

Lesson Plan Overview

Course	Asylum Officer Basic Training Course
Lesson	<i>Corps Values and Goals</i>
Rev. Date	September 13, 2006
Lesson Description	This lesson describes to new asylum officers the values that guide the CIS Asylum Program as it works to fulfill its mission and explains how those values are embodied in the concrete goals set as a measurement of the program's success. This lesson is taught through a discussion usually led by the Director of the Asylum Program.
Field Performance Objective	In working to fulfill the mission of the Asylum Program, the asylum officer will recognize the guiding values of the Asylum Corps and understand how the concrete goals set by management measure his or her success in fulfilling that mission.
Interim (Training) Performance Objectives	<ol style="list-style-type: none"> 1. Identify the values that are fundamentally important to the Asylum Program. 2. Identify the goals that the Asylum Program must achieve in order to honor its values. 3. Describe the measurable targets that the Asylum Program has set to achieve its goals.
Instructional Methods	Lecture, class discussion, visual aids
Student Materials / References	Participant Workbooks
Method of Evaluation	This lesson's material important to understanding how the Asylum Program operates; however, it is not appropriate material for testing.
Background Reading	<ol style="list-style-type: none"> 1. Joseph E. Langlois. Director, Asylum Division, US Citizenship and Immigration Services. <i>Fiscal Year 2006 Mid-Year Performance Report</i>, Memorandum for Tracy Renaud, Deputy Director, Office of Refugee, Asylum, and International Operations (Washington, DC: 26 April 2006), 2 pp. (attached) 2. Joseph E. Langlois. Director, Asylum Division, US Citizenship and Immigration Services. <i>Fiscal Year 2005 Annual Performance Report</i>, Memorandum for Joseph D. Cuddihy, Director, Office of Refugee, Asylum, and International Operations (Washington, DC: 9 November 2005), 2 pp. (attached)

3. Joseph E. Langlois. Director, Asylum Division, US Citizenship and Immigration Services. *Fiscal Year 2006 Productivity Plan*, Memorandum to Asylum Officer Directors and Deputy Directors (Washington, DC: 30 November 2005), 3 pp., plus attachments. (attached)

CRITICAL TASKS

SOURCE: Asylum Officer Validation of Basic Training Final Report (Phase One), Oct. 2001

Task/ Skill #	Task Description
002	Maintain a working knowledge of the history of the Asylum Program and the organization of the INS.

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Corps Values and Goals

I. INTRODUCTION

The objective of this lesson is to explain the mission, values, and goals of the Asylum Corps. By reviewing these important concepts, this lesson also seeks to explain the meaning behind the demands placed on each Asylum Officer and the Asylum Corps. Understanding the conceptual framework within which the Asylum Program operates will enable Asylum Officers to better accomplish our mission.

II. MISSION

The mission of an organization justifies the organization's existence; if there is no mission, there is no need for the organization. The mission of the Asylum Program is to offer protection to refugees in accordance with the laws of the United States and international obligations.

III. VALUES

Organizational values represent what is fundamentally important to the organization and guide the organization in its pursuit of the mission. The mission can only be accomplished through strict adherence to these values.

In the context of the Asylum Program, fairness is the overarching value. As public servants, we have an obligation to the public to manage our resources effectively and efficiently in pursuit of our mission to offer protection to qualified refugees. In order for the Asylum Program to succeed in offering this protection, its policies, processes and procedures must be fair to the asylum applicant. The Asylum Program's definition of fairness contains two inseparable components: quality and timeliness. Both components must be present for a process to be considered fair. A correct but belated decision and a timely but inaccurate decision are both unfair results.

A. Quality

The Asylum Program demands a particularly high level of quality in our work because of the serious consequences of error in our profession. Indeed, the Asylum Corps was founded on the principle that no applicant should be deprived of a legally sufficient, thorough, and unbiased determination. Thus, each asylum claim must be fully and accurately heard, researched, and adjudicated.

B. Timeliness

The Asylum Program values timely completion of cases from each Asylum Officer. A delay in processing is distressing and unfair to the applicant ("justice delayed is justice denied"), impedes timely family reunification, risks violating statutory timeframes, and makes the Asylum Program vulnerable to fraud and abuse.

IV. GOALS

Goals embody organizational values in concrete and measurable ways. Setting tangible goals helps an organization adhere to those values. Conversely, if an organization does not set goals, its values will not be reflected in its actions and will ring hollow. To adhere to our twin values of quality and timeliness, the Asylum Program has set twin goals, quality and timeliness.

A. The Goal of Quality

One of the twin goals of the Asylum Program is to produce high-quality adjudications. Adjudications are high quality if they meet the standards set by the Asylum Program in the qualitative areas of the adjudication process, such as interviewing and decision writing.

B. Achieving The Goal of Quality

The Asylum Program has made substantial investments into the development of training and information resources and has implemented a number of policies to ensure that high-quality adjudications can be produced on a consistent basis.

1. Investments

a. Specialized Training

(i) Asylum Officer Basic Training Course (AOBTC)

The Asylum Division provides specialized instruction for all Asylum Officer trainees during a five-week residential course at the Immigration Officer Academy. Instructors teach and test trainees using a comprehensive, carefully designed curriculum with a focus on asylum and refugee law, interviewing techniques, analytical writing, and procedures.

Specialized training for Asylum Officers is vital to our efforts to achieve quality. The importance of training to the Asylum Program is reflected in its unique administration of AOBTC. Unlike other CIS programs, the Asylum Program directly oversees and administers all aspects of AOBTC and devotes a number of headquarters staff full-time to training matters.

(ii) Asylum and Center Adjudications Officer Basic Training Course (ACA)

The Asylum Division requires all new Asylum Officers to attend ACA, a five-week residential course at the Immigration Officer Academy for both Service Center Adjudications Officers and Asylum Officers. During this course, trainees are instructed in various sections of immigration law, including those pertaining to nationality, immigrants, non-immigrants, inadmissibility, and deportation.

(iii) Supervisory Asylum Officer Training

The Asylum Division has recently developed a two-week training course for all Supervisory Asylum Officers (SAOs). The primary focus of this course is an in-depth study of asylum law, coupled with an examination into the ways that SAOs can improve the interviewing and writing techniques of the officers they supervise. Presentations by experienced practitioners of asylum law, representatives of the Office of the General Counsel, and other subject-matter experts complement those by the staff of the Headquarters Asylum Division and field office personnel.

(iv) Instructor Training

All Quality Assurance/Training Officers (QA/Ts), and some SAOs, attend Fundamentals of Instruction (or “Train-the-Trainer”), the objective of which is to provide those officers who will be conducting training for the Asylum Program with a basic understanding of adult education and instructional technology theories, principles, and practices. Satisfactory completion of the course enables officers to design, deliver, and evaluate instructional activities supporting the Asylum Program. All QA/Ts and SAOs who conduct training on tested elements at AOBTC and ACA have received this instruction.

b. Local Training

Recognizing the need to keep abreast of country conditions and changes in asylum law and procedure, the Asylum Division requires each Asylum Office to set aside 10 percent of the workweek (4 hours per week) for training purposes. The substantial amount of time allocated by the Asylum Program to training is unique within CIS and reflects the Asylum Program's commitment to achieving quality. Asylum Offices have discretion to utilize this time to address any training needs they might have, including instruction on novel areas of law, country conditions, interviewing techniques, and procedures.

c. Quality Assurance of Decisions

(i) Supervisory Review

Current policy requires 100% supervisory review of Asylum Officer casework. Supervisors sign off on every decision to ensure that each decision is supported by the law and that proper procedures have been followed.

(ii) Local Quality Assurance

Each Asylum Office employs at least one Quality Assurance /Training Officer (14 total) who reviews individual cases, identifies local training needs, organizes weekly training sessions on selected topics, and reviews

difficult cases in conjunction with the Headquarters Quality Assurance Referral process.

(iii) Headquarters Quality Assurance

Local Asylum Offices must submit to Headquarters certain categories of sensitive cases, such as highly publicized cases, cases involving national security risks, negative credible fear decisions, and certain cases involving gender as part of a particular social group. This level of quality assurance is aimed at ensuring consistency in novel and/or complex areas of the law.

d. Resource Information Center (RIC)

The RIC, a component of the Asylum Division at Headquarters, gathers and disseminates critical information about country conditions to the Asylum Corps through various products and media that assist officers in conducting the research necessary for adjudicating asylum cases. Information about the services and resources that the RIC provides will be further discussed in the later lesson, *Country Conditions Information and the Resource Information Center (RIC)*.

e. Information Technology Resources and Libraries

The Asylum Program's commitment to quality adjudications is reflected in its investment in information technology resources and Asylum Office libraries aimed at facilitating access to relevant materials. All Asylum Officers have individual access to the Internet and Westlaw on their desktop computers, which allows officers to effectively and efficiently research country conditions and various court decisions. Moreover, each Asylum Office has a library equipped with relevant and updated reference materials.

2. Policies

a. Hiring Practices

The Asylum Program is committed to hiring individuals from diverse backgrounds and perspectives who are capable of performing at a very high level of competence and who are proficient in interpersonal, analytical, research, and writing skills. To maximize the chances of attracting such individuals, the Asylum Program issues a public job announcement in addition to an internal announcement (within the government) for every Asylum Officer opening. In addition, the Asylum Program offers the opportunity for Asylum Officers to begin at the General Schedule 12 grade, which is a relatively high level at which to enter the government. One indicator that the Asylum Program has been successful in recruiting individuals of such caliber is that about 60 percent of the Asylum Corps has a graduate degree or has completed some level of graduate coursework.

b. Performance Work Plan (PWP)

The Asylum Program has integrated our quality goal into the PWP, which is the primary tool used by supervisors to assess an Asylum Officer's individual performance. Under the PWP, supervisors rate Asylum Officers on critical qualitative elements of the job, including interviewing skills and decision writing.

c. Limiting the Number of Assigned Cases Per Pay Period

As a policy, the Asylum Program limits the number of interviews that it assigns to Asylum Officers during a two-week pay period to 18 cases. This rate allows Asylum Officers to focus properly on the quality of their work at the level of sophistication expected, while completing interviews at a timely rate. To preserve this balance of quality and timeliness, this rate of production is fixed despite an increase in new application receipts and other external pressures.

C. The Goal of Timeliness

The other twin goal of the Asylum Program is to complete adjudications in a timely manner. A timely adjudication is one that is completed within a timeframe that is considered fair. The Asylum Program establishes its timeliness goals within the statutory and procedural frameworks of the asylum process. Because of the significant substantive differences among the protection programs administered by the Asylum Program, timeliness goals differ according to the protection sought.

1. Timeliness Goal for Affirmative Asylum

The Asylum Program aims to complete within 60 days of receipt at least 75% of the affirmative asylum cases it refers to Immigration Court.

The statute holds the Department of Homeland Security and the Department of Justice accountable to specific deadlines in asylum application processing. The 60-day target reflects these deadlines.

a. 180-Day Adjudication Deadline

The statute requires the final administrative adjudication of the application (not including appeal) to be completed within 180 days after the date the application was filed.

Cases before an Immigration Judge frequently take several months to process because the Court must schedule multiple hearings, and each hearing may last a number of days. As the initial adjudicator in the process, the Asylum Program must take into account the fact that the Immigration Court will likely need up to 120 days to adjudicate applications that are ultimately referred. Therefore, the Asylum Division has established a goal to adjudicate 75% of all referrals adjudicated at local Asylum Offices within 60 days.

For cases that are not referred, the Asylum Program is allowed an additional 120 days to complete adjudication. However, these applications are generally adjudicated promptly because they are processed entirely by the Asylum Program. Nearly all of these applications are adjudicated well before the 180-day statutory deadline.

b. 45-Day Interview Deadline

The statute also requires that the applicant be interviewed within 45 days after the date the application was filed. The Asylum Program's 60-day completion target allows the Asylum Office at least 15 days after the interview to complete the case. This 15-day period includes the time necessary for the Asylum Officer to conduct research, compose the assessment, and do the necessary paperwork, as well as for supervisory review and clerical processing.

2. Timeliness Goal for Credible Fear Screening

The Asylum Program aims to complete 80% of all credible fear cases within 14 days of receipt.

The 14-day target was established in view of the following:

a. Detention and Parole

The statute requires that certain individuals who express a fear at ports-of-entry must be detained until the credible fear determination, at which point they may be paroled by the U.S. Immigration and Customs Enforcement (ICE) Special Agent in Charge (SAC) if a credible fear is found.

The statute allows ICE SACs to make their parole decisions for expedited removal cases only after receiving the credible fear determination from the Asylum Office. The sooner the Asylum Officer makes a determination, the sooner the ICE SAC can make a parole determination for those who are found to have a credible fear. The 14-day target provides sufficient time for the Asylum Program to complete its determinations, while giving ICE SACs a chance to make their parole decisions in a timely manner.

b. Credible Fear Determination

The Asylum Program is responsible for making credible fear determinations. The 14-day completion target begins after the Asylum Program receives notification that the individual is subject to expedited removal processing, which usually coincides with the individual's date of arrival. The Asylum Program provides all individuals in the expedited removal process a respite of 48 hours after the date of detention to recover from long flights, contact family members, friends, or any consultants, and to prepare for the credible fear interview. Within the 14-day completion target, Asylum Officers must provide the 48-hour respite, travel to the

detention facility, conduct the interview, make the determination, complete paperwork, and update relevant databases.

D. Achieving the Goal of Timeliness

The Asylum Program has implemented a number of policies to ensure that adjudications can be completed in a timely manner.

1. Timeliness Targets

The Asylum Program has integrated our timeliness goals into the PWP. Under the PWP, supervisors rate Asylum Officers on their ability to complete cases in a timely manner. For affirmative asylum cases, completed cases must be submitted to the supervisor within 4 days after the interview for decisions that are picked up at the Asylum Office by the applicants, and within 10 days after the interview for decisions that are mailed to in-status applicants. These targets conform to the 15-day timeframe allotted to the Asylum Program to complete interviewed cases that are ultimately referred. For credible fear cases, completed cases must be submitted to the supervisor within 2 days after the interview. This target conforms to the 14-day timeframe allotted to the Asylum Program to complete its portion of expedited removal processing. For both affirmative asylum and credible fear screening, Asylum Officers must complete cases in advance of the target completion date in order to allot time for supervisory review and subsequent clerical processing.

2. Reasonable Allowances

It is the policy of the Asylum Program to make reasonable allowances for its timeliness goals so that our quality goal is not sacrificed when additional time is required to make a sound determination. To strike this balance, the Asylum Program allows for a certain percentage of cases to be completed outside the target timeline. The allowance for affirmative asylum is up to 25% of cases referred to Immigration Court, and the allowance for credible fear screenings is up to 20% of all cases. In each of these programs, the Asylum Program recognizes that a certain percentage of cases should be exempt from timeliness goals due to the complexity of particular cases and the unavailability of staff at certain times.

These reasonable allowances manifest themselves in the PWP. Timeliness performance standards do not apply to those cases placed on hold by the supervisor, or where the supervisor finds that excused leave or other duties interfere with timely case completion.

3. Productivity Target

The Asylum Program aims to achieve timeliness by setting a productivity target for Asylum Officers. The productivity target for affirmative asylum is 18 interviews per pay period per Asylum Officer. Under the PWP, Asylum Officers are rated on their ability to interview 18 affirmative asylum cases in a two-week pay period, taking into account and adjusting for approved leave and other duties assigned.

a. Balance

In order to achieve our goal of timely case completions, the Asylum Program has established a productivity target that gives the Asylum Corps a reasonable ability to keep pace with the overall rate at which it receives new asylum applications. If the Asylum Corps fails to keep pace with the overall rate of new application receipts, some incoming applications will not be adjudicated, and they will begin to form a backlog. As a consequence, the applications in this backlog will not be processed in a timely manner. Moreover, a mounting backlog could make the asylum system vulnerable to fraud and abuse, a notion that is more fully examined in the lesson, *Overview of the Asylum Program: History, Process, and Jurisdiction*.

If the productivity rate is set too low, the Asylum Corps would not have a reasonable ability to keep pace with new receipts given the staff available. Reducing the productivity rate would require reallocating staff from other programs (such as credible fear screening and overseas refugee processing) to the affirmative asylum program to keep up with receipts given the reduced productivity of each officer. This reallocation would divert human resources away from these other critical protection programs and may hinder our ability to achieve our goals in those programs.

Conversely, if the productivity rate for affirmative asylum applications is set too high, the quality of adjudications would likely suffer.

b. Other Considerations

The Asylum Program's level of productivity comes under the scrutiny of governmental authorities inside and outside of CIS, the watchful eye of non-governmental organizations, and public view. While it is more often the accuracy of our decisions that are reported in the press and by non-governmental organizations, our effectiveness, efficiency, and overall productivity as CIS officers are judged under equal scrutiny. Our productivity is often judged in light of our role as CIS officers who hear claims during the first stage of a larger administrative and legal process. Our productivity is also judged in comparison to the productivity of other CIS programs -- the fees of which help fund the Asylum Program.

V. PRIORITIES

A. Asylum Program Priorities

The Asylum Program aligns its organizational priorities squarely with its mission -- to protect refugees according to the laws of the United States and international obligations. With these priorities in mind, the Asylum Program adjusts its quantitative goals in relation to available resources, increasing caseload, and other key variables.

1. First Priority

a. Affirmative Asylum Applications

One of our prime responsibilities in our endeavor to protect refugees is to adjudicate applications filed affirmatively with CIS. The lessons of the pre-reform period teach us that certain levels of backlog in pending applications invite fraud and abuse of the system. The ultimate consequence of this failure is that genuine refugees do not receive timely protection and therefore cannot be promptly reunified with their immediate family members who may still be in danger.

b. Credible Fear Screening

Congress has charged the Asylum Corps to screen individuals in the expedited removal process for a credible fear of persecution or torture. A determination of credible fear gives individuals a full opportunity to apply for asylum and/or protection under the Convention against Torture before an Immigration Judge, and a negative credible fear determination may mean the immediate removal of the individual. Until the credible fear interview takes place, the statute requires the Department of Homeland Security to detain the individual. Failure to promptly interview these individuals may unnecessarily increase the amount of time these individuals -- many of whom may be genuine refugees -- spend in detention.

c. Overseas Refugee Processing

Each year the President consults with Congress to determine the level of refugee admissions for that year. Failure to meet these admission levels is tantamount to squandering a critical opportunity to protect genuine refugees who have just fled immediate danger and are in urgent need of safe haven. The Asylum Program assists the refugee program in processing a number of refugees close to the annual ceiling by making Asylum Officers available to interview refugees overseas.

2. Second Priority – Nicaraguan Adjustment and Central American Relief Act (NACARA)

In an interim rule published on May 21, 1999, the Attorney General delegated to the Asylum Program authority to grant or refer to the Immigration Court certain applications for suspension of deportation or special rule cancellation of removal filed under NACARA. Because eligibility rules require most NACARA applicants to have first entered the United States by 1990, most applicants have resided in the United States for many years and already have employment authorization. While the Asylum Program's failure to promptly adjudicate NACARA applications would certainly result in hardship for some applicants, the consequences of such failure do not compare with the grave consequences of failure to promptly process first priority cases.

Needless to say, the NACARA program is an integral part of our work and prioritizing in this manner occurs only when overall workload exceeds our overall work capacity.

B. Department of Homeland Security Performance Plan

The Department of Homeland Security (DHS) sets annual goals to measure how effectively its programs utilize their resources to accomplish their missions. DHS and CIS review and assess the performance of CIS programs based on these targets. These targets are products of negotiation between the program, CIS management, and DHS.

For the Asylum Division, the DHS performance goals reflect several of the Asylum Program's goals listed above:

1. Percentage of Asylum Cases Completed in 60 Days
2. Total Number of Asylum Cases Completed
3. Percentage of Credible Fear Screenings Completed in 14 Days
4. Total Number of NACARA Cases Completed

VI. CONCLUSION

The day-to-day work of each Asylum Officer is critical to our mission to offer protection to refugees. An Asylum Officer's decision can significantly alter the course of an asylum seeker's life and must therefore be both accurate and timely. Making several of these decisions every day is not an easy task. However, given our past success, our high-caliber workforce, and our extensive training, we believe that it is a reasonable task. Completion targets, productivity targets, investments in training, and other policies are in place to enable Asylum Officers to adhere to our values, achieve our goals, and carry out the overall mission of the Asylum Program successfully.