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TABLE OF APPENDICES

Explanation of Use of Appendices

These Appendices are intended as tools for the Asylum Offices to facilitate production of the types of letters and notices that the offices routinely use and also to foster national consistency in communicating decisions and notices of action to asylum seekers. There may be some circumstances where it is appropriate to deviate from the standard letters to explain unique or unusual situations.

Several of the Appendices are the content of form letters, which need to be placed on Asylum Office letterhead in proper letter format. We did not include address, date, salutation or signature slots, in the expectation that offices will transfer the content of the form letters into the format used by the Asylum Office, with letterhead and the Asylum Office Director's signature. Bracketed text should be removed and when applicable, the bold font should be removed. (This can be accomplished by selecting the bolded text and pressing the **B** on the standard tool bar or simultaneously pressing the CNTRL and letter "B" keys). Each letter should contain the applicant's address, the principal applicant's A-number, and dependent A-numbers, where applicable. If there is a representative of record there should be a "cc" for the representative under the signature block. Each letter issued to an applicant is to be copied for the A-file.

Appendix A 1 Record of Applicant and Interpreter Oaths

RECORD OF APPLICANT AND INTERPRETER OATHS DURING AN INTERVIEW

Location of Interview	
Name of Individual being Interviewed	
Alien-Number of Individual	A
Individual's Native Language(s)	
Interpreter Used	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Interpreter	
Address of Interpreter	
Relationship of Interpreter to Applicant:	<input type="checkbox"/> Friend <input type="checkbox"/> Family <input type="checkbox"/> Professional (Paid) <input type="checkbox"/> Professional (Unpaid) <input type="checkbox"/> Other (specify):
Identity Document(s) Presented by Interpreter, if any	
Languages Used by Interpreter	English and

DECLARATION OF INTERPRETER

- I am appearing today at the request of the individual whose name and Alien-number appear above.
- I speak and understand both English and the non-English language indicated above fluently, and know from conversing with the individual that we understand each other.
- I do solemnly swear/affirm to truthfully, literally and fully interpret the questions asked by the asylum officer and the answers given by the individual.

Signature of Interpreter: _____

DECLARATION OF APPLICANT

- I am appearing today for an interview with an asylum officer concerning the request for asylum (Form I-589) that I filed with the Immigration and Naturalization Service.
- I understand that, under the laws of the United States, if I sign or submit a statement or document I know is false or has no reasonable basis in fact that pertains to a material fact in any application, affidavit, or other document required by the immigration laws or regulations, I may be fined or imprisoned not more than five years.
- I also understand that if I filed my asylum application on or after April 1, 1997, I may be forever barred from receiving any benefits under the Immigration and Nationality Act if I knowingly made a frivolous application for asylum. A frivolous application for asylum is an application that contains deliberately fabricated statements.
- I do solemnly swear/affirm to tell the truth, the whole truth, and nothing but the truth during my interview.

Signature of Applicant: _____

If applicant is proceeding in English without an interpreter:

- I understand that I have the right to have an interpreter present at my interview, at no expense to the government.
- I understand that I can be rescheduled to return another day for my interview with an interpreter of my choosing.
- I hereby certify that I am competent in the English language.
- I knowingly waive my right to have an interpreter present, and want to proceed with the asylum interview by myself.

Signature of Applicant: _____

The above oaths were signed and sworn to/affirmed before me on this ____ day of _____, _____

Signature of Asylum Officer: _____ **Asylum Officer ID Number:** _____

I certify that I am qualified to act as an Interpreter and that I have read the Declaration of Applicant to the individual named above. S/he stated that s/he understood me.

Signature of Interpreter: _____ **Date:** _____

Appendix A 2 EOIR Data Field Chart

FIELD NAME	DESCRIPTION
CASE TYPE	DEP =Deportation; EXC =Exclusion; REC =Rescission; RMV =Removal; CFR =Credible Fear Review; CSR =Claimed Status Review; AOC =Asylum Only
RELATIONSHIP TO LEAD	S =Spouse; C =Child
BASE CITY	Court where charging documents filed
HEARING LOC	Court where hearing was/will be held
A-NUMBER	Applicant's A-number
PRIN A-NUMBER	Principal Applicant's A-number
EOIR NAME	Applicant's Last Name, First Name
EOIR NATIONALITY	Nationality provided by EOIR
CHARGE DOC	Date charging document issued
ASYLUM TYPE	AFF =Affirmative (referred by INS), DEF =Defensive (filed at EOIR)
CUSTODY	DET =Detained, REL =Detained at the time EOIR received case but subsequently released, [BLANK] =Never detained while pending at EOIR
CLOCK ELAPSED	Days elapsed since initial I-589 receipt date, less the number of days the clock was stopped
PROCEED REC	Receipt date of most recent proceeding for this A#/Charging Document date combination
INIT HEARING	Date of initial IJ hearing
CLOCK UPDATED	Date on which clock was last updated by EOIR
LAST HEARING	Date of latest IJ hearing
TYPE	Type of IJ Hearing: MSTR =Master, INDV =Individual
CLK STATUS	RUNNING , TMP STOP (stopped temporarily), PRM STOP (permanently stopped)
INIT RECD (CIS EOIR only)	Date asylum application received <i>at DOJ</i>
ASYL RECD	Date asylum application received <i>at EOIR</i> if defensive, <i>by INS</i> if affirmative
EOIR RECD	Date asylum application received <i>at EOIR</i>
IJ DECISN	GNT =Grant, DEN =Denial, OTH =Other, CND =Conditional Grant, W/D or WDL =Withdrawn, ABN =Abandoned, [BLANK] =Not decided
IJ COMPLETE	Date on which IJ decision was rendered
W/H DECISION	GNT =Grant, DEN =Denial, OTH =Other, CND or C/G =Conditional Grant, WDL or W/D =Withdrawn, ABN =Abandoned, [BLANK] =Not decided
EOIR DECISN	DEPORT , VOL untary departure, RLF GNT (relief granted), OTHER , TERMIN ate, EXCLUDE , ADMIT , REMOVAL/REMOVE , RESCIND , SUSTAIN (REC case type), AFF-NCR (Affirmed-No Credible Fear), VAC-C/F (Vacate-Credible Fear), AFF-INS (CSR case type INS decision affirmed), VAC-V/S (CSR case type alien's claimed status valid), COND itional GRANT , GRANT (Asylum-only), DENY (Asylum-only), WITHDRW (Asylum-only), ABANDON (Asylum-only)
OTHER COMPL	ADMIN , Change of VENUE , TRANSFR , TPS/ABC , FTP , OTHER , HAITIAN (mass closing of Haitian cases)
MTR RECD	Date Motion To Reopen (MTR) was received by EOIR

FIELD NAME	DESCRIPTION
DECISION	Decision on MTR; GNT =Grant, DEN =Denial, OTH =Other, [BLANK] =Not decided
DATE	Date on which MTR decision was made
APPEAL	Date on which appeal was filed with EOIR
APPLICATIONS FILED/DEC	Other associated actions arising at EOIR and their disposition
212C (212(c) waiver)	X under <i>FILED</i> indicates which actions/applications were initiated
245ADJ (245 – Adjustment)	Code under <i>DEC</i> indicates disposition
VOL DEP (voluntary departure)	G =Grant, D =Denied, C =Conditional Grant, W =Withdrawn, O =Other, A =Abandonment, R =Reserved,
WITHDRWL (withdrawal – exclusion)	F =Failure if Decided
SUSPENS (suspension)	
EOIR 42A (Application for Cancellation of Removal for Certain Permanent Residents)	
EOIR 42B (Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents)	
DECISION	BIA Decisions: ABC =American Baptist Church settlement, ADR =Administrative return, CGR =Any conditional grant of relief except CPC, CON =Continued, CPC (Conditional grant/CPC Asylum) D30 =Dismissed (Grant V/D 30 days), DED =Deferred enforced departure, DEN =Denied, DIS =Dismiss Appeal/Affirm IJ Decision, DMO =Dismissed as Moot, DNS =Denied Soriano, DSO =Dismissed Soriano, DUT =Dismissed as Untimely, DVD =Dismissed (voluntary departure granted), GRN -Granted, MB =Moot Bond, NJU =Lacks jurisdiction (BIA), OTH =Other, OTS =Other Soriano, REJ =Rejection, REM =Remand, SAD =Summary Dismissal (inadequate), SAF =Summary affirmance, SAV =Summary affirmance/ VD SED =Summary Dismissal (no brief), SNC =Special NACARA continuation, SOD =Summary Dismissal (other), SUD =Summary Dismissal, SUP =Suspension completion, SUS =Sustain, TPS =Temporary Protected Status, WDL =Withdrawal of Appeal
DATE	Date of appeal decision
FINAL DISP	Final Disposition: ADM ministrative Final Removal Order , FIN al Voluntary Departure , NOT R/O (not ordered removed)
DATE	Date on which final disposition was decided
CHARGES (1) – (6)	Deportation/exclusion/removal/inadmissibility charges, up to six, expressed as INA section
APPLICANT ADDRESS	Address of applicant
ADDRESS DATE	Date address, name, language and/or nationality changed
PHONE	Applicant phone number
CASE ATTORNEY ADDRESS	Name of attorney/representative with appearance entered before EOIR
APPEAL ATTORNEY ADDRESS	Address of attorney/representative
	Name of appeal attorney
	Address of appeal attorney

Prepared by HQASM, based on information on file and information provided by IRM as of 10/01/2001

Appendix A 3 Rescheduling of Asylum Interview – Interpretation Problems

Rescheduling of Asylum Interview – Interpretation Problems

You were scheduled to appear on **[date]** for an appointment at this office regarding your asylum application. The appointment notice advised you to bring an interpreter with you to the asylum interview. Your interpreter must be **fluent** in both English and your native language; must be at least 18 years old; and cannot be your attorney, your representative, or a witness testifying on your behalf.

You were not accompanied by an interpreter meeting the above criteria. The asylum interview must be cancelled for that reason and will be rescheduled. You will receive an appointment notice in the mail informing you of the date and time of your rescheduled interview. Your failure to appear at the rescheduled interview with an interpreter who meets all of the above criteria may result in the referral of your case to an immigration judge.

Note: If your asylum application was filed on or after January 4, 1995, the 150-day waiting period during which you may not apply for employment authorization will be suspended until the date of the rescheduled interview. Your failure without good cause to appear at the rescheduled asylum interview with an interpreter who meets all of the above criteria may be treated as a failure to appear for your asylum interview, and may result in the dismissal of the asylum application, waiver of the right to an adjudication by an asylum officer, and/or the referral of your case to an immigration judge. 8 CFR 208.9(g), 208.10. If your case is referred to an immigration judge because you failed to bring a competent interpreter, you will not be eligible to apply for employment authorization unless you establish exceptional circumstances for such failure or unless the immigration judge grants your asylum application.

Applicant's Signature: _____

Date: _____

Issuing Employee's Signature

Appendix A 4 Waiver of Presence of Representative During an Asylum Interview

WAIVER OF PRESENCE OF REPRESENTATIVE

Location of Interview	
Date of Interview	
Name of Individual being Interviewed	
Alien-Number of Individual	A
Name of Representative as it Appears on Form G-28	

DECLARATION OF APPLICANT

- I understand that the representative named above has filed a G-28, *Notice of Entry of Appearance*, on my behalf with the Immigration and Naturalization Service (INS), indicating that s/he is to represent me in connection with my asylum application.
- I understand that I may have this representative or another representative present during my asylum interview.
- I knowingly waive my right to have a representative present, and want to proceed with the asylum interview by myself and without a representative.

Signature of Applicant: _____

I certify that I am qualified to act as an Interpreter and that I have read the above statements to this applicant. S/he stated that s/he understood me.

Signature of Interpreter: _____

Signature of Asylum Officer: _____ Asylum Officer ID _____

Appendix A 5 Case Reschedule History

CASE RESCHEDULE HISTORY

Alien-Number: A _____

Name of Applicant: _____

- Representative failed to arrive for the interview and applicant does not wish to proceed.
- Applicant wants to seek representation.
- Interpretation problem (indicate one):
 - No Interpreter
 - Incompetent Interpreter
 - Other (specify): _____

- Applicant no longer lives within the jurisdiction of the asylum office.
- Applicant requested the reschedule (specify): _____

- Representative requested the reschedule (specify): _____

- INS rescheduled the interview (specify): _____

- Other reason caused by:
 - INS
 - applicant
 (specify): _____

Reschedule Authorized by: _____ Date: _____
(Signature of INS Officer required for all reschedules)

If the rescheduling is caused by the **applicant** or the **representative of record**, the applicant and/or representative was made aware of the following:

If the asylum application was filed on or after January 4, 1995, this rescheduling is a delay caused by the applicant and cannot be counted as part of the 150-day period before he or she can apply for employment authorization. Time counted toward the 150-day period will resume when the applicant appears for the rescheduled interview.

Applicant's or Representative's Signature: _____
(Signature required only if the reschedule is at the request of the applicant or representative)

Number of times the interview has been rescheduled: 1 2 3 4 5 _____
(Circle one or indicate #)

Appendix A 6 Retention of Original Documents

Retention of Original Documents

This letter refers to your request for asylum in the United States (Form I-589).

At your asylum interview, you submitted the following original documents in support of your claim that were retained by the asylum officer for further review:

- **[list document name]**
- **[list document name]**
- **[list document name]**

[This/These] documents were subsequently submitted for forensic analysis by the Immigration and Naturalization Service's Forensic Document Laboratory (FDL). Upon examination, the documents were not found to be genuine.

The INS must, therefore, retain **[this/these]** original document[s]; however, we have enclosed copies of the documents for your records.

Decision Regarding Your Application for Asylum
-Pick-Up Notice-

You have just completed your interview with an Asylum Officer. **You must appear in person at this office** on the date and time indicated below to receive the Asylum Officer's decision on your application. All family members listed on your Form I-589, Application for Asylum and for Withholding of Deportation, must appear with you when you return to receive the decision on your application.

You will not be informed of the decision before that time. When you come back to pick up your decision, please bring this Notice and a form of identification, if available.

If you used the services of a translator during today's asylum interview, we suggest that you return with a translator. This translator may be helpful if you have questions about your application at that time.

Your signature below establishes that you received this Notice and that this Notice was explained to you at the asylum interview.

Appear at this office on: _____ (date and time)

Applicant's signature: _____

Officer's signature: _____

Employment Authorization: If your asylum application was filed on or after January 4, 1995, failure to appear on the date above to pick up your decision will affect your eligibility to apply for employment authorization under 8 CFR 208.7(a)(1). An asylum applicant may request employment authorization by applying 150 days after a complete asylum application is filed. This 150-day period will be suspended if you fail to appear on the above date to pick up your decision. If your case is referred to an immigration judge, the 150-day period will not resume until you appear before the immigration judge.

If you are granted asylum and you fail to return to pick up your decision as instructed and your failure to appear is not excused by the Asylum Office Director, you and your eligible family members may obtain a photo-identity document that evidences employment authorization by filing the Form I-765, Application for Employment Authorization, with the Nebraska Service Center.

Appendix A 8 Mail-Out Notice

Decision Regarding Your Application For Asylum -Mail-out Notice -

You have just completed your interview with an Asylum Officer. **You are not required to appear in person at this office** to receive the Asylum Officer's decision on your application. Rather, the decision will be mailed to the most recent address you provided this office.

In order to ensure delivery of your decision, you must report any change of address to this office within ten (10) days of such change. The mailing of your decision will not affect your eligibility to apply for employment authorization under 8 CFR 208.7(a)(1). You may request employment authorization by applying 150 days after filing a complete asylum application.

Your signature below establishes that you received this Notice and that this Notice was explained to you at the asylum interview.

Applicant's signature: _____

Appendix A 9 Sworn Statement (Fingerprints)

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
RECORD OF SWORN STATEMENT
(FINGERPRINTS)**

APPLICANT NAME: _____ FILE NO. A _____ DATE: _____

EXECUTED AT: _____

Before the following officer of the U.S. Immigration and Naturalization Service:

_____, Asylum Officer,

in the _____ language. Interpreter _____ used/not used.
(Name) (circle if applicable)

I, _____, acknowledge that the above named officer has identified himself/herself as a person authorized to administer oaths and take testimony in connection with the enforcement of the immigration and nationality laws of the United States. S/he has informed me that s/he desires to take my sworn statement regarding factors which may affect my eligibility for a grant of asylum, should the Service decide to grant my request for asylum. S/he has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear/affirm that I will tell the truth, the whole truth, and nothing but the truth.

Being duly sworn/affirmed, I respond to the following questions asked by the above-named officer:

Q. What is your true, full and complete name?

A.

Q. What is your place and date of birth?

A.

Q. Have you ever been arrested or detained by a law enforcement officer?

A.

Q. Have you had your fingerprints taken for any reason by a law enforcement officer?

A.

Q. Have you ever been issued a ticket or been taken into custody by a law enforcement officer?

A.

Q. Have you ever been ordered by a court to pay a fine?

A.

Q. Have you ever been ordered to go to jail?

A.

Q. Have you ever been ordered to serve a probationary sentence?

A.

Q. Have you ever been ordered to perform community service?

A.

Q. Have you ever been ordered to make restitution?

A.

Q. Have your wages been garnished (e.g. for failure to make child support payments)?

A.

Q. Have you ever received an expungement, parole, pardon or successfully completed a diversion or rehabilitation program?

A.

If you have answered “yes” to any of the above questions, please explain:

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking. I understand that information contained in or pertaining to my asylum application shall not be disclosed without my written consent, except as permitted by 8 CFR section 208.6 or at the discretion of the Attorney General.

Signature of Applicant _____

on this _____ day of _____, _____. Sworn/Affirmed and subscribed before me:

Signature of INS Officer

Signature of Witness

Appendix A 10 Request for Final Court Disposition(s)

Request for Final Court Disposition(s)

This letter refers to your request for asylum in the United States (Form I-589).

You were previously informed that your request for asylum was recommended for approval pending receipt by the Immigration and Naturalization Service (INS) of the results of a mandatory, confidential investigation of your identity and background.

Upon completion of this investigation, the INS learned that [you/your spouse/child, **Name, A-number**] [has/have] an arrest history. In particular, [You/Your spouse/child], must provide the following for **[insert the arrest information from the RAP sheet, including date, city, and state of arrest, and offense]**:

- Originals or certified copies of all final court dispositions, including those that have been dismissed, expunged, diverted, *nolle prosequere* and “no papered.”
- If a court disposition or police record is not available, you must provide official or certified evidence from the appropriate law enforcement agency or court confirming the unavailability of the record.

All documentation or evidence of its unavailability must be marked as official or certified copies.

[You/your spouse/child] must submit the requested documentation within **60 days** of the date of this letter to the address noted above to the attention of: _____. If the office from which you are requesting records is unable to provide them in time to meet this deadline, please obtain information about this inability in writing, if available, and notify the asylum office in writing before the expiration of the 60-day period to the attention of the person listed above.

IMPORTANT NOTICE:

Failure to comply with this requirement may result in the cancellation of the recommended approval that was previously issued to [you/your spouse/child], waiver of the right to an adjudication by an asylum officer, and the dismissal of the asylum application or referral to an immigration judge. See 8 CFR 208.10. If [you/your spouse/child is/are] not maintaining a lawful immigrant, nonimmigrant or Temporary Protected Status, [you/your spouse/child] may be placed in removal proceedings.

Conditional Grant

This letter refers to your request for Asylum in the United States filed on Form I-589.

The Immigration and Naturalization Service (INS) has determined that you are eligible for asylum in the United States based on persecution or fear of persecution on account of resistance to a coercive population control (CPC) program. However, a final grant of asylum on this basis cannot be given to you at this time.

Under Section 207(a)(5) of the Immigration and Nationality Act (INA), for any fiscal year, no more than a total of 1,000 people may be admitted as refugees or granted asylum if the reason for the grant of refugee or asylum status is based on persecution (either past persecution or a well-founded fear of future persecution) relating to the applicant's resistance to coercive population control methods.

To ensure compliance with INA Section 207(a)(5), asylum approvals for individuals whose claims to asylum are based on persecution for resistance to CPC methods are tracked nationwide through the issuance of 1,000 CPC authorization numbers per fiscal year. Neither the INS nor the Executive Office for Immigration Review (EOIR) will issue a final approval unless a CPC authorization number is immediately available to the applicant.. At the present time, there is no CPC authorization number available to issue a final approval of asylum to you. Therefore, you are being granted asylum on a conditional basis only.

This conditional grant is effective as of [**the *Conditional Grant date in RAPS***] and, as long as you continue to maintain asylum eligibility, will remain in effect until you are notified that you have been issued a final grant of asylum. The conditional grant includes your dependents listed above who are present in the United States, were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

INS currently compiles annual lists of persons who have received conditional asylum grants based on resistance to a CPC program, as reported by the eight asylum offices and the EOIR, which includes the Immigration Courts, and the Board of Immigration Appeals (BIA). Individual names of principal applicants are listed chronologically based on the date the INS or EOIR issued the conditional grant. CPC authorization numbers are issued to applicants in the order their names appear on this chronological list as long as the applicant remains eligible for asylum and complies with fingerprinting and background check requirements. For each year that the number of asylum grants exceeds the 1,000 cap, the remaining individuals are placed on a waiting list to receive CPC authorization numbers from the following year's allotment of 1,000 numbers.

You are currently on a waiting list for a CPC authorization number. The INS anticipates that an authorization number will not become available for several years. Consequently, the results of your confidential background check will most likely have expired by the time that a CPC number is available in your case. As a result, before a final grant may be issued, you will receive a scheduling notice for re-fingerprinting. You must comply with the instructions in the fingerprint notice or you may risk losing your eligibility for a final grant of asylum. To find out more about the approximate length of time that you will have to wait to receive a final approval of asylum, you may find information on the INS website at <http://www.ins.doj.gov>.

You may not apply for lawful permanent resident status under section 209(b) of the INA until after you have been physically present in the United States for a period of one year from the date you are issued a final approval of asylum. A conditional grant is not a final approval of asylum. Any time accrued while you are in conditional grant status does not count towards the one-year period you must be physically present in the United States in order to apply for permanent resident status under section 209(b) of the INA.

You and your dependents listed above are eligible to apply for employment authorization while you remain in conditional grant status pursuant to title 8 Code of Federal Regulations 274a.12(c)(8)(ii). To work in the U.S., you must apply for and obtain an Employment Authorization Document (EAD). If authorized, you may accept employment subject to any restrictions in the regulations or on the card. You and your qualifying family members are

not required to pay a fee with your initial request(s) for employment authorization. However, when you submit an application to renew your employment authorization, you must pay a fee or request a fee waiver under 8 C.F.R. 103.7(c). To obtain an EAD, you and any family members who wish to receive work authorization must submit separate applications on Form I-765, Application for Employment Authorization, to the appropriate INS Service Center. The instructions to the Form I-765 provide the address of the Service Center where you should send the Form, based on where you reside.

This conditional grant does not entitle your spouse or children outside the United States, if any, to receive derivative asylum status or to be admitted to the United States. If you receive final approval of asylum, you will be entitled to request derivative asylum for any spouse or unmarried child under 21 years of age by filing a Form I-730, Refugee and Asylee Relative Petition.

If you and/or your qualifying family members plan to depart the United States and intend to return, you must each obtain permission to return to the United States before you leave this country. If you leave the United States without first obtaining advance parole, it may be presumed that you abandoned your request for asylum. You may apply for advance parole by filing a Form I-131, Application for Travel Document, with the INS District Office having jurisdiction over your place of residence. If you leave the United States with advance parole and return to the country of claimed persecution, you will be presumed to have abandoned your asylum request, unless you can show compelling reasons for the return.

You must notify the INS of any change of address within ten days of such change. You may obtain Form AR-11, Alien's Change of Address Card, at your nearest post office or INS office to comply with this request. Please also submit written notification of any change of address to the Asylum Office having jurisdiction over your pending request for asylum.

You may obtain any of the INS forms mentioned in this letter by visiting an INS District Office or calling the INS forms request line at 800-870-FORM (3676). You may also download any INS form from the public Internet by signing on to the INS web site at www.ins.usdoj.gov.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the INS.

**Appendix A 12 Response to Request to Add Dependent to Asylum Application
[Only use this letter if P.A. has already been interviewed]**

Response to Request to Add Dependent to Asylum Application

This letter refers to your request for asylum in the United States (Form I-589).

You requested the addition of your [spouse/child(ren)], [Name(s)], on your asylum application, which is currently pending with this office. In order to add [this/these] individual(s) to your case, [s/he/they] must appear at the asylum office for an interview. This interview is not to discuss the details of the asylum application. The Immigration and Naturalization Service (INS) must verify the identity and physical presence in the U.S. of your dependent(s), establish your [parent/child and/or spousal] relationship, and ensure [they/s/he] [is/are] not subject to any bars to asylum eligibility or ineligible to be added as a dependent.

You and your dependent(s) must appear on the following date at the appointed time and place:

Interview Date: _____

Time: _____ a.m.

Place: [Address of Interview Location]

On the date indicated above you and your dependent(s) must bring a written form of identification, if available, showing: name, date and place of birth, and nationality; the original and 3 copies of evidence of your relationship to your dependent(s) (marriage or birth certificates, or affidavits). If you cannot speak English fluently, you must bring a competent interpreter at least 18 years old who is not your attorney, representative, or witness.

If you and your dependent(s) fail to appear, the INS will not add your dependent to your asylum application.

Appendix A 13 Removal of Child from Asylum Application

Removal of Child from Asylum Application

This letter refers to your request for asylum in the United States (Form I-589).

Our records indicate that your child, [Name], [A-number of child] is no longer eligible to be included as a dependent on your asylum application. Regulations provide that a principal asylum applicant may include as a dependent on his/her application unmarried children under the age of 21 at the time the asylum application is filed, if they are in the United States. When you applied for asylum, your child was unmarried. Your child is now married and can no longer be included as a dependent on your asylum application.

Your child must file a separate Form I-589, *Application for Asylum and for Withholding of Removal*, in order to pursue asylum in the United States. Your child should follow the instructions attached to the Form I-589 in preparing the application. **Please submit the completed Form I-589 directly to this office and include a copy of this letter with the application.** Your child must submit the requested materials within one year from your child's date of last arrival in the United States or within a reasonable amount of time following this notice, taking into account all relevant circumstances, to remain eligible to apply for asylum. See 8 CFR 208.4(a) and 208.4(a)(4) and Part 1 of the I-589 instructions for more information.

Any recommended approval previously issued to your child based upon the recommended approval of your asylum application is canceled, effective the date of this letter. Any work authorization that s/he received based upon a recommended approval cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

Your child should include [his/her] alien registration number on the asylum application, and on any correspondence with the Immigration and Naturalization Service (INS).

Appendix A 14 Removal of Former Spouse from Asylum Application

Removal of Former Spouse from Asylum Application

This letter refers to your request for asylum in the United States (Form I-589).

Our records indicate that your former spouse, [Name], [A-number of spouse] is no longer to be included as a dependent on your asylum application because you have divorced. Your former spouse must file a separate Form I-589, *Application for Asylum and for Withholding of Removal*, in order to pursue asylum in the United States. Your former spouse should follow the instructions attached to the Form I-589 regarding filing in preparing the application. **Please submit the completed Form I-589 directly to this office and include a copy of this letter with the application.** Your spouse must submit the requested materials within one year from his or her last arrival in the United States, or within a reasonable amount of time following this notice, taking into account all relevant circumstances, to remain eligible to apply for asylum. See 8 CFR 208.4(a) and 208.4(a)(4) and Part 1 of the I-589 instructions for more information.

Any recommended approval previously issued to your former spouse based upon the recommended approval of your asylum application is canceled, effective the date of this letter. Any work authorization that s/he has received based upon a recommended approval cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

Your former spouse should include [his/her] alien registration number on the asylum application, and on any correspondence with the Immigration and Naturalization Service (INS).

Appendix A 15 Removal of Dependent from Asylum Application (P.A. is Deceased)

Removal of Dependent from Asylum Application

This letter refers to the request for asylum in the United States (Form I-589) filed by your [spouse/parent], [Name of deceased P.A], [A-number of deceased P.A].

We regret to inform you that, because of the death of your [spouse/parent], you can no longer be included in your [spouse's/parent's] asylum application. To pursue asylum in the United States, you must file a separate Form I-589, *Application for Asylum and for Withholding of Removal*. You should follow the instructions attached to the Form I-589 in preparing the application. **Please submit the completed Form I-589 directly to this office and include a copy of this letter with the application.** You must submit the requested materials within one year from your last date of arrival or within a reasonable amount of time following this notice, taking into account all relevant circumstances, to remain eligible to apply for asylum. See 8 CFR 208.4(a) and 208.4(a)(4) and Part 1 of the I-589 instructions for more information.

Any recommended approval previously issued to you based upon the recommended approval of your [spouse's/parent's] asylum application is canceled, effective the date of this letter. Any work authorization that you have received based upon a recommended approval cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

You should include your alien registration number on the request for asylum, or on any correspondence with the Immigration and Naturalization Service (INS).

Appendix A 16 Asylum Approval - *Nunc Pro Tunc* (Rev. 08/07/01)

Asylum Approval

This letter refers to your request for asylum in the United States (Form I-589).

It has been determined that you are eligible for asylum in the United States. Attached please find a completed Form I-94, Arrival Departure Record, indicating that you have been granted asylum status in the United States pursuant to § 208(a) of the Immigration and Nationality Act (INA) as of _____. **[This date corresponds to the date that the individual was granted derivative asylum by INS or EOIR, or the date of the individual's arrival in the U.S. pursuant to an approved Form I-730.]** The date reflects a grant of asylum *nunc pro tunc* back to the date of your [original grant of asylum as a derivative of a spouse/parent] **OR** [arrival in the United States pursuant to an approved Form I-730, *Refugee/Asylee Relative Petition*.] Because you are obtaining asylum status *nunc pro tunc* (back to an earlier date), you are not eligible to add or apply for dependent family members to receive derivative asylum status. You have been granted asylum in the United States for an indefinite period; however, asylum status does not give you the right to remain permanently in the United States. Asylum status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2).

Now that you are an asylee, you may apply for certain benefits, which are listed below. You are also responsible for complying with certain laws and regulations, if such laws and regulations apply to you. These responsibilities are also explained in this letter. We recommend that you retain the original of this letter as proof of your status and that you submit copies of this letter when applying for any of the benefits or services listed below. You may obtain any of the INS forms mentioned in this letter by visiting an INS district office or calling the INS forms request line at 1-800-870-3676. You may also download any INS form from the public Internet by signing on to the INS web site at <http://www.ins.usdoj.gov>.

Benefits

1. Employment Authorization

You are authorized to work in the United States for as long as you remain in asylum status. To obtain a photo-identity document from the INS evidencing your employment authorization, you must apply for an Employment Authorization Document (EAD). You are not required to pay a fee with your initial request for an EAD. However, when you submit an application to renew your EAD, you must pay a fee or request a fee waiver under 8 C.F.R. 103.7(c). To apply for an EAD, submit a Form I-765, *Application for Employment Authorization*, to the Nebraska Service Center, P.O. Box 87765, Lincoln, NE 68501-7765.

2. Social Security Cards

You may immediately apply for an unrestricted Social Security card at any Social Security office. To get an Application for a Social Security Card (Form SS-5) or to get more information about applying for a Social Security card use <http://www.ssa.gov> on the Internet, call the toll-free number 1-800-772-1213, or visit a local Social Security office. When you go to a Social Security office to apply for a Social Security card, you must take your I-94 card showing you have been granted asylum status. If available, you should also take some kind of identity document, such as an EAD or your passport. For directions to the Social Security office nearest to you, call the SSA toll-free number or visit the web site listed above.

3. Employment Assistance

You are eligible to receive a variety of services under Title I of the Workforce Investment Act of 1998. Such services include job search assistance, career counseling, and occupational skills training. These and other services are available at local One-Stop Career Centers. To obtain information about the Center nearest you, please call 1-877-US2-JOBS. The information is also available on-line through America's Service Locator at

<http://www.servicelocator.org>.

4. Adjustment of Status

You may apply for lawful permanent resident status under section 209(b) of the Immigration and Nationality Act after you have been physically present in the United States for a period of one year after the date you were granted asylum status. To apply for lawful permanent residence status, you must submit a separate Form I-485, *Application to Register Permanent Residence or Adjust Status*, for yourself and each qualifying family member to the Nebraska Service Center, P.O. Box 87485, Lincoln, Nebraska, 68501-7485.

5. Assistance and Services through the Office of Refugee Resettlement (ORR)

You may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers various programs, which are run by state and private, non-profit agencies throughout the U.S. The programs include cash and medical assistance, employment preparation and job placement, and English language training. Many of these programs have time-limited eligibility periods that begin from the date of your grant of asylum. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter. To find out what programs are available and where to go for assistance and services in your state, **please call (800) 354-0365**. You also may sign on to the ORR web site at <http://www.acf.dhhs.gov/programs/orr>.

Responsibilities

1. Departing from the United States

If you plan to depart the United States, you must obtain permission to return to the United States before you leave this country by obtaining a refugee travel document(s). A refugee travel document may be used for temporary travel abroad and is required for re-admission to the United States as an asylee. If you do not obtain a refugee travel document in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You may apply for a Refugee Travel Document by each submitting a Form I-131, *Application for Travel Document*, with the required fee or request for fee waiver under 8 C.F.R. 103.7(c) to the Nebraska Service Center, P.O. Box 87131, Lincoln, NE 68501-7131.

2. Changes of Address

You must notify the INS of any change of address within ten days of any such change. You may obtain a Form AR-11, Alien's Change of Address Card at your nearest post office or INS office to comply with this requirement.

3. Selective Service Registration

All male asylees between the ages of 18 and 26 must register for the Selective Service. To obtain information about the Selective Service and how to register, you may sign on to the Selective Service web site at <http://www.sss.gov> or obtain a Selective Service "mail-back" registration form at your nearest post office.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the INS.

Enclosure: I-94 Card(s)

Appendix A 17 Denial of Asylum Status as a Principal Applicant

Final Denial of Asylum Status as a Principal Applicant

This letter refers to your request for asylum in the United States (Form I-589).

You were previously issued a Notice of Intent to Deny (NOID) your asylum claim.

[IF APPLICANT DID NOT SUBMIT A REBUTTAL, INSERT THIS PARAGRAPH]

You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. You failed to submit information to rebut the proposed grounds for denial.

OR

[IF APPLICANT SUBMITTED A REBUTTAL, INSERT THIS PARAGRAPH AND EXPLAIN WHY THE INFORMATION DID NOT OVERCOME THE GROUND(S) OUTLINED IN THE NOID]

You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. The information you submitted, however, failed to overcome the grounds for denial as stated in the NOID for the following reasons: **[Explain Reasons]**

Your asylum request is therefore denied as of **[This date corresponds to the FDEC date in RAPS]**, for the reasons contained in the NOID. There is no appeal from this decision. This denial includes the dependents included in your asylum application, who are listed on the first page of this letter.

Although you have been denied asylum as a principal applicant, you remain an asylee based upon the derivative grant of asylum you received as a dependent. Please be advised that any employment authorization you have been issued remains valid, and may be renewed upon its expiration. You are directed to report any changes of address to the office having jurisdiction over your place of residence. If you should depart the United States, please notify the INS office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 18 [Reserved]

Appendix A 19 Denial of Derivative Asylum Status

Denial of Derivative Asylum Status

This letter refers to your request for asylum in the United States (Form I-589).

Based on the results of a mandatory, confidential investigation of the identity and background of your [spouse/child, **[Name]**, **[A-number]**], we have determined that s/he is ineligible to receive derivative asylum status because:

1. Your spouse/child is barred by statute from a grant of asylum for the following reason(s):
 - Your spouse/child was convicted of an aggravated felony or other particularly serious crime.
 - There are reasonable grounds for regarding your spouse/child as a danger to the security of the United States.
 - Your spouse/child is described within section 212(a)(3)(B)(i)(I), (II) or (III) of the Act.
 - Evidence indicates that your spouse/child ordered, incited, assisted, or otherwise participated in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.
 - For applications filed on or after April 1, 1997, there are serious reasons for believing that your spouse/child has committed a serious nonpolitical crime outside of the U.S. prior to his or her arrival in the U.S.
2. Your spouse/child is currently under the jurisdiction of the immigration court and is therefore ineligible to derive asylum status through you. Please direct any questions concerning this matter to the Immigration Court having jurisdiction in your dependent's case. The address of the court is: Office of the Immigration Court, **[insert address]**
3. A review of the records of the Immigration and Naturalization Service (INS) revealed that on **[date]**, the Service reinstated a prior order of exclusion, deportation or removal that had been issued against your spouse/child.

Section 241(a)(5) of the Immigration and Nationality Act (INA) requires the INS to reinstate an exclusion, deportation or removal order if an individual subject to the order leaves the United States and re-enters the U.S. illegally. Once a prior order has been reinstated, the person is not eligible to apply for any relief under the INA, including asylum.

Although your spouse/child is ineligible to apply for any relief under the INA, including asylum, he or she may be eligible to apply for withholding of removal under section 241(b)(3) of the INA and under the *Convention Against Torture*. If your spouse or child requests such an interview, an asylum officer will interview him or her to see if he or she has a reasonable fear of persecution or torture in his or her native country or place of last habitual residence, if stateless.

The Service therefore denies derivative asylum status to your [spouse/child, **[Name]** effective **[date]**. Any recommended approval previously issued to him/her is hereby canceled. There is no appeal from this decision.

Your [spouse/child] is not eligible to apply for employment authorization based on any previous recommended approval of your asylum request. Any employment authorization s/he may have received will expire sixty (60) days from the date of this notice or on the expiration date of the Employment Authorization Document, whichever period is longer.

[Insert this paragraph only if the asylum office Director will issue an NTA to the dependent]

Your [spouse/child] will receive a Notice of Appear (Form I-862) under separate cover, which will place him/her under removal proceedings. If s/he wishes to pursue a request for asylum, s/he must file a Form I-589, *Application for Asylum and for Withholding of Removal*, with the Immigration Judge.

Appendix A 20 Impact of RAPS Actions on the “KLOK”

Event	RAPS Action	Impact on KLOK
Add Interview to the Schedule	ADDC	Restarts stopped KLOK as of new interview date.
Asylum Office Admin. Closes I-589	CLOS	Stops KLOK.
Asylum Office refers I-589 to immigration court	FDEC	None.
Asylum Office denies asylum status (final denial)	FDEC	KLOK stops.
Applicant requests additional time to submit documents	HOLD – AD	KLOK stops. Restarts when taken from HOLD in RAPS
INS Receives I-589	I589	Starts KLOK as of Filing Date
Applicant Fails to Appear for Interview	NOSH	Stops KLOK. Restarts on date of next interview, if any
Asylum Office approves asylum status	PDEC/FDEC	None. Applicant may apply for an EAD.
Applicant Fails to Appear for Pick-Up of Decision	PUNS	Stops KLOK.
Pick-up Appointment Canceled at fault of Applicant	PUSH	Stops KLOK. Restarts on new pick-up date, if any.
Interview Canceled at fault of Applicant	REMC	Stops KLOK. Restarts on date of next interview, if the applicant appears.
Interview Canceled at fault of INS	REMC, CANS	None
Asylum Office Reopens I-589	REOP	Restarts KLOK on new interview day, if the applicant appears.

Appendix A 21 Notice of File Consolidation

Notice of File Consolidation

Records of the Immigration and Naturalization Service (INS) indicate that **[indicate number]** Alien Registration Numbers have been assigned to you. They are **[list the A-numbers]**.

This letter is to inform you that we have consolidated all of your INS records under one Alien Registration Number, **[indicate the A-number]**. Please use this number in any future correspondence with the INS.

If any other Alien Registration Numbers have been assigned to you and they are not listed above, please make a copy of this letter and write the Alien Registration Number(s) on it. Please return the copy of the letter with the additional Alien Registration Number(s) to our office at the address above.

Appendix A 22 Cancellation of Recommended Approval (Lack of INS Jurisdiction)

[Use this letter if a recommended approval was previously issued, but the applicant is under the jurisdiction of EOIR]

**Cancellation of Recommended Approval based upon
Lack of INS Jurisdiction over Asylum Application**

This letter refers to your request for asylum in the United States (Form I-589).

You previously received a letter from this office recommending approval of your asylum application pending the results of the mandatory, confidential investigation of your identity and background. A review of the records of the Immigration and Naturalization Service (INS) revealed that you were previously before the Immigration Court [under a different name, [NAME], [A#]. **[If applicable: An [absentia] Order of [Removal / Deportation / Exclusion] was entered in your case on [DATE]].**

Only an Immigration Judge may decide an asylum application filed by a person who has been placed in deportation, exclusion or removal proceedings. Since this office does not have jurisdiction over your asylum request, this office has cancelled your recommended approval and dismissed your asylum application as of **[This date corresponds to the date the asylum office administratively closes the application in RAPS (CLOS screen – C4)]**. [This includes the dependents included in your asylum application, who are listed above]. Any work authorization that you have received based upon the Recommended Approval letter cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

You should direct any questions about your asylum request or removal proceedings to the immigration court having jurisdiction in your case. In addition, you must notify the immigration court of any change of your address. The address of the court is:

Office of the Immigration Court
[address]

Appendix A 23 Cancellation of Recommended Approval and Referral Notice (Derogatory Information)

[Use this notice if a recommended approval previously issued, but derogatory information was received from the identity and security checks, and the applicant is out-of-status.]

Cancellation of Recommended Approval and Referral Notice

This letter refers to your request for asylum in the United States (Form I-589). Applicants for asylum must credibly establish that they have suffered past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, and that they merit a grant of asylum in the exercise of discretion. You previously received a letter from this office recommending approval of your asylum application, pending the results of the mandatory, confidential investigation of your identity and background. Based on the results of this investigation, we have determined that you are ineligible for asylum. We are therefore canceling your recommended approval for asylum and referring your claim to immigration court. You were found ineligible for asylum because:

1. (FOR APPLICATIONS FILED PRIOR TO APRIL 1, 1997)

- Evidence indicates that you are barred by statute from a grant of asylum for the following reason(s), and you failed to establish by a preponderance of the evidence that such reason(s) does not apply to you:
 - You were convicted of a particularly serious crime, which occurred in the U.S.
 - You were convicted of an aggravated felony.
 - There are reasonable grounds for regarding you as a danger to the security of the United States.
 - You are described within section 212(a)(3)(B)(i)(I),(II), and (III) of the Act as it existed prior to April 1, 1997 and as amended by the Anti-terrorist and Effective Death Penalty Act of 1996 (AEDPA), unless it is determined that there are not reasonable grounds to believe that you are a danger to the security of the United States.
 - You were firmly resettled in a third country.
 - Evidence indicates that you ordered, incited, assisted, or otherwise participated in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.

2. (FOR APPLICATIONS FILED ON OR AFTER APRIL 1, 1997.)

- Evidence indicates that you are barred by statute from a grant of asylum for the following reason(s) and you failed to establish by a preponderance of the evidence that such reason(s) does not apply to you:
 - Evidence indicates that you ordered, incited, assisted, or otherwise participated in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.
 - You were convicted of a particularly serious crime or aggravated felony, which occurred inside or outside the U.S.
 - There are serious reasons for believing that you committed a serious nonpolitical crime outside the United States before you came to the United States.
 - There are reasonable grounds for regarding you as a danger to the security of the United States.
 - You have engaged in terrorist activity.
 - You are engaged in or are likely to engage in terrorist activity.
 - You are a representative of an organization that has been designated by the Secretary of State as a foreign terrorist organization.
 - You have incited terrorist activity.

You were firmly resettled in third country.

3. You are a citizen or national of another country in addition to the country of persecution, and you have not established that you were persecuted or have a well-founded fear of persecution on account of a protected ground in that other country.
4. After careful consideration of all available information and explanations at your asylum interview, your claim was deemed not credible on the basis of material inconsistency(ies) between your testimony and/or application and evidence discovered from a confidential investigation of your identity and background.

Brief Explanation: _____

5. Other Reason for Referral:

Based on the above reasons(s), your case has been referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without filing another application) when you appear before an immigration judge at the date and time listed on the attached charging document. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If your asylum application was filed on or after January 4, 1995, the following information applies to you. If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization with the INS. The earliest possible date you are eligible to apply for employment authorization is **[Insert date in PROJECTED 150-DAY DATE field on KLOK screen]**. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

Appendix A 24 Cancellation of Recommended Approval and Final Denial

[Use this letter if a recommended approval was previously issued, but derogatory information was received from results of the identity and security checks and the applicant is in a valid status]

**Cancellation of Recommended Approval and
Final Denial of Request for Asylum**

This letter refers to your request for asylum in the United States (Form I-589).

You were previously issued a Notice of Intent to Deny (NOID) your asylum claim.

[IF APPLICANT DID NOT SUBMIT A REBUTTAL, INSERT THIS PARAGRAPH AND SKIP TO *]

You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. You failed to submit information to rebut the proposed grounds for denial.

OR

[IF APPLICANT SUBMITTED A REBUTTAL, INSERT THIS PARAGRAPH AND EXPLAIN WHY THE INFORMATION DID NOT OVERCOME THE GROUND(S) OUTLINED IN THE NOID AND CONTINUE TO *]

You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. The information you submitted, however, failed to overcome the grounds for denial as stated in the NOID for the following reasons: **[Explain Reasons]**

[*]Your asylum request is therefore denied as of **[This date corresponds to the FDEC date in RAPS]** for the these reasons and the reasons contained in the NOID. The recommended approval previously issued to you is hereby canceled. There is no appeal from this decision. This denial and cancellation includes the dependents included in your asylum application, who are listed on the first page of this letter.

Please be advised that any employment authorization which you have been issued as a result of having a pending application for asylum will terminate at the expiration of the Employment Authorization Document (EAD) or sixty (60) days from the date of this notice, whichever is later.

You are directed to report any changes of address to the Immigration and Naturalization (INS) office having jurisdiction over your place of residence. If you should depart the United States, please notify the INS office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 25 Appointment for Sworn Statement/Request for Evidence (Rejection of Fingerprints)
[Letter requests police clearance *and* sworn statement. If one or the other has already been completed, delete the corresponding paragraph(s) before sending to the applicant.]

Appointment for Sworn Statement / Request for Evidence
(Rejection of Fingerprints)

This letter refers to your request for asylum in the United States (Form I-589).

You were previously informed that your request for asylum was recommended for approval pending receipt by the Immigration and Naturalization Service (INS) of the results of a mandatory, confidential investigation of your identity and background.

INS records show that, on two separate occasions, the fingerprints submitted by **[you/your son/daughter/spouse, name of dependent(s)]** could not be processed. **[You/your son/daughter/spouse]** must, therefore, submit the following:

- A statement from the police department in each U.S. locality (town or city) where **[you/your son/daughter/spouse]** lived for any period of time during the past five (5) years, indicating **[your/his/her]** police record, or lack of a record.

If **[you/your spouse/child have/has]** ever been arrested, cited, charged, indicted, convicted, fined or imprisoned, you must obtain the following:

- Originals or certified copies of all final court dispositions, including those that have been dismissed, expunged, diverted, *nolle proesse* and “no papered.”
- If a court disposition or police record is not available, you must provide official or certified evidence from the appropriate law enforcement agency or court confirming the unavailability of the record.

All documentation or evidence of unavailability must be marked as official or certified copies.

[You/your spouse/child] must submit the requested documentation within **60 days** of the date of this letter to the address noted above to the attention of: _____. If the office from which you are requesting records is unable to provide them in time to meet this deadline, please obtain information about this inability in writing, if available, and notify the asylum office in writing before the expiration of the 60-day period to the attention of the person listed above.

In addition to obtaining the police clearance(s) and related documents, you must complete a Sworn Statement before an INS Officer. **[Each asylum office determines whether to schedule the applicant for a specific appointment with an INS Officer in order to complete the sworn statement, or whether to allow an applicant to come into the office anytime during office hours. This letter must inform the applicant of the policy chosen by the asylum office.]**

IMPORTANT NOTICE:

Failure to submit the requested documentation within the allotted time or failure to appear to complete the sworn statement may result in the cancellation of the recommended approval that was previously issued to [you/your spouse/child], waiver of the right to an adjudication by an asylum officer, and the dismissal of the asylum application or referral to an immigration judge. See 8 CFR 208.10. If [you/your spouse/child is/are] not maintaining a lawful immigrant, nonimmigrant or Temporary Protected Status, [you/your spouse/child] may be placed in removal proceedings.

Appendix A 26 Appointment for Sworn Statement /Request for Evidence (Waiver of Fingerprints)
[Letter requests police clearance *and* sworn statement. If one or the other has already been completed, delete the corresponding paragraph(s) before sending to the applicant.]

Appointment for Sworn Statement / Request for Evidence
(Waiver of Fingerprints)

This letter refers to your request for asylum in the United States (Form I-589).

You were previously informed that your request for asylum was recommended for approval pending receipt by the Immigration and Naturalization Service (INS) of the results of a mandatory, confidential investigation of your identity and background.

The INS may have already notified you that the fingerprint requirement for **[you/your son/daughter/spouse, name of dependent(s)]** was waived. Therefore, you must obtain a police clearance from the police department in each U.S. locality (town or city) where **[you/your son/daughter/spouse]** lived for any period of time during the past five (5) years, indicating **[your/his/her]** police record, or lack of such record. Additionally, if **[you/your spouse/child have/has]** ever been arrested, cited, charged, indicted, convicted, fined or imprisoned, you must obtain the following:

- Originals or certified copies of all final court dispositions, including those that have been dismissed, expunged, diverted, *nolle prosee* and “no papered.”
- If a court disposition or police record is not available, you must provide official or certified evidence from the appropriate law enforcement agency or court confirming the unavailability of the record.

All documentation or evidence of unavailability must be marked as official or certified copies.

[You/your spouse/child] must submit the requested documentation within **60 days** of the date of this letter to the address noted above to the attention of: _____. If the office from which you are requesting records is unable to provide them in time to meet this deadline, please obtain information about this inability in writing, if available, and notify the asylum office in writing before the expiration of the 60-day period to the attention of the person listed above.

In addition to obtaining the police clearance(s) and related documents, you must complete a Sworn Statement before an INS Officer. **[Each asylum office determines whether to schedule the applicant for a specific appointment with an INS Officer in order to complete the sworn statement, or whether to allow an applicant to come into the office anytime during office hours. This letter must inform the applicant of the policy chosen by the asylum office.]**

IMPORTANT NOTICE:

Failure to submit the requested documentation within the allotted time or failure to appear to complete the sworn statement may result in the cancellation of the recommended approval that was previously issued to [you/your spouse/child], waiver of the right to an adjudication by an asylum officer, and the dismissal of the asylum application or referral to an immigration judge. See 8 CFR 208.10. If [you/your spouse/child is/are] not maintaining a lawful immigrant, nonimmigrant or Temporary Protected Status, [you/your spouse/child] may be placed in removal proceedings.

Appendix A 27 Appointment for Sworn Statement/Request for Evidence (Over 75 Waiver of Fingerprints)

Appointment for Sworn Statement / Request for Evidence (Waiver of Fingerprints)

This letter refers to your request for asylum in the United States (Form I-589).

You were previously informed that your request for asylum was recommended for approval pending receipt by the Immigration and Naturalization Service (INS) of the results of a mandatory, confidential investigation of your identity and background.

[INSERT NEXT PARAGRAPH FOR SWORN STATEMENT APPOINTMENT:]

The INS may have already notified you that the fingerprint requirement for [you/your spouse, **name of dependent(s)**] was waived. Therefore, you must complete a Sworn Statement before an INS Officer. **[Each asylum office determines whether to schedule the applicant for a specific appointment with an INS Officer in order to complete the sworn statement, or whether to allow an applicant to come into the office anytime during office hours. This letter must inform the applicant of the policy chosen by the asylum office.]**

[SKIP TO “IMPORTANT NOTICE”, UNLESS CRIMINAL HISTORY WAS PREVIOUSLY ADMITTED. IF CRIMINAL HISTORY ADMITTED, INSERT THE FOLLOWING:]

You must obtain a police clearance from the police department in each U.S. locality (town or city) where [you/your spouse] lived for any period of time during the past five (5) years, indicating [your/his/her] police record, or lack of such record. Additionally, if [you/your spouse have/has] ever been arrested, cited, charged, indicted, convicted, fined or imprisoned, you must obtain the following:

- Originals or certified copies of all final court dispositions, including those that have been dismissed, expunged, diverted, *nolle prosequere* and “no papered.”
- If a court disposition or police record is not available, you must provide official or certified evidence from the appropriate law enforcement agency or court confirming the unavailability of the record.

All documentation or evidence of unavailability must be marked as official or certified copies.

[You/your spouse/child] must submit the requested documentation within **60 days** of the date of this letter to the address noted above to the attention of: _____. If the office from which you are requesting records is unable to provide them in time to meet this deadline, please obtain information about this inability in writing, if available, and notify the asylum office in writing before the expiration of the 60-day period to the attention of the person listed above.

IMPORTANT NOTICE:

Failure to submit the requested documentation within the allotted time or failure to appear to complete the sworn statement may result in the cancellation of the recommended approval that was previously issued to [you/your spouse], waiver of the right to an adjudication by an asylum officer, and the dismissal of the asylum application or referral to an immigration judge. See 8 CFR 208.10. If [you/your spouse is/are] not maintaining a lawful immigrant, nonimmigrant or Temporary Protected Status, [you/your spouse] may be placed in removal proceedings.

Appendix A 28 Notice of Scheduling of Fingerprinting Appointment

[Use ONLY before canceling Recommended Approval of applicant who has failed to appear for a fingerprint appointment]

Notice of Scheduling of Fingerprinting Appointment

This letter refers to your request for asylum in the United States (Form I-589).

You previously received a letter from this office recommending approval of your asylum application pending the results of the mandatory, confidential investigation of identity and background. INS previously issued [you/your spouse/child, name, A# of dependent] an appointment to appear to be fingerprinted. Because [you/your spouse/child] failed to appear, another appointment letter is being issued, and will follow under separate cover. If [you do/your spouse/child does] not appear, this may be the final opportunity for [you/your spouse/child] to comply with fingerprint processing requirements.

IMPORTANT NOTICE:

Failure to comply with fingerprint processing requirements may result in the cancellation of the recommended approval that was previously issued to [you/your spouse/child], waiver of the right to an adjudication by an asylum officer, and the dismissal of [your/his/her derivative] asylum application or referral to an immigration judge. See 8 CFR 208.10. If [you/your spouse/child] is not maintaining a lawful immigrant, nonimmigrant or Temporary Protected Status, [you/your spouse/child] may be placed in removal proceedings.

**Appendix A 29 Cancellation of Recommended Approval and Referral (Fingerprints)
[Use this letter if a recommended approval was previously issued, but applicant failed to follow fingerprinting requirements, and applicant is out-of-status.]**

**Cancellation of Recommended Approval based upon
Failure to Follow Requirements for Fingerprint Processing**

This letter refers to your request for asylum in the United States (Form I-589).

You previously received a letter from this office recommending approval of your asylum application pending the results of the mandatory, confidential investigation of your identity and background.

Failure to comply with fingerprint processing requirements without good cause constitutes a waiver of the right to an adjudication by an asylum officer. *See* 8 CFR 208.10.

INSERT THE NEXT PARAGRAPH FOR FAILURE TO PROVIDE DOCUMENTATION:

You were afforded sixty (60) days to present evidence regarding [your/your spouse's/child's] arrest history. However, you failed to submit the requested documentation. **[GO TO *INSERT FOR DEPENDENT OR #INSERT FOR PRINCIPAL]**

INSERT NEXT SENTENCE FOR FAILURE TO APPEAR FOR FINGERPRINT APPOINTMENTS:

You have failed without good cause to appear for the fingerprinting appointment(s) scheduled for you. **[GO TO *INSERT FOR DEPENDENT OR #INSERT FOR PRINCIPAL]**

***[INSERT NEXT 3 PARAGRAPHS FOR DEPENDENT:]**Your asylum request is therefore dismissed as of **[This date corresponds to the FDEC date in RAPS]**. The recommended approval previously issued to you is hereby canceled. There is no appeal from this decision. Because you are not maintaining lawful immigrant, nonimmigrant, or Temporary Protected Status, charging documents placing you into removal proceedings are attached.

You are not eligible to apply for or renew employment authorization based on the previous recommended approval of your asylum request.

If you wish to pursue a request for asylum, you must file a Form I-589 *Application for Asylum and for Withholding of Removal* with the immigration judge.

[GO TO CLOSING/DIRECTOR'S SIGNATURE - END OF LETTER]

#[INSERT NEXT 3 PARAGRAPHS FOR PRINCIPAL:]Based on the above reason, the recommended approval previously issued to you is hereby canceled as of **[This date corresponds to the FDEC date in RAPS]** and your case has been referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without filing another application) when you appear before an immigration judge at the date and time listed on the attached charging document. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This cancellation of recommended approval and referral includes the dependents included in your asylum application who are listed on the first page of this notice.

You are not eligible to apply for employment authorization based on the previous recommended approval of your asylum request. If your asylum application was filed on or after January 4, 1995, the following information applies to you.

Any employment authorization you received based on the previous recommended approval is valid until the expiration date on your employment authorization card. In addition, you may apply for initial employment authorization or renewal of employment authorization if an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused). If an immigration judge grants your asylum application, then you are automatically eligible for employment authorization and may apply immediately for an Employment Authorization

Document (EAD). If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

[GO TO CLOSING/DIRECTOR'S SIGNATURE – END OF LETTER]

Appendix A 30 Cancellation of Recommended Approval and Dismissal (Fingerprints)
[Use this letter if a recommended approval was previously issued, but applicant failed to follow fingerprinting requirements and applicant is in a valid status]

**Cancellation of Recommended Approval based upon
Failure to Follow Requirements for Fingerprint Processing**

This letter refers to your request for asylum in the United States (Form I-589).

You previously received a letter from this office recommending approval of your asylum application pending INS receipt of the results of the mandatory, confidential investigation of your identity and background.

Failure to comply with fingerprint processing requirements without good cause constitutes a waiver of the right to an adjudication by an asylum officer. *See* 8 CFR 208.10.

INSERT NEXT PARAGRAPH FOR FAILURE TO PROVIDE DOCUMENTATION:

You were afforded sixty (60) days to present evidence regarding [your/your spouse's/child's] arrest history. You have failed to submit the requested documentation. **[GO TO “Your asylum request is therefore dismissed...]**

INSERT NEXT SENTENCE FOR FAILURE TO APPEAR FOR FINGERPRINT APPOINTMENTS: You have failed without good cause to appear for the fingerprinting appointment(s) scheduled for you. **[GO TO “Your asylum request is therefore dismissed...]**

Your asylum request is therefore dismissed as of **[FDEC date]**. The recommended approval previously issued to you is hereby canceled. There is no appeal from either decision. **[This dismissal and cancellation includes the dependents included in your asylum application who are listed on the first page of this letter.]**

You are not eligible to apply for employment authorization based on the previous recommended approval of your asylum request. Any employment authorization you may have received will expire sixty (60) days from the date of this notice or on the expiration date of your Employment Authorization Document, whichever period is longer.

Your file will be forwarded to the INS district office having jurisdiction over your place of residence.

You are directed to report any changes of address to the office having jurisdiction over your place of residence. If you should depart the United States, please notify the Immigration and Naturalization Service office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 31 Cancellation of Recommended Approval (Reinstatement of a Prior Order)

[Use this letter if a recommended approval was previously issued, but a prior order of removal, deportation or exclusion has been reinstated]

**Cancellation of Recommended Approval based upon
Reinstatement of a Prior Exclusion, Deportation or Removal Order**

This letter refers to your request for asylum in the United States (Form I-589).

You previously received a letter from this office recommending approval of your asylum application pending the results of the mandatory, confidential investigation of your identity and background. A review of the records of the Immigration and Naturalization Service (INS) revealed that on **[date]**, the Service reinstated a prior order of exclusion, deportation or removal that had been issued against you.

Section 241(a)(5) of the Immigration and Nationality Act (INA) requires the INS to reinstate an exclusion, deportation or removal order if an individual subject to the order leaves the United States and re-enters the U.S. illegally. Once a prior order has been reinstated, the person is not eligible to apply for any relief under the INA, including asylum.

Therefore, because this office does not have jurisdiction over your asylum request, your recommended approval is hereby cancelled as of **[This date corresponds to the date the application is administratively closed in RAPS (CLOS screen – C4)]. [This includes the dependents included in your asylum application, who are listed above.]** Any work authorization that you have received based upon the Recommended Approval letter cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

Although you are ineligible to apply for any relief under the INA, including asylum, you may be eligible to apply for withholding of removal under section 241(b)(3) of the INA and under the *Convention Against Torture*. An asylum officer will interview you to see if you have a reasonable fear of persecution or torture in your native country or place of last habitual residence, if you are stateless.

In the near future, you will receive notification of a date, time and place for your reasonable fear interview.

Appendix A 32 Rescheduling of an Asylum Interview

Rescheduling of Asylum Interview

You recently requested a [**second, third, etc.**] reschedule in the above referenced case. This request is being accommodated, and you shall receive a new interview appointment in the near future. Because repeated reschedules place a significant burden on the support staff of this office, future reschedule requests will not be accommodated except for clearly emergent reasons or for exceptional circumstances. Any future reschedule requests must be accompanied by documentary evidence of the emergent need to reschedule the interview. Your failure to provide such evidence or to appear for a future interview may result in the referral of your asylum application to the immigration court and may affect any eligibility for employment authorization.

Appendix A 33 Notice of Change in Decision from Pick-up to Mail-out

Notice of Change in Decision from Pick-up to Mail-out

At the conclusion of your interview with an Asylum Officer, you were instructed to appear at this office to pick-up your asylum decision in person. Please be advised that **you are not required to appear in person at this office.** Rather, the decision on your asylum application will be mailed to the most recent address you provided to this office.

In order to ensure delivery of your decision, you must report any change of address to this office within ten (10) days of such change. If your asylum application was filed on or after January 4, 1995, the asylum office's decision to mail your decision will not affect your eligibility to apply for employment authorization under 8 CFR 208.7(a)(1). You may request employment authorization by applying 150 days after filing a complete asylum application.

We regret any inconvenience this change may have caused.

Appendix A 34 Service Motion to Reconsider (before EOIR)

Service Motion to Reconsider Grant of Asylum

On [date] you were granted asylum by the Immigration and Naturalization Service (INS). It has recently come to our attention, however, that you were in deportation, exclusion or removal proceedings at the time of the asylum decision.

Our records indicate that [provide information that led to conclusion that applicant was in proceedings].

Only an Immigration Judge may decide an asylum application filed by a person who has been placed in deportation, exclusion or removal proceedings before the immigration court. 8 CFR 208.2(b). Because this office did not have jurisdiction over your asylum application, this office is reconsidering your grant of asylum and intends to rescind it, and the grant of asylum to any dependent included in your asylum application, in accordance with 8 CFR 103.5(a)(5)(ii).

You have 30 days from the date of this letter to provide in writing any rebuttal argument or information in response to intended decision of INS to rescind your grant of asylum. If you do not respond to this notice within 30 days from the date of the notice, the decision to grant you asylum will be rescinded, and your asylum case will be administratively closed for lack of jurisdiction. You may waive the 30-day period by providing written notice that you do not wish to submit a response, if you do not wish to contest the decision to rescind your grant of asylum.

Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number A- _____ Rebuttal -- Z _____

Appendix A 35 Service Motion to Reconsider (Outside U.S.)

Service Motion to Reconsider Grant of Asylum

On **[date]** you were granted asylum by the Immigration and Naturalization Service (INS). It has recently come to our attention, however, that you were outside of the United States at the time we issued a final grant of asylum to you.

Our records indicate that **[provide information that led to conclusion that the applicant was outside the U.S. when asylum was granted]**.

The INS may only grant asylum to an individual who is physically present in the United States or who arrives in the United States. *See* Section 208(a)(1) of the Immigration and Nationality Act and 8 CFR 208.2(a). Because you were outside of the United States on the date of the final grant of asylum, the INS did not have jurisdiction over your asylum application. Therefore, this office is reconsidering your grant of asylum and intends to rescind it, as well as the grant of asylum to any dependent included in your asylum application, in accordance with 8 CFR 103.5(a)(5)(ii).

You have 30 days from the date of this letter to provide in writing any rebuttal argument or information in response to intended decision of INS to rescind your grant of asylum. If you do not respond to this notice within 30 days from the date of the notice, the decision to grant you asylum will be rescinded, and your asylum case will be administratively closed for lack of jurisdiction. You may waive the 30-day period by providing written notice that you do not wish to submit a response, if you do not wish to contest the decision to rescind your grant of asylum.

Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number A- _____ Rebuttal -- Z _____

Appendix A 36 Notice of Rescission of Asylum Grant

Rescission Notice

On **[date]**, this office sent you a *Motion to Reconsider* notifying you that the Immigration and Naturalization Service (INS) intended to rescind your grant of asylum, because the INS did not have jurisdiction over your asylum application at the time asylum was granted.

[IF APPLICANT DID NOT SUBMIT A RESPONSE, INSERT THIS PARAGRAPH.]

You were given 30 days from the date of the notice to provide argument or information in response to the intended decision to rescind your grant of asylum. No response has been received.

OR

[IF APPLICANT SUBMITTED A RESPONSE, INSERT THIS PARAGRAPH AND EXPLAIN WHY THE INFORMATION DID NOT OVERCOME THE GROUNDS OUTLINED IN THE MOTION TO RECONSIDER.]

You were given 30 days from the date of the notice to provide argument or information in response to the intended decision to rescind your grant of asylum. The information you submitted, however, failed to overcome the grounds for rescission stated in the motion to reconsider. **[Brief explanation of why information failed to overcome grounds to rescind.]**

[ALL LETTERS:]

Therefore, your grant of asylum has been rescinded effective **[insert date of rescission]**. The grant of asylum to any dependent included in your asylum application is also rescinded. Any work authorization that you have received based upon a grant of asylum cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

You should direct any questions about your asylum request or removal proceedings to the Immigration Court having jurisdiction in your case. In addition, you must notify the INS and the Immigration Court of any change of your address. To notify the INS of your change of address, you may obtain a Form AR-11 at your nearest post office or INS office to comply with this requirement.

The Immigration Court having jurisdiction over your case is the following:

Office of the Immigration Court
[Insert applicable address]

Appendix A 37 Affirmation of Asylum Grant After Motion to Reconsider

Affirmation of Asylum Grant After Motion to Reconsider

On **[date]**, this office sent you a *Motion to Reconsider* notifying you that the Immigration and Naturalization Service (INS) intended to rescind your grant of asylum, because evidence indicated that the INS did not have jurisdiction over your asylum application at the time asylum was granted.

You were given 30 days from the date of the notice to provide argument or information in response to the intended decision to rescind your grant of asylum. You provided a timely response. After careful consideration of your response, it has been determined that the INS did have jurisdiction to grant you asylum, and therefore the INS no longer intends to rescind your grant of asylum. Your grant of asylum is affirmed. Please see the final grant letter that was issued to you on **[date grant letter was issued]** for information relating to your status as an asylee.

Appendix A 38 Request for Evidence to Establish Residence

Request for Evidence to Establish Residence

You were previously scheduled for an asylum interview; however, in order to receive an interview with an asylum officer from this office, you must provide evidence that you reside within the jurisdiction of the **[Name]** Asylum Office. The Immigration and Naturalization Service (INS) finds that evidence submitted in your application and provided at your asylum interview does not fully establish that you reside within our jurisdiction, which is comprised of **[state the jurisdiction of the asylum office.]**

Pursuant to 8 CFR 103.2(b), we hereby request additional evidence that verifies your residence within our jurisdiction. Such evidence may include but is not limited to utility bills, leases or rental agreements, or a vehicle operator's license. In lieu of the aforementioned evidence, you may submit an affidavit from an individual who lives in your household; however, s/he must present evidence that establishes his/her residency there, such as utility bills, leases or rental agreements, or a vehicle operator's license.

You have up to 12 weeks from the date of this letter to respond to this request. If your asylum application was filed on or after January 4, 1995, this request for evidence is a delay caused by you and cannot be counted as part of the 150-day period before you can apply for employment authorization. Time counted toward the 150-day period will resume when you submit sufficient evidence to establish your residence in this or any other jurisdiction. If appropriate, your file may be transferred to another asylum office that has jurisdiction over your residence.

Failure to respond to the request for evidence or failure to establish you live within the jurisdiction of this office may result in the administrative closure of your asylum application and may affect any eligibility for employment authorization.

Appendix A 39 Notice of Intent to Terminate Asylum Status by INS

Notice of Intent to Terminate Asylum Status

The purpose of this letter is to notify you of the intent of the Immigration and Naturalization Service (INS) to terminate the asylum status you were granted on [date]. This office has received the following information indicating that your asylum status could be terminated pursuant to 8 CFR 208.24(a)[**Select applicable subsection(s): (1) or (2) or (3):**]:

[Brief explanation of grounds for termination and summary of evidence. The explanation of grounds should track the language from the applicable statute or regulation. The summary must outline the evidence in the file that forms the grounds for termination, except classified information or other information that may not be released to the applicant as determined by a trained FOIA officer. For example:

- **You have been convicted by final judgment of a particularly serious crime, to wit: On [date], you were convicted in the [court, including locality] of [charge] and sentenced to [sentence].**

OR

- **INS has obtained evidence that indicates fraud in your application for asylum such that you were not eligible for asylum at the time it was granted: While you testified that you witnessed the police murder your son on account of your political opinion, you recently filed an I-730 *Refugee/Asylee Relative Petition* on his behalf.]**

In order to give you the opportunity to respond to this adverse information, we have scheduled a termination interview at least thirty (30) days after the date of this notice in order to give you sufficient time to prepare for the interview.

Interview Date: _____

Time: _____ a.m.

Place: [Address of Interview Location]

You must bring the following to your interview: a written form of identification, if available, that shows your name, date and place of birth, and nationality; the original and two copies of evidence of your relationship to family members on your I-589 (marriage or birth certificates, or affidavits) if not already submitted with your application; and other evidence not submitted before. If you cannot speak English fluently, you must bring a competent interpreter who must be at least 18 years of age. Neither the representative of record, a witness testifying on your behalf, nor a representative or employee of your country of nationality, or if stateless, country of last habitual residence, may serve as your interpreter.

You will have the opportunity at the interview to present information and evidence to show that you are still eligible for asylum. Your asylum status will not be terminated unless a preponderance of the evidence supports termination. You may be represented at the termination interview. Attached to this letter is a list of legal providers that may provide you with legal assistance at no or low cost. Your dependents, who were included in your asylum application or who entered the U.S. pursuant to a Form I-730, *Refugee/Asylee Relative Petition*, must also accompany you to the interview at the asylum office.

If the Service determines that you are no longer eligible for asylum, your asylum status and employment authorization will be terminated, and you will be placed in removal proceedings. You may renew your request for asylum before an Immigration Judge.

If you are unable to attend the interview on the date scheduled, you must contact this office in writing before the interview to request that the interview be re-scheduled. Failure without good cause to appear for this interview may result in the termination of your asylum status and any employment authorization, and referral of your case to an immigration judge.

If you wish to waive the thirty (30) day preparation period and request an earlier interview, or admit the adverse information contained in this notice and waive the opportunity to present a rebuttal provide, indicate your request on the attached form and return it to the address at the top of this letter before the date of the scheduled interview. The asylum office will accommodate your request for an earlier interview if resources permit.

Attach: Legal Provider List

Optional Waiver of Rebuttal Period and/or Waiver of Opportunity to Rebut Notice of Intent to Terminate Asylum Status

**Optional Waiver of Rebuttal Period and/or Waiver of Opportunity to Rebut
Notice of Intent to Terminate Asylum Status**

Name:	Alien number:
Address:	Telephone:

Instructions: Complete this form **only if** you wish to waive the 30-day rebuttal preparation period and/or your opportunity to present a rebuttal. Return the form to the above address, attention: **[specify]**

If you wish to waive the 30-day preparation period and request an earlier appointment, complete Part I.

If you wish to waive the 30-day preparation period AND you wish to waive the interview and opportunity to present a rebuttal to the evidence of grounds for termination of your asylum status, complete Parts I and II.

PART I: Waiver of 30-Day Period to Prepare Rebuttal to Notice of Intent to Terminate Asylum Status	
	Write your initials below to agree with the statement at left.
• I understand that the INS intends to terminate my asylum status.	
• I acknowledge that I was informed of the grounds for termination.	
• I understand that termination of my asylum status will result in the termination of asylum status of any family member who obtained derivative asylum status through me.	
• I understand that I have 30 days to prepare a rebuttal to the adverse information constituting the grounds for termination and have been offered an opportunity to present the rebuttal.	
• I wish to waive the 30-day rebuttal period and request an earlier appointment.	

PART II: Waiver of Opportunity to Rebut Evidence of Grounds for Termination	
	Write your initials below to agree with the statement at left.
• I admit the adverse information contained in the Notice of Intent to Terminate.	
• I wish to waive the opportunity to present a rebuttal to the grounds for termination so that the INS will proceed with termination of my asylum status immediately.	

_____ (Signature)

_____ (Printed Name)

_____ (Date)

Appendix A 40 Notice of Termination of Asylum Status

Notice of Termination of Asylum Status

The purpose of this letter is to notify you that the Immigration and Naturalization Service (INS) has terminated your asylum status, **effective [This date corresponds to the EFFECTIVE DATE section on the REVO screen]**.

[If the applicant appeared for the interview, briefly summarize facts, cite applicable regulations, and conclude that a preponderance of the evidence establishes that termination is appropriate]

OR

[If the applicant failed to appear, insert the following paragraph] You were scheduled for a termination interview on **[date]**. You failed to appear for the interview, and you did not submit an excuse for your failure to appear and a request for a rescheduling of your interview.

[Include this paragraph if there are dependents on the case] Termination of asylum status for a person who is the principal applicant results in the termination of the asylum status of a spouse and/or child whose status was derived from the principal's asylum approval. 8 CFR 208.24(d). This does not preclude your spouse or child from asserting an asylum or withholding of removal claim. Nor does your termination preclude you from reasserting an asylum or withholding of removal claim in subsequent removal proceedings before an immigration judge, subject to the laws and regulations in effect at the time of filing any new application.

Enclosed please find a Notice of Appear (Form I-862), which places you **[and your dependent(s)]** under removal proceedings. Any work authorization that you have received based upon the asylum approval cannot be renewed beyond its scheduled expiration date and is subject to revocation after notice by a District Director.

You should direct any questions about your asylum request or removal proceedings to the immigration court having jurisdiction in your case. In addition, you must notify the immigration court of any change of your address.

Attach: Legal Provider List

Appendix A 41 Notice of Continuation of Asylum Status

Notice of Continuation of Asylum Status

The purpose of this letter is to notify you that you remain in asylum status. The Immigration and Naturalization Service (INS) has decided not to terminate your asylum status because a preponderance of the evidence failed to meet the evidentiary standard required to terminate your asylum status. This decision also affects any spouse or child who derived asylum status based upon the approval of your asylum application.

Any Employment Authorization Document (EAD) you have received remains valid, and you may renew the document upon its expiration. You must notify the INS of any change of address within ten (10) days of such change. You may obtain a Form AR-11 at your nearest post office or INS office to comply with this requirement.

Appendix A 42 Notice of Intent to Terminate Asylum Status by EOIR

Notice of Intent to Terminate Asylum Status and Hearing before an Immigration Judge

The purpose of this letter is to notify you of the intent of the Immigration and Naturalization Service (INS) to terminate the asylum status you were granted on [date]. This office has received the following information indicating that your asylum status could be terminated pursuant to 8 CFR 208.24(a)[select applicable subsection(s): (1) or (2) or (3)]:

[Brief explanation of grounds for termination and summary of evidence. The explanation of grounds should track the language from the applicable statute or regulation. The summary must outline the evidence in the file that forms the grounds for termination, except classified information or other information that may not be released to the applicant as determined by a trained FOIA officer. For example:

- **You have been convicted by final judgment of a particularly serious crime, to wit: On [date], you were convicted in the [court, including locality] of [charge] and sentenced to [sentence].**

OR

- **INS has obtained evidence that indicates fraud in your application for asylum such that you were not eligible for asylum at the time it was granted: While you testified that you witnessed the police murder your son on account of your political opinion, you recently filed an I-730 *Refugee/Asylee Relative Petition* on his behalf.]**

In order to give you the opportunity to respond to this adverse information, you are scheduled for a hearing in front of an immigration judge on [date] at [location].

You will have the opportunity at the hearing to present information and evidence to show that you are still eligible for asylum. Your asylum status will not be terminated unless a preponderance of the evidence supports termination. You may be represented at the hearing before the Immigration Court. Attached to this letter is a list of legal providers that may provide you with legal assistance at no or low cost. Your dependents, who either were included in your asylum application or who entered the U.S. pursuant to a Form I-730, *Refugee/Asylee Relative Petition*, must also accompany you to the hearing.

Attach: Legal Provider List

Appendix A 43 Declaration of Intent to Withdraw Asylum Application

DECLARATION OF INTENT TO WITHDRAW REQUEST FOR ASYLUM

Name of Applicant	
Alien-Number of Applicant	A
Language Used by Applicant	
Interpreter Used	Yes <input type="checkbox"/> No <input type="checkbox"/>
Name of Interpreter	
Languages Used by Interpreter	English and

DECLARATION OF APPLICANT

I wish to withdraw my application for asylum for the following reason (specify): _____

- I understand that by doing so I will close the application permanently, and will not be able to reopen it. If I wish to be considered for asylum at a later date I will have to file a new Form I-589, *Application for Asylum and for Withholding of Removal*, subject to the laws and regulations in place at the time of filing any new application, including any restrictions on filing.
- I understand that by withdrawing my application for asylum any dependent family members and I may be placed in proceedings before an immigration judge.
- I understand that because I will no longer have an application for asylum pending before the Immigration and Naturalization Service (INS), I will not be entitled to asylum-based employment authorization. I understand that after withdrawal of my application, I cannot obtain or renew my Employment Authorization Document on the basis of my asylum claim.

Applicant's Signature

I certify that I am qualified to act as an Interpreter and that I have read the above statements to the applicant named above. S/he stated that s/he understood me.

Interpreter's Signature: _____

INS Employee's Signature: _____

ASSESSMENT TO GRANT ASYLUM

ALIEN NUMBER:

DATE:

NAME:

ASYLUM OFFICER:

COUNTRY:

REVIEWING SAO:

LOCATION:

[Decision-making /Decision-writing Training Shell; All bold or parenthetical language is for instructional purposes only and is to be deleted. Non-bold language in brackets may be chosen to replace text, where appropriate.]

I. BIOGRAPHIC/ENTRY INFORMATION

[Who is the applicant? Where and how did the applicant enter the United States?]

The applicant indicated that s/he is a [age]-year-old fe/male native and citizen of [count(ies)] who entered the United States [without inspection] at [POE] on [date] [and was admitted as a [status] until [date.]]

II. BASIS OF CLAIM

[What does the applicant fear? Whom does s/he fear and Why?]

The applicant fears that s/he will be [harm feared] by [feared persecutor] on account of [ground].

III. ANALYSIS OF PROHIBITIONS AGAINST FILING FOR ASYLUM

A. ONE-YEAR FILING DEADLINE

[For applicants who filed for asylum prior to April 16, 1998, state that the 1-year filing deadline does not apply. For applicants who filed their I-589 within the 1-year filing deadline, state that the applicant is in compliance with the deadline.]

OR

[For applicants who did not timely file but have one or more exceptions and filed within a reasonable period, include an analysis of why the applicant's late filing should be excused, , including any changed and/or extraordinary circumstances established and a finding that the applicant filed within a reasonable time given the circumstances.]

B. PRIOR DENIAL BY IJ OR BIA

[For applicants who were previously denied asylum by an IJ or the BIA, include an analysis of the existence of changed circumstances that materially affect the applicant's eligibility for asylum, including a brief statement that the applicant was previously denied asylum by EOIR, an explanation of the changed circumstances established, how the changed circumstances materially affect the

applicant's asylum eligibility.]

IV. SUMMARY OF TESTIMONY AND CREDIBILITY

[What happened to the applicant and/or individuals similarly situated, what does s/he fear, and why?]

The applicant credibly testified that [summary of material facts of applicant's testimony].

V. FOCUSED ANALYSIS

[Is the applicant a refugee? Do any bars or discretionary grounds for denial apply?]

[To receive asylum, an asylum-seeker must show past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.]

A. PAST PERSECUTION [If past persecution found]

The acts described by the applicant amount to past persecution on account of _____. [In all cases, explain why the harm is serious enough to constitute persecution. If the persecutor is a non-government entity, also explain how the evidence shows that the government is unable or unwilling to control the persecutor.] Thus the applicant has established that s/he is a refugee.

[If WFF presumed due to no fundamental change in circumstances and applicant could not reasonably relocate to avoid future persecution]

A preponderance of the evidence fails to establish that there has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear of persecution if s/he were to return. Country conditions reports indicate that [summary of country conditions] [Cite source].

A preponderance of the evidence fails to establish that the applicant could avoid future persecution by relocating within his or her country and that, under all the circumstances, it would be reasonable for the applicant to do so. [Briefly explain reasons.]

OR [If severity of past persecution or reasonable possibility of other serious harm warrants grant of asylum in the absence of a well-founded fear]

Although it has been determined that the applicant's fear of future persecution is no longer well-founded because a preponderance of the evidence establishes a fundamental change in circumstances [or if **applicable** the applicant reasonably could relocate within his or her country to avoid future persecution], the applicant has demonstrated compelling reasons for being unwilling to return due to the severity of the past persecution s/he suffered [or, the applicant has established that there is a reasonable possibility he or she would suffer other serious harm] [Briefly explain why.]

[GO TO COMPONENT VI. CLOSING PARAGRAPH. APPLICANT HAS ESTABLISHED ELIGIBILITY.]

B. IF CLAIM IS BASED ON FEAR OF FUTURE PERSECUTION

1. Did the applicant claim past persecution?

[The applicant claims past persecution, past persecution not found, but WFF found]

The events the applicant described do not amount to past persecution. However, the applicant has established a well-founded fear of future persecution on account of [ground].

OR

[The applicant's claim based solely on WFF]

The applicant did not claim to have suffered persecution in the past. However, the applicant has established a well-founded fear of future persecution on account of [ground].

2. Explanation of well-foundedness

The applicant has established all four prongs of the modified *Mogharrabi* test for well-foundedness.

[Briefly explain how the applicant has established possession (or imputation), awareness, capability, and inclination.]

OR [If the applicant not singled out]

The applicant has established a well-founded fear of persecution by showing that there is a pattern or practice of persecution of groups of persons similarly situated to the applicant on account of one of the five grounds. **[Briefly explain the group of persons subject to the pattern and practice of persecution and how the applicant is similarly situated to that group.]**

3. Internal relocation

The applicant has established that the threat of persecution exists countrywide **OR** [The applicant has established that, under all the circumstances it is unreasonable for the applicant to relocate within his or her country to avoid future persecution.] **[Briefly explain.]**

VI. CLOSING PARAGRAPH

Thus, the applicant has established that s/he is a refugee. There are no mandatory or discretionary factors that make the applicant ineligible for asylum.

VII. DECISION

Assessment is to grant.

Notice Of Intent To Deny

[Decision-making /Decision-writing Training Shell; All bold or parenthetical language is for instructional purposes only and is to be deleted. Non-bold language in brackets may be chosen to replace text, where appropriate.]

The purpose of this letter is to notify you of the intent to deny your request for asylum. The Immigration and Naturalization Service (“Service”) has carefully considered your written application and accompanying documents, available country conditions materials, and your oral testimony to reach this determination for the reasons given below.

I. BIOGRAPHIC/ENTRY INFORMATION

[Who is the applicant? Where and how did the applicant enter the United States?]

In presenting your request for asylum, you indicated that you are a [age]-year-old fe/male native and citizen of [countr(ies)], and you stated that you entered the United States [without inspection] at [POE] on [date] [and were admitted as a (status) until (date)].

II. BASIS OF CLAIM

[What does the applicant fear? Whom does s/he fear and Why?]

You fear that you will be [harm feared] by [feared persecutor] on account of [ground].

III. ANALYSIS OF PROHIBITIONS AGAINST FILING FOR ASYLUM [THIS SECTION ONLY INCLUDED A PROHIBITION ON FILING MAY EXIST. IF NOT, SKIP TO PART IV.]

A. ONE-YEAR FILING DEADLINE

[Include analysis only if application filed on or after 4/16/98 and application not timely filed.]

An alien may apply for asylum only if he or she demonstrates by clear and convincing evidence that he or she filed the asylum application within one year after his or her arrival date in the United States, unless there are either changed circumstances which materially affect asylum eligibility or extraordinary circumstances related to the delay in filing the asylum application. 8 U.S.C. §§ 1158(a)(2)(B), (D). You filed your asylum application on [date], more than one year after entering the United States.

If exception established, include:

- a statement of the changed or extraordinary circumstances established
- a finding that the applicant filed within a reasonable time given the circumstances

If an exception not established, include:

- a statement and supporting analysis of the finding that the applicant was found ineligible for an exception based on changed circumstances relating to country conditions because: 1) there was no change in country conditions, 2) the change occurred before April 1, 1997, 3) the change did not materially affect the applicant’s asylum eligibility, or 4) the I-589 was not filed within a reasonable time after the change, considering delayed awareness if applicable.

- a statement demonstrating that other possible changed and extraordinary circumstances relating to the applicant’s case were examined, but the applicant was found ineligible for an exception based on those circumstances and why (for example, the circumstances are not deemed extraordinary, or the changed circumstances did not materially affect the applicant’s asylum eligibility), OR, if the applicant was found ineligible for an exception based on an unreasonable delay in filing after changed or extraordinary circumstances, a thorough analysis of why the asylum officer found the delay in filing to be unreasonable given those circumstances.
- skip to *part VIII, Decision*.

B. PRIOR DENIAL BY IJ OR BIA [when applicable]

An alien who has previously applied for asylum and had the application denied by an immigration judge or the Board of Immigration Appeals is not eligible to apply for asylum in the United States, unless there are changed circumstances materially affecting asylum eligibility. 8 U.S.C. §§ 1158(a)(2)(C), (D); 8 C.F.R. § 208.4(a)(3).

If exception established, include:

- a brief statement that applicant was previously denied asylum by EOIR
- an explanation of changed circumstances established
- how changed circumstances materially affect the applicant’s asylum eligibility

If exception not established, include:

- a statement of any circumstances that were considered in the determination of whether the prohibition against filing for asylum applies
- a statement and an explanation of the finding that there were no changed circumstances, OR, if the applicant established the existence of changed circumstances, why the circumstances were not found to materially affect his/her asylum eligibility
- Where country conditions are relevant to the determination of changed circumstances pursuant to the guidance in this memorandum, a minimum of two country conditions citations supporting a finding that the applicant failed to establish a change in country conditions or that any change in country conditions materially affects the applicant’s asylum eligibility.
- If country conditions information is not relevant to the determination of changed circumstances because it would not materially affect the applicant’s asylum eligibility, the asylum officer includes in the assessment the statement, “Any change in country conditions would not materially affect your eligibility for asylum because (the applicant has not established a protected characteristic, is subject to a mandatory bar, etc.)” and an explanation of the reasons for the finding of no protected characteristic, the bar, or other reason country conditions would not materially affect the applicant’s asylum eligibility.
- Skip to *Part VIII – Decision*.

IV. SUMMARY OF TESTIMONY

[What happened to the applicant and/or individuals similarly situated, what does s/he fear, and why?]

You testified that [summary of material facts of applicant's claim.].

V. CREDIBILITY

[Was the testimony internally consistent, consistent with extrinsic evidence, detailed? Note that credibility determination can be “split” -- some parts found credible, some parts found not credible.]

A. IF TESTIMONY CREDIBLE

You have presented testimony that was believable, consistent, and sufficiently detailed. Therefore, you are found to be credible.

In order to receive asylum, an asylum-seeker must establish past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. §§ 1158, 1101(a) (42); 8 C.F.R. § 208.13(b).

[GO TO COMPONENT VI (B) AND (C) - ANALYSIS OF PP AND WFF]

B. IF TESTIMONY NOT CREDIBLE

In order to receive asylum, an asylum-seeker must establish past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. §§ 1158, 1101(a) (42); 8 C.F.R. § 208.13(b).

Your testimony was found not credible for the following reasons: **[Explain basis for finding applicant not credible: e.g., list inconsistencies, kind of detail applicant was unable to provide, etc.]** You were unable to provide a reasonable explanation for this [material inconsistency, lack of detail, etc.] in that **[address why explanation given found not reasonable]**.

[GO TO COMPONENT VI (A) - ANALYSIS OF MATERIALITY]

VI. FOCUSED ANALYSIS COMPONENT

[Is the applicant a refugee? Do any bars or discretionary grounds for denial apply?]

A. MATERIALITY OF FACTS PRESENTED

[Applies only where testimony found not credible. Can the non-credible testimony be linked to elements for asylum eligibility? If yes, provide a brief explanation of how non-credible assertions have a direct and objective bearing on the basis for asylum eligibility.]

As your testimony was not credible in material respects, you have failed to meet your burden of establishing that you are a refugee as required by 8 C.F.R. § 208.13(a). Consequently, you are ineligible for asylum.

[NO FURTHER ANALYSIS IS NECESSARY. GO TO VIII. DECISION.]

B. PAST PERSECUTION

1. No past persecution claimed

You do not claim, and the evidence does not indicate, that you have experienced persecution in the past.

[GO TO VI(C) -- ANALYSIS OF WELL-FOUNDED FEAR]

2. Past persecution not found

The events you described do not constitute past persecution. **[Brief explanation as to why pp not found -- either the harm the applicant suffered was not serious enough to constitute persecution or, in cases where the harm was carried out by a non-government entity, the applicant did not establish that the government was unable or unwilling to control the entity that harmed the applicant.]**

AND/OR

The events you described are not found to have been on account of one of the five protected characteristics in the refugee definition (race, religion, nationality, membership in a particular social group or political opinion). **[Briefly explain why not "on account of."]**

[GO TO COMPONENT VI (C) - ANALYSIS OF WELL-FOUNDED FEAR]

3. Finding of past persecution on account of a protected ground

The events you described amount to past persecution on account of [ground].

a. Preponderance of the evidence establishes fundamental change in circumstances

Though you have established past persecution, a preponderance of the evidence establishes that there has been a fundamental change in circumstances in [name of country] to such an extent that you no longer have a well-founded fear of persecution if you were to return there. Country conditions reports establish that [brief summary]. **[Cite sources.] -[OR, Though you have established past persecution, a preponderance of the evidence establishes that there has been a fundamental change in your personal circumstances to such an extent that you no longer have a well-founded fear of persecution in [country]. [Explain.]**

Because you have established that you suffered persecution in the past, the Service has carefully reviewed the facts of your case to determine whether to exercise discretion to grant asylum. However, your case does not reflect such severe past persecution as to present compelling reasons for being unwilling or unable to return to [country], nor have you established that there is a reasonable possibility you would suffer other serious harm if returned there. See 8 C.F.R. § 208.13(b)(1)(iii).

OR

b. Past persecution found, but preponderance of the evidence establishes it would be reasonable for the applicant to relocate within his or her country to avoid future persecution.

Though you have shown past persecution, a preponderance of the evidence establishes that you could avoid future persecution by relocating to another part of your country and under all the circumstances, it is reasonable to expect you to do so.

Because you have established that you suffered persecution in the past, the Service has carefully reviewed the facts of your case to determine whether to exercise discretion to grant asylum. However, your case does not reflect such severe past persecution as to present compelling reasons for being unwilling or unable to return to [country] nor have you established that there is a reasonable possibility you would suffer other serious harm if returned there. See 8 C.F.R. § 208.13(b)(1)(iii).

[GO TO VIII. DECISION]

C. CLAIM BASED ON WELL-FOUNDED FEAR OF FUTURE PERSECUTION

You (also) claim to have a fear of future persecution. To establish a well-founded fear of future persecution, an asylum applicant must show that his or her fear is both subjectively genuine and objectively reasonable. An asylum applicant may establish an objectively reasonable fear by demonstrating that there is a reasonable possibility of suffering persecution.

Accordingly, it is the applicant's burden to establish that:

- (1) she or he possess (or is believed to possess) beliefs or characteristics the persecutor seeks to overcome in others;
- (2) the persecutor is already aware, or could become aware, that she or he possesses these beliefs or characteristics;
- (3) the persecutor has the capability of persecuting the applicant; and
- (4) the persecutor has the inclination to persecute the applicant.

See *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

[Briefly explain how the applicant has failed to meet the modified *Mogharrabi* test for well-foundedness or failed to establish that internal relocation to avoid future persecution is not a reasonable option. Discussion of failure to meet any one prong of the test is sufficient.]

[If appropriate, use the following language with analysis.] An applicant can establish a well-founded fear of persecution by showing that he or she will be singled out for persecution or that there is a pattern or practice of persecution of groups of persons similarly situated to the applicant on account of one of the five characteristics in the refugee definition. 8 C.F.R. § 208.13(b)(2)(iii). You have failed to establish that you are similarly situated to any group of persons subject to a pattern or practice of persecution.

For these reasons, you have not shown there is a reasonable possibility of suffering the persecution you fear.

AND/OR [if the claim is not on account of a protected ground]

You have failed to show that the harm you fear is due to any of the five protected characteristics in the refugee definition (race, religion, nationality, membership in a particular social group, or political opinion). **[Briefly explain why it is not "on account of."]**

OR [if WFF found in a particular area or locality, but the threat of persecution does not exist countrywide and it is reasonable for the applicant to relocate]

An applicant does not have a well-founded fear of persecution if the applicant could avoid persecution by relocating to another part of the applicant's country, if under all the circumstances it would be reasonable to expect the applicant to do so. See 8 C.F.R. § 208.13(b)(2)(ii). You have failed to demonstrate that the persecution you fear exists throughout [country] or that, under all the circumstances, it would be unreasonable to expect you to relocate to another place in your country to avoid persecution in the future.

[Briefly explain reasons for finding that it is reasonable for applicant to safely relocate within his/her country.]

VII. MANDATORY BARS

[If applicable, discuss mandatory bar(s).]

VIII. DECISION

For the reasons explained above, the Service has found that you are not eligible **[for/to apply for]** asylum status in the United States.

You can provide rebuttal to this notice in support of your request. You have sixteen (16) days [6 days total for mail included] from the date of this notice to submit such rebuttal or new evidence. Failure to respond to this notice within this allotted time may result in the denial of your request for asylum.

Please direct any response to the address on this letterhead. Mark both the envelope and the contents as follows:

Attention: File Number A- _____ Rebuttal -- Z _____

ASSESSMENT TO REFER

ALIEN NUMBER:

DATE:

NAME:

ASYLUM OFFICER:

COUNTRY:

REVIEWING SAO:

LOCATION:

[Decision-making /Decision-writing Training Shell; All bold or parenthetical language is for instructional purposes only and is to be deleted. Non-bold language in brackets may be chosen to replace text, where appropriate.]

I. BIOGRAPHIC/ENTRY INFORMATION AND BARS RELATED TO FILING

[Who is the applicant? Where and how did the applicant enter the United States?]

The applicant indicated that s/he is a [age]-year-old fe/male native and citizen of [countr(ies)] who entered the United States [without inspection] at [POE] on [date] [and was admitted as a (status) until (date).]

II. BASIS OF CLAIM

[What does the applicant fear? Whom does s/he fear and Why?]

The applicant fears that s/he will be [harm feared] by [feared persecutor] on account of [ground].

III. ANALYSIS OF PROHIBITIONS AGAINST FILING FOR ASYLUM

A. ONE-YEAR FILING DEADLINE

[For applicants who filed for asylum prior to April 16, 1998, state that the 1-year filing deadline does not apply.]

The applicant filed his/her asylum application on [date]. The applicant [failed to establish/established] by clear and convincing evidence that the application was filed within one year after the last date of arrival to the United States.

[Insert analysis if clear & convincing evidence not established:]

If exception established, include:

- a statement of the changed or extraordinary circumstances established
- a finding that the applicant filed within a reasonable time given the circumstances

If an exception not established, include:

- a statement and supporting analysis of the finding that the applicant was found ineligible for an exception based on changed circumstances relating to country conditions because: 1)

there was no change in country conditions, 2) the change occurred before April 1, 1997, 3) the change did not materially affect the applicant's asylum eligibility, or 4) the I-589 was not filed within a reasonable time after the change, considering delayed awareness if applicable.

- a statement demonstrating that other possible changed and extraordinary circumstances relating to the applicant's case were examined, but the applicant was found ineligible for an exception based on those circumstances and why (for example, the circumstances are not deemed extraordinary, or the changed circumstances did not materially affect the applicant's asylum eligibility), **OR**, if the applicant was found ineligible for an exception based on an unreasonable delay in filing after changed or extraordinary circumstances, a thorough analysis of why the asylum officer found the delay in filing to be unreasonable given those circumstances.
- skip to *part VIII, Decision*.

B. PRIOR DENIAL BY IJ OR BIA [when applicable]

If exception established, include:

- a brief statement that applicant was previously denied asylum by EOIR
- an explanation of changed circumstances established
- how changed circumstances materially affect the applicant's asylum eligibility

If exception not established, include:

- a statement of any circumstances that were considered in the determination of whether the prohibition against filing for asylum applies
- a statement and an explanation of the finding that there were no changed circumstances, **OR**, if the applicant established the existence of changed circumstances, why the circumstances were not found to materially affect his/her asylum eligibility
- Where country conditions are relevant to the determination of changed circumstances pursuant to the guidance in this memorandum, a minimum of two country conditions citations supporting a finding that the applicant failed to establish a change in country conditions or that any change in country conditions materially affects the applicant's asylum eligibility.
- If country conditions information is not relevant to the determination of changed circumstances because it would not materially affect the applicant's asylum eligibility, the asylum officer includes in the assessment the statement, "Any change in country conditions would not materially affect the applicant's eligibility for asylum because (the applicant has not established a protected characteristic, is subject to a mandatory bar, etc.)" and an explanation of the reasons for the finding of no protected characteristic, the bar, or other reason country conditions would not materially affect the applicant's asylum eligibility.
- Skip to *Part VIII – Decision*.

III. SUMMARY OF TESTIMONY

[What happened to the applicant and/or individuals similarly situated, what does s/he fear, and why?]

The applicant testified that [summary of material facts of the applicant's testimony]

IV. CREDIBILITY

[Was the testimony internally consistent, consistent with extrinsic evidence, detailed?]

A. IF TESTIMONY CREDIBLE

The applicant presented testimony that was believable, consistent, and sufficiently detailed. Therefore, s/he was found to be credible. [Or, assessment can state at the beginning of the Summary of Testimony, “The applicant credibly testified that _____.” Also note that credibility determination can be “split” -- some parts found credible, some parts found not credible.]

[GO TO COMPONENT V. B AND, IF APPROPRIATE, C -- ANALYSIS OF PP AND WFF]

B. IF TESTIMONY NOT CREDIBLE

The applicant’s testimony was found not credible for the following reasons: [List specific discrepancies, inconsistencies, kind of detail applicant was unable to provide, etc.] When given an opportunity to explain, the applicant was unable to provide a reasonable explanation for [these inconsistencies, this inability to provide detail, etc.]

[GO TO COMPONENT V. A -- ANALYSIS OF MATERIALITY]

V. FOCUSED ANALYSIS COMPONENT

A. MATERIALITY OF NON-CREDIBLE ASSERTIONS

[Can the non-credible testimony be linked to elements for asylum eligibility? If yes, provide an explanation how the non-credible assertions have a direct and objective bearing on the basis for asylum eligibility.]

As the applicant’s testimony was not credible in material respects, s/he has failed to meet his/her burden of establishing that s/he is a refugee as required by 8 CFR § 208.13. Consequently, s/he is ineligible for asylum.

[STOP! NO FURTHER ANALYSIS IS NECESSARY. GO TO VII. DECISION]

B. PAST PERSECUTION

1. No claim of past persecution

The applicant has not claimed and the evidence does not indicate that [s]he experienced past persecution.

[GO TO V. C -- ANALYSIS OF WFF]

2. No finding of past persecution on account of protected ground

The events the applicant described do not constitute past persecution. [Brief explanation as to why pp not found -- either the harm the applicant suffered was not serious enough to constitute persecution or, in cases where the harm was carried out by a non-government entity, the applicant did not establish that the government was unable or unwilling to control the entity that harmed the applicant.]

OR

The events the applicant described [and the harm applicant fears] are not found to have been on account of one of the five protected grounds. **[Briefly explain why. If neither past persecution nor future persecution on account of protected ground, can explain this in one paragraph and skip section on well-founded fear, since it is covered here.]**

[GO TO V. C -- ANALYSIS OF WFF]

3. Finding of past persecution on account of protected ground

The events the applicant described amount to past persecution on account of [ground].

a. Preponderance of the evidence establishes fundamental change in circumstances

Although the applicant has established past persecution, there has been a fundamental change in circumstances in [country] to such an extent that the applicant no longer has a well-founded fear of persecution there. Country conditions reports establish that [brief summary] **[cite sources]**. **[OR, Though the applicant has established past persecution, a preponderance of the evidence establishes that there has been a fundamental change in the applicant's personal circumstances to such an extent that the applicant no longer has a well-founded fear of persecution in [country]. [Explain.]** The persecution the applicant suffered in the past was not so severe as to provide compelling reasons to grant asylum in the absence of a well-founded fear of persecution, nor has the applicant established a reasonable possibility of suffering other serious harm.

OR

b. Past persecution found, but a preponderance of the evidence establishes that it would be reasonable for the applicant to relocate within his or her country to avoid future persecution.

Although the applicant has shown past persecution on account of a protected ground, a preponderance of the evidence establishes that the applicant could avoid future persecution by relocating to another part of the country in question and, under all the circumstances, it is reasonable for him or her to do so. **[Explain why, keeping in mind that once past persecution is found there is a presumption that it is unreasonable to relocate and the government has the burden of proof to establish that it is reasonable under the circumstances.]** The persecution the applicant suffered in the past was not so severe as to provide compelling reasons to grant asylum in the absence of a well-founded fear of persecution, nor has the applicant established a reasonable possibility of suffering other serious harm.

[STOP AND GO TO VII. DECISION]

C. CLAIM BASED ON WELL-FOUNDED FEAR OF FUTURE PERSECUTION

The applicant claims to have a fear of future persecution. The applicant has failed to establish all four prongs of the modified *Mogharrabi* test for well-foundedness in that s/he has not shown that **[brief analysis of: possession (or imputation), awareness, capability, or inclination - use cc cites if reliance on country conditions determines outcome of decision.]**

ALSO [IF APPLICABLE]

The applicant has failed to establish s/he is similarly situated to a group of persons subject to a pattern or

practice of persecution such that his/her fear of persecution upon return is reasonable.

The applicant has not shown there is a reasonable possibility of suffering the persecution s/he fears.

AND/OR

The applicant has failed to show that the harm s/he fears is on account of one of the five protected grounds. **[Explain why no nexus was established.]**

AND/OR [if WWF is found in a particular area or locality, but the threat of harm does not exist countrywide and it is reasonable for the applicant to relocate]

The applicant failed to demonstrate that the persecution s/he fears exists throughout [country] or that it is unreasonable for him/her to relocate within his/her country. **[Briefly explain why.]** An asylum applicant must show that the threat of persecution exists countrywide or that it is unreasonable for the applicant to relocate within his or her country to avoid future persecution.

VI. BARS

[Are there any bars? If so, address.]

VII. DECISION

For the foregoing reasons, the applicant is not eligible for asylum status in the United States. Assessment is to refer to the Immigration Judge.

Appendix A 47 Standard Recommended Approval (Rev. 09/04/01)

Recommended Approval

This letter refers to your request for asylum in the United States (Form I-589). Your request has been recommended for approval.

However, final approval cannot be given until INS receives the results from the mandatory, confidential investigation of your identity and background. If the results reveal derogatory information that affects your eligibility for asylum, the INS may deny your request for asylum or refer it to an immigration judge for further consideration.

This recommended approval is valid for the period of time necessary to obtain the required clearances. The recommended approval includes your dependents listed above who are present in the United States, were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You and your dependents listed above are eligible to apply for work authorization during the background check process pursuant to 8 CFR 274a.12(c)(8)(ii). To work in the U.S., you and each qualifying family member must apply for and obtain an Employment Authorization Document (EAD). If authorized, you may accept employment subject to any restrictions in the regulations or on the card. You and your qualifying family members are not required to pay a fee with your initial request(s) for employment authorization. However, when you submit an application to renew your employment authorization, you must each pay a fee or request a fee waiver under 8 C.F.R. 103.7(c). To obtain an EAD, you must each submit to the INS a Form I-765, Application for Employment Authorization to the appropriate INS Service Center. The instructions to the Form I-765 provide the address of the Service Center you should send the Form to, based on where you reside.

This recommended approval does not entitle your spouse or children outside the United States, if any, to receive derivative asylum status or to be admitted to the United States. If you receive final approval of asylum, you will be entitled to request derivative asylum for your spouse or unmarried child(ren) under 21 years of age by filing a Form I-730, Refugee and Asylee Relative Petition.

If you and/or your qualifying family members plan to depart the United States and intend to return, you must each obtain permission to return to the United States before you leave this country. If you leave the United States without first obtaining advance parole, it may be presumed that you abandoned your request for asylum. You may apply for advance parole by filing a Form I-131, Application for Travel Document with the INS District Office having jurisdiction over your place of residence. If you leave the United States with advance parole and return to the country of claimed persecution, you will be presumed to have abandoned your asylum request, unless you can show compelling reasons for the return.

You must notify the INS of any change of address within ten days of any such change. You may obtain a Form AR-11, Alien's Change of Address Card, at your nearest post office or INS office to comply with this request. Please also submit written notification of any change of address to the Asylum Office having jurisdiction over your pending request for asylum.

You may obtain any of the INS forms mentioned in this letter by visiting an INS district office or calling the INS forms request line at 1-800-870-3676. You may also download any INS form from the public Internet by signing on to the INS web site at <http://www.ins.usdoj.gov>.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the INS.

Appendix A 48 Recommended Approval after NOID (Rev. 09/04/01)

[Use this letter if a NOID was previously issued, applicant is eligible for asylum after rebuttal period and identity and security checks not complete]

Recommended Approval

This letter refers to your request for asylum in the United States (Form I-589).

You were previously notified of the Immigration and Naturalization Service's (INS) intent to deny your request for asylum. You were given an opportunity to submit an argument in rebuttal to the proposed grounds for denial. After careful consideration of your rebuttal materials, your request has been recommended for approval.

However, final approval cannot be given until INS receives the results from the mandatory, confidential investigation of your identity and background. If the results reveal derogatory information that affects your eligibility for asylum, the INS may deny your request for asylum or refer it to an immigration judge for further consideration.

This recommended approval is valid for the period of time necessary to obtain the required clearances. The recommended approval includes your dependents listed above who are present in the United States, were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You and your dependents listed above are eligible to apply for work authorization during the background check process pursuant to 8 CFR 274a.12(c)(8)(ii). To work in the U.S., you and each qualifying family member must apply for and obtain an Employment Authorization Document (EAD). If authorized, you may accept employment subject to any restrictions in the regulations or on the card. You and your qualifying family members are not required to pay a fee with your initial request(s) for employment authorization. However, when you submit an application to renew your employment authorization, you must each pay a fee or request a fee waiver under 8 C.F.R. 103.7(c). To obtain an EAD, you must each submit to the INS a Form I-765, Application for Employment Authorization to the appropriate INS Service Center. The instructions to the Form I-765 provide the address of the Service Center you should send the Form to, based on where you reside.

This recommended approval does not entitle your spouse or children outside the United States, if any, to receive derivative asylum status or to be admitted to the United States. If you receive final approval of asylum, you will be entitled to request derivative asylum for your spouse or unmarried child(ren) under 21 years of age by filing a Form I-730, Refugee and Asylee Relative Petition.

If you and/or your qualifying family members plan to depart the United States and intend to return, you must each obtain permission to return to the United States before you leave this country. If you leave the United States without first obtaining advance parole, it may be presumed that you abandoned your request for asylum. You may apply for advance parole by filing a Form I-131, Application for Travel Document with the INS District Office having jurisdiction over your place of residence. If you leave the United States with advance parole and return to the country of claimed persecution, you will be presumed to have abandoned your asylum request, unless you can show compelling reasons for the return.

You must notify the INS of any change of address within ten days of any such change. You may obtain a Form AR-11, Alien's Change of Address Card, at your nearest post office or INS office to comply with this request. Please also submit written notification of any change of address to the Asylum Office having jurisdiction over your pending request for asylum.

You may obtain any of the INS forms mentioned in this letter by visiting an INS district office or calling the INS forms request line at 1-800-870-3676. You may also download any INS form from the public Internet by signing on to the INS web site at <http://www.ins.usdoj.gov>.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the INS.

Appendix A 49 Standard Asylum Approval (Rev. 11/06/02)

Asylum Approval

This letter refers to your request for asylum in the United States filed on Form I-589.

It has been determined that you are eligible for asylum in the United States. Attached please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted asylum status in the United States pursuant to § 208(a) of the Immigration and Nationality Act (INA) as of **[This date corresponds to the FDEC date in RAPS]**. This grant of asylum includes your dependents listed above who are present in the United States, who were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You have been granted asylum in the United States for an indefinite period; however, asylum status does not give you the right to remain permanently in the United States. Asylum status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2).

Now that you are an asylee, you may apply for certain benefits, which are listed below. You are also responsible for complying with certain laws and regulations, if such laws and regulations apply to you. These responsibilities are also explained in this letter. We recommend that you retain the original of this letter as proof of your status and that you submit copies of this letter when applying for any of the benefits or services listed below. You may obtain any of the INS forms mentioned in this letter by visiting an INS district office or by calling the INS forms request line at 1-800-870-3676. You may also download any INS form from the Internet on the INS website at <http://www.ins.usdoj.gov>.

Benefits

1. Employment Authorization

You are authorized to work in the United States for as long as you remain in asylum status. Your dependents listed above are also authorized to work in the United States, so long as they retain derivative asylum status. In order to work in the United States, every employee must show to a prospective employer certain documentation as proof of employment authorization. That proof may consist of, among other things, an unrestricted social security card and a state-issued driver's license. It may also consist of an unexpired employment authorization document issued by INS. For a list of all documents that can be accepted by an employer as proof of employment authorization, consult the INS Form I-9, *Employment Eligibility Verification*, available on the INS web site at www.ins.usdoj.gov/graphics/formsfee/forms/i-9.htm.

You and any qualifying dependents are each entitled to immediately receive an employment authorization document issued by INS. Please see the attached sheet entitled "Notice Regarding Employment Authorization Documentation" to find out how you can receive your employment authorization document.

2. Derivative Asylum Status

You may request derivative asylum status for any spouse or child (unmarried and under 21 years of age) who is not included in this decision and with whom you have a qualifying relationship, whether or not that spouse or child is in the United States. To request derivative asylum status, you must submit a Form I-730, *Refugee and Asylee Relative Petition*, to the Nebraska Service Center, P.O. Box 87730, Lincoln, NE 68501-7730. **The Form I-730 must be filed for each qualifying family member within 2 years of the date you were granted asylum status**, unless the INS determines that this time period should be extended for humanitarian reasons.

3. Social Security Cards

You may immediately apply for an unrestricted Social Security card at any Social Security office. To get an *Application for a Social Security Card* (Form SS-5) or to get more information about applying for a Social Security card use <http://www.ssa.gov> on the Internet, call the toll-free number 1-800-772-1213, or visit a local Social Security office. When you go to a Social Security office to apply for a Social Security card, you must take your I-94 card showing you have been granted asylum status. If available, you should also take some kind of photo-identity document, such as an EAD or your passport. For directions to the Social Security office nearest to you, call the SSA toll-free number or visit the website listed above.

4. Assistance and Services through the Office of Refugee Resettlement (ORR)

You may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers various programs, which are run by state and private, non-profit agencies throughout the U.S. The programs include cash and medical assistance, employment preparation and job placement, and English language training. Many of these programs have time-limited eligibility periods that begin from the date of your grant of asylum. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter. To find out what programs are available and where to go for assistance and services in your state, **please call (800) 354-0365**. You also may sign on to the ORR website at <http://www.acf.dhhs.gov/programs/orr>.

5. Employment Assistance

You are eligible to receive a variety of services under Title I of the Workforce Investment Act of 1998. Such services include job search assistance, career counseling, and occupational skills training. These and other services are available at local One-Stop Career Centers. To obtain information about the Center nearest you, please call 1-877-US2-JOBS. The information is also available on-line through America's Service Locator at <http://www.servicelocator.org>.

6. Adjustment of Status

You may apply for lawful permanent resident status under section 209(b) of the Immigration and Nationality Act after you have been physically present in the United States for a period of one year after the date you were granted asylum status. To apply for lawful permanent residence status, you must submit a separate Form I-485, Application to Register Permanent Residence or Adjust Status, for yourself and each qualifying family member to the Nebraska Service Center, P.O. Box 87485, Lincoln, Nebraska, 68501-7485.

Responsibilities

2. Departing from the United States

If you, and/or your qualifying family members with derivative asylum status, plan to depart the United States, you must each obtain permission to return to the United States before you leave this country by obtaining a refugee travel document(s). A refugee travel document may be used for temporary travel abroad and is required for re-admission to the United States as an asylee. If you and/or your qualifying family members do not obtain a refugee travel document in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You and each qualifying family member may apply for a Refugee Travel Document by each submitting a Form I-131, Application for Travel Document, with the required fee or request for fee waiver under 8 C.F.R. 103.7(c) to the Nebraska Service Center, P.O. Box 87131, Lincoln, NE 68501-7131.

2. Changes of Address

You must notify the INS of any change of address within ten days of such change. You may obtain a Form AR-11, *Alien's Change of Address Card* at your nearest post office or INS office to comply with this requirement.

3. Selective Service Registration

All male asylees between the ages of 18 and 26 must register for the Selective Service. To obtain information about the Selective Service and how to register, you may sign on to the Selective Service website at <http://www.sss.gov> or obtain a Selective Service "mail-back" registration form at your nearest post office.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the INS.

Enclosures:

I-94 Card(s)

Form I-688B, Employment Authorization Card

Appendix A 50 Asylum Approval after NOID (Rev. 11/06/02)

[Use this letter if a NOID was previously issued, applicant is eligible for asylum after rebuttal period and identity and security checks complete]

Asylum Approval

This letter refers to your request for asylum in the United States filed on Form I-589.

This office previously notified you of the Immigration and Naturalization Service's (INS) intent to deny your Request for Asylum. You were given the opportunity to submit an argument in rebuttal to the proposed grounds for denial. After careful consideration of your rebuttal materials, it has been determined that you are eligible for asylum in the United States.

Attached please find a completed Form I-94, Arrival Departure Record, indicating that you have been granted asylum status in the United States pursuant to §208(a) of the Immigration and Nationality Act (INA) as of **[This date corresponds to the FDEC date in RAPS]**. This grant of asylum includes your dependents listed above who are present in the United States, were included in your asylum application, and for whom you have established a qualifying relationship by a preponderance of evidence.

You have been granted asylum in the United States for an indefinite period; however, asylum status does not give you the right to remain permanently in the United States. Asylum status may be terminated if you no longer have a well-founded fear of persecution because of a fundamental change in circumstances, you have obtained protection from another country, or you have committed certain crimes or engaged in other activity that makes you ineligible to retain asylum status in the United States. See INA § 208(c)(2) and 8 CFR §208.22(a).

Now that you are an asylee, you may apply for certain benefits, which are listed below. You are also responsible for complying with certain laws and regulations, if such laws and regulations apply to you. These responsibilities are also explained in this letter. We recommend that you retain the original of this letter as proof of your status and that you submit copies of this letter when applying for any of the benefits or services listed below. You may obtain any of the INS forms mentioned in this letter by visiting an INS district office or calling the INS forms request line at 1-800-870-3676. You may also download any INS form from the public Internet by signing on to the INS website at <http://www.ins.usdoj.gov>.

Benefits

1. Employment Authorization

You are authorized to work in the United States for as long as you remain in asylum status. Your dependents listed above are also authorized to work in the United States, so long as they retain derivative asylum status. In order to work in the United States, every employee must show to a prospective employer certain documentation as proof of employment authorization. That proof may consist of, among other things, an unrestricted social security card and a state-issued driver's license. It may also consist of an unexpired employment authorization document issued by INS. For a list of all documents that can be accepted by an employer as proof of employment authorization, consult the INS Form I-9, *Employment Eligibility Verification*, available on the INS web site at www.ins.usdoj.gov/graphics/formsfee/forms/i-9.htm.

You and any qualifying dependents are each entitled to immediately receive an employment authorization document issued by INS. Please see the attached sheet entitled "Notice Regarding Employment Authorization Documentation" to find out how you can receive your employment authorization document.

2. Derivative Asylum Status

You may request derivative asylum status for any spouse or child (unmarried and under 21 years of age) who is not included in this decision and with whom you have a qualifying relationship, whether or not that spouse or child is in the United States. To request derivative asylum status, you must submit a Form I-730, *Refugee and Asylee Relative*

Petition, to the Nebraska Service Center, P.O. Box 87730, Lincoln, NE 68501-7730. **The Form I-730 must be filed for each qualifying family member within 2 years of the date you were granted asylum status**, unless the INS determines that this time period should be extended for humanitarian reasons.

7. Social Security Cards

You may immediately apply for an unrestricted Social Security card at any Social Security office. To get an *Application for a Social Security Card* (Form SS-5) or to get more information about applying for a Social Security card use <http://www.ssa.gov> on the Internet, call the toll-free number 1-800-772-1213, or visit a local Social Security office. When you go to a Social Security office to apply for a Social Security card, you must take your I-94 card showing you have been granted asylum status. If available, you should also take some kind of photo-identity document, such as an EAD or your passport. For directions to the Social Security office nearest to you, call the SSA toll-free number or visit the website listed above.

8. Assistance and Services through the Office of Refugee Resettlement (ORR)

You may be eligible to receive assistance and services through the Office of Refugee Resettlement (ORR). ORR funds and administers various programs, which are run by state and private, non-profit agencies throughout the U.S. The programs include cash and medical assistance, employment preparation and job placement, and English language training. Many of these programs have time-limited eligibility periods that begin from the date of your grant of asylum. Therefore, if you wish to seek assistance, it is important that you do so as soon as possible after receipt of this letter. To find out what programs are available and where to go for assistance and services in your state, **please call (800) 354-0365**. You also may sign on to the ORR website at <http://www.acf.dhhs.gov/programs/orr>.

9. Employment Assistance

You are eligible to receive a variety of services under Title I of the Workforce Investment Act of 1998. Such services include job search assistance, career counseling, and occupational skills training. These and other services are available at local One-Stop Career Centers. To obtain information about the Center nearest you, please call 1-877-US2-JOBS. The information is also available on-line through America's Service Locator at <http://www.servicelocator.org>.

10. Adjustment of Status

You may apply for lawful permanent resident status under section 209(b) of the Immigration and Nationality Act after you have been physically present in the United States for a period of one year after the date you were granted asylum status. To apply for lawful permanent residence status, you must submit a separate Form I-485, Application to Register Permanent Residence or Adjust Status, for yourself and each qualifying family member to the Nebraska Service Center, P.O. Box 87485, Lincoln, Nebraska, 68501-7485.

Responsibilities

3. Departing from the United States

If you, and/or your qualifying family members with derivative asylum status, plan to depart the United States, you must each obtain permission to return to the United States before you leave this country by obtaining a refugee travel document(s). A refugee travel document may be used for temporary travel abroad and is required for re-admission to the United States as an asylee. If you and/or your qualifying family members do not obtain a refugee travel document in advance of your departure, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an immigration judge. You and each qualifying family member may apply for a Refugee Travel Document by each submitting a Form I-131, Application for Travel Document, with the required fee or request for fee waiver under 8 C.F.R. 103.7(c) to the Nebraska Service Center, P.O. Box 87131, Lincoln, NE 68501-7131.

2. Changes of Address

You must notify the INS of any change of address within ten days of such change. You may obtain a Form AR-11, *Alien's Change of Address Card* at your nearest post office or INS office to comply with this requirement.

3. Selective Service Registration

All male asylees between the ages of 18 and 26 must register for the Selective Service. To obtain information about the Selective Service and how to register, you may sign on to the Selective Service website at <http://www.sss.gov> or obtain a Selective Service "mail-back" registration form at your nearest post office.

Note: Please write your full name, date of birth, and A number on any correspondence you have with the INS.

Enclosures:

I-94 Card(s)

Form I-688B, Employment Authorization Card

Appendix A 51 Standard Referral Notice (Rev. 09/04/01)

Referral Notice

This letter refers to your request for asylum in the United States (Form I-589).

Applicants for asylum must credibly establish that they have suffered past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, and that they merit a grant of asylum in the exercise of discretion.

For the reason(s) indicated below, the Immigration and Naturalization Service has not granted your claim for asylum:

1. You failed to appear for your scheduled asylum interview, or failed to provide a competent interpreter, and did not establish exceptional circumstances.
2. You have not established that you are a refugee because:

A. Past Persecution

- You did not describe any instances of suffering harm in the past.
- You have not established that any harm you experienced in the past, considering incidents both individually and cumulatively, amounts to persecution.
- The person or persons who harmed you were not government agents and you failed to establish that the government was unable or unwilling to protect you.
- You have not established that any harm you experienced in the past is on account of one of the protected characteristics in the refugee definition (race, religion, nationality, membership in a particular social group, or political opinion).

AND

B. Future Persecution

- You have not expressed a fear of future persecution.
 - You have not established that there is a reasonable possibility you would suffer persecution in the future.
 - You have not established that any future harm you fear is on account of one of the protected characteristics in the refugee definition (race, religion, nationality, membership in a particular social group, or political opinion).
 - You have not established that the threat of persecution you fear exists throughout your country (or, if stateless, country of last habitual residence) or that it would be unreasonable for you to relocate within that country to avoid future persecution.
 - You have not established that your fear of future persecution is well-founded, because you have not shown that your government is unable or unwilling to protect you from the harm you fear.
3. Although the evidence indicates that you are a refugee because you were persecuted in the past on account of a protected characteristic in the refugee definition, the INS has referred your request as a matter of discretion because:
 - A preponderance of the evidence establishes that country conditions have changed to such an extent that there is not a reasonable possibility you would suffer persecution if you were to return to your country (or, if stateless, country of last habitual residence),
 - A preponderance of the evidence establishes that there has been a fundamental change in circumstances such that there is not a reasonable possibility you would suffer persecution if you were to return to your country (or, if stateless, country of last habitual residence),
 - A preponderance of the evidence establishes that the threat of persecution you fear does not exist

throughout your country and it would be reasonable for you to relocate within your country (or, if stateless, country of last habitual residence) to avoid future persecution,

AND

you have not shown compelling reasons for being unwilling or unable to return to your country (or, if stateless, country of last habitual residence) arising from the severity of the past persecution you experienced, nor have you established that there is a reasonable possibility you would suffer other serious harm in your country (or, if stateless, country of last habitual residence).

4. (FOR APPLICATIONS FILED PRIOR TO APRIL 1, 1997)

- Evidence indicates that you are barred by statute from a grant of asylum for the following reason(s), and you failed to establish by a preponderance of the evidence that such reason(s) does not apply to you:
 - You were convicted of a particularly serious crime, which occurred in the U.S.
 - You were convicted of an aggravated felony.
 - There are reasonable grounds for regarding you as a danger to the security of the United States.
 - You are described within section 212(a)(3)(B)(i)(I),(II), and (III) of the Act as it existed prior to April 1, 1997 and as amended by the Anti-terrorist and Effective Death Penalty Act of 1996 (AEDPA), unless it is determined that there are not reasonable grounds to believe that you are a danger to the security of the United States.
 - You were firmly resettled in a third country.
 - Evidence indicates that you ordered, incited, assisted, or otherwise participated in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.

5. (FOR APPLICATIONS FILED ON OR AFTER APRIL 1, 1997.)

- Evidence indicates that you are barred by statute from a grant of asylum for the following reason(s) and you failed to establish by a preponderance of the evidence that such reason(s) does not apply to you:
 - Evidence indicates that you ordered, incited, assisted, or otherwise participated in the persecution of others on account of race, religion, nationality, membership in a particular social group, or political opinion.
 - You were convicted of a particularly serious crime or aggravated felony, which occurred inside or outside the U.S.
 - There are serious reasons for believing that you committed a serious nonpolitical crime outside the United States before you came to the United States.
 - There are reasonable grounds for regarding you as a danger to the security of the United States.
 - You have engaged in terrorist activity.
 - You are engaged in or are likely to engage in terrorist activity.
 - You are a representative of an organization that has been designated by the Secretary of State as a foreign terrorist organization.
 - You have incited terrorist activity.
 - You were firmly resettled in a third country.
- 6. You are a citizen or national of another country in addition to the country of persecution, and you have not established that you were persecuted or have a well-founded fear of persecution on account of a protected ground in that other country.
- 7. After careful consideration of all available information and explanations at your asylum interview, your claim was deemed not credible on the basis of:
 - Material inconsistency(ies) between your testimony and application and/or other evidence.

- Material inconsistency(ies) within your testimony.
- Material inconsistency(ies) with country conditions information.
- Lack of detail(s) on material points.

Brief Explanation: _____

- 8. You failed to follow requirements for fingerprint processing.
- 9. Other Reason for Referral: _____

Based on the above reasons(s), your case has been referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without filing another application) when you appear before an immigration judge at the date and time listed on the attached charging document. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If your asylum application was filed on or after January 4, 1995, the following information applies to you. If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization with the INS. The earliest possible date you are eligible to apply for employment authorization is **[Insert date in PROJECTED 150-DAY DATE field on KLOK screen]**. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

Appendix A 52 Referral after NOID – No Rebuttal (Rev. 09/04/01)

Referral Notice

This letter refers to the request for asylum in the United States (Form I-589).

You were interviewed for your asylum claim on and were subsequently issued a Notice of Intent to Deny (NOID) your asylum claim. You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. You failed to submit information to rebut the proposed grounds for denial.

Asylum Officers do not have the authority to deny asylum to an individual who is not maintaining valid immigrant, nonimmigrant, parole or temporary protected (TPS) status. Because you are no longer in a valid status described above, your case has been referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without filing another application) when you appear before an immigration judge at the date and time listed on the attached charging document. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If your asylum application was filed on or after January 4, 1995, the following information applies to you. If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization with the INS. The earliest possible date you are eligible to apply for employment authorization is **[Insert date in PROJECTED 150-DAY DATE field on KLOK screen]**. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

Appendix A 53 Referral after NOID – Rebuttal (Rev. 09/04/01)

Referral Notice

This letter refers to the request for asylum in the United States (Form I-589).

You were interviewed for your asylum claim on and were subsequently issued a Notice of Intent to Deny (NOID) your asylum claim. You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. The information you submitted, however, failed to overcome the grounds for denial as stated in the NOID for the following reasons: **[Insert reasons]**

Asylum Officers do not have the authority to deny asylum to an individual who is not maintaining valid immigrant, nonimmigrant, parole or temporary protected (TPS) status. Because you are no longer in a valid status described above, your case has been referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without filing another application) when you appear before an immigration judge at the date and time listed on the attached charging document. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If your asylum application was filed on or after January 4, 1995, the following information applies to you. If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization with the INS. The earliest possible date you are eligible to apply for employment authorization is **[Insert date in PROJECTED 150-DAY DATE field on KLOK screen]**. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

Appendix A 54 Referral Notice – 1-year Deadline (Rev. 09/04/01)

Referral Notice

This letter refers to your application for asylum in the United States (Form I-589). An applicant for asylum who files his or her application after April 1, 1998, must file within one year of the date of last arrival, unless there are changed circumstances that materially affect the applicant's eligibility for asylum or extraordinary circumstances directly related to the delay in filing. You filed your application for asylum on **[Insert I-589 file date]**, but have not demonstrated with clear and convincing evidence that your application was filed within one year of your last arrival.

1. You have not demonstrated that an exception to the 1-year filing requirement applies in your case. In the period of time since April 1, 1997, no changes were found in applicable United States law, country conditions, or your circumstances that would materially affect your asylum eligibility. You also have not shown extraordinary circumstances directly related to your failure to file your asylum application within one year of your last arrival.
2. Although you have established changed circumstances materially affecting your eligibility for asylum or extraordinary circumstances directly related to your delay in filing, you failed to file your application within a reasonable period of time given those circumstances.

Based on the above determinations that were made following your asylum interview, your application for asylum is being referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without filing another application) when you appear before an immigration judge at the date and time listed on the attached charging document. Once you appear before an immigration judge, the judge will consider whether your application was timely filed with the Immigration and Naturalization Service or whether an exception to the filing deadline applies in your case. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization with the INS. The earliest possible date you are eligible to apply for employment authorization is **[Insert date in PROJECTED 150-DAY DATE field on KLOK screen]**. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

Appendix A 55 Referral – Prior Denial (Rev. 09/04/012)

Referral Notice

This letter refers to your application for asylum in the United States (Form I-589). An applicant is ineligible to apply for asylum if he or she previously was denied asylum by an immigration judge or the Board of Immigration Appeals, unless the applicant can establish the existence of changed circumstances that materially affect his or her eligibility for asylum.

Our records indicate that you previously were denied asylum by **[Insert “an Immigration Judge” or “the Board of Immigration Appeals”]** on **[Insert date of prior denial]**. You failed to demonstrate the existence of changed circumstances that materially affect your eligibility for asylum.

Based on the above determination that was made following your asylum interview, your application for asylum is being referred to an immigration judge. **This is not a denial of your asylum application.** You may request asylum again before an immigration judge and your request will be considered (without additional re-filing) when you appear before an immigration judge at the date and time listed on the attached charging document. Once you appear before an immigration judge, the judge will consider whether there have been changed circumstances that materially affect your eligibility to apply for asylum. The determinations that we have made in referring your application are not binding on the immigration judge, who will evaluate your claim anew. This referral includes the dependents included in your asylum application, who are listed on the first page of this notice.

If your asylum application was filed on or after January 4, 1995, the following information applies to you. If you appeared in person on your scheduled appointment date to receive and acknowledge receipt of the decision, or you were informed not to appear in person, this referral has no effect on when you may apply for employment authorization. If an immigration judge does not deny your asylum application within 150 days of the date your asylum application was first accepted by the INS (not including any delays in processing you may have sought or caused), then you will be eligible to submit a Form I-765 request for employment authorization with the INS. The earliest possible date you are eligible to apply for employment authorization is **[Insert date in PROJECTED 150-DAY DATE field on KLOK screen]**. Your failure to appear at a scheduled appointment will extend the period of time you must wait before you may apply for employment authorization by the number of days between the missed appointment and your appearance at a hearing before an immigration judge. If you fail without good cause to appear for the scheduled hearing before the immigration judge, you may not be granted employment authorization.

Appendix A 56 Standard Final Denial – No Rebuttal (Rev. 09/04/01)

Final Denial of Request for Asylum

This letter refers to your request for asylum in the United States (Form I-589).

You were previously issued a Notice of Intent to Deny (NOID) your asylum claim. You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. You failed to submit information to rebut the proposed grounds for denial.

Your asylum request is therefore denied as of **[Insert date in Final Decision Date field]** for the reasons contained in the NOID. There is no appeal from this decision. This denial includes the dependents included in your asylum application, who are listed on the first page of this letter.

Please be advised that any employment authorization which you have been issued as a result of having a pending application for asylum will terminate at the expiration of the Employment Authorization Document or sixty (60) days from the date of this notice, whichever period is longer.

You are directed to report any changes of address to the office having jurisdiction over your place of residence. If you should depart the United States, please notify the Immigration and Naturalization Service (INS) office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 57 Standard Denial – Rebuttal (Rev. 09/04/01)

Final Denial of Request for Asylum

This letter refers to your request for asylum in the United States (Form I-589).

You were previously issued a Notice of Intent to Deny (NOID) your asylum claim. You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID. The information you submitted, however, failed to overcome the grounds for denial as stated in the NOID for the following reasons: **[Insert reasons]**

Your asylum request is therefore denied as of **[Insert date in Final Decision Date field]** for these reasons and the reasons contained in the NOID. There is no appeal from this decision. This denial includes the dependents included in your asylum application, who are listed on the first page of this letter.

Please be advised that any employment authorization which you have been issued as a result of having a pending application for asylum will terminate at the expiration of the Employment Authorization Document or sixty (60) days from the date of this notice, whichever period is longer.

You are directed to report any changes of address to the Immigration and Naturalization Service (INS) office having jurisdiction over your place of residence. If you should depart the United States, please notify the INS office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 58 Final Denial – Parole

[Use this letter if the Asylum Office is Terminating Parole Status and Issuing an NTA]

Final Denial of Request for Asylum and Notice of Termination of Parole Status

This letter refers to your request for asylum in the United States (Form I-589).

You were previously issued a Notice of Intent to Deny (NOID) your asylum claim.

[IF APPLICANT DID NOT SUBMIT A REBUTTAL, INSERT THIS PARAGRAPH]

You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion in the NOID.

You failed to submit information to rebut the proposed grounds for denial.

OR

[IF APPLICANT SUBMITTED A REBUTTAL, INSERT THIS PARAGRAPH AND EXPLAIN WHY THE INFORMATION DID NOT OVERCOME THE GROUND(S) OUTLINED IN THE NOID]

You were afforded sixteen (16) days in which to offer evidence or argument in rebuttal to the discussion set forth in the Notice of Intent to Deny (NOID). The information you submitted, however, failed to overcome the grounds for denial as stated in the NOID for the following reasons: **[Explain Reasons]**

Your asylum request is therefore denied as of **[This date corresponds to the FDEC date in RAPS]** for the reasons contained in the Notice of Intent to Deny. There is no appeal from this decision. This denial includes the dependents included in your asylum application, who are listed on the first page of this letter.

Enclosed please find a Notice of Appear (Form I-862), which constitutes written notice of termination of your parole status [8 CFR 212.5(d)(2)(i)], and which places you under removal proceedings. You may renew your request for asylum before an Immigration Judge in the removal proceedings.

Please be advised that any employment authorization which you have been issued as a result of having a pending application for asylum will expire sixty (60) days from the date of this notice or on the expiration date of your Employment Authorization Document, whichever period is longer.

You are directed to report any changes of address to the immigration court having jurisdiction over your place of residence. If you should depart the United States, please notify the Immigration and Naturalization Service (INS) office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 59 Notice of Lack of Jurisdiction

Notice of Lack of Jurisdiction

This letter refers to your request for asylum in the United States (Form I-589).

Immigration and Naturalization Service (INS) records indicate that you were previously placed in deportation, exclusion, or removal proceedings. Asylum regulations provide that only an immigration judge may adjudicate the asylum application of an individual in proceedings before an immigration court. See 8 CFR 208.2(b). Therefore, the asylum office does not have jurisdiction to consider your asylum application

Your asylum application cannot be processed by the asylum office at this time and is being returned to you.

For further information please contact:

[Insert address of local immigration court having jurisdiction over applicant's case]

Please include your full name, alien number listed above, and your current address on any correspondence with the INS or immigration court.

You are required to notify INS within 10 days of any change of address, on Form AR-11, *Alien Change of Address*. (Attached). You are also required to notify the Immigration Court within 5 days of any change of address, on Form EOIR-33 (Attached).

Attached is a list of low-cost legal service providers that may be able to assist you further.

Attach: Legal Service Provider List

Appendix A 60 Instructions for Dating Appendices

Date of Service can refer to mail or in-person service.

Appendix Number	Name	Date:	Corresponds to:
A-11	Conditional Grant	Letter	Date of Service
		Grant as of	Date P.A. converted to CG in RAPS
A-16	Asylum Approval - Nunc Pro Tunc	Letter	Date of Service/GLET
		Grant as of	Date of original grant, or date of arrival in U.S. if entered pursuant to I-730
A-17	Denial of Asylum Status as a Principal Applicant	Letter	Date of Service/DENY
		Denial as of	FDEC
A-22	Cancellation of Recommended Approval - Lack of INS Jurisdiction	Letter	Date of Service
		Cancel as of	CLOS-C4 date
A-23	Cancellation of Recommended Approval and Referral Notice (Derogatory Information)	Letter	Date of Service
A-24	Cancellation of Recommended Approval and Final Denial	Letter	Date of Service/DENY
		Denial as of	FDEC
A-29	Cancellation of Recommended Approval and Referral (Fingerprints)	Letter	Date of Service/DENY
		Dismissed as of	CLOS date
A-30	Cancellation of Recommended Approval and Dismissal (Fingerprints)	Letter	Date of Service/DENY
		Dismissed as of	CLOS date
A-31	Cancellation of Recommended Approval (Reinstatement of Prior Order)	Letter	Date of Service
		Cancel as of	CLOS-C4 date
A-36	Notice of Rescission of Asylum Grant	Letter	Date of Service
		Rescind as of	CLOS-C4 date
A-39	NOIT by INS	Letter	Date of Service
A-40	Termination Notice	Letter	Date of Service
		Effective date	REVO
A-41	Continuation of Asylum	Letter	Date of Service
A-42	NOIT by EOIR	Letter	Date of Service
A-44	Assessment to Grant	Assessment	PDEC/FDEC

Appendix Number	Name of Letter	Date:	Corresponds to:
A-45	NOID	Letter	Date of Service
A-46	Assessment to Refer	Assessment	FDEC
A-47	Standard Recommended Approval	Letter	Date of Service
A-48	Recommended Approval After NOID	Letter	Date of Service
A-49	Standard Asylum Approval	Letter	Date of Service/GLET
		Grant as of	FDEC
A-50	Asylum Approval after NOID	Letter	Date of Service/GLET
		Grant as of	FDEC
A-51	Referral Letter	Letter	Date of Service
		EAD application	KLOK
A-52	Referral After NOID - No Rebuttal	Letter	Date of Service
		EAD application	KLOK
A-53	Referral After NOID - Rebuttal	Letter	Date of Service
		EAD application	KLOK
A-54	Referral - 1-year Deadline	Letter	Date of Service
		EAD application	KLOK
A-55	Referral - Prior Denial	Letter	Date of Service/DENY
		Denial as of	FDEC
A-56	Standard Final Denial - No Rebuttal	Letter	Date of Service/DENY
		Denial as of	FDEC
A-57	Standard Final Denial - Rebuttal	Letter	Date of Service/DENY
		Denial as of	FDEC
A-58	Final Denial – Parole	Letter	Date of Service/DENY
		Denial as of	FDEC
A-59	Notice of Lack of Jurisdiction	Letter	Date of Service
A-65	Notice of Institution of Removal Proceedings following Positive Credible Fear Screening	Letter	Date of Service
A-66	Notice of Dismissal – Abandonment of Asylum Application	Letter	CLOS
A-67	Lawful Permanent Resident Notice	Letter	Date of Service

Appendix A 61 Quick Reference Table - Split Decisions

Type of Decision Issued to P.A.	Status of Dependent	Name of Template Issued to P.A	RAPS Updates		
			CODE	P.A.	Depen.
Referral	In valid status OR asylum office does not terminate parole status	Standard <i>Referral</i> Notice. Dependent not included on the heading of the <i>Notice</i> . Insert directly before closing: “Because your [spouse/child], [Name], [A#], who was listed on your asylum application as a dependent, does not appear removable, we are not placing him/her in removal proceedings with you.”	FDEC	I1-I7	D1-7
			DEPORT CODE	A1	A6
Referral	Parole needs termination in accordance with guidance at section III(Q)(3).	Standard <i>Referral</i> Notice. Insert directly before closing: “The attached Notice to Appear (Form I-862) for [Name of dependent, A#] constitutes written notice of termination of his/her parole pursuant to 8 CFR 212.5(d)(2)(i). <ul style="list-style-type: none"> Standard <i>Referral</i> Notice. Dependent not included on the heading of the <i>Notice</i>. <i>Denial of Derivative Status</i> (Appendix A 19). 	FDEC	I1-I7	D1-D7
			DEPORT CODE	A1	SAME AS PA
Referral	Dependent is under jurisdiction of IJ	<ul style="list-style-type: none"> Standard <i>Referral</i> Notice. Dependent not included on the heading of the <i>Notice</i>. <i>Denial of Derivative Status</i> (Appendix A 19). 	FDEC	I1-I4	Remove from RAPS
Final Denial	Not in valid status or parole needs termination	Standard <i>Final Denial</i> Letter. Dependent may be referred to the immigration court, at the discretion of the asylum office Director.	DEPORT CODE	A1	N/A
			FDEC	D1-D7	SAME AS PA
Final Denial but the asylum office is terminating P.A.’s parole status	In valid status OR no parole termination	<i>Final Denial – Parole</i> letter to P.A., not including the dependent’s name. Insert directly above closing: “Because your [spouse/child], [Name], [A#], who was listed on your asylum application as a dependent, does not appear removable, we are not placing him/her in removal proceedings with you.” <ul style="list-style-type: none"> Applicable <i>Recommended Approval</i> or <i>Asylum Approval</i> letter, not including the dependent’s name. <i>Denial of Derivative Status</i> (Appendix A 19) 	DEPORT CODE	A6	Discretion of Director
			FDEC	I1-I7	D1-7
Recommended Approval or Asylum Approval	Ineligible to apply for or be granted asylum		PDEC	GR	D2-D7
			FDEC	G1	D2-D7
			DEPORT CODE	N/A	A6

Appendix A 62 Asylum Background Identity and Security Checklist

See next page

ASYLUM AND NACARA § 203 BACKGROUND IDENTITY AND SECURITY CHECKLIST (HQASM REV. 01/03)

Name(s): _____ Alien Number(s) _____

Alias(es) or Alternate Name(s) and Date(s) of Birth, if any (must be checked in NAILS and IBIS)(For IBIS results on alias(es) or alternate name(s) and date(s) of birth, see attached ROIQ):

✓ by:	System Name:	Result
	CIS Sounds-like name and exact DOB required (9106)	Result: <input type="checkbox"/> No other A-numbers found <input type="checkbox"/> Additional A-numbers in CIS (briefly discuss below)
	DACS A-Number search required using LCAS and CLOS commands	Screen print(s) attached: <input type="checkbox"/> <input type="checkbox"/> Other: <input type="checkbox"/> <input type="checkbox"/> CLOS (required) <input type="checkbox"/> <input type="checkbox"/> LCAS (required only if DACS record exists)
	NAILS Name and DOB search required	Result: <input type="checkbox"/> No Record (screen print attached) <input type="checkbox"/> Record Found – Does Not Relate to Applicant <input type="checkbox"/> Record Found – Relates to Applicant
	IBIS <input type="checkbox"/> Check here if under age 14 (no IBIS required)	<input type="checkbox"/> RAPS IBIS screen attached <input type="checkbox"/> ROIQ attached for alternate names/DOBs <input type="checkbox"/> OK (No Match) <input type="checkbox"/> DNR (Record Found Does Not Relate to Applicant) <input type="checkbox"/> Hit Resolution Memorandum attached (Positive Match)
	IBIS (recheck after expiration of prior result)	<input type="checkbox"/> RAPS IBIS screen attached <input type="checkbox"/> ROIQ attached for alternate names/DOBs <input type="checkbox"/> OK (No Match) <input type="checkbox"/> DNR (Record Found Does Not Relate to Applicant) <input type="checkbox"/> Hit Resolution Memorandum attached (Positive Match)
	IBIS (recheck after expiration of prior result)	<input type="checkbox"/> RAPS IBIS screen attached <input type="checkbox"/> ROIQ attached for alternate names/DOBs <input type="checkbox"/> OK (No Match) <input type="checkbox"/> DNR (Record Found Does Not Relate to Applicant) <input type="checkbox"/> Hit Resolution Memorandum attached (Positive Match)
	FBI FINGERPRINTS Check here if: <input type="checkbox"/> Under age 14 <input type="checkbox"/> Over age 75 (no prints required)	Screen print attached: <input type="checkbox"/> Health-related waiver by ASC <input type="checkbox"/> CSTA <input type="checkbox"/> No Result in RAPS (not for approvals) Result: <input type="checkbox"/> NONIDENT Follow-up documentation: <input type="checkbox"/> IDENT <input type="checkbox"/> RAP Sheet Attached <input type="checkbox"/> MAX. REJECT <input type="checkbox"/> Sworn Statement Attached <input type="checkbox"/> Police Clearance/Records Attached
	FBI NAME CHECK	Screen print attached: <input type="checkbox"/> No Response in RAPS (not for approvals) <input type="checkbox"/> CSTA <input type="checkbox"/> FBI “No Record” Response <input type="checkbox"/> Pending (IP) (not for approvals) <input type="checkbox"/> Positive Response

CHECK HERE IF CASE IS BEING ADJUDICATED ON A T-FILE AND ATTACH T-FILE PROCESSING SHEET

CHECK HERE IF THERE IS CLASSIFIED INFORMATION ON THIS CASE.

Additional information (attach pages as necessary):

BACKGROUND IDENTITY AND SECURITY CHECK CLEARED FOR ADJUDICATION:

AO: _____ DATE: _____ SAO CONCURRENCE: _____ DATE: _____

ADJUDICATION ON T-FILE WITH ANY POSITIVE RECORDS CHECK:

DIRECTOR/DEPUTY DIRECTOR CONCURRENCE: _____ DATE: _____

ASYLUM AND NACARA § 203 BACKGROUND IDENTITY AND SECURITY CHECKLIST:
QUICK-REFERENCE INSTRUCTIONS

This sheet is for quick reference only. For complete guidance on background identity and security checks, see the *Affirmative Asylum Procedures Manual (AAPM)*, section III(L), “Identity and Security Checks.” The searches described on this page represent the minimum requirements. More extensive searches may be conducted at the discretion of the asylum officer, except for more extensive searches in IBIS, which require the approval of the asylum office Director. Checks apply to all applicants, regardless of age, unless otherwise indicated. The last box on the checklist is initialed by AO prior to the final decision, indicating that all check results and follow-up documentation are complete and allow for adjudication. The SAO initials to concur.

System Name:	Check required:	Instructions to meet minimum requirements:
CIS	9106 (sounds-like name and exact date of birth)	<ul style="list-style-type: none"> • Before a final decision, the asylum applicant’s name and exact date of birth as found on the I-589 is searched in CIS for additional A-numbers. Instructions for multiple A-files are found in AAPM § III(K), <i>File Management</i>. • Additional or alternate names for the same person are required to be checked if they appear in the record or are discovered during adjudication. • A printout of the result need only remain in the file if multiple A-numbers are detected, and then only of the pages showing A-numbers that relate to the applicant.
DACS	LCAS, CLOS	<ul style="list-style-type: none"> • Before final decision, the asylum applicant’s A-number is searched in DACS on the LCAS screen. • If a record is found, print LCAS and go to CLOS. Print CLOS. • If no record is found in LCAS, go to CLOS. Print CLOS. • Printouts remain in the file, on the nonrecord side. • Additional A-numbers found for the same individual, if any, must be checked in DACS.
NAILS	Exact first and last name and exact date of birth	<ul style="list-style-type: none"> • Print out all pages of the search result for the file, on the non-record side. • Additional or alternate names for the same person are required to be checked if they appear in the record or are discovered during adjudication.
IBIS	SQ11, exact name and date of birth <i>or</i> automated batch check.	<ul style="list-style-type: none"> • IBIS check procedures are governed by the IBIS SOP and any supplemental guidance issued by HQASM. Please see those materials for guidance. • IBIS checks are required for individuals aged 14 and older, and results may be no more than 35 days old at the time of adjudication. • The IBIS check results on this page all pertain to the same individual, using the same name and date of birth. For alternate names or dates of birth, record the results of the IBIS check(s) for all names checked on a ROIQ. • The RAPS “IBIS” screen must be printed out for the file.
FBI Fingerprints	FBI Fingerprint check result in RAPS or FBIQUERY	<ul style="list-style-type: none"> • Fingerprint results are required for individuals aged 14 to 75. Results can be no older than 15 months at the time of an asylum or NACARA 203 approval. • CSTA showing fingerprint result must be printed for the file. • NONIDENT acceptable for all cases, no follow-up documentation required. • IDENT responses require follow-up documentation as described in the AAPM prior to approval. If an applicant with an IDENT response is not approved, the IDENT response should nevertheless be highlighted and the RAP sheet placed in the file, if available. The asylum office remains responsible for coordinating with Investigations and/or other law enforcement authorities when appropriate. • MAX. REJECT (prints rejected twice by the FBI as unclassifiable) and health-related waivers require follow-up documentation as described in the AAPM.
FBI Name Check	N/A (conducted through RAPS)	<ul style="list-style-type: none"> • Definitive response of No Record or Positive Response is required before an asylum or NACARA 203 approval. • CSTA showing response is required for the file. • Positive responses require follow-up documentation as described in the AAPM prior to approval. If an applicant with positive response is not approved, the positive response should nevertheless be highlighted and the FBI records placed in the file, if available. The asylum office remains responsible for coordinating with Investigations and/or other law enforcement authorities when appropriate.

Appendix A 63 Asylum/NACARA 203 Processing Sheet For T-Files

ASYLUM/NACARA 203 PROCESSING SHEET FOR T-FILES

Complete Upon Receipt or Creation of T-File

Alien number: _____

Additional A-numbers for applicant, if any: _____

Creator of A-file: Service Center Asylum Office Other: _____

Printouts Attached (mandatory all T-files): CIS 9504 CIS 9101

EOIR screen reviewed: No EOIR Record EOIR Record Found, print-out attached

Call to FCO for A-File made by: _____ Date: _____

Spoke to: _____ Response: _____

**SECURITY CHECKS FOR T-FILES AND REQUIRED CONCURRENCES
DOCUMENTED ON**

ASYLUM AND NACARA 203 BACKGROUND IDENTITY AND SECURITY CHECKLIST

Additional information (attach additional pages as necessary): [See AAPM § III(K)(3) for procedures regarding processing T-files]

Appendix A 64 Sworn Statement (Blank)

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
RECORD OF SWORN STATEMENT**

APPLICANT NAME: _____ FILE NO. A _____ DATE: _____

EXECUTED AT: _____

Before the following officer of the U.S. Immigration and Naturalization Service:

_____, Asylum Officer,

in the _____ language. Interpreter _____ used/not used.
(Name) (circle if applicable)

I, _____, acknowledge that the above named officer has identified himself/herself as a person authorized to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. S/he has informed me that s/he desires to take my sworn statement regarding factors which may affect my eligibility for a grant of asylum, should the Service decide to grant my request for asylum. S/he has told me that my statement must be made freely and voluntarily. I am willing to make such a statement. I swear/affirm that I will tell the truth the whole truth, and nothing but the truth.

Being duly sworn/affirmed, I respond to the following questions asked by the above-named officer:

Appendix A 65 Notice of Institution of Removal Proceedings following Positive Credible Fear Screening

Notice of Institution of Removal Proceedings following Positive Credible Fear Screening

This letter refers to your request for asylum in the United States (Form I-589).

Immigration and Naturalization Service (INS) records indicate that [you were/your dependent was] found to have a credible fear of persecution pursuant to 8 CFR 208.30 as part of the expedited removal process under section 235 of the Immigration and Nationality Act, instituted [brief explanation, e.g.: upon your entry at **POE** on **date**]. Your asylum application will therefore be considered in the context of removal proceedings under Section 240 of the Immigration and Nationality Act. A Notice to Appear placing you into proceedings [is attached/will be forwarded under separate cover].

Your asylum application has been forwarded to the Immigration Court listed below.

For further information please contact:

[Insert address of local immigration court having jurisdiction over applicant's case]

Please include your full name, alien number listed above, and your current address on any correspondence with the INS or immigration court.

You are required to notify INS within 10 days of any change of address, on Form AR-11, *Alien Change of Address*. (Attached). You are also required to notify the Immigration Court within 5 days of any change of address, on Form EOIR-33 (Attached).

Attached is a list of low-cost legal service providers that may be able to assist you further.

Attach: Legal Service Provider List

Appendix A 66 Notice of Dismissal – Abandonment of Asylum Application

Notice of Dismissal – Abandonment of Asylum Application

This letter refers to your request for asylum in the United States (Form I-589).

It has come to the attention of the Immigration and Naturalization Service (INS) that:

- You departed the United States without advance parole while your asylum application was pending.
- You departed the United States and returned to the country of claimed persecution while your asylum application was pending.

Pursuant to 8 CFR 208.8, your asylum application is presumed abandoned. You have not overcome this presumption. Therefore, your asylum application is dismissed as of the date of this letter. There is no appeal from this decision.

You are not eligible to apply for employment authorization based on the filing of the above-referenced asylum application. Any employment authorization you may have received on that basis will expire sixty (60) days from the date of this notice or on the expiration date of your Employment Authorization Document, whichever period is longer.

[INSERT IF APPLICABLE: Because you are not maintaining lawful immigrant, nonimmigrant, or Temporary Protected Status, charging documents placing you into removal proceedings are attached.]

[IF THE APPLICANT IS NOT IN THE UNITED STATES, OMIT THE FOLLOWING:]You are directed to report any changes of address to the INS office having jurisdiction over your place of residence. If you should depart the United States, please notify the Immigration and Naturalization Service office having jurisdiction over your place of residence prior to any such departure and furnish the expected date, place, and manner of departure and destination.

Appendix A 67 Lawful Permanent Resident Notice

This letter refers to your request for asylum in the United States filed on Form I-589.

Our records indicate that your status has been adjusted to that of a lawful permanent resident alien (LPR). Although you are currently an LPR, you are still eligible under the law to seek asylum in the United States. Section 208 of the INA permits an alien present in the United States to apply for asylum regardless of the alien’s status. An LPR may want to pursue an asylum application because a grant of asylum permits a dependent spouse or unmarried child under the age of 21 who is included in the asylum application to be granted asylum. If the dependent spouse or unmarried child is outside the United States, the asylum grant permits the applicant to petition for the dependent(s) to join him or her from outside the United States. There may also be certain public assistance benefits that are available based on an approved asylum application.

Now that you are an LPR, we are inquiring whether you want to continue to seek asylum in the United States or withdraw your asylum application. If you want the processing of your asylum application to continue, you must sign, date and return this letter to the address noted above within 30 days of the date noted above. If, however, you do not intend to pursue your asylum application, do not take any action to notify the Service of your intent. If this letter is not received within the 30-day period, the INS will presume that you have withdrawn your request and will dismiss your asylum application. This dismissal will be without prejudice. If you wish to be considered for asylum later, you may submit a new request for asylum (Form I-589) and be subject to the rules and procedures in effect at the time of filing.

You may wish to consult with an attorney or representative before making a decision about your asylum claim if you have any concerns about withdrawing an asylum application.

**COMPLETE THIS SECTION IF YOU WISH TO PURSUE YOUR ASYLUM APPLICATION.
RETURN THIS LETTER TO THE ADDRESS LISTED ABOVE.**

- I wish to pursue my request for asylum in the United States filed on Form I-589 -

Signature

 A
Alien-Number

Printed Name

Date