

Appendix F: Department of Homeland Security and the International Religious Freedom Act

When the Department of Homeland Security (DHS) was created, it assumed responsibilities formerly charged to the Immigration and Naturalization Service under the International Religious Freedom Act (IRFA). DHS is committed to ensuring all applicants for asylum and refugee status are treated with fairness, respect, and dignity, and that all mandates of the IRFA involving the asylum and refugee programs are properly implemented. This appendix summarizes the actions of DHS U.S. Citizenship and Immigration Services' (USCIS) Refugee, Asylum, and International Operations (RAIO) Directorate during calendar year 2013 (CY 2013) as required under Section 102 (b)(1)(E) of the IRFA.

I. Training of Refugee Officers, Asylum Officers, and Other USCIS Staff Who Adjudicate Refugee and Asylum Claims

The RAIO is responsible for the adjudication of asylum and refugee claims, both domestically and abroad. RAIO provides extensive training to refugee officers, asylum officers, and other adjudications officers within the RAIO Directorate to prepare them to interview asylum and refugee applicants and adjudicate their requests for protection.

In CY 2012, RAIO established RAIO Directorate Officer Training, comprising RAIO Combined Training ("RAIO CT") and division specific training. RAIO CT combines the core elements of the basic training that new officers from RAIO's three component divisions received separately in the past. The RAIO CT is followed by division-specific courses that address the adjudications and procedures specific to each component division.¹

The RAIO CT includes instruction related to principles of international human rights law, U.S. law governing refugee and asylum adjudications, non-adversarial interviewing techniques, credibility assessments, national security issues, country-of-origin information and legal research, and other critical topics. During the course, students receive specialized instruction on issues of religious persecution as one of the five grounds on which asylum and refugee status can be based. This includes a lesson plan specifically on the IRFA and presentations on the IRFA by representatives from the Bureau of Democracy,

¹In addition to the training described here, officers at RAIO are required to complete a six-week training course, BASIC, that covers the Immigration and Nationality Act (INA) and basic immigration law.

Human Rights, and Labor of the U.S. Department of State, the United States Commission on International Religious Freedom (USCIRF), and other experts on religious persecution. The training materials are regularly updated to reflect any changes in law, policy, and procedures and incorporate relevant information on religious persecution from the State Department, the USCIRF, the United Nations High Commissioner for Refugees (UNHCR), and other sources. In CY 2013, RAIO trained 24 new refugee officers, 90 new asylum officers, and 3 adjudication officers stationed overseas who frequently adjudicate refugee claims.

Staff members from other USCIS components also conduct refugee interviews while on temporary duty assignment (TDY) to RAIO. In order to ensure these staff members receive specialized training compliant with the IRFA requirements, RAIO's Refugee Affairs Division developed a two-week Refugee Processing Training Course designed to prepare USCIS adjudicators and attorneys on TDY to adjudicate overseas refugee claims. The course covers all of the topics included in the RAIO CT, including religion as a basis for claiming refugee status. Twenty-seven USCIS officers received this training in CY 2013. In addition to the core training that new refugee officers and TDY staff receive, prior to deployment on an overseas refugee processing trip, these officers take a one- to two-day pre-departure training course that focuses specifically on the issues related to the region where they will travel and the refugee populations they will encounter. This training includes particular concerns regarding religious persecution in the region, as well as specific issues related to refugee adjudications in that area.

Several hours of training on religious persecution issues are also included in the two-week advanced courses provided to the Asylum Division's supervisory asylum officers and 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 and 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 UNHCR or other organizations, as well as any recent developments in case law or country conditions on this issue.

The RAIO Research Unit serves all officers at RAIO and maintains a print and electronic collection of materials regarding human rights conditions around the world. RAIO Research has published an on-line guide to internet research

available to officers at RAIO. 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 its holdings regarding religious freedom and related issues. Periodically, the Research Unit invites guest speakers to USCIS to address important international events such as emerging or ongoing civil wars and environmental disasters. When relevant, religious freedom issues are integrated into the discussion. The Research Unit produces a monthly news summary for officers throughout the agency on human rights abuses and socio-political developments around the world. The news summary frequently contains articles regarding religious intolerance and persecution.

II. Guidelines for Addressing Hostile Biases

For refugee interviews, interpreters are arranged at refugee processing locations by the Resettlement Support Centers (RSC), organizations under cooperative agreement with 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 the interpreter and applicant do not understand each other, or that the interpreter is not properly fulfilling the 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 is replaced.

In the protection screening context (Safe Third Country screening, credible fear, and reasonable fear screening interviews), the Asylum Division provides interpreters for those who cannot proceed with an interview in English. Separate from protection screenings, USCIS asylum officers conduct asylum adjudications of individuals in the United States who affirmatively apply for asylum; immigration judges within the Department of Justice, Executive Office for Immigration Review, conduct asylum adjudications of individuals in the United States who are placed in removal proceedings. 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 provided by USCIS. The interpreter monitor, whose services are acquired on a contract basis, 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 and reschedule it to 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 cultural sensitivity/antibias concerns 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.