

# Lesson Plan Overview

<b>Course</b>	Asylum Officer Basic Training
<b>Lesson</b>	<i>Interviewing Part II: Note-Taking</i>
<b>Field Performance Objective</b>	Given the field situation of interviewing an applicant for asylum (and witnesses, if any), the asylum officer will be able to elicit in a nonadversarial manner and clearly record all relevant information necessary to adjudicate the asylum claim and to issue documents initiating removal proceedings.
<b>Interim (Training) Performance Objectives</b>	<ol style="list-style-type: none"><li>1. Write legible interview notes.</li><li>2. Record all pertinent points of the asylum interview.</li></ol>
<b>Student Materials/References Background Reading</b>	Regulations, Participant Workbook

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**Presentation****References****I. INTRODUCTION**

This lesson informs students about the importance of taking **clearly written and comprehensive** notes during the interview and the characteristics of proper notes and proper note-taking.

**Instructor Note #1**  
**OH #1: FPO, IPOs**

**II. OVERVIEW**

It is essential for asylum officers to take clearly written and comprehensive notes during the interview. Interview notes must accurately reflect what transpired during the interview so that a reviewer can reconstruct the interview by reading the interview notes. In addition, the interview notes should substantiate the asylum officer's decision. The quality of the notes will help determine the quality of the written assessments.

If the notes are sketchy, they will not give a complete picture of what occurred during the interview. The asylum officer will have problems remembering information when writing the assessment, particularly if there is a delay between interviewing the applicant and writing the assessment, or if another asylum officer writes the decision.

**III. PURPOSE OF TAKING NOTES****A. Purpose**

**OH #2: Purpose of Taking Notes**

There are two main purposes of taking notes:

1. to substantiate the asylum officer's decision regarding credibility and the applicant's eligibility for asylum (and, in some cases, withholding of removal), and
2. to enable a reviewer to reconstruct the discussion that took place during the asylum interview.

**B. Access**

The following individuals may have access to interview notes.

1. Certain Asylum Office staff

Supervisory asylum officers review interview notes when reviewing assessments and NOIDs. Other Asylum Office staff, such as Quality Assurance / Trainer, Deputy Director,

**OH #3: Persons Who May Have Access to Interview Notes**

**Instructor Note #2**

and Director may also review notes in certain cases. In addition, other asylum officers review files, including interview notes, in cases in which the interviewing officer could not complete the case or, in some cases, if there is a need to reinterview the applicant.

2. Headquarters staff

Headquarters Quality Assurance (QA) staff and the Resource Information Center (RIC) staff sometimes review cases, including interview notes.

3. INS trial attorneys and immigration judges

INS trial attorneys have access to the files of cases that are referred to the immigration judge or denied by the asylum officer. If interview notes are introduced to the court as evidence, the immigration judge will also see the interview notes.

4. U.S. government officials

Certain government officials or contractors as indicated in 8 C.F.R. § 208.6 may review information pertaining to certain asylum applications. 8 CFR § 208.6

5. Applicants and their representatives

Some asylum applicants or their representatives may obtain the notes as part of a Freedom of Information Act (FOIA) request. Although generally, notes are not provided in response to a FOIA request, there have been occasions when they have been provided.

In addition, if interview notes are introduced as evidence in proceedings in Immigration Court, the applicant and representative are given a copy of the notes.

#### IV. CHARACTERISTICS OF PROPER NOTES

##### A. Must be Legible

As noted above, a number of persons may have need to read interview notes, so notes must be written in a legible manner.

Instructor Note #3

OH #4 A & B:  
Characteristics of Proper  
Notes

Instructor Note #4

**B. Must Accurately Reflect What the Applicant Says as Well as What the Asylum Officer Asks**

A reviewer should be able to reconstruct what transpired during the interview by reading the interview notes. The interview notes should substantiate the asylum officer's decision.

Asylum officers interview several applicants in a day. When the asylum officer writes the assessments later in the day, the facts of one case can blur with the facts of another case. In addition, extenuating circumstances may delay the writing of an assessment, or require another officer to write the assessment. Therefore, it is imperative that the notes be sufficiently detailed and clear.

Furthermore, accurate interview notes are crucial for probing into the internal consistency of an applicant's claim.

**Instructor Note #5**

Interview notes should include clearly the following:

1. Factors that address the elements of the refugee definition
2. Factors that affect credibility, including the applicant's opportunity to respond to any perceived inconsistencies
3. Factors that relate to mandatory bars and discretionary denials
4. Indications that the asylum officer pursued all relevant lines of questioning, followed-up on relevant points, and provided the applicant to add additional information before the conclusion of the interview
5. The applicant's (and any dependent's) current immigration status
6. Factors that relate to the one-year filing deadline

**Instructor Note #6****C. Must Not Include the Asylum Officer's Subjective Opinions, Suppositions, or Personal Inferences****Instructor Note #7**

This should not be confused with subjective statements that the applicant may make. Such statements made by the applicant should be included in the notes.

## D. Do Not Need to Contain Every Word the Applicant Has Said

### 1. General rule

Notes should focus on key issues, people, places, dates, and events. Recording every word the applicant says is time-consuming and can substantially detract from the interview process. There may be rare instances, however, when every word is essential in order to capture the meaning of what the applicant said.

### 2. Question & Answer Notes

Headquarters requires that asylum officers take notes in a question & answer (Q&A) format in the following circumstances:

*See, Asylum Procedures Manual, section II.2.J.9., Note-Taking by an AO During an Asylum Interview*

- a. The applicant admits to involvement in terrorist acts or membership in a terrorist organization.
- b. The applicant admits to persecuting others on account of one of the five protected grounds.
- c. There are serious reasons for considering an applicant a threat to national security.
- d. The applicant admits to having been convicted of a crime outside the United States, and the file does not contain a record of the conviction.
- e. The applicant admits to committing human rights abuses.

The asylum officer should switch to Q&A format notes once the applicant provides any information relating to any of the above circumstances. Q&A notes should begin on a separate page and continue through to the conclusion of the interview. Q&A notes do not have to be a verbatim record of everything said at the interview, but they must provide an accurate record of the specific questions asked and the applicant's specific answers.

#### **Instructor Note #8**

Note: SAO concurrence might be required before switching to Q&A notes. Check with the local office for procedures.

Each page should include the applicant's A-number, the date of the interview, and the AO's name.

At the conclusion of the interview, the AO should review the notes with the applicant, making any corrections

requested, and have the applicant initial each page of the notes. Both the AO and the applicant print and sign their names on the last page of the interview notes, and the AO draws a diagonal line from the bottom of the page to the end of the testimony.

**E. Must Include What the Applicant Did Not Say, When Appropriate**

It is sometimes important to include what the applicant did not say. For example, if the applicant does not know an answer or appears to be evasive, it is appropriate to include in the notes comments such as, "Applicant does not know who threatened her," or "Applicant was asked 3 times in different ways to describe arrest in detail, but would answer only that he was arrested." It is important to be as objective as possible when writing such notes.

**F. Must Indicate Who Said What if More than One Person is Providing Information**

Witnesses may provide testimony on behalf of the applicant, or the asylum officer may make a statement he or she wants recorded in the notes. In addition, the representative may make a statement at the end of the interview, or may ask the applicant additional questions. In these situations, the asylum officer should clearly indicate in the notes who is speaking.

**G. Must Include the Date, A-Number, and Asylum Officer's Name**

**H. Must Not Include Abbreviations That Someone Else Will Not be able to Understand**

If an asylum officer uses abbreviations, they should be few in number and should be clear enough that anyone who reviews the notes will understand what they mean from the content of the notes. Shorthand should never be used.

**Instructor Note #9**

**V. CHARACTERISTICS OF PROPER NOTE-TAKING**

**A. The Asylum Officer Must Develop a Non-Intrusive Technique for Taking Notes**

1. The asylum officer must take notes in a way that minimizes loss of rapport and does not distract from the applicant's ability to discuss his or her claim, yet ensures

that necessary information is recorded to justify decisions.

2. When an interpreter is present, the asylum officer can use the time when the interpreter is speaking to write notes. Otherwise, the asylum officer can ask a question, addressing the applicant directly, listen to the answer, and then write down the information.
3. Note-taking may be intimidating to the applicant. The asylum officer should explain toward the beginning of the interview (during the introduction component of the interview) that he or she will be taking notes during the interview, the purpose in taking notes, and that the notes will be kept confidential.

**B. The Asylum Officer Must Not Become so Engrossed in Taking Notes That the Interaction with the Applicant Becomes Secondary**

If an asylum officer focuses more on taking notes than on paying attention to the applicant, it may appear as if the asylum officer is not listening, which can be very distracting to the applicant. Recording notes must always be subordinate to interviewing the applicant.

**Instructor Note #10**

**VI. SUMMARY**

**A. The Purpose of Note-Taking**

**OH #5: Summary A**

1. To substantiate the asylum officer's decision regarding the applicant's eligibility (including credibility) for asylum and in some cases, withholding of removal; and
2. To enable the reviewer to reconstruct the discussion that took place during the asylum interview

**B. Interview Notes: Legible, Accurate, Objective**

**OH #6: Summary B**

A number of individuals may have access to and may review interview notes.

Interview notes

- must be legible

- must accurately reflect what transpired during the interview
- must not contain the asylum officer's subjective opinions
- do not need to include every word the applicant says
- must include what the applicant did not say when appropriate
- must indicate who said what
- must not include shorthand or abbreviations that cannot be understood
- must include the date, A-#, and asylum officer's name

**C. Note-Taking Should be Non-Intrusive**

**OH #7: Summary C**

Taking notes is secondary to the interaction between the asylum officer and the applicant.