

APPENDIX F

THE DEPARTMENT OF HOMELAND SECURITY AND THE INTERNATIONAL RELIGIOUS FREEDOM ACT

The Department of Homeland Security (DHS) has assumed responsibilities formerly charged to the Immigration and Naturalization Service under the International Religious Freedom Act (IRFA). DHS is committed to ensuring that all claims for refugee and asylum protection are treated with fairness, respect, and dignity, and that all mandates of the IRFA for these programs are properly implemented. This appendix summarizes the actions of DHS' US Citizenship and Immigration Services' (USCIS) Refugee, Asylum, and International Operations Directorate (RAIO) during Fiscal Year 2011 as required under Section 102 (b)(1)(E) of the IRFA.

I. Training of Asylum Officers and Refugee Adjudicators

The Asylum Division of the Refugee, Asylum, and International Operations (RAIO) Directorate within the United States Citizenship and Immigration Services (USCIS), a DHS component, provides extensive training to asylum officers to prepare them to perform their duties of adjudicating asylum claims. The training covers all grounds on which an asylum claim may be based, including religion. Asylum officers receive approximately six weeks of specialized training related to international human rights law, nonadversarial interview techniques, and other relevant national and international refugee laws and principles.¹ During this course and in local asylum office training, USCIS provides asylum officers with specialized training on religious persecution issues. With the passage of the IRFA in 1998, the six-week training program expanded to incorporate information about IRFA as a part of the regular curriculum. In FY 2011 the six-week Asylum Officer Basic Training Course was conducted for a class of 32, including newly hired asylum officers and two representatives of the European Asylum Curriculum.

¹ Asylum officers are required to complete two six-week training courses, "BASIC" and the Asylum Officer Basic Training Course (AOBTC). BASIC covers the Immigration and Nationality Act (INA) and basic immigration law. The AOBTTC includes international human rights law, asylum and refugee law, interviewing techniques, decision-making and decision-writing skills, effective legal and country conditions research skills, and other topics critical to the work of asylum officers. In addition compulsory in-service training for all asylum officers is held weekly.

Several hours of training on religious persecution issues is also included in the two-week advanced courses for the Asylum Division's supervisory asylum officers and asylum office quality assurance/training officers. In addition a continual effort is made to include further discussion of religious persecution whenever possible in both basic and advanced courses as well as in local asylum office training. The Asylum Division regularly updates its training materials and conducts training in local asylum offices to reflect any recently issued papers on religious persecution from the United Nations High Commission for Refugees, United States Commission on International Religious Freedom (USCIRF), or other organizations, as well as any recent developments in case law or country conditions on this issue.

As mandated by the IRFA, the Refugee Affairs Division (RAD) of RAIO provides specialized training to refugee officers and other USCIS staff who assist in the adjudication of refugee applications overseas. The Refugee Officer Training Course (ROTC) provided to new officers at RAD consists of in-depth training on the international framework and principles of refugee protection, refugee law, laws governing admissibility to the United States, nonadversarial interviewing techniques, assessing credibility, country conditions research, and other critical topics. This five and one-half week training course covers all grounds, including religion, on which a claim for refugee status may be based. During the training, students receive specialized instruction on religious persecution issues, including presentations by USCIRF representatives on the IRFA. Approximately 140 refugee officers have completed the training to date.²

Staff from other USCIS components also conduct refugee interviews, either while on detail to RAD or as part of their duties based overseas with International Operations. In order to ensure that these people also receive training that is compliant with the IRFA requirements, RAD developed a condensed two-week Refugee Processing Training Course (RPTC). The course covers all of the topics included in ROTC, including religion as a basis for claiming refugee status. Approximately 100 USCIS officers and attorneys have received this training.

In addition to the ROTC/RPTC, prior to each overseas detail, refugee officers and adjudicators receive a one- to two-day pre-departure training that focuses specifically on the issues related to the region where they will travel. This training

² Like asylum officers, refugee officers are also required to participate in the six-week BASIC training.

includes any particular concerns regarding religious persecution in the region, as well as on specific issues related to refugee adjudications.

Currently, the RAIO Directorate of USCIS is combining the core elements of the basic training that officers from its three component divisions have received separately in the past. This effort to provide combined RAIO training in addition to division-specific training will include training on religious persecution and will be provided to adjudication officers in the RAIO Directorate's International Operations Division as well as to asylum and refugee officers. All new training materials will reflect any recently issued papers on religious persecution from the United Nations High Commission for Refugees, USCIRF, or other organizations, as well as any recent developments in asylum and refugee case law.

The RAIO Research unit serves asylum officers, refugee officers, and officers in the International Operations Division and maintains the Resource Information Center (RIC), a hard copy and electronic collection of materials regarding human rights conditions around the world. RAIO Research has published an on-line guide to Internet research that is available to asylum officers and refugee officers through the RAIO Virtual Library. The guide includes links to governmental and nongovernmental Web sites that contain information on religious persecution, as well as other issues relevant to asylum and refugee adjudications. RAIO Research separately catalogs RIC holdings regarding religious freedom and related issues.

II. Guidelines for Addressing Hostile Biases

In the affirmative asylum context, applicants for asylum who cannot proceed with the asylum interview in English must provide their own interpreter. Prior to conducting any interpretation for the interview, the interpreter must take an oath to interpret fully and accurately the proceedings of the asylum interview. In addition, more than 90 percent of interviews requiring interpreters are monitored over the telephone by a professional interpreter. The monitor, whose services are acquired through the Asylum Division's interpreter services contracts, listens to the interpretation provided by the applicant's interpreter and reports any mistranslations, bias, or other problems with the interpretation. The asylum officer may terminate the interview to be rescheduled at a later date if the interpreter is found to be misrepresenting the applicant's testimony, is incompetent, or otherwise displays improper conduct.

USCIS includes specific antibias provisions in the interpreter services contract used by asylum officers both in the asylum prescreening program and in the affirmative asylum context. The contracts include special provisions that ensure the security and confidentiality of the credible fear process, including a requirement that all interpreters provide a signed and notarized "Confidentiality and Neutrality Statement." Additionally, all interpreters working under the interpreter services contracts are required to undergo suitability determinations and background investigations conducted by the USCIS Office of Security and Integrity. Prior to performing work under the contract, interpreters receive training on confidentiality and antibias and are instructed to recuse themselves if unable to uphold these standards. At the beginning of each interview, interpreters are placed under oath to provide accurate and neutral interpretation during the interview. Asylum officers report to the Asylum Division any concerns about the accuracy or neutrality of the interpretation, which in turn are raised with the contracting officer of the interpreter services company.

For refugee interviews, interpreters are arranged at circuit ride locations by the Resettlement Support Center (RSC) under contract to the Department of State. Prior to the refugee interview, interpreters are placed under oath by USCIS officers and swear or affirm that interpretation will be complete and accurate and that they understand the confidential nature of the refugee interview. If there are indications that the interpreter and applicant do not understand each other, or that the interpreter is not properly fulfilling obligations of the interpreter role, the refugee officer may request a different interpreter for the interview. In the event an interpreter is found to be incompetent or otherwise displays improper conduct, the interpreter will be replaced.