

U.S. Citizenship
and Immigration
Services

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HQRAIO 120/12a

Memorandum

TO: All Asylum Office Staff

FROM: John Lafferty
Chief, Asylum Division

A large, stylized handwritten signature in black ink, appearing to read "John Lafferty".

SUBJECT: Updated Procedures for Interviewing Unaccompanied Alien Children in Removal Proceedings

This memorandum provides updated guidance and procedures to U.S. Citizenship and Immigration Services (USCIS) Asylum Office personnel on conducting interviews concerning asylum applications filed by potential unaccompanied alien children (UACs) under the initial jurisdiction provision of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Public Law 110-457, codified at INA § 208(b)(3)(C). These procedures modify the current guidance found in training materials on implementing the TVPRA. These procedures are effective immediately and will be incorporated into the Affirmative Asylum Procedures Manual. The training materials will also be revised.

Prior guidance instructed Asylum Officers to conduct full interviews, including on the merits of the asylum claim, in all cases identified as involving a potential UAC,¹ including those involving individuals in removal proceedings over whom the Asylum Officer found USCIS lacked jurisdiction because the asylum application was not filed by a UAC. There is no statutory or regulatory requirement to continue an asylum interview once USCIS determines that it lacks jurisdiction. Nonetheless, the rationale for this guidance was that under procedures in place until June 2013, Asylum Officers made UAC determinations in every case involving a potential UAC by making independent factual inquiries under the UAC definition, at 6 U.S.C. § 279(g). Because these determinations were often complicated, they were sometimes overturned upon supervisory or Headquarters review, and if the Asylum Officer conducted an interview on the asylum claim as well as on the jurisdictional determination, the Asylum Office would not likely need to call the applicant back for an additional interview if USCIS was ultimately determined to have jurisdiction over the case.

In June 2013, the USCIS Asylum Division changed the procedures pertaining to determining UAC status with the issuance of the memorandum [Updated Procedures for Determination of Initial Jurisdiction over Asylum Applications Filed by Unaccompanied Alien Children](#). Under the new procedures, Asylum Officers adopt UAC determinations already made by other Department of Homeland Security components in most cases

¹ These cases are designated in the Refugees, Asylum, and Parole System (RAPS), the asylum case management system, with the special group code PRL.

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without a new factual inquiry. This jurisdictional determination is generally much simpler than under the prior procedures, and there is therefore less chance that an Asylum Officer's determination will be overturned upon review.

In order to make processing of asylum applications more efficient, Asylum Officers no longer need to interview the applicant on the merits of the asylum claim in cases involving individuals in removal proceedings over whom the Asylum Officer finds USCIS lacks jurisdiction because the asylum application was not filed by a UAC. Once an Asylum Officer finds that USCIS lacks jurisdiction, the Asylum Officer may conclude the interview. Before the applicant leaves the Asylum Office, the Asylum Officer must consult with a UAC point of contact, a Supervisory Asylum Officer, or a Training Officer to ensure that the finding of lack of jurisdiction appears to be correct.

Asylum Offices no longer need to submit to the Headquarters Quality Assurance Branch those cases in which the Asylum Officer finds USCIS lacks jurisdiction because the asylum application was not filed by a UAC. Rather, as noted above, Asylum Office personnel will be reviewing such lack of jurisdiction findings in the field before the applicant leaves the office following the interview, and again as part of mandatory supervisory review of all asylum decisions. Asylum Offices are encouraged to have their UAC point of contact serve as a resource for others in the office with questions about UAC jurisdiction. In addition, for any case that the Asylum Office determines involves complex jurisdictional issues, Asylum Office Directors may continue to request Headquarters quality assurance review following the asylum interview. Furthermore, if Asylum Offices become aware of complex jurisdictional issues prior to the asylum interview, they are encouraged to contact the Headquarters UAC points of contact to discuss the issues.

If you have any questions concerning the guidance contained in this memorandum, please contact Kimberly Sicard at kimberly.r.sicard@uscis.dhs.gov.