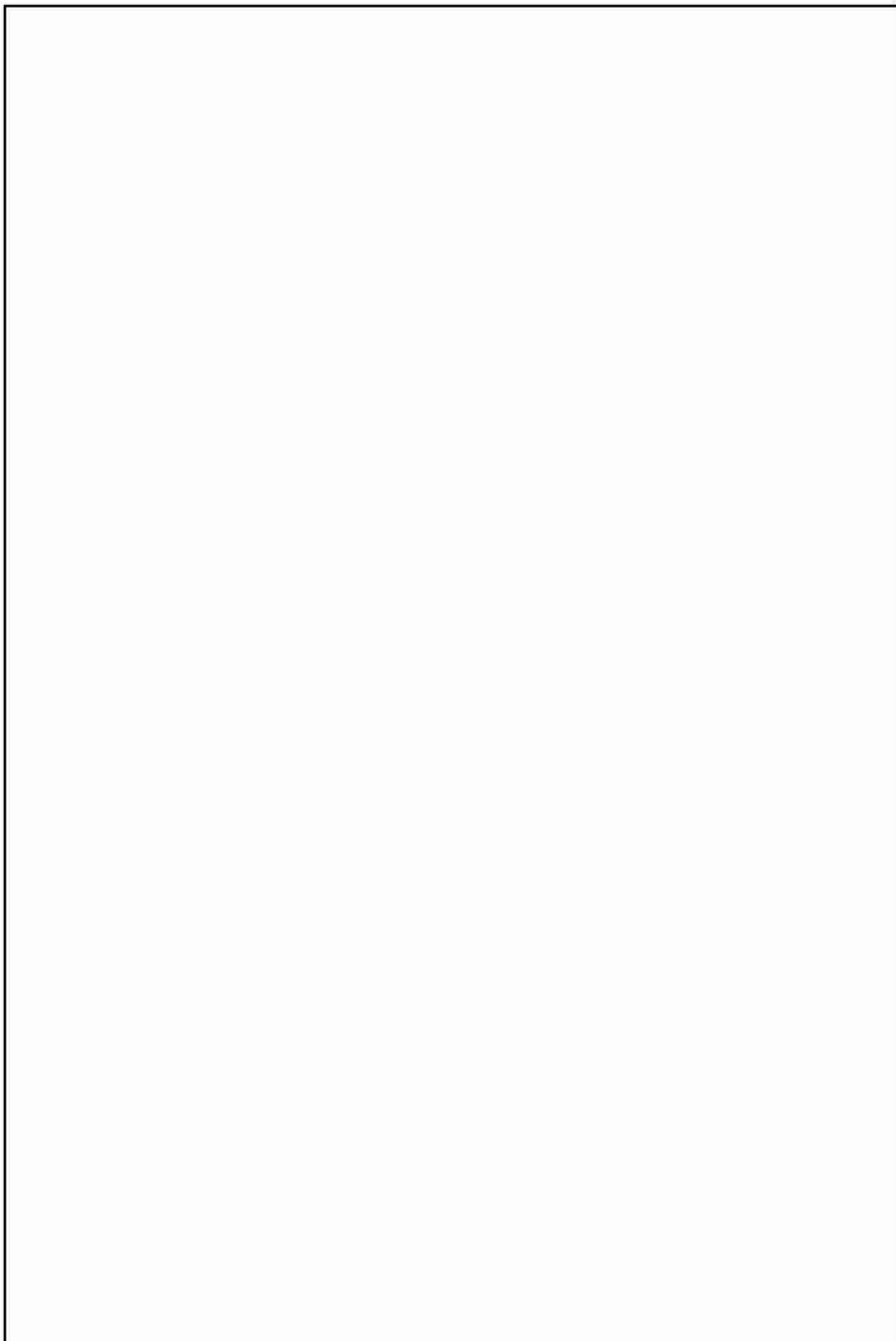


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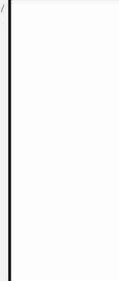


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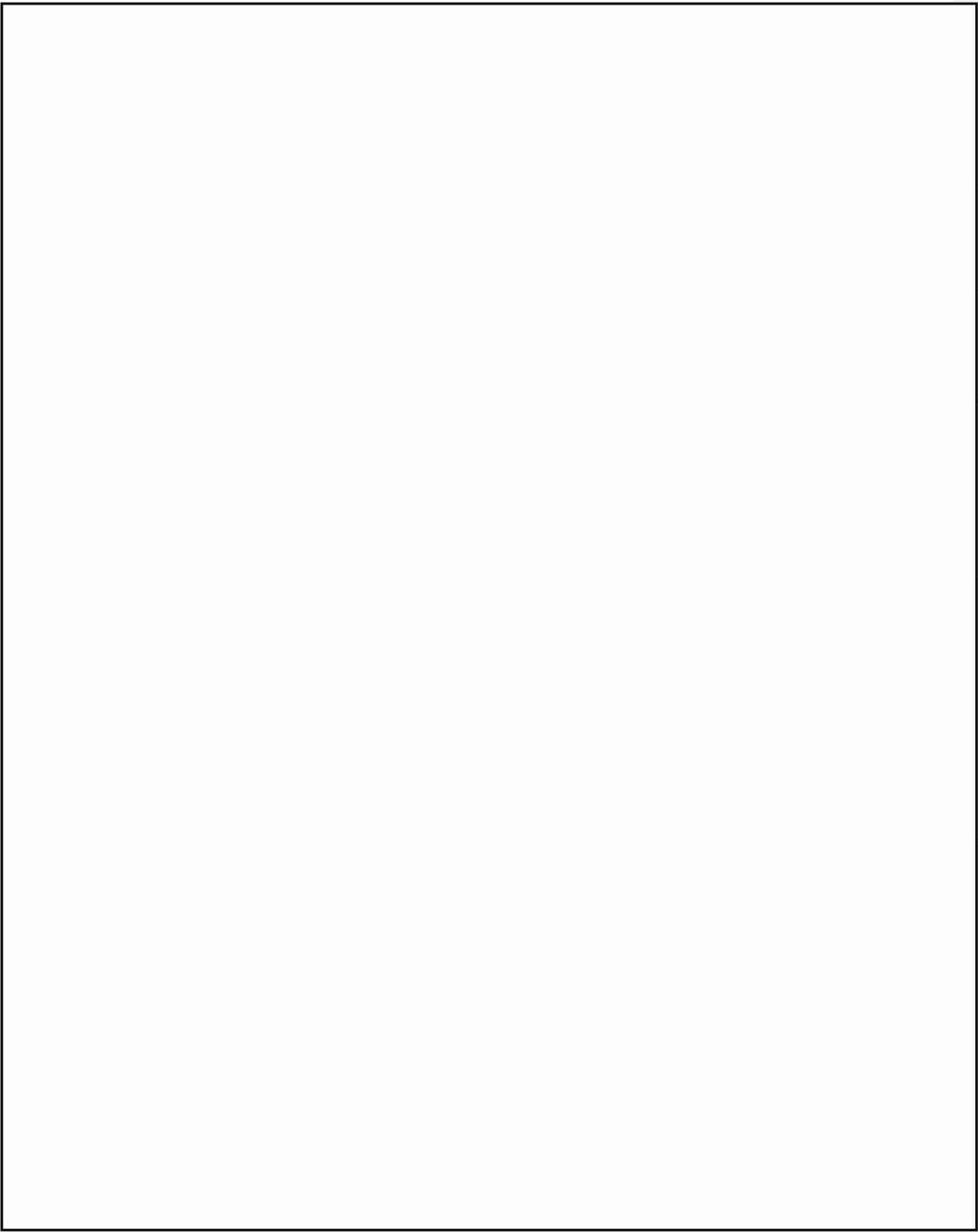
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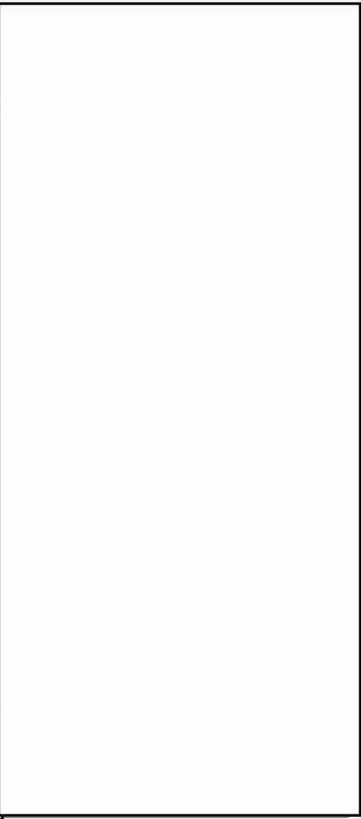
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IV. Conclusion

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Backlog Reduction of Pending Affirmative Asylum Cases

REPORT TO CONGRESS ON

THE EFFORTS TO REDUCE THE BACKLOG OF ASYLUM APPLICATIONS,
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Month XX, 2021

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Homeland
Security

*Insert name of Component or office
(NO SEALS)*

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Message from the Senior Official Performing the Duties
of the Director

Sincerely,

Name

Title

Component/Agency

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Backlog Reduction of Pending Affirmative Asylum Cases

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I. Legislative Language

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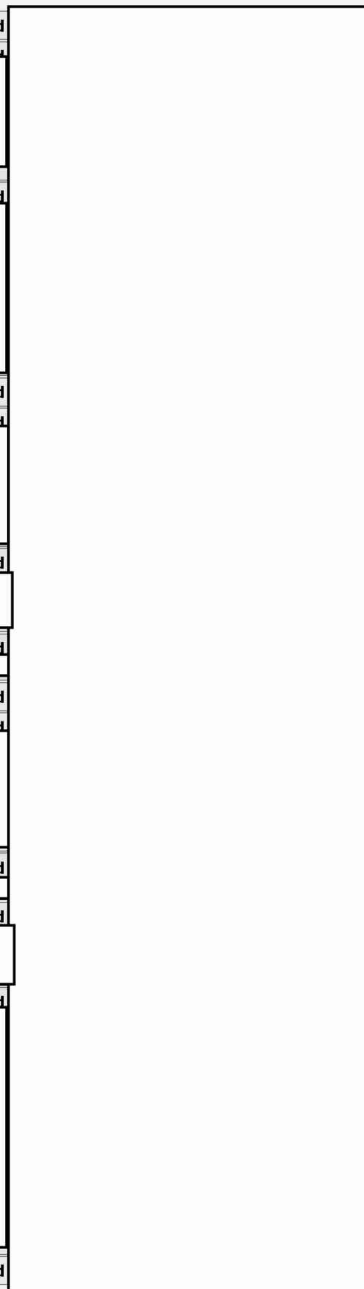
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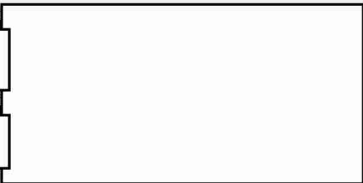


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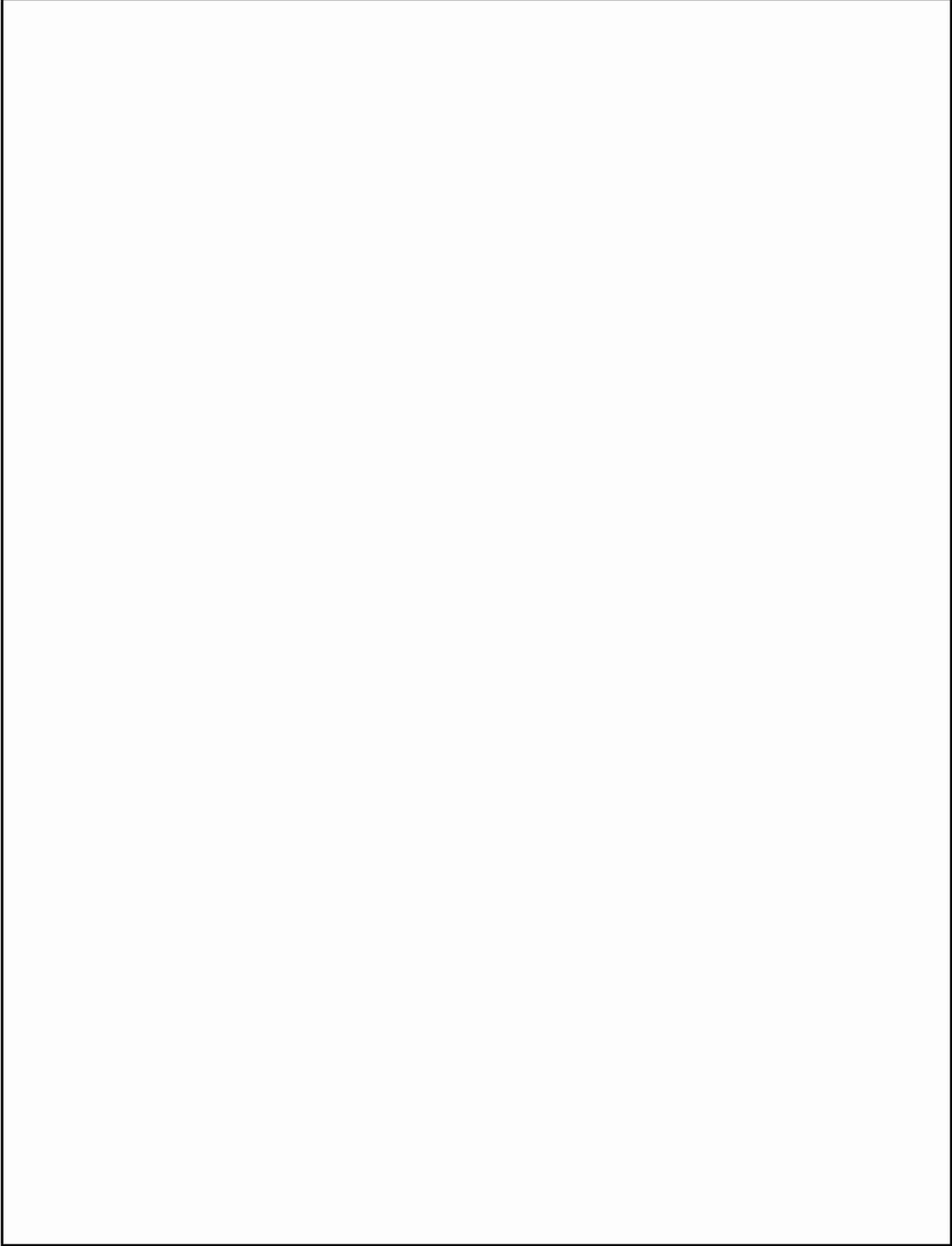


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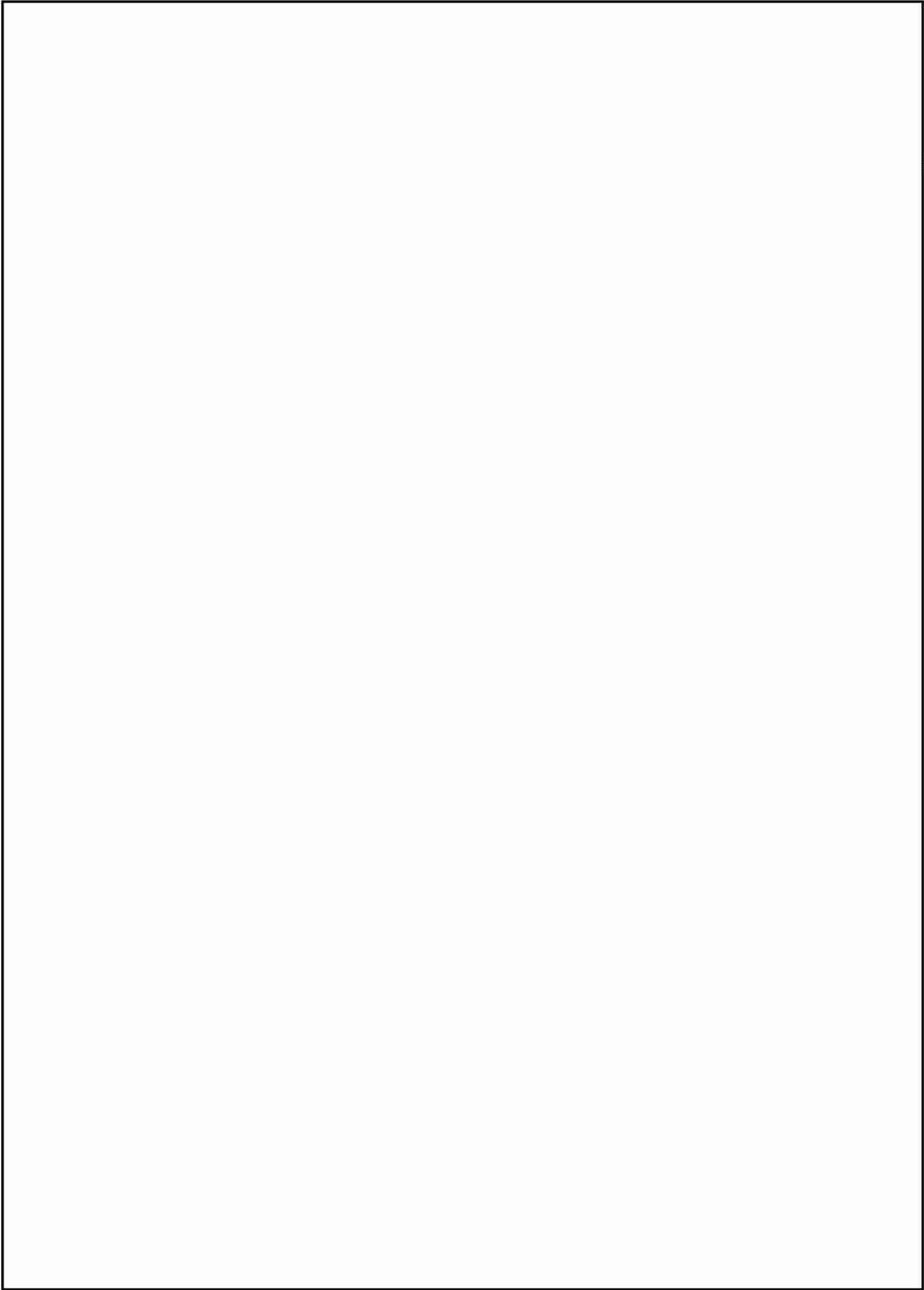
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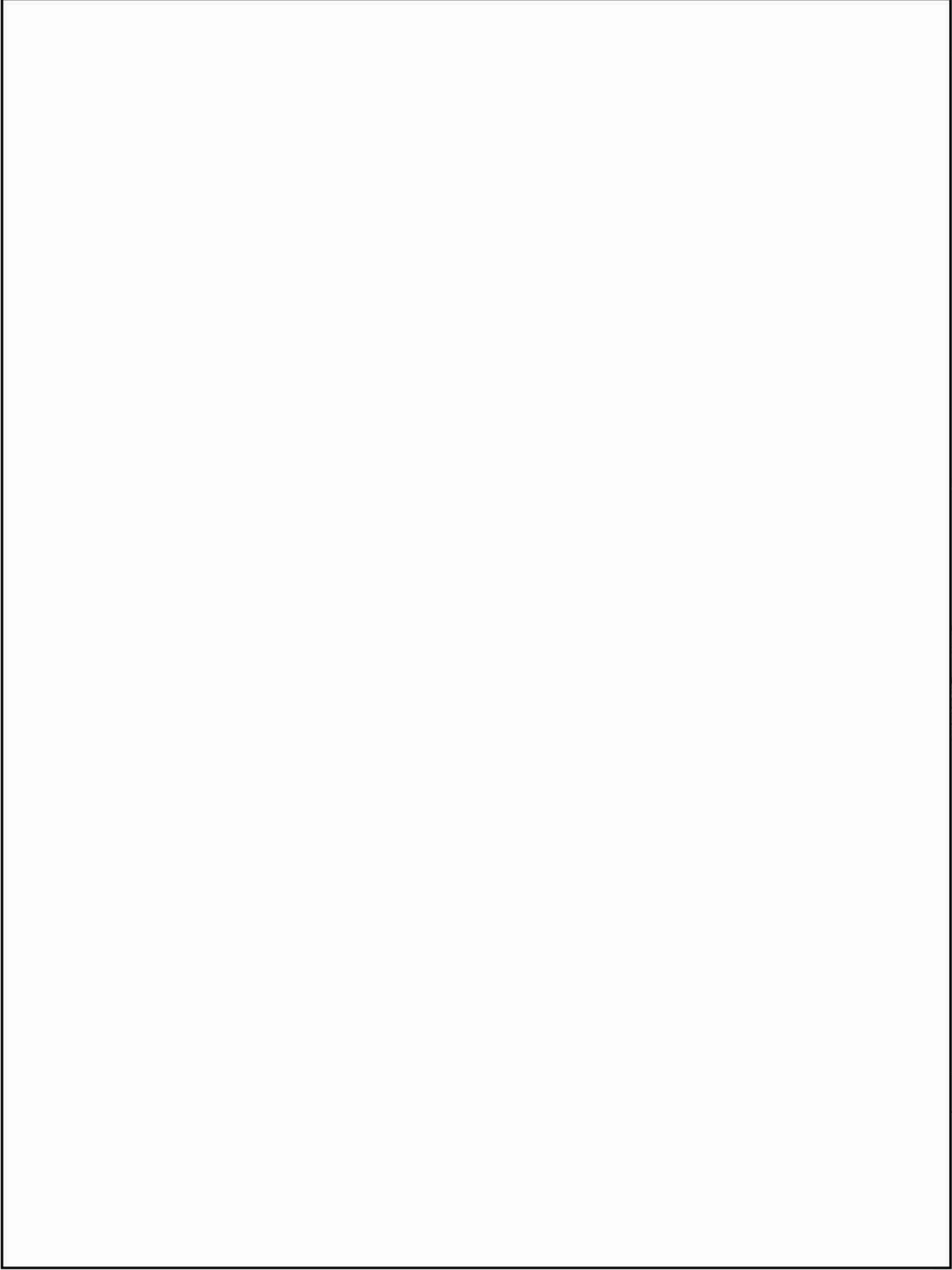
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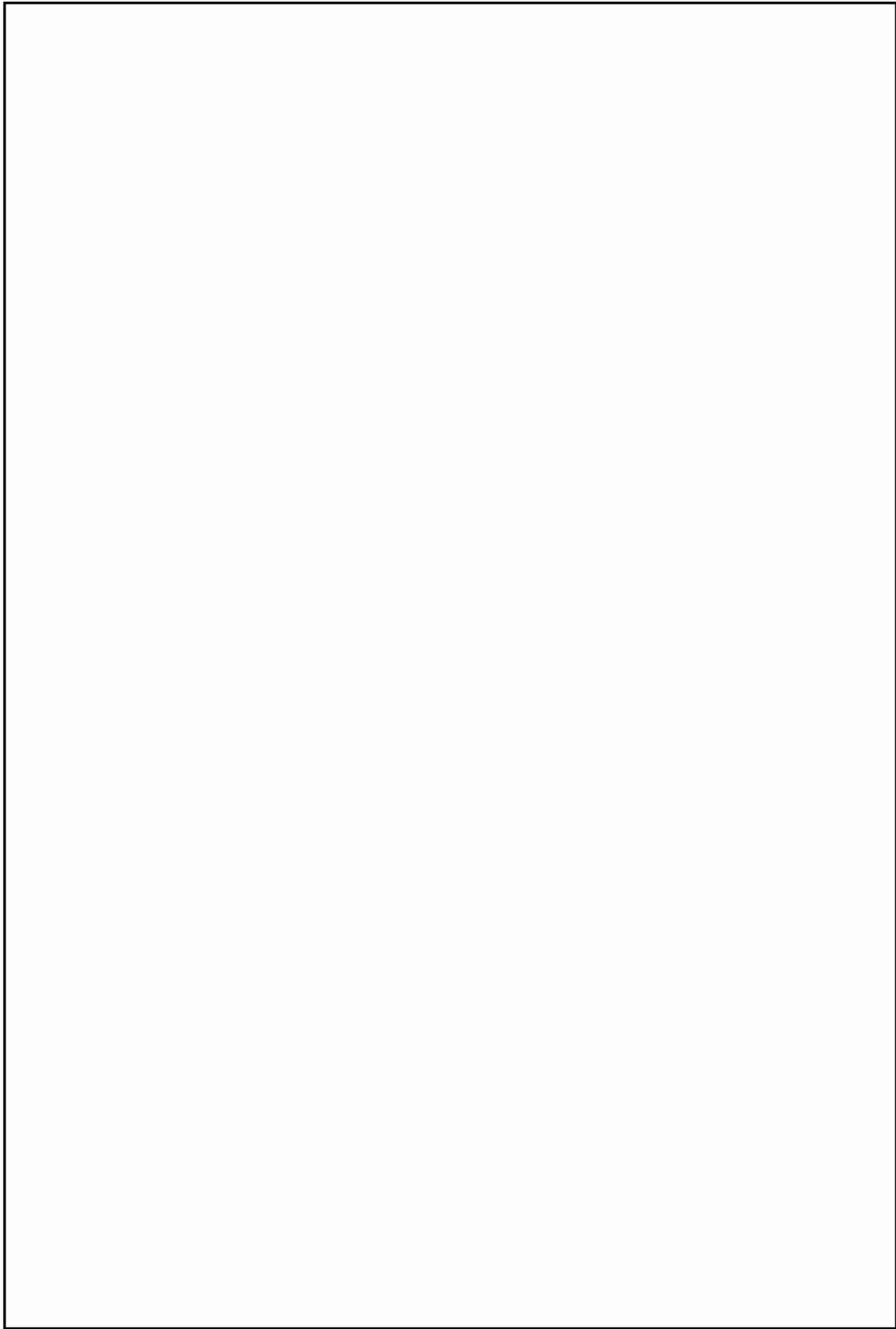
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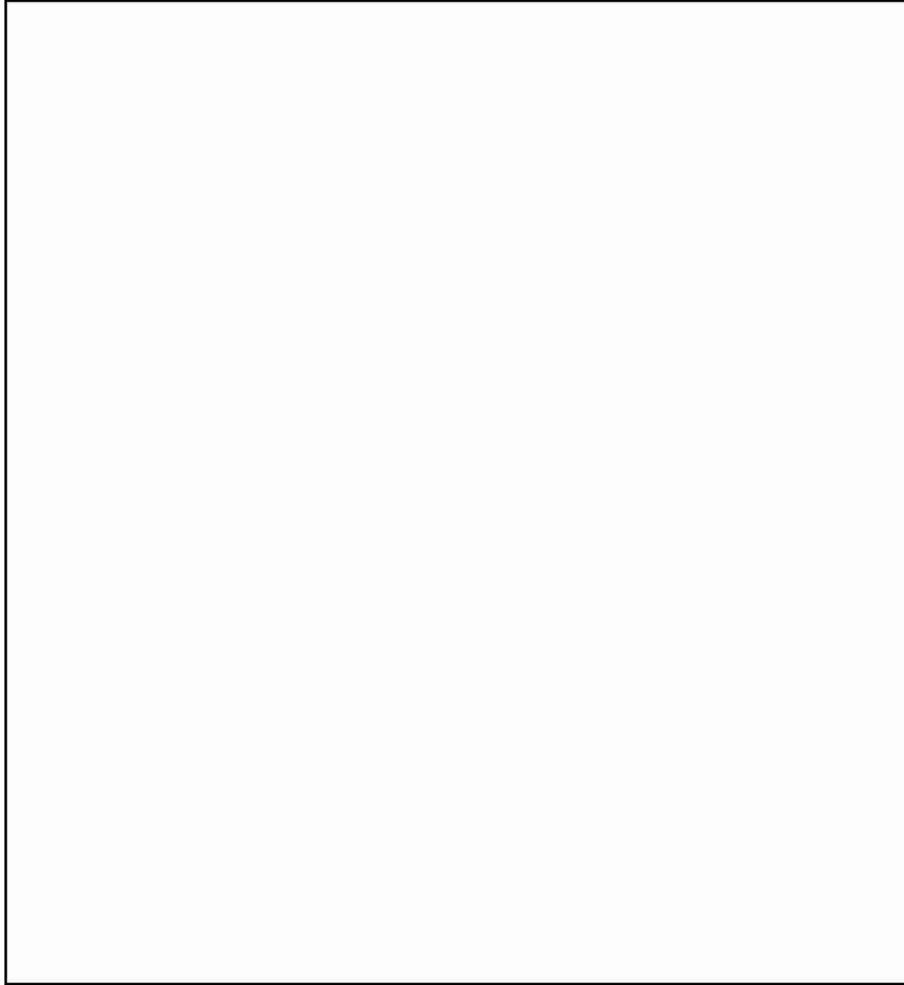
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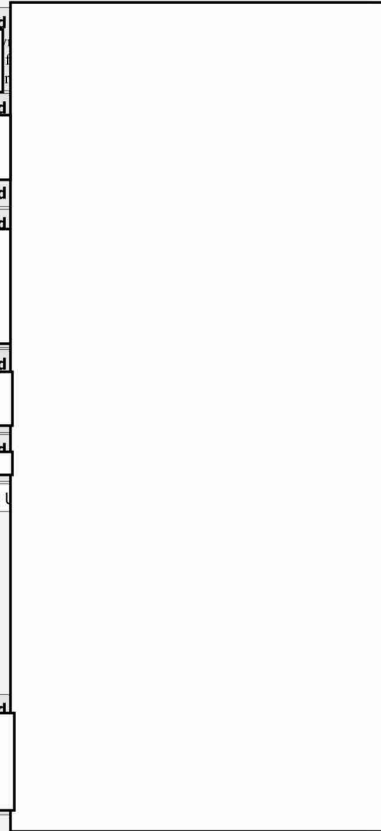
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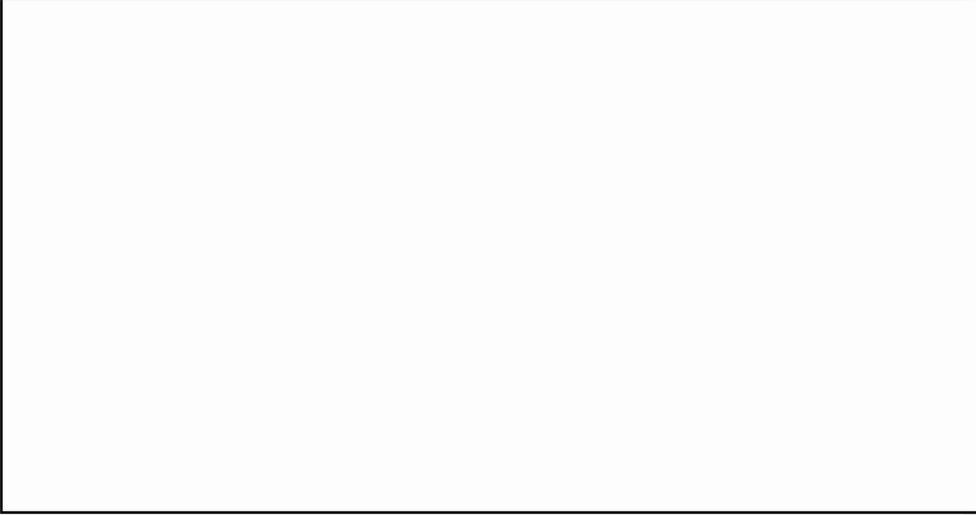
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IV. Conclusion



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3/18/2021 12:59:00 PM

Page ii: [5]

4/8/2021 12:16:00 PM

From: [REDACTED]
 Sent: Tuesday, April 06, 2021 3:13 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: RE: Q2 Update

We'll look at you!!! Thank you [REDACTED] for the spreadsheet and for being so darn timely!

From: [REDACTED]
 Sent: Tuesday, April 6, 2021 3:53 PM
 To: [REDACTED]
 Cc: [REDACTED]
 Subject: Q2 Update

Hi [REDACTED]. Below are the Q2 updates.

Chart 1: Annual Filings

	Case Types					
	<i>Affirmative</i>	<i>Credible fear</i>	<i>Reasonable Fear</i>	<i>MPP</i>	Total cases	Annual % change
2012	41,900	13,880	5,070	n/a	60,850	n/a
2013	44,453	36,035	7,735	n/a	88,223	45%
2014	56,898	51,001	9,084	n/a	116,983	33%
2015	83,197	48,052	8,015	n/a	139,264	19%
2016	114,965	94,048	9,632	n/a	218,375	57%
2017	141,695	78,564	10,273	n/a	230,532	6%
2018	106,147	99,035	11,101	n/a	216,284	-6%
2019	95,959	105,301	13,177	11,704	226,141	5%
2020	94,077	30,839	8,721	12,352	145,989	-35%
Q2 - 2021	29,392	11,417	2,560	n/a	43,369	n/a

Chart 2: Annual Affirmative Asylum Case Completions

	Filings	Completed	Backlog
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Fiscal Year	<i>Total</i>	<i>Percentage Year Difference</i>	<i>Total</i>	<i>Percentage Year Difference</i>	<i>Total</i>	<i>Percentage Year Difference</i>
2012	41,900	n/a	38,372	n/a	15,526	n/a
2013	44,453	6%	29,918	-22%	32,560	110%
2014	56,898	28%	30,620	2%	61,525	89%
2015	83,197	46%	40,620	33%	108,749	77%
2016	114,965	38%	31,435	-23%	194,986	79%
2017	141,695	23%	50,995	62%	289,835	49%
2018	106,147	-25%	82,001	61%	319,202	10%
2019	95,959	-10%	78,580	-4%	340,869	7%
2020	94,077	-2%	56,047	-29%	385,528	13%
Q2 -2021	29,392	n/a	19,174	n/a	398,501	n/a

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Python Captain
Asylum Division
Refugee, Asylee, and International Operations
U.S. Citizenship and Immigration Services

From: Palmer, Victoria A
Sent: Thursday, April 08, 2021 6:11 PM
To: Ho, Cheri L; [REDACTED]; RALD; OCC-Clearance
Cc: [REDACTED]
Subject: RE: REQUEST EXPEDITED CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog; Deadline: 5 p.m. today

Hi Cheri:

Thank you very much! This is indeed much more thorough and compelling than what we've had previously to address queries about the number of pending asylum cases. Based on the talking points you provided, I will forward the following proposed response to OPA leadership for review.

Proposed Response:

The mission of the Asylum Division is to provide protection to those who meet the legal requirements. Consequently, the Asylum Division is very sympathetic to all those waiting in the backlog to have their cases heard. The problem here though is not agency lassitude or incompetence, but simple math. For the past six years, the Asylum Division has received many more cases across all areas of its responsibilities than it has capacity to adjudicate. Nonetheless, the Asylum Division has actively pursued ways to effectively address the backlog.

Reasons for the backlog

The Asylum Division has several areas of responsibility, but the two major areas of responsibility are the adjudication of affirmative asylum applications, and the conduct of credible and reasonable fear screening determinations for people placed in expedited removal proceedings.

In FY 2012, USCIS received 41,900 affirmative asylum applications, 13,880 credible fear (CF) screening referrals; and 5,070 reasonable fear (RF) screening referrals. By 2017, USCIS received 141,965 affirmative applications; 78,564 credible fear referrals; and 10,273 reasonable fear referrals.

By statute and regulation, only specially trained adjudicators can conduct these adjudications. The increase in the CF/RF caseload required the diversion of a majority of the Asylum Division's available Asylum Officers to conduct those screening determinations, which thus impacted the number of affirmative asylum adjudications conducted by Asylum Officers.

The agency has increased the number of authorized Asylum Officer positions from 273 in 2013 to 771 in 2019. However, on March 18, 2020, USCIS temporarily closed all its asylum offices due to the COVID-19 pandemic and was unable to begin to reopen offices again until June 4, 2020. Even after reopening of the asylum offices, necessary health precautions allowed for only limited interviewing of cases in-person. This, of course, has resulted in even further delay in the adjudication of cases.

Importance of LIFO

LIFO is critical tool in controlling fraudulent or meritless applications filed to take advantage of the backlog in order to obtain work authorization.

Agency experience during the last period of backlog in the 1990s showed that many applications were meritless and were filed in order to obtain work authorization. To address this issue, the INS implemented several reforms including the scheduling system known as “Last-In-First-Out” (“LIFO”) whereby the Asylum Division scheduled recently filed cases for interview ahead of older cases. By giving priority to the newest cases, applicants were on notice that filing asylum applications solely to obtain work authorization carried a risk that their cases would be heard quickly. By the beginning of FY 2013 just over 4,200 cases were pending adjudication longer than six months.

However, starting in 2013 when most of the Asylum Division’s officers were assigned to address the surge of credible and reasonable fear cases and UAC cases from the border to such a degree that the effectiveness of the LIFO (last-in-first-out) scheduling was undermined. Consequently, in December 2014, the agency decided to temporarily adopt a “First-In-First-Out” (“FIFO”) scheduling system.

After announcing the end of LIFO scheduling in December 2014, the number of affirmative asylum applications filed per year increased from 56,898 in FY 2014 to 83,197 in FY 2015 (+46%); to 114,965 in FY 2016 (+38%); to 141,695 in FY 2017 (+23%). The affirmative asylum application backlog grew correspondingly. In FY 2015, the year after dropping LIFO, the backlog grew by 77%; in FY 2016 it grew by 79%; and in FY 2017 it grew by 49%. In order to stem the growth of the agency’s asylum application backlog and identify frivolous, fraudulent or otherwise non-meritorious asylum claims earlier, on January 31, 2018, USCIS announced that it would return to the LIFO scheduling system.

After the re-imposition of LIFO, the number of affirmative asylum applications filed per year decreased from 141,695 in FY 2017 to 106,147 in FY 2018 (-25%); to 95,959 in FY 2019 (-10%); and to 94,077 in FY 2020 (-2%). Since re-instituting LIFO, the annual growth of the backlog has dropped dramatically to only a 10% growth in FY 2018, a 7% growth in FY 2019, and a 13% growth in FY 2020.

###

v/r,
Victoria

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Victoria A. Palmer
Media Affairs Division, Office of Public Affairs
U.S. Citizenship and Immigration Services

From: Ho, Cheri L [REDACTED]
Sent: Thursday, April 8, 2021 6:47 PM

To: [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: RE: REQUEST EXPEDITED CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog;
Deadline: 5 p.m. today

Victoria,

Thanks for your patience as we reviewed. OCC requested additional time because we think it critical to provide a broader context to explain the asylum backlog. The attached provides a more fulsome picture, and we'd be happy to provide additional information, if needed. Thank you. Cheri

Cheri Ho

Deputy Chief,
Refugee and Asylum Law Division
Office of the Chief Counsel, USCIS

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From: [REDACTED]

Sent: Thursday, April 8, 2021 3:01 PM

To: Ho, Cheri L [REDACTED]

Cc: [REDACTED]

Subject: RE: REQUEST EXPEDITED CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog;
Deadline: 5 p.m. today

Update – Reporter is asking for the response this evening, saying, “We are going live tomorrow morning so it would be ideal to get it sometime today -- even if it's late.”

[REDACTED]
Associate Counsel
Refugee and Asylum Law Division

From: OCC-Clearance [REDACTED]

Sent: Thursday, April 08, 2021 3:44 PM

To: RALD [REDACTED]

Cc: [REDACTED]; Ho, Cheri L

Subject: Fw: REQUEST EXPEDITED CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog;
Deadline: 5 p.m. today

RALD - Please take the lead on review and response of this item for OCC and copy the Box on your reply to the client. Copying others for visibility and input as needed. Thank you! Dea

From: Palmer, Victoria A [REDACTED]

Sent: Thursday, April 8, 2021 3:41 PM

To: OCC-Clearance [REDACTED] RALD [REDACTED]

Subject: REQUEST EXPEDITED CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog; Deadline: 5 p.m. today

Good afternoon:

Requesting expedited clearance of the proposed response for a *Huffington Post* media query asking about the number of pending asylum cases. The proposed response is cleared by RAIO (Beth Mura), and OP&S (Leah Rogal).

Outlet: Huffington Post (Rowaida Abdelaziz)

Deadline: 5:00 p.m. today (Thurs., April 8) back to me (as media query requires a timely response)

Query: I am writing a story about the asylum backlog and the experiences of those waiting in the queue. I am referring specifically to the more than 386,000 pending applications at the end of FY 2020.

- How does the agency plan to address the backlog?
- Some advocates say policies like LIFO are exacerbating the issue. Are there plans to revert back to FIFO?
- I wanted to ask if USCIS had a statement to include in my story. (b)(5)

###

Thank you.

v/r,
Victoria

Victoria A. Palmer
Media Affairs Division, Office of Public Affairs
U.S. Citizenship and Immigration Services

(b)(6)

From: Policy-Clearance [redacted]

Sent: Thursday, April 8, 2021 3:22 PM

To: Palmer, Victoria A [redacted]; OPS-FrontOffice [redacted]

Cc: [redacted]; Policy-Clearance [redacted]

Subject: RE: FOR CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog

OP&S clears the edits below. Cleared by [REDACTED]

(b)(6)

Thanks,

[REDACTED]
Office of Policy and Strategy (OP&S)

U.S. Citizenship & Immigration Services (USCIS) | Department of Homeland Security (DHS)

20 Massachusetts Avenue NW - Suite 1100 | Washington, DC 20529

From: Palmer, Victoria A [REDACTED]

Sent: Thursday, April 08, 2021 1:14 PM

To: OPS-FrontOffice [REDACTED]; Policy-Clearance [REDACTED]

Cc: [REDACTED]

Subject: FOR CLEARANCE - MEDIA QUERY Response: HuffPost - pending asylum case backlog

Good afternoon:

We have a media query from *Huffington Post* asking about the number of pending asylum cases. The proposed response below has been cleared/edited by RAO (in red). Please return to me by 2:30 p.m. today (as this requires further agency clearance). Thank you.

Outlet: Huffington Post (Rowaida Abdelaziz)

Deadline: 2:30 p.m. today (Thurs., April 8) back to me

Query: I am writing a story about the asylum backlog and the experiences of those waiting in the queue. I am referring specifically to the more than 386,000 pending applications at the end of FY 2020.

- How does the agency plan to address the backlog?
- Some advocates say policies like LIFO are exacerbating the issue. Are there plans to revert back to FIFO?
- I wanted to ask if USCIS had a statement to include in my story.

(b)(5)

v/r,

Victoria

Victoria A. Palmer
Media Affairs Division, Office of Public Affairs
U.S. Citizenship and Immigration Services

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

From: Mura, Elizabeth E
Sent: Thursday, April 8, 2021 12:53 PM
To: Palmer, Victoria A

Cc:

Subject: RE: MEDIA QUERY HuffPost Statement Request: pending asylum case backlog

Hi Victoria,

Let us know if you have any questions or need anything else.

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: Palmer, Victoria A
Sent: Thursday, April 8, 2021 11:48 AM
To: Mura, Elizabeth E
Subject: MEDIA QUERY HuffPost Statement Request: pending asylum case backlog

Hi [redacted] and Beth:

Another media query – this one asking about the number of pending asylum cases. The proposed response below is edited from previous responses we've used, most recently on Jan. 21. Is there anything that needs to be changed or do you want to add information? Please return to me by 1:30 p.m. today. Thanks.

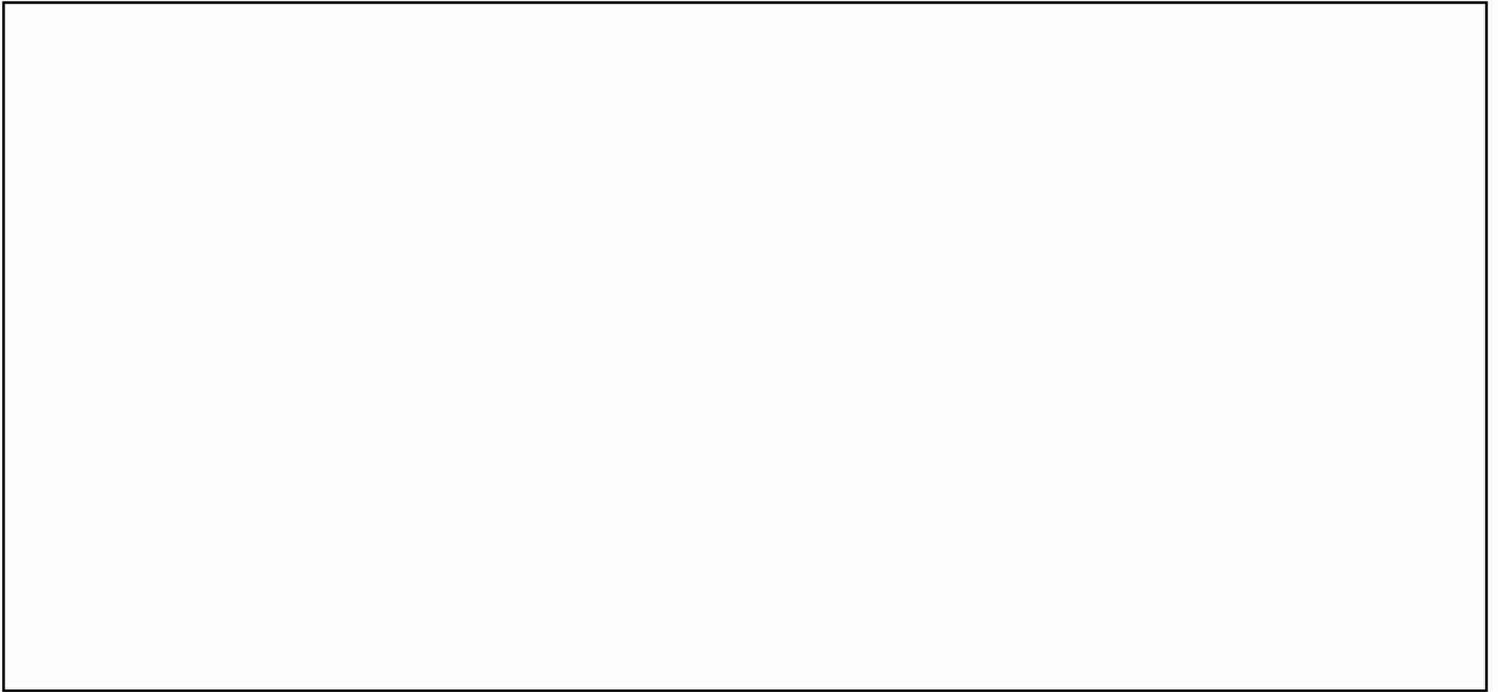
Outlet: Huffington Post (Rowaida Abdelaziz)

Deadline: 1:30 p.m. today (Thurs., April 8) back to me

Query: I am writing a story about the asylum backlog and the experiences of those waiting in the queue. I am referring specifically to the more than 386,000 pending applications at the end of FY 2020.

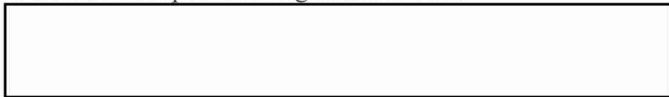
- How does the agency plan to address the backlog?
- Some advocates say policies like LIFO are exacerbating the issue. Are there plans to revert back to FIFO?
- I wanted to ask if USCIS had a statement to include in my story.

(b)(5)



v/r,
Victoria

Victoria A. Palmer
Media Affairs Division, Office of Public Affairs
U.S. Citizenship and Immigration Services



(b)(6)

[REDACTED]

From: [REDACTED]
Sent: Monday, December 07, 2020 3:31 PM
To: [REDACTED]
Subject: RE: Revised CAR for LIFO
Attachments: LIFO CAR 12072020.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Sorry. Use this version. I forgot to [REDACTED]

From: [REDACTED]
Sent: Monday, December 7, 2020 4:26 PM
To: [REDACTED]
Subject: Revised CAR for LIFO

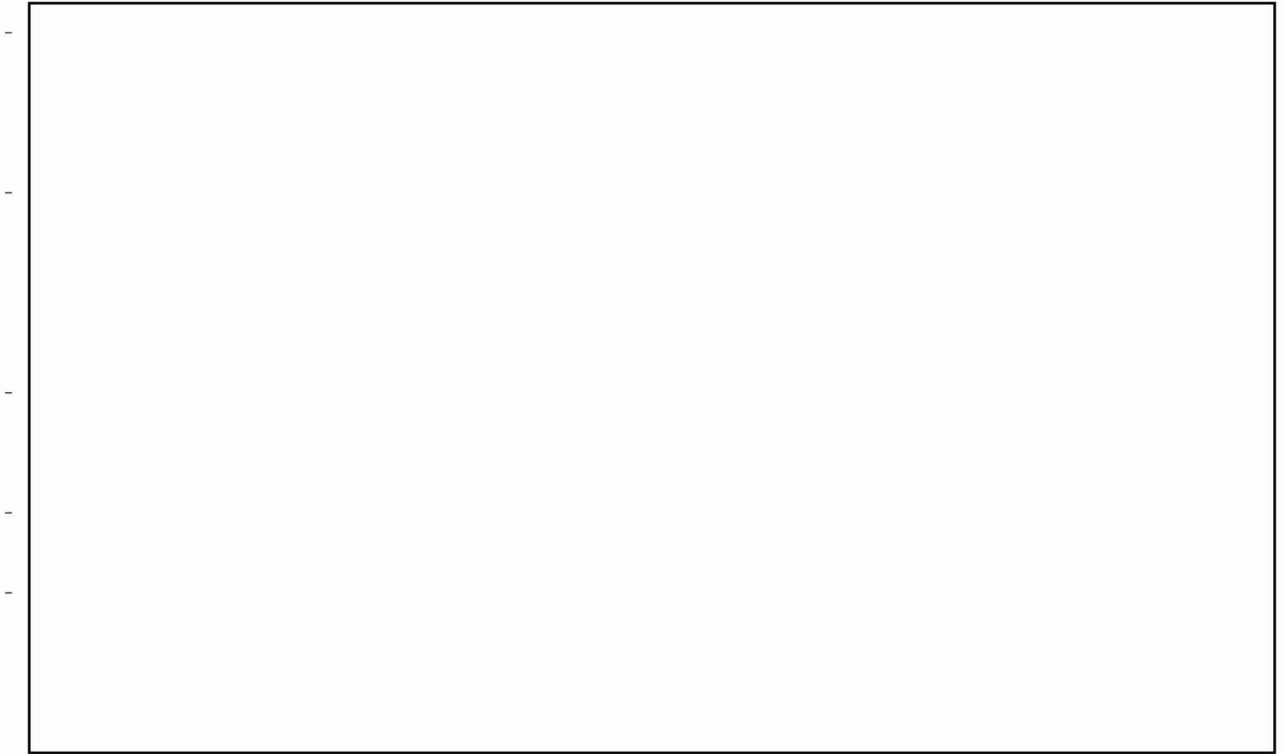
Going back and reviewing my own material on CARs [REDACTED]
[REDACTED]

Respectfully,

[REDACTED]
Refugee and Asylum Law Division
Office of the Chief Counsel, USCIS
[REDACTED]

From: Lafferty, John L
To: Higgins, Jennifer B; Colucci, Nicholas V
Cc: Mura, Elizabeth E; Kim, Ted H
Subject: RE: Proposal to go back to LIFO
Date: Tuesday, November 14, 2017 11:06:41 AM

(b)(5)



From: Higgins, Jennifer B
Sent: Tuesday, November 14, 2017 8:22 AM
To: Lafferty, John L; Colucci, Nicholas V
Cc: Mura, Elizabeth E; Kim, Ted H
Subject: RE: Proposal to go back to LIFO



From: Lafferty, John L
Sent: Monday, November 13, 2017 9:23 PM
To: Higgins, Jennifer B; Colucci, Nicholas V
Cc: Mura, Elizabeth E; Kim, Ted H
Subject: Proposal to go back to LIFO
Importance: High



The present batch scheduling system in RAPS prioritizes cases for scheduling as follows:

1. Rescheduled cases (including any special group codes) - last in, first out (LIFO) based on the filing

date.

2. Children's cases

- a. Special group "PRL" cases with dates of entry on or after May 1, 2014 - LIFO.
- b. Special group "PRL" cases with dates of entry before May 1, 2014 - LIFO.
- c. Minor principal applicant cases (i.e. under age 18 at the time of filing) who are not special group "PRL" cases - LIFO.

3. All other cases

First in, first out (FIFO) based on the filing date.

(b)(5)



Under reform, Asylum's goal was to get cases interviewed within 43 days of filing, and decisions issued within 60 days of filing. The scheduler was set up to fill slots in a two-day window, 21 and 22 days into the future, which dictates the cutoff date between the 2nd and 3rd priority. While USCIS was given 60 days of the 180 days before EAD eligibility to do its work under reform, EOIR was expected to get a case through a Master Calendar Hearing, the full merits hearing, and to a final decision on the asylum claim within the remaining 120 days.

A decision to switch to LIFO/Reform Asylum scheduling would require Asylum to end prioritization of children's cases over all other asylum filings, which has been in place since the end of 2014. Instead, new asylum filings by children would be handled like all other filings for scheduling purposes, with the newest filings scheduled first.

Please let us know if you have any questions.

From: Mura, Elizabeth E
Sent: Monday, November 13, 2017 10:57 AM
To: Lafferty, John L
Cc: Kim, Ted H
Subject: batch scheduling priorities
Importance: High

John,

- 1. Final memo announcing the Dec. 2014 changes (describing the previous priorities)
- 2. RAPS write up describing before and after priorities

Let me know if you have any questions. Will check back with you later today so we can get this on track with the RAPS team.

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
Desk [REDACTED]

(b)(6)

From: [REDACTED]
Sent: Thursday, September 07, 2017 12:39 PM
To: [REDACTED]
Cc: Mura, Elizabeth E; [REDACTED]
Subject: RE: RAPS 15.2 Meeting

In case you don't have it handy, here is the user story write up I did for the last change we made to the batch scheduler. It goes over the basic concepts as well as spelling out what we're doing right now as far as priorities go.

[REDACTED]
Business Process Analyst
JETS Benefits
Vencore supporting USCIS

From: [REDACTED]
Sent: Wednesday, September 06, 2017 11:53 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: RAPS 15.2 Meeting

Hi [REDACTED]

I checked with Beth again and she would prefer we meet tomorrow between 10am – 11am or 1pm – 2:30pm, or Friday between 9am – 11am.

Thanks,

[REDACTED]

(b)(6)

Asylum Officer, Operations
DHS/USCIS/RAIO

From: [REDACTED]
Sent: Wednesday, September 06, 2017 11:36 AM
To: [REDACTED]

Cc: Mura, Elizabeth [REDACTED]
Subject: RE: RAPS 15.2 Meeting
Importance: High

Hi [REDACTED]

Thanks for following up with Beth. Are you available for a conference call today? I believe the RAPS Dev team is available anytime until 2:30ish. I'll send a meeting invitation once you confirm a time.

Thanks,

[REDACTED]
Project Manager
Office of Information Technology (OIT)
DHS/USCIS

From: [REDACTED]
Sent: Wednesday, September 06, 2017 11:02 AM

To: [REDACTED]
(CTF)

Cc: Mura, Elizabeth E [REDACTED]
Subject: RAPS 15.2 Meeting

Hi [REDACTED]

Given that we only have one more RAPS story (batch scheduling changes) and a series of O&M data integrity changes for APSS, we don't believe a grooming session would be necessary.

However, we would like to have a meeting (conference call is fine) with the RAPS team today or tomorrow to discuss what the options are for changing the automated batch scheduling priorities in RAPS 15.2. In particular, we're looking to understand what some of the options might be for batch scheduling priorities. There is interest from DHS and USCIS leadership in adjusting our scheduling priorities to get through more cases. Changing our batch scheduling priorities wouldn't be anything that adds a new features to RAPS or have any impact on what features will go into the new system.

Thanks,



(b)(6)

Asylum Officer, Operations

Asylum Division Headquarters

Refugee, Asylum and International Operations Directorate

Department of Homeland Security - U.S. Citizenship & Immigration Services

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

From: Kim, Ted H
To: [redacted] Lafferty, John L; Mura, Elizabeth E; [redacted]
Subject: RE: Asylum fixes
Date: Monday, December 18, 2017 8:59:32 PM

Ongoing projects:

--LIFO—aimed at deterring abusive filings, but only if EOIR fast tracks our referrals (could use front office support on this)

--Cancellation project—aimed at reducing the backlog in large chunks, but risks encouraging more filings from 10-yr cases; could also deter further filings if we also target 8-9 yr old cases

Future projects:

From: [redacted]
Sent: Monday, December 18, 2017 4:55 PM
To: Lafferty, John L; Kim, Ted H; Mura, Elizabeth E; [redacted]
Subject: RE: Asylum fixes

Hello all,

Here is my list. I am sure many of these things made your lists as well. I am available to discuss any time tomorrow.

Regulatory/ policy Fixes

- Turn on LIFO
- Let Seniors and TOs sign off on admin closures and Nun Pro Tunc cases.
- Provide dedicated security check team to do security checks in lieu of AOs doing checks.
- Give APSO officers jurisdiction to decide final grants in CF and RF cases where the evidence is sufficient for a determination. (Or do away with CF all together)
- Provide another avenue for pure cancelation cases to get into court without going through the asylum application process.

From: Lafferty, John L
Sent: Monday, December 18, 2017 8:49 AM
To: Kim, Ted H; Mura, Elizabeth E; [redacted]
Subject: FW: Asylum fixes

Everyone,

See below. D1 has requested that RAIO/Asylum, OCC and OP&S meet this week to go through proposals for administrative and regulatory fixes to the Asylum program and make decisions on which to present to D1 for approval to proceed. It would be helpful if each of you could prepare a short list of the items that you think should be among the priorities and submit them to the group by COB today. The meeting is presently scheduled to take place Wednesday morning. We can spend Tuesday going through our proposals that have been prepared over the last year and your list of proposed priorities to come up with a final plan for our approach to this meeting.

Let me know if you have any questions.

John

From: Cissna, Francis

Sent: Saturday, December 16, 2017 12:58:38 PM

To: Nuebel Kovarik, Kathy; Stoddard, Kaitlin V; Symons, Craig M; Higgins, Jennifer B; Lafferty, John L; Ries, Lora L

Subject: Asylum fixes

Given the intense WH and DHS hq focus on border issues, I think ops, occ, and raio need to have a summit, this week if possible, where the entire list of administrative asylum fixes (as opposed to the list of leg fixes just sent to Congress) is discussed and proposals are agreed to regarding which asylum fixes we're going to start implementing or begin work on regs, as appropriate. Once you all agree on what looks good to move on, send to me, I'll clear, and we get to work. [REDACTED]

(b)(5)

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

From: Lafferty, John L
To: Kim, Ted H; Mura, Elizabeth E;
Subject: FW: S1 Direction
Date: Saturday, January 20, 2018 6:00:33 PM

See below. Things are heating up quickly.

From: Higgins, Jennifer B
Sent: Saturday, January 20, 2018 5:51:20 PM
To: Lafferty, John L
Cc: Colucci, Nicholas V
Subject: FW: S1 Direction

Let's discuss Monday.

From: Higgins, Jennifer B
Sent: Saturday, January 20, 2018 10:39:57 PM
To: Cissna, Francis; Ries, Lora L; Stoddard, Kaitlin V; McCament, James W; Symons, Craig M
Subject: RE: S1 Direction

Understood. We will circle up on LIFO messaging and ensure we are leaning forward on getting it in place. I'll let you know ASAP if we run into any obstacles. At this point, we are just a couple of weeks away (end of Jan).

Re regs, [REDACTED] has done a great job herding the cats on that front and I think we have a good sense of what we want to include. [REDACTED]

[REDACTED]

Finally, it is important to note that while helpful in terms of demonstrating important changes to tamping down asylum fraud and regaining control of the affirmative asylum system which in and of itself is a critical issue and might lead to short term drops on the border, as you know, those claiming a credible fear don't go through the affirmative asylum process and aren't part of the backlog. So, unless there are CF and Flores related reforms as well, these changes to affirmative processing will not have a sustaining impact on SWB flows.

From: Cissna, Francis
Sent: Saturday, January 20, 2018 10:08:57 PM
To: Higgins, Jennifer B; Ries, Lora L; Stoddard, Kaitlin V; McCament, James W; Symons, Craig M
Subject: S1 Direction

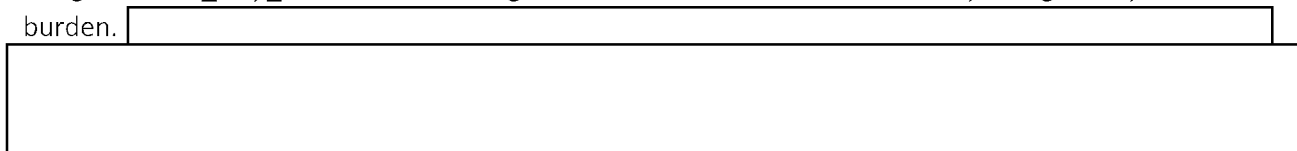
Just got off call with S1. Direction to ICE, CBP, and USCIS: We have to do everything we can, as soon as humanly possible, and using every lawful authority we have, to address the border surge problem and related exploitation of the asylum program. S1 was keenly interested in LIFO for asylum cases

and wants us to implement that as quickly as possible. We are asked to consider, in coordination with DHS OPA, possible public messaging of our doing that.

Asylum-related regs and reforms: Don't we have a list of potential asylum-related reforms that we can do by reg (e.g. relating to the definition of frivolous filings) and other non-regulatory administrative reforms? S1 wants those to start moving ASAP. Craig – We are asked to give serious consideration to any regulatory short cuts available – e.g. could regs designed to address the asylum backlog and abuse/exploitation of the asylum program constitute a national emergency of sufficient severity to merit going interim final?

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

Craig – S1 was very interested on using an E.O. to reduce the economic analysis regulatory burden.



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

From: Lafferty, John L
To: Mura, Elizabeth E; Kim, Ted H; [REDACTED]
Subject: FW: LIFO
Date: Monday, January 29, 2018 9:30:34 AM

We have the green light to put LIFO in place today.

From: Ries, Lora L
Sent: Monday, January 29, 2018 9:29 AM
To: Lafferty, John L; [REDACTED] Higgins, Jennifer B; Colucci, Nicholas V
Cc: McCament, James W
Subject: RE: LIFO

John,
Then please proceed with today's change.

Thank you.

Lora Ries
Chief of Staff
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

From: Lafferty, John L
Sent: Monday, January 29, 2018 9:27 AM
To: [REDACTED] Jessica R; Higgins, Jennifer B; Colucci, Nicholas V
Cc: McCament, James W; Ries, Lora L
Subject: RE: LIFO

Jessica,

No, [REDACTED] The first interview notices would
be generated tomorrow, and mailed out no earlier than tomorrow. [REDACTED]

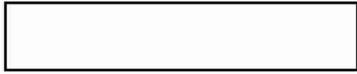
[REDACTED]

John

From: [REDACTED]
Sent: Monday, January 29, 2018 9:00 AM
To: Higgins, Jennifer B; Colucci, Nicholas V; Lafferty, John L
Cc: McCament, James W; Ries, Lora L
Subject: LIFO

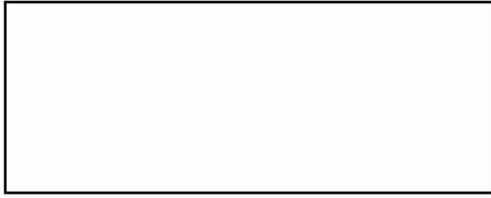
Morning Jennifer, Nick and John,

The attached communications materials regarding LIFO have been cleared; however, USCIS has been asked to hold public communications until Wednesday. We know that LIFO is planned to go into effect this afternoon. [REDACTED]



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

Best,



This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify USCIS immediately by replying to this message and destroy all copies of this message and any attachments. Thank you.



U.S. Citizenship
and Immigration
Services

JAN 30 2018

HQRAIO 120/9.7

Memorandum

TO: All Asylum Office Personnel

FROM: John Lafferty
Chief, Asylum Division

SUBJECT: **Changes to RAPS Batch Scheduling Priorities**

The purpose of this memorandum is to advise Asylum Office personnel of modifications to the Refugees, Asylum and Parole System (RAPS). Changes to batch scheduling priorities went into effect on the evening of January 29, 2018.

Changes to the RAPS Batch Scheduling Priorities

Asylum offices create an interview schedule with open interview slots, according to the office's pending caseload and allocation of resources. Twenty-one (21) days before a calendar date, RAPS runs a batch scheduler every evening to review the entire RAPS database, identify cases that are eligible for interview scheduling, and assign those cases to open interview slots 21 and 22 days in the future according to the established interview priority order.¹

On the evening of January 29, 2018, changes to RAPS batch programming will effectuate the return of asylum reform priorities for batch scheduling of cases into open interview slots on the RAPS interview scheduling calendar according to the following priorities:

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	

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.

¹ Cases may also be manually scheduled into interview slots using the ☐ (b)(7)(e) command in RAPS.

Changes to Eligibility for Scheduling

Previously, RAPS required cases to have either fingerprints taken and submitted to the FBI, or fingerprint results in RAPS prior to a case being considered eligible for scheduling.

The conditions a principal applicant of a case must meet in order to be eligible for interview scheduling have been slightly changed to the following:

- Have no existing interview date;
- Have no Preliminary or Final Decision;
- Not be marked as Immediate Action;
- Not be on Hold (except for "VT" Hold);
- Have either fingerprint results in RAPS **or have a biometrics appointment scheduled at the ASC with an appointment date before the potential interview date.**

This modification will reduce the amount of time an affirmative asylum case is pending between the ASC appointment date and the asylum interview.

Changes to Automated Generation of Interview Notices

Effective the evening of January 29, 2018, RAPS will automatically order the printing of Interview Notices for cases scheduled within 45 days of the current date. This change will reduce the workload associated with the manual production of interview notices for cases that are manually scheduled for an interview before being picked up by the batch scheduler. This change will also provide earlier notice to applicants and representatives where the cases are manually scheduled more than 21 days in the future.

Changes to the AAPM

Pursuant to these RAPS Changes, changes have been made to Affirmative Asylum Procedures Manual (AAPM) *Section II.G. Asylum Offices Schedules Interview* and are provided as "Attachment 1" to this memorandum.

Please direct questions regarding these releases to Elizabeth Mura, Operations Branch Chief at
or

(b)(6)

II.G. Asylum Office Schedules Interview

Asylum applicants entered into the case management system become ready to be scheduled for an asylum interview after the applicant and their dependents have been scheduled for a biometrics appointment at an ASC, or we otherwise have the applicant and their dependents' biometrics on file. The Asylum Office creates an interview calendar and sets scheduling parameters that are determined by the number of AOs that will be available to interview during that period.

1. Asylum Office Creates an Interview Calendar in RAPS

An Asylum Office creates a monthly interview calendar in RAPS using the Create Daily Calendar (CCAL) command. The number of cases that are scheduled for an interview in any given month depends upon each office's scheduling system that takes into consideration staffing resources and no-show rates. Through the CCAL screen, the Asylum Office tells RAPS how many asylum applicants to call-in for an interview by "opening" a certain number of interview slots. The number of slots the Asylum Office opens is based upon each office's staffing resources.

Once the Asylum Office creates an interview calendar, it may be viewed by using the Calendar Query (CALQ) command.

2. Cases are Selected for Interview Scheduling

a. Automatic (Batch) Scheduling

Approximately 21 and 22 days before a particular interview day, RAPS fills that day's opened interview slots with cases from the pool of cases eligible for interview scheduling.

Cases in the pool that are marked with a special group code will generally not be picked up for scheduling as part of the automatic scheduling system, unless the interview calendar indicates that a particular special group case should be scheduled.

b. Manual Scheduling

Cases may be manually scheduled to available interview days by utilizing the Add Case to Schedule (ADDC) command in RAPS. Reasons for manually scheduling a case may include the need to schedule an expedited interview for a particular I-589 or to reschedule an interview due to lack of available AOs to interview on a given day.

Before using the ADDC command, Asylum Office personnel check to see if interview slots have been opened for a particular day by viewing the Calendar Query (CALQ) command.

c. Scheduling Priorities

All cases within the pool are categorized into priorities. RAPS automatically schedules cases in the following order, exhausting each priority listed before scheduling cases from the next priority group:

Priority 1: Rescheduled cases (including any special group codes) – from newest to oldest, based on the filing date.

Priority 2: Eligible cases aged within 21 days of the filing date, in order of filing, based on the filing date

Priority 3: Eligible cases aged between 22 and 100 days after the filing date, from newest to oldest, based on the filing date.

Priority 4: Eligible cases over 100 days after the filing date, from newest to oldest, based on the filing date.

d. RAPS/CLAIMS Interface for Certain Administratively Closed Cases

The Asylum Offices administratively closed many pre-reform asylum applications after applicants failed to appear for an interview. Many of the individuals were not placed before the Immigration Court because the Asylum Office did not have sufficient information to establish their deportability.

If an applicant in this category files an application for an Employment Authorization Document (EAD), a CLAIMS/RAPS interface triggers RAPS to reopen the case for interview scheduling. CLAIMS also updates RAPS with the new address. If the new address puts the case into a different jurisdiction, RAPS automatically transfers the case to the new Asylum Office.

3. Asylum Office Generates and Mails Interview Notice

RAPS automatically generates Interview Notices for interviews within 45 days of the current date for manually scheduled cases and 21 or 22 days for batch scheduled cases. If a case is manually scheduled less than 45 days from the current date, the notice will be printed overnight. If an applicant's representative is recorded in RAPS, RAPS generates an identical Interview Notice to the representative of record. An Interview Notice is printed in the Asylum Office during the night. Within three (3) business days of the Notices being printed and no less than 18 days before the scheduled interview date, Asylum Office personnel mail the Interview Notice to the applicant and any representative of record. Asylum Office personnel file the mailers in the applicant's file within twelve (12) days of their printing.

Exceptions to these requirements can be made in particular cases at the discretion of the Director for special circumstances, as long as the applicant receives adequate notice of the interview.

From: [Lafferty, John L](#)
To: [RAIO - Asylum Field Office Staff](#); [RAIO - Asylum Field Office Managers](#); [RAIO - Asylum HQ](#)
Subject: Today's announcement about the change in the scheduling of asylum cases
Date: Wednesday, January 31, 2018 9:32:48 PM
Attachments: [Asylum Reform Five Years Later Feb2000 Press Release.pdf](#)

Asylum Division colleagues,

Many of you may have already heard that USCIS today announced that we are changing our approach to how we prioritize asylum cases for interview scheduling.

(<https://www.uscis.gov/news/news-releases/uscis-take-action-address-asylum-backlog>)

Before this week, for the last 3 years the RAPS system generally prioritized cases for interview as follows:

1. Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant's request or the needs of USCIS;
2. Applications filed by unaccompanied alien children (UACs), newest cases first and going backwards to the oldest UAC filing; and
3. All other pending applications, starting with the oldest pending cases.

The change instituted this week switched the interview scheduling prioritization back to the approach that was in place in the Asylum program from 1995 through 2014 under Asylum Reform. That approach prioritizes cases for interview scheduling as follows:

1. Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant's request or the needs of USCIS;
2. Applications pending 21 days or less since filing; and
3. All other pending applications, starting with newer filings and working back toward older filings.

When this approach was first put in place approximately 23 years ago, the backlog of asylum claims was even larger than what we have today, at over 425,000 cases, and the number of asylum claims that the agency was receiving annually was around the level we received last year, over 140,000. Within one year of putting this scheduling approach in place, the backlog in asylum cases had stopped increasing and begin moving downward. Within two years, the annual number of asylum cases received had dropped 65%. If you are interested in knowing more about asylum reform, I've attached a press release that marked the 5-year anniversary of the reform effort.

While the circumstances are very different now, with a large portion of our team diverted to protection screenings, we cannot rely solely on the hope that we will receive additional resources, or that conditions will somehow improve in the countries around the world, to try to stop the steady upward spiral of our backlog. Having represented asylum seekers in the early 1990's, I'm fully aware of the impact that this change is going to have on those seeking our country's protection who are already in our backlog. I know that this will mean continued separation from family members left behind. I know that this will leave their lives in limbo. I have my own personal experiences of seeing clients' families fall apart because of the separation that seemed to have no end. This decision brings me no joy.

But we also know that our program is being abused. Applications are being submitted solely to sit in our backlog and obtain work authorization until we can get around to them, months or years later. Applications are being submitted solely to get someone placed into removal proceedings, though our own experience shows that many of these applicants have little or no idea that they have applied for asylum, that there is no such thing as a “10-year green card” and that they, after years of trying to avoid immigration authorities, are going to end up in front of an immigration judge who can order them removed from the country.

Changing our interview scheduling priorities back to an approach that was successful for 20 years is one step that we can take now to deter those who are abusing our program, who are harming legitimate asylum seekers who are unable to get a timely decision, and who are putting at risk the continued generosity of our nation towards those in need of protection. It is a painful but necessary step, and it will not be the last one we take to safeguard the integrity of the program and our mission.

My first job in the US government was as an Asylum Officer, entering on duty 23 years ago, just as Asylum Reform was being implemented. I had experienced from the other side the dedication and sense of mission that Asylum program staff bring to the work and to the mission. I was excited to join the Asylum Corps. I wanted to feel that same sense of mission, that same ability to provide people protection. I wanted to be part of the solution for a program that many viewed as broken. I still feel that same sense of mission today, and that same desire to be part of the solution to the challenges that we now face.

Going forward, I am hopeful because I know that I’m surrounded by amazing people in this program, people with the same sense of mission and the same desire to rise to any challenge.

I am both inspired and grateful each and every day for everything that you do on behalf of our mission, our program, and our country. Thank you.

John

LIFO Public Website Changes

The Asylum Eligibility and Applications FAQ (<https://www.uscis.gov/faq-page/asylum-eligibility-and-applications-faq#t12802n40142>) and [Frequently Asked Questions - Asylum | USCIS](#)

How Long Does the Process Take?

For asylum applications filed on or after April 1, 1997, the Immigration and Nationality Act (INA) states that the initial interview should take place within 45 days after the date the application is filed. A decision should be made on the asylum application within 180 days after the date the application is filed, unless there are exceptional circumstances. See INA section 208(d)(5).

As of Jan. 29, 2018, the USCIS Asylum Division is scheduling interviews in the following order of priority:*

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

*This scheduling approach was first established following the [asylum reforms of 1995](#), and was in place previously for 20 years.

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, an urgent 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 case. Go to the [USCIS Service and Office Locator](#) page for contact information.

For asylum applicants who live far from an asylum office or an asylum sub-office, asylum offices schedule interviews at USCIS field offices ("circuit ride" locations) as resources permit. Please contact the asylum office with jurisdiction over your case for more detailed information.

See [Affirmative Asylum Interview Scheduling](#) for more information.

Last Reviewed/Updated: 01/29/2018

The Affirmative Asylum Process page (<https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-process>) will need to be updated, as follows:

The Affirmative Asylum Process

(No changes except to Step Four (including heading))

New step 4 text:

STEP FOUR: Receive an Interview Notice

Depending on where you live, we will schedule you for an interview with an asylum officer either at one of the eight asylum offices, the two asylum sub-offices, or at a USCIS field office (“circuit ride location”). For more information about USCIS field and asylum offices, visit our [Find A USCIS Office](#) page. Your interview notice will tell you the date, location, and time of your asylum interview.

As of Jan. 29, 2018, the USCIS Asylum Division is scheduling asylum interviews in the following order of priority:*

- **First priority:** Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant’s request or the needs of USCIS;
- **Second priority:** Applications that have been pending 21 days or less since filing;
- **Third priority:** All other pending affirmative asylum applications will be scheduled for interviews starting with newer filings and working back towards older filings.

*This scheduling approach was first established following the [asylum reforms of 1995](#), and was in place previously for 20 years.

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, an urgent 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 case. Go to the [USCIS Service and Office Locator](#) page for contact information.

For asylum applicants who live far from an asylum office or an asylum sub-office, asylum offices schedule asylum interviews at USCIS field offices (“circuit ride” locations) as resources permit. Please contact the asylum office with jurisdiction over your case for more detailed information

See Affirmative [Asylum Interview Scheduling](#) for more information.

Last Reviewed/Updated: 01/29/2018

The Affirmative Asylum Scheduling Bulletin page (<https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-scheduling-bulletin>) will need to be changed to:

Affirmative Asylum Interview Scheduling

[Versión en español](#)

Starting Jan. 29, 2018, the Asylum Division will give priority to the most recently filed affirmative asylum applications when scheduling asylum interviews.

USCIS' predecessor, the Immigration and Naturalization Service, first established this interview scheduling approach as part of asylum reforms implemented in January 1995. This approach was in place until December 2014. The aim is to deter individuals from using asylum backlogs solely to obtain employment authorization by filing frivolous, fraudulent or otherwise non-meritorious asylum applications.

Giving priority to recent filings allows USCIS to promptly place such individuals into removal proceedings, which reduces the incentive to file for asylum solely to obtain employment authorization. This approach also allows USCIS to decide qualified applications in a more efficient manner.

USCIS will now schedule asylum interviews in the following order of priority:

- **First priority:** Applications that were scheduled for an interview, but the interview had to be rescheduled at the applicant's request or the needs of USCIS.
- **Second priority:** Applications that have been pending 21 days or less.
- **Third priority:** All other pending affirmative asylum applications will be scheduled for interviews starting with newer filings and working back towards older filings.

Workload priorities 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, an urgent 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 case. Go to the [USCIS Service and Office Locator](#) page for contact information.

For asylum applicants who live far from an asylum office or an asylum sub-office, asylum offices schedule asylum interviews at USCIS field offices ("circuit ride" locations) as resources permit. Please contact the asylum office with jurisdiction over your case for more detailed information.

Last Reviewed/Updated: 01/29/2018

User Acceptance Criteria

Modify the selection and ordering of cases for Affirmative Asylum batch scheduling according to new criteria provided by Asylum HQ.

Description

(b)(7)(e)

EXHIBIT 1: Interactive Interview Schedule Set-Up

The prioritization of schedulable cases is as follows:

Priority	Sort Code	Special Group Code	Reform-era Filing	Days Since Filing	Other	Sequence
1			n/a	n/a	Rescheduling Priority or Requested Interview	LIFO
2					All Others	FIFO
3			Yes	n/a	Priority Rescheduling	LIFO
4				Less than 22	n/a	
5				22 to 100		
6				Over 100		
7			No	n/a	Rescheduling Priority	LIFO
8					Requested Interview	
9					All Others	FIFO

Within each priority group, the cases may be ordered by age since Filing Date, either as FIFO (First In, First Out), or LIFO (Last In, Last Out). In the current configuration, most cases are selected in LIFO order, with only the lowest priority cases sorted as FIFO.

Once all the eligible cases are selected, prioritized and sorted, they are ready for processing. The batch scheduler is set up to fill slots in a two-day window, 21 and 22 days in the future. As well, the process schedules all cases of a given Special Group, one group at a time, until all of the slots at the appropriate place and dates are filled. The batch program is therefore executed several times each night, once for each active Special Group. The current list of Special Groups processed by the batch scheduler is:

None (Special Group code is blank)	ABR	HGN
HGT	HGX	HDD
NCG	HGY	ME1
ME2	ME3	TPS
ABQ	ABN	ABA
ABB	PEN	

Note that the population of each Special Group is scheduled against the number of matching interview slots, so there is no prioritization or competition between the various Special Groups. This means that processing order is irrelevant and it makes no difference if, for example, Group “ABR” is run before or after Group “PEN”.

RAPS SCR 12812 (b)(6) (b)(7)(e) **BATCH SCHEDULER PRIORITIES****Development:** **11/3/14 – tbd**

NOVEMBER 2014

Requirements

Changing conditions have led to the need to extensively modify the prioritization of cases for batch interview scheduling. The revised priorities are:

Priority and Sort Code		Special Group Code	Reform-era Filing	Date of Entry	Other	Sequence	
		any	Yes	any	Rescheduled	LIFO	
		PRL	any	after 5/1/14	n/a		
		PRL		before 5/1/14			
		any	any	Principal under 18 at filing			
					Yes	n/a	FIFO
					No	Rescheduled	
					n/a		

Most of the columns in the above table carry over from the previous priorities list. Days Since Filing does not, as it is no longer a factor. Also, there is no difference between the internal Sort Code and the overall Priority, so they are listed together. New is the Date of Entry, which is now a prioritization factor for Special Group “PRL”.

The sole change in the list of Special Groups processed by the batch scheduler is the addition of code “PRL”:

None (Special Group code is blank)	ABR	HGN
HGT	HGX	HDD
NCG	HGY	ME1
ME2	ME3	TPS
ABQ	ABN	ABA
ABB	PEN	PRL

As before, there is no competition for interview slots between different Special Groups, so the order in which they are processed is inconsequential.

OVERVIEW

Program RACSCH00 reads through the sequential Workload extract file with the sole purpose of identifying which cases are currently eligible for interview scheduling. Preliminary and Final Decisions, dependent status, case holds, and current case status are among the key considerations for eligibility.

~~The number of days elapsed since an Asylum application was filed is another important factor, as 14 days must elapse before it can be considered for batch scheduling, to allow for basic background checks and file transfers to be completed.~~

(b)(7)(e)

To simplify processing, two files of eligible cases are created from the scan of the Workload extract, one of cases that are part of no Special Group, the other of cases with any non-blank Special Group code. There are many more non-Special Group cases than there are that are part of Groups—a ratio that can be as much as 50:1.

TESTING

OVERVIEW

(b)(7)(e)

Program RACSCH01 takes the files produced by the preceding Case Selection program (RACSCH00), and matches them up to interview slot information read from the database. It continues to match and fill cases to slots, until no more matches of the same Special Group can be found within the scheduling window.

TESTING



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

DEC 23 2014

HQRAIO 120/9.3

Memorandum

TO: All Asylum Office Personnel

FROM: John Lafferty
Chief, Asylum Division

A handwritten signature in black ink, appearing to read "John Lafferty", written over a horizontal line.

SUBJECT: RAPS Release 2.1.0.0 – Change in batch scheduling priorities, ZIP code and state validation, Replacement of Outbound for NFTS files and NACARA interview notices.

The purpose of this memorandum is to advise Asylum Office personnel of modifications to the Refugees, Asylum and Parole System (RAPS), which will become effective on Wednesday, December 24, 2014 at 8:00 pm eastern.

Replacement of Outbound with SFTP for NFTS interface

RAPS has exchanged data files with NFTS through Outbound for many years. Outbound uses FTP as the underlying file transfer protocol. Increased security requirements require that RAPS no longer use FTP so Outbound is being replaced with SFTP, which is more secure. This change will be invisible to RAPS users.

Replacement of Outbound with SRDU for NACARA

RAPS has been using Outbound to transfer NACARA interview data files from the mainframe to each Asylum Office for local printing of individual interview notices. These files contain mail-merge data for use by a Visual Basic/Microsoft Word application. Although the volume of NACARA interviews is much reduced from years past, a small number of records must still be distributed on a nightly basis. These files will now be distributed through the SRDU (Secure Reports Distribution Utility). Office DSMs have already been receiving these files on a test basis and this process finalized.

Changes to Batch Scheduling Priorities

The Asylum Division has made changes to batch or automatic scheduling of asylum interviews. The first change is that special group "PRL" cases (used for unaccompanied alien children) have been added to the batch scheduler. Previously, these cases could only be manually scheduled. The second change is that certain pre-Reform (cases filed before Jan. 4, 1995) cases in the old scheduling priorities of 7-9 and under the jurisdiction of Los Angeles and Newark will no longer be "overbooked" by the batch scheduler because they were likely to miss their interviews.

The third change is to the batch scheduling priorities themselves. Previously, cases were batch scheduled in the following priorities:

Page 2

1. Reform rescheduled cases.
2. Reform cases beginning with those aged 21 days and working towards the newer cases (i.e., from 21 days old to 1 day old).
3. Reform cases that are between 22 and 100 days of receipt, from newest to oldest (i.e., from 22 days old to 100 days old).
4. Reform cases that are over 100 days from day of receipt, from newest to oldest (i.e., 100 days to 999 days).
5. Pre-reform rescheduled cases.
6. Pre-reform cases where the applicant requests an immediate interview and the interview is added to the scheduler through use of the INTERVIEW REQUEST (INTR) command.
7. Pre-reform cases, starting with the most recently filed and working to the older cases in the backlog from the newest to the oldest.

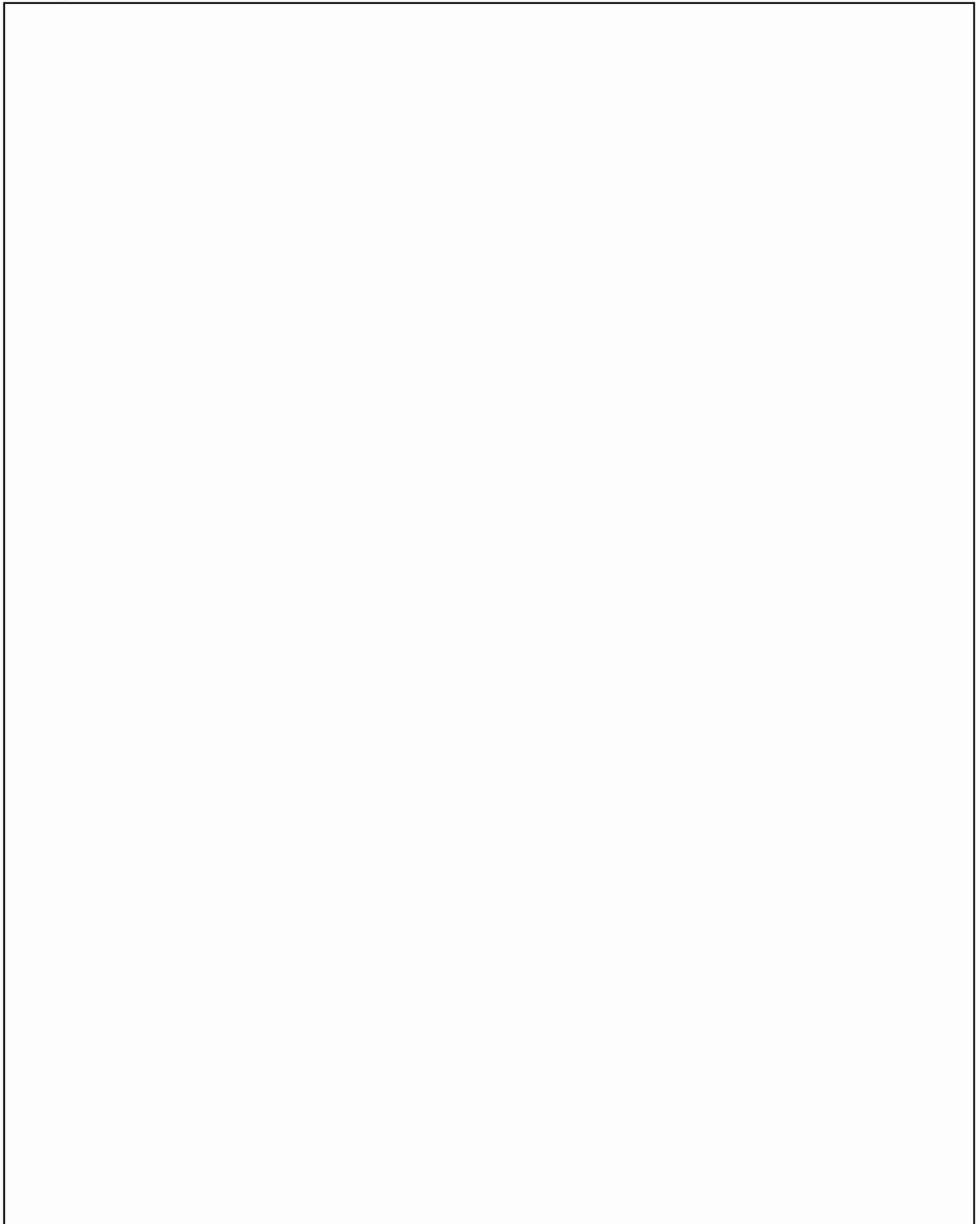
RAPS will now batch schedule cases in the following priorities:

1. Rescheduled cases (including any special group codes) – last in, first out (LIFO) based on the filing date.
2. Children's cases
 - a. Special group "PRL" cases with dates of entry on or after May 1, 2014 – LIFO.
 - b. Special group "PRL" cases with dates of entry before May 1, 2014 – LIFO.
 - c. Minor principal applicant cases (i.e. under age 18 at the time of filing) who are not special group "PRL" cases – LIFO.
3. Other cases
 - a. Reform cases (not included in priorities 1-4 and with any special group code) – first in, first out (FIFO) based on the filing date.
 - b. Pre-reform rescheduled cases – FIFO.
 - c. Pre-reform cases – FIFO.

No other changes to the batch scheduler were made and no changes were made to manual scheduling. Sections II.G, Asylum Office Schedules Interview, and III.B.1.a.v, Scheduling of UAC Interviews, of the Affirmative Asylum Procedures Manual have been updated as appropriate.

(b)(7)(e)





(b)(6)

Please direct any scheduling questions to Mary Margaret Stone, Chief, Operations Branch, at [REDACTED]
[REDACTED] Please direct any other questions to [REDACTED] Asylum Officer,
Operations Branch, at [REDACTED]

Attachments (2)

II.G. Asylum Office Schedules Interview

No changes

1. Asylum Office Creates an Interview Calendar in RAPS

No changes

2. Cases are Selected for Interview Scheduling

a. Automatic (Batch) Scheduling

Approximately 22 days before a particular interview day, RAPS fills that day's opened interview slots with cases from the pool that was created when I-589s were entered into the system.

Cases in the pool that are marked with a special group code will not be picked up for scheduling as part of the automatic scheduling system, unless the interview calendar indicates that a particular special group case should be scheduled.

b. Manual Scheduling

No changes

c. Scheduling Priorities

All cases within the pool are categorized into priorities. RAPS automatically schedules cases in the following order, exhausting each priority listed before scheduling cases from the next priority group:

Priority 1: Rescheduled cases (including any special group codes) – last in, first out (LIFO) based on the filing date.

Priority 2: Children's cases

- a. Unaccompanied alien children (UAC) designated as special group "PRL" with dates of entry on or after May 1, 2014 – LIFO based on the filing date.
- b. UAC designated as special group "PRL" with dates of entry before May 1, 2014 – LIFO based on the filing date.
- c. Minor principal applicant cases (i.e. under age 18 at the time of filing) who are not special group "PRL" cases– LIFO based on the filing date.

Priority 3: Other cases

- a. Reform cases (not included in priorities 1-4 and with any special group code) – first in, first out (FIFO) based on the filing date.
- b. Pre-reform rescheduled cases - FIFO based on the filing date.
- c. Pre-reform cases - FIFO based on the filing date.

d. RAPS/CLAIMS Interface for Certain Administratively Closed Cases

The Asylum Offices administratively closed many pre-reform asylum applications after applicants failed to appear for an interview. Many of the individuals were not placed before the Immigration Court because the Asylum Office did not have sufficient information to establish their deportability.

If an applicant in this category files an application for an Employment Authorization Document (EAD), a CLAIMS/RAPS interface triggers RAPS to reopen the case for interview scheduling. CLAIMS also updates RAPS with the new address. If the new address puts the case into a different jurisdiction, RAPS automatically transfers the case to the new Asylum Office.

III.B. Categories of Cases

1. Children Filing as Principal Asylum Applicants

No changes.

a. Unaccompanied Alien Children Applying for Asylum

No changes.

v. Scheduling of UAC Interviews

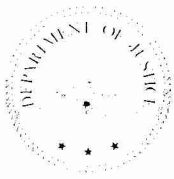
PRL applicants may be scheduled for interview manually or automatically using the batch scheduler. See Section II.G. Asylum Office Schedules Interview for more information.

From: Lafferty, John L
To: [REDACTED]
Subject: RE: RAPS and LIFO
Date: Tuesday, January 23, 2018 7:57:43 PM
Attachments: [caseprioritiesandimmigrationcourtperformancemeasures011718_0.pdf](#)

The EOIR priorities memo.

-----Original Appointment-----

From: Stanley, Rhonda R (CTR)
Sent: Friday, December 01, 2017 12:15 PM
To: [REDACTED] Lafferty, John L [REDACTED]
C
Subject: RAPS and LIFO
When: Tuesday, January 23, 2018 9:30 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: John's Office



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Director

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

Director

January 17, 2018

MEMORANDUM TO: The Office of the Chief Immigration Judge
All Immigration Judges
All Court Administrators
All Immigration Court Staff

FROM: James R. McHenry III 
Director

SUBJECT: Case Priorities and Immigration Court Performance Measures

This memorandum is effective immediately, applies prospectively to all new cases filed and to all immigration court cases reopened, recalendared, or remanded, and serves to rescind the January 31, 2017, memorandum entitled "Case Processing Priorities" and all other prior memoranda establishing case processing or docketing priorities.

I. Background

On December 6, 2017, the Attorney General issued a memorandum to all Executive Office for Immigration Review (EOIR) employees outlining several principles to follow to ensure that the adjudication of immigration court cases serves the national interest. It also provided that the Director of EOIR may issue further guidance to ensure the achievement of those principles. Pursuant to 8 C.F.R. § 1003.0(b)(1)(ii) and (iv), the EOIR Director has the authority to "[d]irect the conduct of all EOIR employees to ensure the efficient disposition of all pending cases, including the power, in his discretion, to set priorities or time frames for the resolution of cases and otherwise to manage the docket of matters to be decided by the immigration judges" and to "[e]valuate the performance of the Office of the Chief Immigration Judge (OCIJ) and take corrective action where needed."

Accordingly, pursuant to that authority and in accordance with the Attorney General's principles, this memorandum lays out EOIR's specific priorities and goals in the adjudication of immigration court cases.

II. Case Prioritization

EOIR has always designated detained cases as priorities for completion. In 2014, EOIR began designating other types of “priority” cases for docketing and processing purposes, and those priority designations have been subsequently modified three times—most recently on January 31, 2017.

The repeated changes in case prioritization have caused confusion and created difficulty in comparing and tracking case data over time. But, most importantly, the frequent shifting priority designations did not enhance docket efficiency. Not only were cases repeatedly moved to accommodate new priorities without a clear plan for resolving both the new and older cases, but also the designations did not adequately stress the importance of completing all cases in a timely manner.

For example, less than 10% of cases currently pending meet the definition of “priority” outlined in the January 31, 2017, memorandum—a statistic that conveys a potentially mistaken impression regarding the importance of completing the other 600,000-plus pending cases that do not bear a “priority” designation.

Accordingly, to address concerns and confusion, it is appropriate to clarify EOIR’s priorities and goals to ensure that the adjudication of cases serves the national interest consistent with the principles outlined by the Attorney General.

All cases involving individuals in detention or custody, regardless of the custodian, are priorities for completion.¹ Likewise, cases subject to a statutory or regulatory deadline, cases subject to a federal court-ordered deadline, and cases otherwise subject to an established benchmark for completion, including those listed in Appendix A, are also priorities. As developments warrant, other priority designations may be established as appropriate, and other categories of cases may be tracked regardless of whether they reflect a priority designation.

The designation of a category of cases as priority is an indication of an expectation that such cases should be completed expeditiously and without undue delay consistent with due process. Because the designations outlined in this memorandum apply prospectively, it is not intended to require the rescheduling of currently-docketed cases. The designation of priority cases is also not intended to diminish or reduce the significance of other cases. Indeed, the timely completion of *all* cases consistent with due process remains a matter of the utmost importance for the agency. Finally, the designation of a case as a priority is not intended to limit the discretion afforded an immigration judge under applicable law, nor is it intended to mandate a specific outcome in any particular case.

¹Cases of aliens in the custody of the Department of Homeland Security and aliens in the care and custody of the Department of Health and Human Services who do not have a sponsor identified were priorities under prior policy and remain so under this new policy.

III. Immigration Court Benchmarks and Performance Metrics

Apart from designated case priorities, EOIR's case processing has also involved other types of evaluative measures over time, such as statutory or regulatory deadlines for the completion of certain types of cases, including under the Immigration and Nationality Act (INA), the Government Performance and Results Act (GPRA) of 1993, and the GPRA Modernization Act of 2010. Although these case completion goals have not previously denoted case priorities *per se*, they do serve as indicators of the importance of completing certain classes of cases in a timely manner.

Historically, EOIR also utilized case completion measures for non-detained cases from FY 2002 to FY 2009, but it eliminated those measures in FY 2010, leading to confusion regarding the extent to which the timely completion of non-detained cases was perceived as a priority for the agency. The abolition of non-detained case completion benchmarks was also subsequently criticized by both the Department of Justice (DOJ) Office of Inspector General and the Government Accountability Office, both of whom recommended that EOIR reinstate goals for the completion of non-detained cases. In 2016 and 2017, the House Committee on Appropriations also directed EOIR to establish a goal that the median length of detained cases be no longer than 60 days and the median length of non-detained cases be no longer than 365 days.

Although EOIR has previously stated that case completion goals are statements of agency priorities and has tracked performance relative to those goals, it has not expressly designated cases subject to such measures as priorities, unless they happened to fall into another category that was a priority (*e.g.* detained cases). This has led to even further confusion regarding the interaction between case priorities and case resolution goals, especially because the overwhelming majority of pending cases in recent years were neither designated as a priority nor subject to a performance goal.

Almost every trial court system utilizes performance measures or case completion metrics to ensure that it is operating efficiently and appropriately. Some of these are established by statute or regulation whereas others are set by policy; nevertheless, trial court performance measures are an essential and widely-recognized tool for ensuring healthy and effective court operations.

In the federal system, for example, the Civil Justice Reform Act of 1990 requires semiannual reporting of the number of certain types of civil cases and motions pending beyond a particular date with the intent of reducing litigation delays in federal district courts. Many administrative adjudicatory systems also feature case processing time standards, either by statute,

regulation, or policy.² At the state level, most states have adopted court case processing time standards, many of which follow model standards approved by the American Bar Association (ABA).³

In fact, over 25 years ago, the ABA recognized the importance of establishing court performance standards to ensure effective case management and to avoid undue delay; in doing so, it outlined seven essential elements for managing cases, including several that are now being implemented by EOIR such as “[p]romulgation and monitoring of time and clearance standards for the overall disposition of cases,” “[a]doption of a trial-setting policy which schedules a sufficient number of cases to ensure efficient use of judge time while minimizing resettings caused by overscheduling,” “[c]ommencement of trials on the original date scheduled with adequate advance notice,” and “[a] firm, consistent policy for minimizing continuances.”⁴ In short, court performance measures and case completion goals are common, well-established, and necessary mechanisms for evaluating how well a court is functioning at performing its core role of adjudicating cases.

EOIR is no exception to the rule that court performance measures are a necessary accountability tool to ensure that a court is operating at peak efficiency, nor is there anything novel or unique about applying performance measures to EOIR’s immigration courts.⁵ Rather, a review of such measures is vital to ensure that the immigration court system is performing strongly, that EOIR is adjudicating cases fairly, expeditiously, and uniformly consistent with its mission, and that it is addressing its pending caseload in support of the principles established by the Attorney General.

Accordingly, to ensure that EOIR is meeting these goals, the court-based performance measures outlined in Appendix A to this memorandum will be tracked by EOIR, and court

² See, e.g., 42 U.S.C. § 1395ff (establishing hearing deadlines for cases before administrative law judges at the Department of Health and Human Services); Fed. Energy Regulatory Comm’n, Summary of Procedural Time Standards for Hearing Cases, <https://www.ferc.gov/legal/admin-lit/time-sum.asp> (last updated Mar. 10, 2017) (outlining time standards for administrative law judges hearing cases at the Federal Energy Regulatory Commission).

³ See *Case Processing Time Standards*, Nat’l Ctr. for State Courts, <http://www.ncsc.org/cpts> (last visited January 9, 2018); *Model Time Standards for State Trial Courts* (Nat’l Ctr. for State Courts 2011), http://www.ncsc.org/Services-and-Experts/Technology-tools/~/_media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx.

⁴ See Judicial Admin. Div., Am. Bar Ass’n, *Standards Relating to Trial Courts* § 2.51 (vol. II 1992), available at <https://www.americanbar.org/content/dam/aba/migrated/divisions/Judicial/MO/MemberDocuments/trialcourtstandards.authcheckdam.pdf>.

⁵ EOIR’s other adjudicatory components, the Board of Immigration Appeals and the Office of the Chief Administrative Hearing Office, are also subject to performance measures.

performance in meeting them will be regularly audited. These goals are intended to help determine which courts are operating in a healthy and efficient manner, and which courts may be in need of more specialized attention in the form of additional resources, training, court management, creative thinking and planning, and/or other action as appropriate.

As published here in Appendix A, these court-based goals are not intended to apply specifically to any individual employee; rather, these goals apply to the court as a whole, and all court employees accordingly share responsibility for working together to successfully meet them.⁶

OCIJ will provide additional “not-to-exceed” guidelines for each goal, as appropriate. Further, some cases may be subject to more than one goal. EOIR will also track the clearance rate (the ratio of new cases filed to cases completed) and the age of existing cases at each court and may announce future goals for those statistics at a later date.

Many of these measures derive from statutory or regulatory mandates, including the INA; others derive from EOIR’s goals developed under GPRA. Still others, such as a goal of ensuring file completion and accuracy, are simply reflections of the standard that a professional administrative court system should endeavor to attain. Although many of these goals have already existed for several years at EOIR, their current designation clarifies that cases subject to a goal should be considered priority cases and reiterates that the goals themselves reflect considered policy judgments regarding optimal court performance and functioning that EOIR’s immigration courts should strive to achieve.

EOIR is already meeting, or close to meeting, some of these goals; for instance, the median length of time a detained case is pending at the immigration court level is currently less than 60 days. For other goals, they may appear merely aspirational at first, and the agency is cognizant that it may take time for them to be fully realized. Nevertheless, as a professional administrative court system within the DOJ exercising the Attorney General’s delegated authority, EOIR should strive to become the preeminent administrative adjudicatory agency in the federal government and to fulfill its mission at the highest level possible. Further, by making you aware of these goals, you can begin thinking about how, with these goals in mind, EOIR’s day-to-day activities can be streamlined to improve efficiency while maintaining due process. Moreover, there is no doubt that as the agency puts into place additional resources, training, and

⁶ In autumn 2017, following collective bargaining, EOIR and the National Association of Immigration Judges jointly agreed to remove language from Article 22 of their labor agreement that had limited EOIR’s ability to measure and evaluate immigration judge performance. Although many of the policy considerations relevant for setting court performance goals are also relevant for setting performance metrics for individual immigration judges, especially regarding goals that have existed in some form at EOIR already for several years, the implementation of those metrics specifically for immigration judges is subject to an ongoing process and is beyond the scope of this memorandum.

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more efficient processes, you will continue impress with your dedication to our mission. As the Attorney General indicated, every employee at EOIR can contribute something to improve the system, and your creative suggestions regarding more effective case management are welcome.

IV. Conclusion

Thank you for your dedication and professionalism as we work together as a team to ensure that the adjudication of immigration court cases serves the national interest in accordance with the principles outlined by the Attorney General.

Please contact your Assistant Chief Immigration Judge with any questions you may have concerning this memorandum.

This guidance is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this memorandum should be construed as mandating a particular outcome in any specific case.

Attachment

APPENDIX A

IMMIGRATION COURT PERFORMANCE MEASURES

1. Eighty-five percent (85%) of all non-status⁷ detained removal⁸ cases should be completed⁹ within 60 days of filing of the Notice to Appear (NTA), reopening or recalendaring of the case, remand from the Board of Immigration Appeals (BIA), or notification of detention.
2. Eighty-five percent (85%) of all non-status non-detained removal cases should be completed within 365 days (1 year) of filing of the NTA, reopening or recalendaring of the case, remand from the BIA, or notification of release from custody.
3. Eight-five percent (85%) of all motions should be adjudicated within 40 days of filing.
4. Ninety percent (90%) of all custody redeterminations should be completed within 14 days of the request for redetermination.
5. Ninety-five percent (95%) of all hearings should be completed on the initial scheduled individual merits hearing date.
6. One hundred percent (100%) of all credible fear reviews should be completed within seven (7) days of the initial determination by an asylum officer that an alien does not have a credible fear of persecution. *See* INA § 235(b)(1)(B)(iii)(III). One hundred percent (100%) of all reasonable fear reviews should be completed within 10 days of the filing of the negative reasonable fear determination as reflected in Form I-863. *See* 8 C.F.R. § 1208.31(g).
7. One hundred percent (100%) of all expedited asylum cases should be completed within the statutory deadline and consistent with established EOIR policy. *See* INA 208(d)(5)(A)(iii); OPPM 13-02.
8. Eighty-five percent (85%) of all Institutional Hearing Program (IHP) removal cases should be completed prior to the alien's release from detention by the IHP custodian.
9. One hundred percent (100%) of all electronic and paper records should be accurate and complete.

⁷ A status case is (1) one in which an immigration judge is required to continue the case pursuant to binding authority in order to await the adjudication of an application or petition by U.S. Citizenship and Immigration Services, (2) one in which the immigration judge is required to reserve a decision rather than completing the case pursuant to law or policy, or (3) one which is subject to a deadline established by a federal court order.

⁸ A "removal" case includes a case in removal proceedings, in addition to any reopened, recalendared, or remanded cases in exclusion or deportation proceedings.

⁹ A completed removal case is one in which a final decision has been rendered concluding the case at the immigration court level and encompasses an order of removal, an order of voluntary departure, an order terminating proceedings, or an order granting protection or relief from removal. For other types of cases, a completed case is one in which a final decision has been rendered appropriate for the specific type of case proceeding.