

Asylum interview process and takeaways from recent interview Newark Asylum Office, September 2022

Items to print and bring to interview

- I-589, supplement B pages if any, legal brief
- All passports, national IDs, marriage certificates of applicant, spouse, and all dependents
- Appointment notice
- Any supportive evidence (e.g. photos, press conferences) that have arisen since submission of application
- A closing statement similar to the beginning/end of the declaration and to I-589 questions 1A, 1B, and 4 that summarizes support for asylum bases

People to bring to interview

- Spouse and all dependents
- Interpreter (non-USCIS interpreter not allowed to translate via phone given inability to confirm identity)

Arrival at office

- Security guard allows into office 15 minutes before scheduled interview time
- At the Manhattan branch of the Newark office, approximately three interviews take place every four hours, beginning at 9 AM and 1 PM each day, with all slots presently taken by Afghans
- Airport-style security check, after which allowed to keep mobile phone
- Directed to floor/suite that handles asylum cases
- Greeted by receptionist who gathers forms and biometrics: appointment notice, passports, fingerprints, headshots
- Asked whether an interpreter is required
 - Newark lately has had difficulty providing own interpreters over the phone
- Seated in waiting room
- Turn off mobile phone — not allowed to use during interview
- Can request to use the bathroom, can request to use mobile phone in waiting room if an emergency
- Can drink water, cannot eat in waiting room or during interview

Interview with applicant

- Interviewing officer introduces self, explains that will interview applicant followed by applicant's spouse (and other dependents)
- Wait for some amount of time as officer prepares for interview
- If attorney filed a G-1593 form to attend remotely, officer sends Teams meeting invite and connects with attorney
- Officer calls applicant into office
- Officer gives attorney opportunity to introduce self / make a short opening statement
- Applicant starts by signing form: "record of applicant oath during an interview" to certify that all information provided is true and correct

- Officer explains that interview is divided into two portions: first reviewing all information provided in the I-589 then asking yes/no questions that pertain to bars to asylum
- Officer may have printed out I-589 and may go field by field confirming applicant's name, address, etc. Additional questions may include:
 - In which provinces of Afghanistan have you lived? Where did you live before leaving?
 - Where have you lived apart from Afghanistan and the U.S.?
 - Have you traveled abroad? Where did you visit, for how long, and why?
 - Proof of this travel, e.g. an expired passport, is helpful
- Officer may then use the I-589 as a jumping off point for a broader discussion of the applicant's experiences that form the basis for their asylum claim:
 - Going line by line through educational then work experiences: Tell me about your studies at [university]? What did you do at [organization]?
 - Did the Taliban or anyone else ever threaten you?
 - How do you know it was the Taliban that persecuted you in the past?
 - How will the Taliban know you have returned to Afghanistan / how are they aware of your political opinion and/or past experience?
 - How will the Taliban associate you with a family member/associate who has been persecuted in the past?
 - These open-ended questions give the applicant a chance to define their own narrative and emphasize those incidents/experiences that most clearly evidenced persecution or created a fear of future persecution
- If they haven't already, applicant presents supportive evidence that they brought and would like included in application
- Applicant signs form indicating application as amended is complete and truthful
- Officer moves to second portion of interview, asking yes/no style questions that touch on bars to asylum, such as:
 - Have you or any of your family members ever aided the Taliban, e.g. by paying money at a checkpoint while evacuating?
 - Do you know any members of the Taliban, and have you ever met with them?
 - Have you ever been a member of an armed group?
 - Have you ever been charged with an offense?
- Officer gives attorney an opportunity to make a short closing statement. Attorney or applicant is also allowed to hand the officer a one-page summary/closing statement

Interview with applicant's spouse and dependents

- Spouse and each dependent are interviewed separately for up to 30 minutes
- Interview touches on basic details (name, address in U.S., last address in Afghanistan), trips taken abroad, educational experiences, and work experiences
- At the conclusion, asylum officer speaks with applicant again to wrap-up interview, to provide thoughts on positive or problematic aspects, and to relate steps the office will take next

Takeaways from interview process

- With a compassionate officer and an applicant fluent in English or joined by a strong interpreter in-person, there is substantial latitude for the applicant to build their case verbally before the officer
 - To prep for this, ideally an applicant would have in mind 30-second, 1-minute, and 5-minute versions of their case to ensure these points are working their way into the interview, particularly during the open-ended question phase
- It is also key to know all the details associated with any event that is important for a particular asylum base (e.g., an assassination attempt or abduction by the Taliban) and with any event that could form the basis of a bar (e.g., appearing to aid the Taliban)
 - To prevent the interview from lasting all day, an officer may zero in on the earliest or most significant of these events in the application, or the first that the applicant verbally mentions, making it important to know the details of each of these events well
 - It is also important that no discrepancies emerge between the declaration and spoken narrative with respect to these events as this may affect applicant credibility and the officer's interpretation of the entire application
- It is important to convey not only details that support a reasonable person in the applicant's position fear of future persecution but the applicant's own personal fear that they will be persecuted upon return to Afghanistan as this is difficult for the officer to rebut
- Interviews can last several hours although this is mostly due to detailed gathering of facts that the applicant and officer feel are necessary to support a grant of asylum. However, an antagonistic officer could hypothetically focus on discrepancies and instances that appear to support a bar to asylum
- Percentage of asylum cases being granted for Afghans is so far dramatically higher than asylum cases generally: nearly all applications are being approved
 - However, the Houston office has issued a significant number of Notices of Intent to Deny (NOID)