

Standard of Proof in CF

- CF Standard of proof: significant possibility
- EXCEPT for credibility
- Applicants must provide specific facts to meet their burden.
- Statements of belief on their own are not enough.

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Credibility vs. Lack of Specific Facts

- **Credibility:** First you said they only used hands and feet to beat you, now you say they used hockey sticks.
- **Specific Facts:** What makes you believe that supporters of the BJP could find you anywhere in India?

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Persecutor identity: Specific Facts

○

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(b)(6) (b)(7)(e)

- COI: Some evidence of politically-motivated mob violence but limited evidence that political parties or government targets individual, low-level party workers.
 - BUT absence of reporting doesn't mean events don't occur. Applicant can meet their burden through testimony.

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Persecutor identity: Specific Facts

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Possession of protected characteristic

(b)(6) (b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession of protected characteristic

(b)(6)

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession: Posters

(b)(6)

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession: Foundation-laying

(b)(6)

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession: Moving off script

(b)(6)

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession: Lack of detail

(b)(6)

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession: Lack of detail

(b)(6)
(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Severity of Harm

(b)(6)

(b)(7)(e)

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State action

(b)(6)
(b)(7)(e)

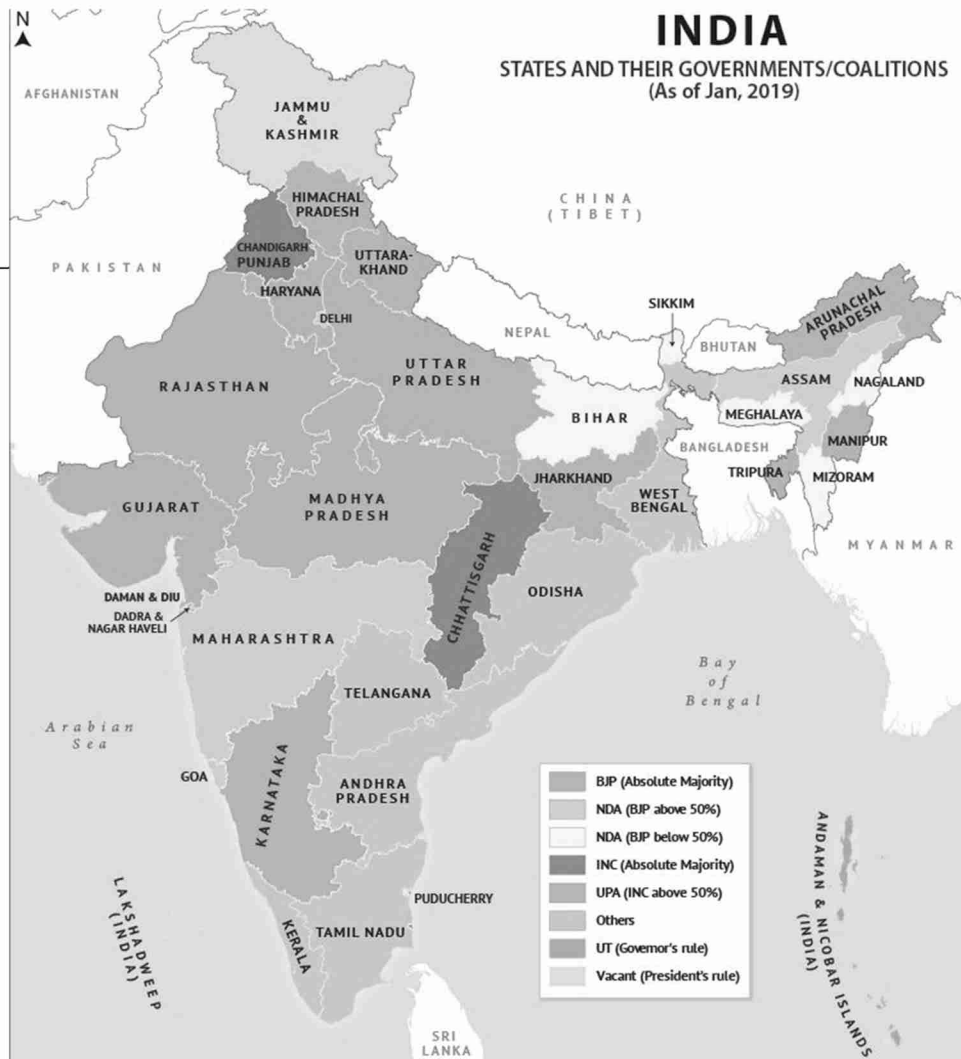
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Internal relocation: Avoid persecution

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UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(6)
(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(6)

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(6) (b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(6)
(b)(7)(e)

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Aadhaar card



~~UNCLASSIFIED//FOUO//LES~~

Internal relocation: Avoid persecution

(b)(6)

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UNCLASSIFIED//~~FOUO~~//~~LES~~

Internal relocation: Avoid persecution

(b)(6)
(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(6)
(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(6)

(b)(7)(e)

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Internal relocation: Reasonableness

(b)(6) (b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Reasonableness

(b)(6)

(b)(7)(e)

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Sample Checklist Analysis: Reasonableness

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Chen-type Harm

- If an applicant has established past persecution and the presumption of WFF has been rebutted because the applicant can internally relocate, consider *Chen* and Other Serious Harm.
- Responses to questions we ask for other purposes can inform this consideration
- Was the past harm serious enough to constitute *Chen*-level harm?
 - Detailed testimony on harm suffered, including any lasting effects.
 - Consider applicant's testimony regarding treatment received after attack. Village doctor or extended hospital stay?

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Sample *Chen* checklist analysis

There is also no significant possibility that asylum could be granted based on the severity of the past persecution. The applicant testified that that the worst incident of harm was when Congress party workers kicked, punched, and threatened him with death on February 28, 2018. His only injuries were bruises, for which he received an injection from the local village doctor. This is insufficient to establish a significant possibility that the harm he suffered was severe enough to warrant a grant of asylum in the absence of a well-founded fear. See *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989).

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Other Serious Harm

- Does the applicant fear any other serious harm not related to a nexus?
- Applicant's burden to establish OSH, so must provide specific facts
- Other than X, do you fear anything or anyone else in India?

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What about CAT?

- Consider whether feared harm would amount to torture
- Consider internal relocation

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Sample CAT analysis

The record does not establish a significant possibility that it is more likely than not the applicant will be subjected to severe pain or suffering in another state of India. While the applicant was harmed in Punjab and believes Congress party members could find him in another state and harm him, he did not provide any specific facts to support this belief. The Congress party members he specifically fears do not appear to know his name or even where he lived in Punjab as they never called him by name nor came to his home. Therefore, the evidence does not indicate they would locate him to harm him in other states of India. Moreover, he did not know anyone harmed by other Congress party members and country conditions reports “do not suggest that there exists a general risk in India of ill-treatment for members of the Shiromani Akali Dal (Amritsar/Mann) party.” Library of Congress, India: Feasibility of Relocation of Sikhs and Members of the Shiromani Akali Dal (Mann) Party. <https://www.justice.gov/file/1068936/download>.

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Recap

- Identity of persecutor
- Possession of protected characteristic
- Seriousness of harm and state action
- Internal relocation
- Chen/other serious harm
- CAT

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Thank you!

From: [Benzan, Virginia](#)
To: [Fron, Claire S](#)
Subject: 2FOIA
Date: Wednesday, June 3, 2020 10:58:35 AM
Attachments: [Re DocsPolitical groups.msg](#)
 (b)(7)(e)
[Fraud Referral List.msg](#)
[RE Fraud Referral List.msg](#)

Fogelbach, Juan J

From: Swen, Oluremi A (Remi)
Sent: Friday, July 26, 2019 6:04 AM
To: Narbus, Katie L
Cc: #ZBO Asylum Officers; #ZBO Supervisory Asylum Officers; Nunes, Gorette C
Subject: Re: Docs/Political groups

Adding Gorette since she has been working on fraud with regard to the countries that you mentioned and she might jab some stuff for you.

Sent from my iPhone

(b)(6)

On Jul 25, 2019, at 5:25 PM, Narbus, Katie L [redacted] wrote:

Hello folks,

(b)(7)(c)

I am working on a training with [redacted] at HSI to cover documents. We are trying to make it very ZBO specific so he has asked for the main political groups that we see in our top document heavy countries since many of our docs are party card, letters, ect. I don't interview newer cases as often as the rest of you so would folks mind sending which groups they see the most often. I was thinking that we would cover [redacted] but wanted to get a consensus from AOs/SAOs.

(b)(7)(e)

Thank you!!

KATIE NARBUS

Senior Asylum Officer

Boston Sub-Office/Newark Asylum Office

USCIS/DHS

JFK Federal Building

15 New Sudbury Street, Suite 600

Boston, MA 02203

Phone [redacted] (b)(6)

Fax (617) 565-9507

[redacted]

(b)(7)(c)

From:

[Redacted]

To:

#ZBO Everyone

Subject:

[Redacted]

(b)(7)(e)

Date:

Thursday, October 3, 2019 10:13:58 AM

Attachments:

[Redacted]

(b)(7)(e)

Hello everyone.

[Redacted]

(b)(7)(e)

If you have any questions, please let me know.

Regards,

[Redacted]

(b)(7)(c)

Immigration Officer | Fraud Detection & National Security (FDNS)

Boston Asylum Sub-Office | RAIO | USCIS

15 New Sudbury Street | Room 600 | Boston, MA 02203

Tel: [Redacted] | Cel: [Redacted] | Fax: (617) 565-9507

(b)(7)(c)

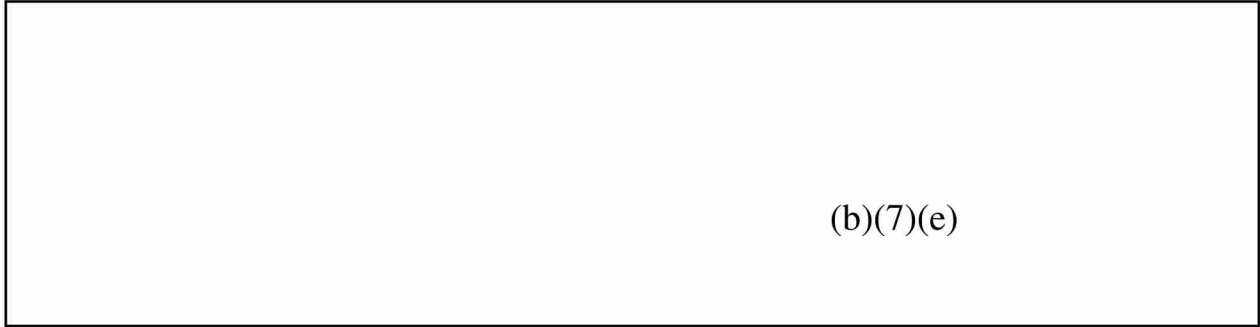
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Referred to Immigration and Customs Enforcement

Referred to Immigration and Customs Enforcement

From: [Benzan, Virginia](#)
To: [#ZBO Everyone](#)
Cc: [Sivret, Katherine L](#)
Subject: Fraud Referral List
Date: Wednesday, January 24, 2018 10:45:00 AM
Attachments: [image002.png](#)

Good Morning,



VIRGINIA BENZAN
Training Officer
Boston Sub-Office/Newark Asylum Office
USCIS/DHS
JFK Federal Building
15 New Sudbury Street, Suite 600
Boston, MA 02203

  (b)(6)
 

From: [Benzan, Virginia](#)
To: [Nunes, Gorette C](#)
Subject: RE: Fraud Referral List
Date: Wednesday, January 24, 2018 11:12:00 AM
Attachments: [image001.png](#)

Let me know when you think you're ready to put on a training on any part of FDNS.

From: Nunes, Gorette C
Sent: Wednesday, January 24, 2018 11:08 AM
To: #ZNK-Boston Everyone
Cc: Sivret, Katherine L
Subject: RE: Fraud Referral List

Hello everyone.

(b)(7)(e)

Regards,
Gorette

From: Benzan, Virginia
Sent: Wednesday, January 24, 2018 10:46 AM
To: #ZNK-Boston Everyone
Cc: Sivret, Katherine L
Subject: Fraud Referral List

Good Morning,

(b)(7)(e)

VIRGINIA BENZAN
Training Officer
Boston Sub-Office/Newark Asylum Office
USCIS/DHS
JFK Federal Building

15 New Sudbury Street, Suite 600
Boston, MA 02203



(b)(6)





FDNS-DS Fraud Referral Tab: Adjudications Training

Fraud Detection & National Security Directory

Updated: September 2019

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Learning Objectives

- **Terminal Learning Objective:**
 - Learn how to create, process, and close out a Fraud Referral.
- **Enabling Learning Objective 1:**
 - Create and submit a Fraud Referral (Adjudications Officers).
- **Enabling Learning Objective 2:**
 - Review and approve or deny a Fraud Referral (Adjudications Supervisors).
- **Enabling Learning Objective 3:**
 - Close out a Fraud Referral (Adjudications Officers and Adjudications Supervisors).

Introduction

- Enhancements to FDNS-DS now allows for Adjudications Officers to submit electronic fraud referrals to FDNS

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- Benefits Mart connectivity now allows officers to import forms, subjects, and organization information

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Fraud Referral Process Overview

(b)(7)(e)

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Logging In to FDNS-DS

- Open FDNS-DS in Internet Explorer
- Save this URL as a bookmark:
 - (b)(7)(e)
- For training, we will use **FNDS-DS Training Environment**:
 - (b)(7)(e)

Logging In to FDNS-DS

- FDNS-DS log-in page will appear.

(b)(7)(e)

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Logging Out of FDNS-DS

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FDNS-DS Home Page

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Fraud Referrals Tab

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Fraud Referrals Home Page

(b)(7)(e)

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Create a Fraud Referral

(b)(7)(e)

Creating a Fraud Referral

(b)(7)(c) (b)(7)(e)

Referral Header Fields

(b)(7)(c) (b)(7)(e)

Expedited Processing

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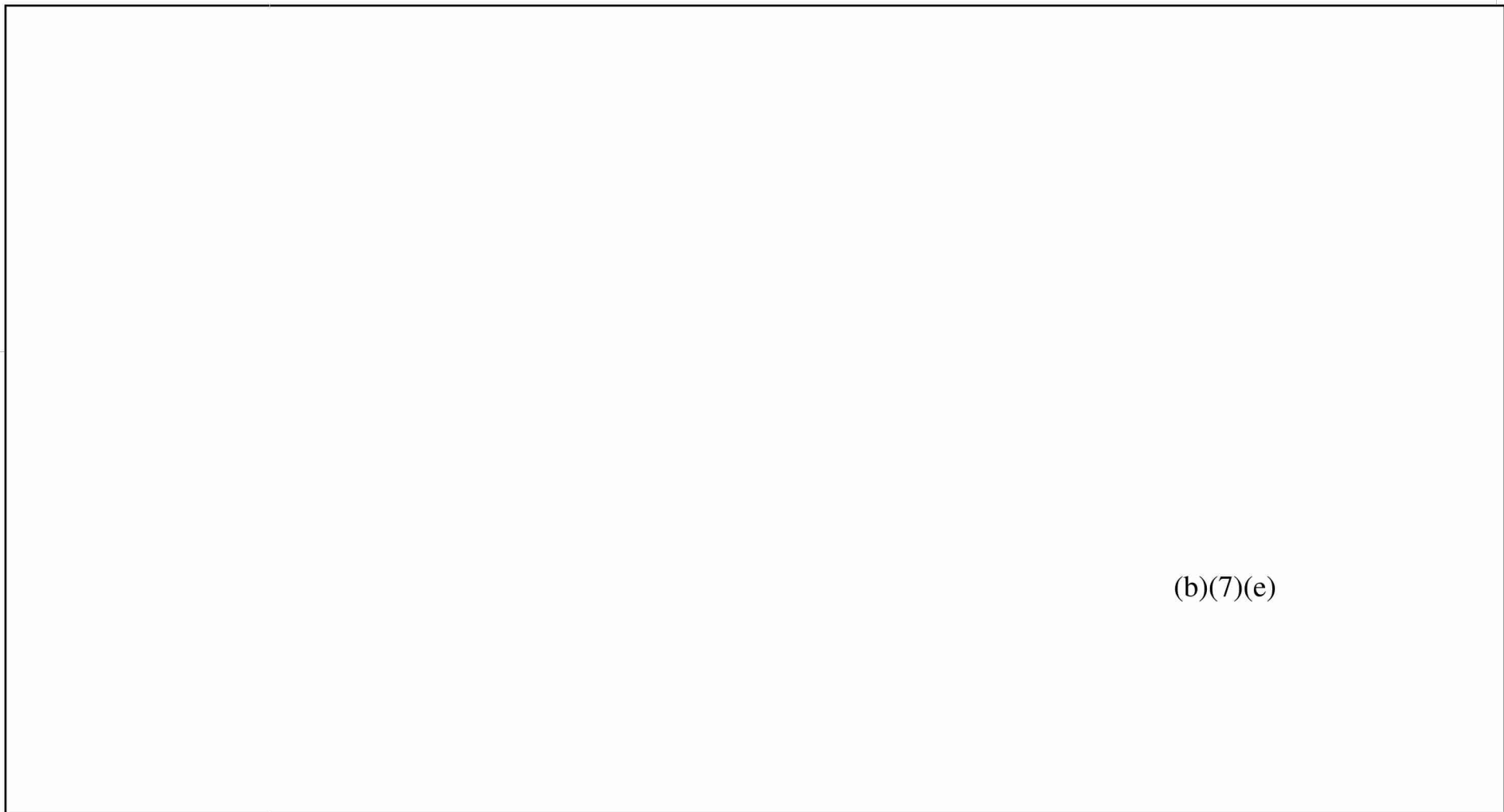
14

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Entering Date for Expedite Reason

(b)(7)(e)

Reason for Referral



(b)(7)(e)

Marriage Fraud Interview Field

(b)(7)(e)

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Reasons for Referral Detail Field

(b)(7)(e)

Adding Form Information

(b)(7)(c) (b)(7)(e)

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19

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Create Form – Linked to Benefits Mart

(b)(7)(c) (b)(7)(e)

Create Form – Linked to Benefits Mart

(b)(7)(e)

Manually Enter Form Information

(b)(7)(e)

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22

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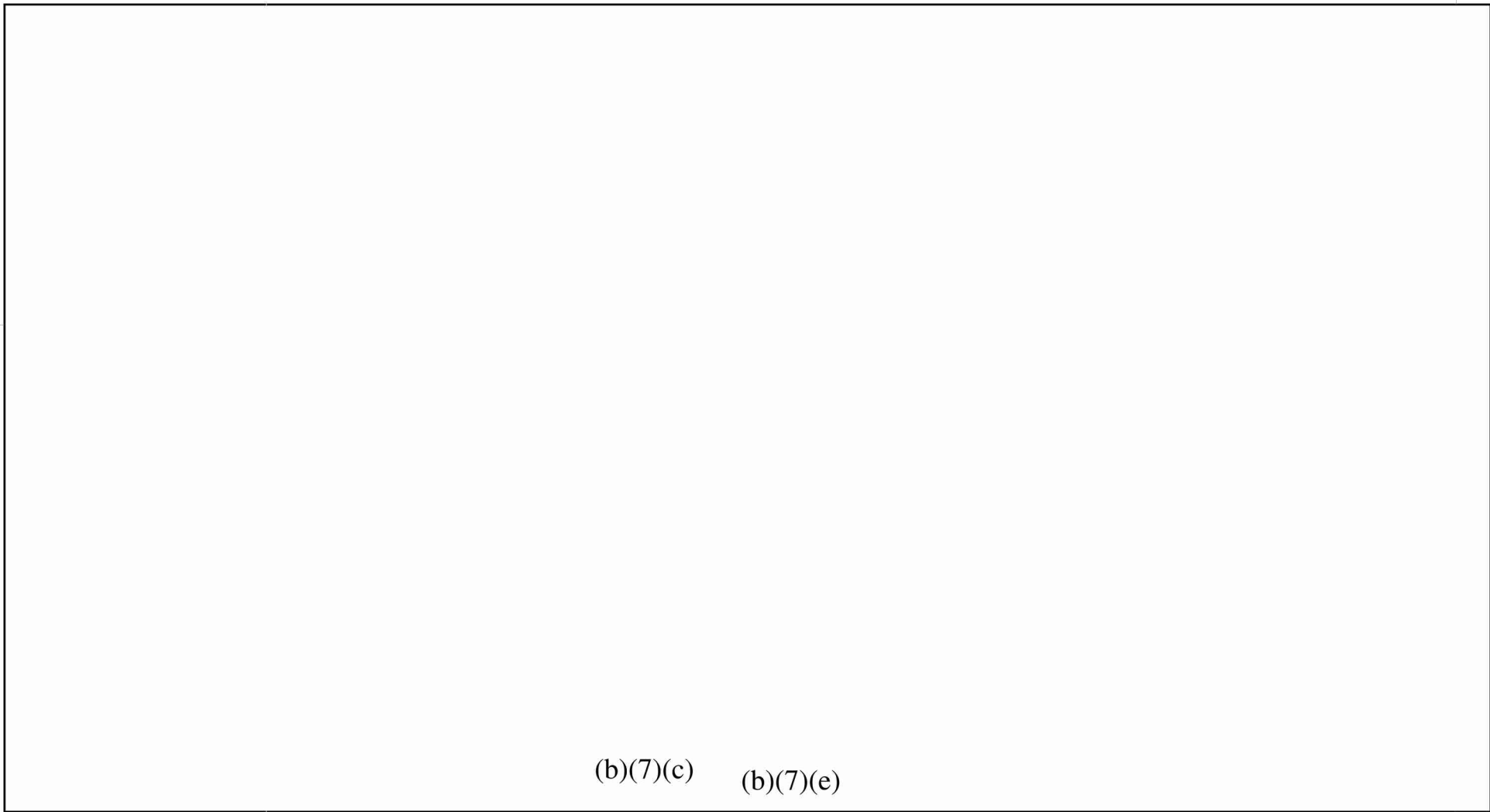
Manually Enter Form Info (cont.)

(b)(7)(e)

Manually Enter Form Info (cont.)

(b)(7)(e)

Selecting Primary Form



(b)(7)(c) (b)(7)(e)

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Adding Subject Record(s)

(b)(7)(e)

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Adding Benefits Mart Subject Records

(b)(7)(c)

(b)(7)(e)

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No Relating Benefits Mart Record

(b)(7)(c)

(b)(7)(e)

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28

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Manually Enter Subject Information

(b)(7)(e)

Manually Enter Subject Information

(b)(7)(c) (b)(7)(e)

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Manually Enter Subject Information (Cont.)

(b)(7)(e)

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Subject Information

(b)(7)(e)

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Knowledge Point 7

Which of these is a correctly formatted "A" number?

A) (b)(7)(c)

B) A

C) A- (b)(7)(c)

D) A

**Have you created at least one
Subject record?**

**Contact the trainer if you need help to
create a Subject record.**

Adding Organization Record(s)

(b)(7)(e)

Adding Benefits Mart Subject Records

(b)(7)(e)

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36

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No Relating Benefits Mart Record

(b)(7)(c)

(b)(7)(e)

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37

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Manually Entering Org Info

(b)(7)(e)

**Have you created at least one
Organization record?**

**Contact the trainer if you need help to
create an Organization record.**

Create Overseas Verification Record

(b)(7)(e)

Enter OV Record Information

(b)(7)(e)

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Enter OV Record Info - continued

(b)(7)(e)

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Officer Comments Section

(b)(7)(e)

Save/Update or Submit a FR

(b)(7)(e)

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44

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Close a FR

(b)(7)(c) (b)(7)(e)

Delete a FR

(b)(7)(c) (b)(7)(e)

Have you Submitted the Fraud Referral?

Contact the trainer if you need help to add comments or Submit the FR.

Finding Your Fraud Referrals

(b)(7)(e)

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Actions in List Views

(b)(7)(c) (b)(7)(e)

Filter and Query the FR List View

(b)(7)(e)

Search on FR List View

(b)(7)(c) (b)(7)(e)

Pre-Defined Queries on FR Tab

(b)(7)(e)

Knowledge Point 9

(b)(7)(e)

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Knowledge Point 10

(b)(7)(e)

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Admin Returns

(b)(7)(c) (b)(7)(e)

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USCIS04452

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Admin Returns

(b)(7)(e)

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USCIS04453

56

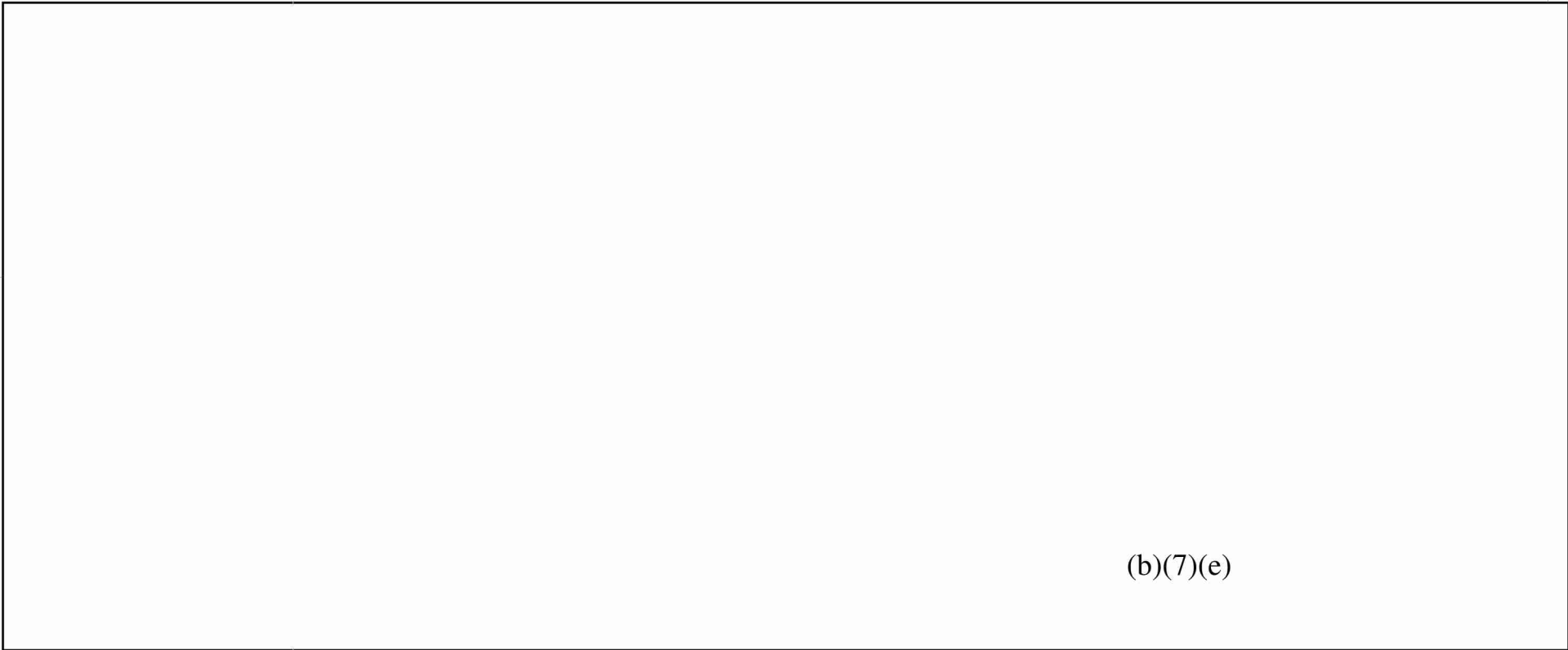
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Declined FRs

(b)(7)(c)

(b)(7)(e)

Declined FRs



(b)(7)(e)

Resubmitting to FDNS

(b)(7)(e)

Printing a FR Report

(b)(7)(c)

(b)(7)(e)

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Printing a FR Report

(b)(7)(e)

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Printing a FR Report

(b)(7)(c) (b)(7)(e)

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Responsible Officer: Adj Closeout

(b)(7)(c) (b)(7)(e)

Adj Closeout (cont)

(b)(7)(e)

Adj Closeout (cont)

(b)(7)(e)

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Closeout Processing (cont)

(b)(7)(e)

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66

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Adjudication Closeout Notifications

(b)(7)(c) (b)(7)(e)

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Adjudication Supervisors: Concurrence Meeting & Closeout

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Adjudications Supervisors: Concurrence Meeting & Closeout (cont.)

(b)(7)(e)

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Adjudications Supervisors: Concurrence Meeting & Closeout (cont.)

(b)(7)(e)

Adjudications Supervisors: Concurrence Meeting & Closeout (cont.)

(b)(7)(e)

Reference Materials

❖ Reminder: Fraud Referral reference materials and recorded demonstrations can be found on the ECN

(b)(7)(e)

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- ❖ Date of last revision: July 2019
- ❖ This presentation is current only as of the date of last revision.
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- ❖ OCC review was not required for this presentation.

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ZBO CONSOLIDATED FRAUD ALERT TABLE

ATTORNEYS	PREPARERS	INTERPRETERS	PHYSICIANS
------------------	------------------	---------------------	-------------------

(b)(7)(c)	(b)(7)(c)	DOCUMENT TRANSLATORS	

PLEASE SUBMIT FRAUD REFERRALS FOR THE FOLLOWING CATEGORIES:

(b)(7)(e)

VISA FRAUD	All visa fraud cases.
DOCUMENT FRAUD	Any fraudulent documents.

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ZBO CONSOLIDATED FRAUD ALERT TABLE

**PLEASE BE SURE TO CLEARLY ARTICULATE WHY
THE FRAUD REFERRAL IS BEING MADE**

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ZBO-FDNS

Fraud Detection & National Security
Directorate

ZBO-FDNS TEAM

- Consists of FDNS Immigration Officers

- (b)(7)(c)
 -

Duty FDNS IO

- Duty FDNS IO will be assigned for the week. Duty IO should be the first person you go to with questions or concerns that need immediate Fraud, EPS, or NS attention.
- Email FDNS mailbox with your concerns.
 (b)(7)(c)
- If the Duty FDNS IO is unavailable for some reason, the duty ZNK-FDNS IO will be monitoring the mailbox.

Prescreening

- What does FDNS Prescreen?



(b)(7)(e)

Who Needs Enhanced FDNS Review?

Enhanced FDNS Review requires social media and classified checks for applicants from certain nationalities.

(b)(7)(e)

Asylum: FDNS Pre-Interview Screening Notification

FDNS PRE-INTERVIEW SCREENING NOTIFICATION

CASE INFORMATION			
A Number	(b)(7)(c)	Review Type	N/A
DS CME #	(b)(7)(e)		
			Date Completed
			8/25/17
			8/28/17

REVIEW RESULTS

(b)(7)(e)

CARRP

ZNK/ZBO CARRP procedures

STEP 1 – IDENTIFY NS CONCERN

(b)(7)(e)

ZNK/ZBO CARRP procedures (con't)

STEP 2 – INTERVIEW & ASSESSMENT

(b)(7)(e)

ZNK/ZBO CARRP procedures (con't)

STEP 3 – CARRP PROCESSING

(b)(7)(e)

ZNK/ZBO CARRP procedures (con't)

STEP 4 – FINAL ADJUDICATION

(b)(7)(e)

CARRP Processing Request

(b)(7)(e)

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FRAUD

Definition of Fraud

In the USCIS context, fraud is defined as a willful misrepresentation of the truth or concealment of a material fact in order to obtain a benefit for which one would otherwise not be qualified

Fraud Referral

In the Fraud Referral, you must:

- 1.
- 2.
- 3.
- 4.
- 5.

(b)(7)(e)

Fraud Referral Tab

Don't Forget the FRS Cover Sheet

(b)(7)(e)

Attorney Incident Report

ATTORNEY INCIDENT REPORT

Asylum Officer:	
Date of Incident:	
A# of Applicant:	
Name of Attorney:	
Law Firm/Address:	

Nature of Incident:

A. Misrepresentation/Fraud (explain below):

B. Incompetence (explain below):

C. Improper Conduct (explain below):

→ Please attach a photocopy of any identification presented by the Attorney (if available) ←

Interpreter Incident Report

INTERPRETER INCIDENT REPORT

Asylum Officer:	
Date of Incident:	
A# of Applicant:	
Name of Interpreter:	
Address of Interpreter:	

Nature of Incident:

A. Misrepresentation/Fraud (explain below):

B. Incompetence (explain below):

C. Improper Conduct (explain below):

→ Please attach a photocopy of any identification presented by the interpreter. ←

Egregious Public Safety (EPS)

What is an EPS case?

An EPS case is defined by USCIS and ICE as a case where information indicates the alien is under investigation of or, has been arrested for (without disposition), or has been convicted of, any of the following:

EPS (con't)

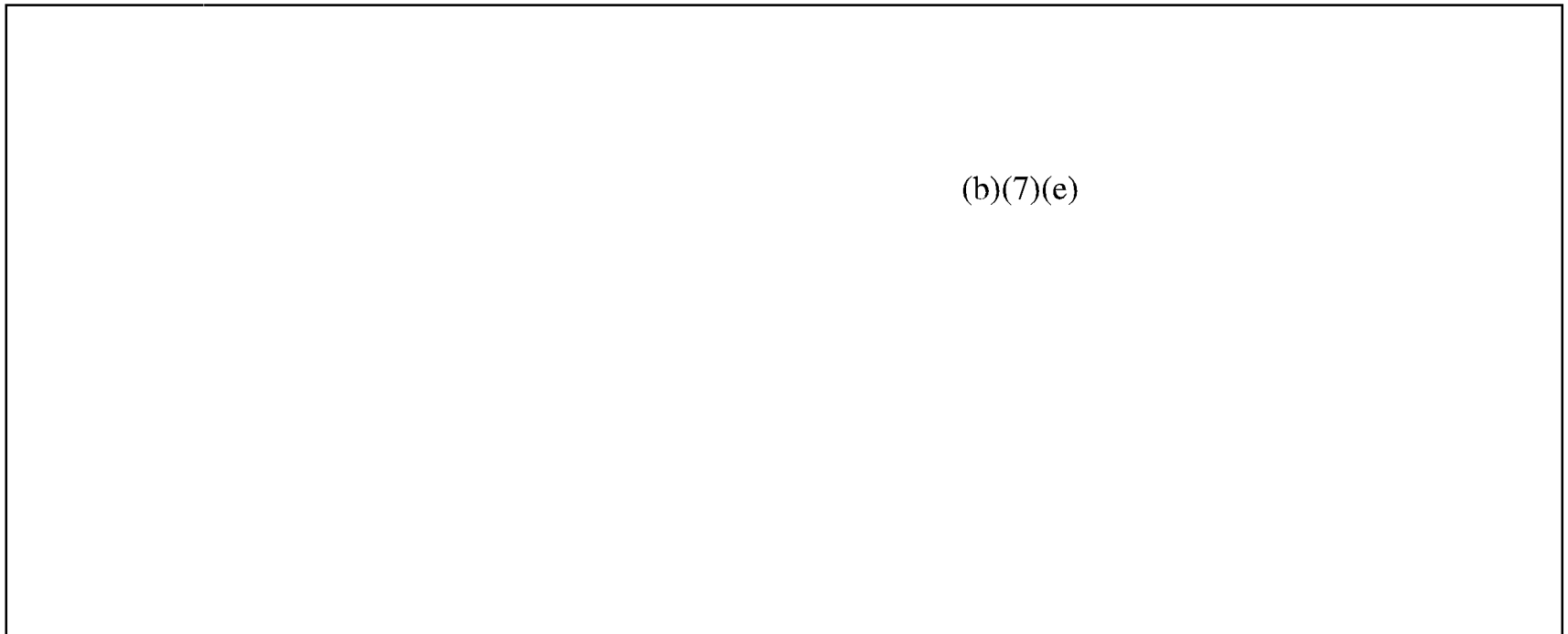
- a) Murder, rape, or sexual abuse of a minor as defined in section 101(a)(43)(A) of the INA.
- b) Illicit trafficking in firearms or destructive devices as defined in section 101(a)(43)(C) of the INA.
- c) Offenses relating to explosive materials or firearms as defined in section 101(a)(43)(E) of the INA.
- d) Crimes of violence for which the term of imprisonment imposed, or where the penalty for a pending case, is at least 1 year as defined in section 101(a)(43)(F) of the INA.
- e) An offense relating to the demand for, or receipt of, ransom as defined in section 101(a)(43)(H) of the INA.

EPS (con't)

- f) An offense relating to child pornography as defined in section 101(a)(43)(I) of the INA.
- g) An offense relating to peonage, slavery, involuntary servitude, and trafficking in persons as defined in section 101(a)(43)(K)(iii) of the INA.
- h) An offense relating to alien smuggling as defined in section 101(a)(43)(N) of the INA.
- i) Human rights violators, known or suspected street gang members, or Interpol hits.
- j) Re-entry after an order of exclusion, deportation or removal subsequent to a conviction for a felony where Form I-212, Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal, has not been approved.

Non-Egregious Criminal Cases

- A Non-EPS case is defined by USCIS and ICE as one involving an alien who is inadmissible or removable for a criminal offense not included on the EPS list.



Public Safety Referral Sheet



Public Safety Referral Sheet

(b)(7)(e)

Fogelbach, Juan J

From: Boyle, Meghann W
Sent: Wednesday, November 7, 2018 5:15 PM
To: #ZBO Everyone
Subject: FDNS training - when do I complete a fraud referral????
Attachments: FRAUD Referral Cover Sheet.docx

Hi all,

Thank you to Gorette for putting together today's training and the cheat sheet summarizing FDNS' interest in different attorneys and preparers in our jurisdiction. (b)(7)(e)

Thanks again to everyone for providing such robust participation in today's training. The more we can all come to the table and discuss our different roles in the processing of asylum applications, the better our adjudications will be. In listening to the discussion at training today, it was clear to me that utmost in everyone's mind was ensuring that the applicants who come before us are treated fairly and with respect not only by USCIS, but also by the attorneys, preparers, and interpreters that the applicants interact with both within and outside our office. That should always be at the forefront of our thoughts as we adjudicate our cases.

Please let me know if you have any questions.

Meghann

Meghann Boyle
Sub-Office Director
Boston Asylum Sub-Office
U.S. Citizenship and Immigration Service
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Boston, MA 02203

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Attorney

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Preparers

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Lines of questioning regarding the preparer: Please try to address as many of these questions and include the responses in your notes.

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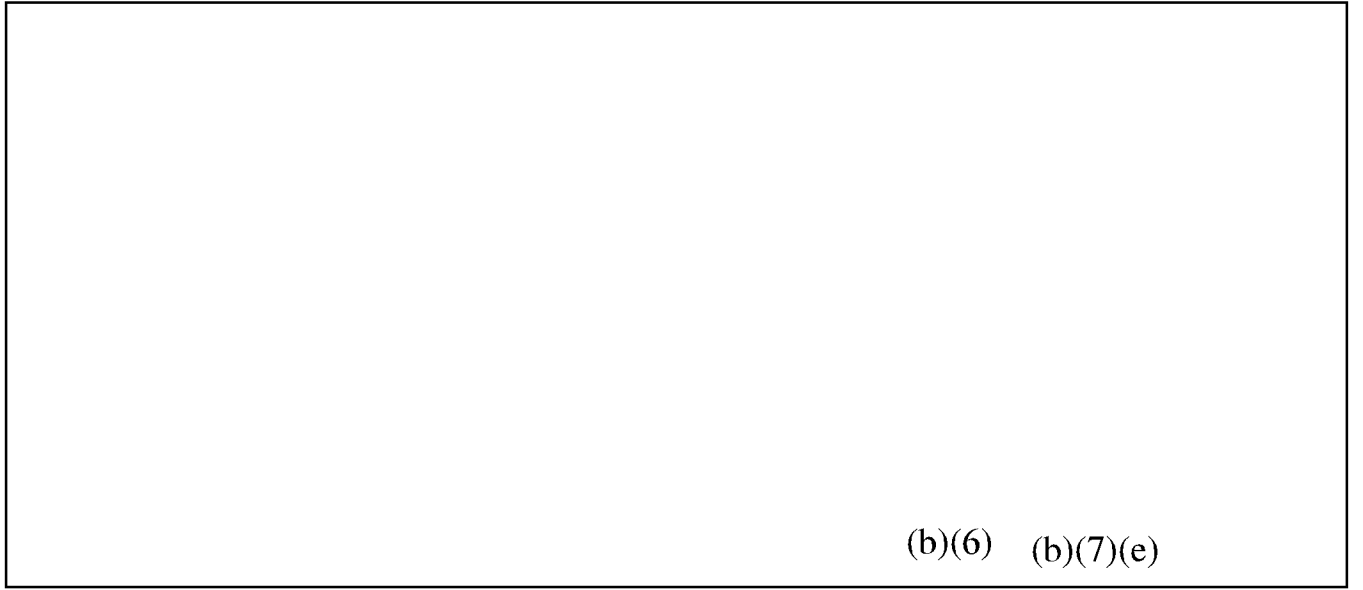
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Credibility – Step 6

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Sample 2 - Egypt



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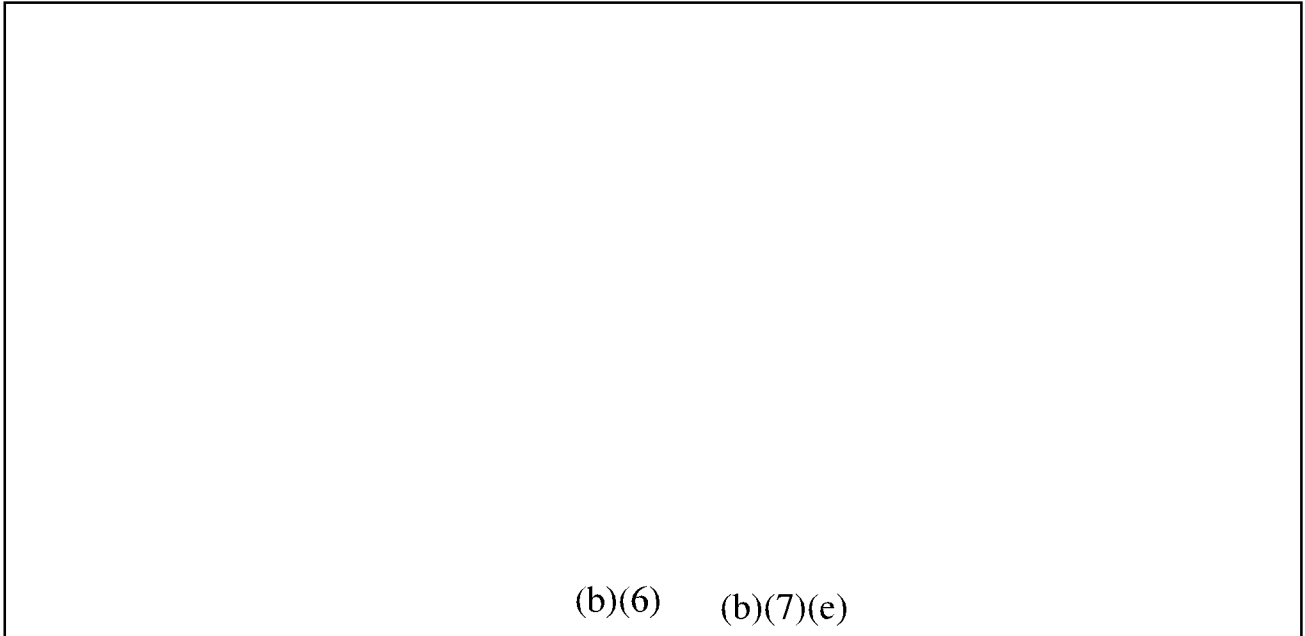
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Sample 3 - Rwanda

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Sample 1 – Burkina Faso



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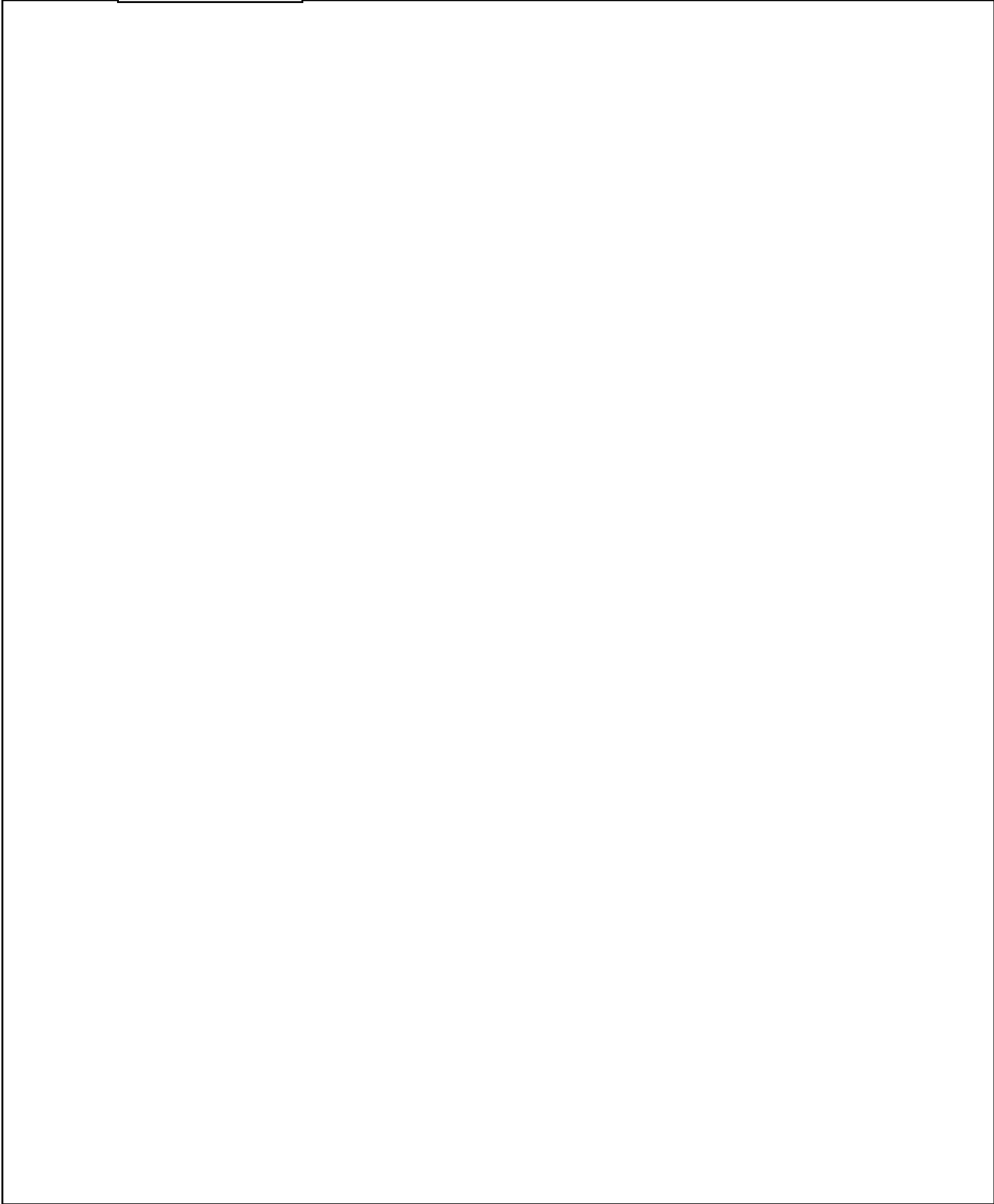
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Sample 4



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Interviewing Traumatized Children and Adolescents



Lisa R. Fortuna, MD, MPH
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Lisa R. Fortuna, MD, MPH

- Lisa Fortuna, MD, MPH, M.Div. is Director of Child and Adolescent Psychiatry at Boston Medical Center (BMC) and Assistant Professor of Psychiatry at Boston University School of Medicine. She is a co-founder of the Refugee and Immigrant Assistance Center Community Counseling program in Boston. She has been an investigator on several international epidemiological and clinical studies of immigrant and minority mental health, including research and intervention development for unaccompanied immigrant minors. She has been a volunteer physician for Physicians for Human Rights (PHR) since 2007 and conducts psychiatric evaluations as part of the PHR Asylum Network.

Agenda

- Trauma and assessing the presentation of post-traumatic symptoms in children and adolescents
- Illustrative Examples
 - Clinical implications for psychological evaluations and interviewing
- Discussion and Q & A

PTSD in Children

- Posttraumatic stress disorder (PTSD) in children and adolescents occurs as a result of a child's exposure to 1 or more traumatic events: actual or threatened death, serious injury, or sexual violence.
- The victim may experience the event, witness it, learn about it from close family members or friends, or experience repeated or extreme exposure to aversive details of the event.
- Potentially traumatic events include physical or sexual assaults, natural disasters, violence exposure and accidents



Chronic Trauma

- Chronic trauma refers to the experience of multiple traumatic events.
- These may be varied events—such as a child’s being exposed to domestic violence, involved in a serious car accident, and then becoming a victim of community violence—or longstanding trauma such as physical abuse, sexual abuse, neglect, or war.

Complex Trauma

- Complex trauma describes both exposure to chronic trauma—and the impact of such exposure on the child.
- Children who have experienced complex trauma have endured multiple interpersonal traumatic events from a very young age.

Historical Trauma

- Historical trauma is a personal or historical event or prolonged experience that continues to have an impact over several generations.
- Examples include: Slavery, Removal from homelands , Relocation , Massacres, genocides, ethnocides , Cultural and racial immigrant oppression

Neglect

- Failure to provide for a child's basic needs
- Perceived as trauma by an infant or young child who is completely dependent on adults for care (can occur during times of separation)
- • May interfere with a child's ability to recover from trauma

Traumatic Grief

- When someone important to the child dies in a sudden or violent manner that is perceived as traumatic to the child.
- Child's trauma symptoms interfere with his/her ability to grieve.
- Symptoms of traumatic grief include being overly preoccupied with how the loved one died – Reliving or re-enacting the traumatic death



PTSD in Children

- The impact of single-incident trauma (such as a car accident or being beaten up) is different from that of chronic trauma such as ongoing child abuse or exposure to violence.
- Chronic trauma can be related to:
 - Developmental delay
 - Impaired learning
 - Behavioral problems
 - Difficulty with attachment
 - Impaired self soothing and emotional self-regulation



PTSD in Children

- The impact of traumatic events on children is often more far reaching than trauma on an adults, not simply because the child has fewer emotional and intellectual resources to cope, but because the child's development is adversely affected.
- If an adult suffers trauma and a deterioration in functioning, after time when the person heals, he can generally go back to his previous state of functioning,.
- A child, however, will be knocked off of his developmental path.

PTSD in Children

- Many children who suffer traumatic events develop depressive or anxiety symptoms other than PTSD.
- A child or adolescent who has some symptoms of PTSD but not enough to fulfill the diagnostic criteria is still adversely affected.
- The diagnosis of Unspecified Trauma- and Stressor-Related Disorder should be considered.

Trauma and Impact on Children

Traumatic events may affect a child's:

- Ability to trust others
- Sense of personal safety
- Effectiveness in navigating life changes

▾ **The most common symptoms of PTSD include the following:**

- Reexperiencing the trauma (nightmares, intrusive recollections, flashbacks, traumatic play)
- Avoidance of traumatic triggers, memories and situations that remind the child of the traumatic event
- Exaggerated negative beliefs about oneself and the world arising from the event
- Persistent negative emotional state or inability to experience positive emotions
- Feelings of detachment from people
- Marked loss of interest in or participation in significant activities

Symptoms of PTSD

- Inability to remember part of the traumatic event
- Sleep problems
- Irritability
- Reckless or self-destructive behavior
- Hypervigilance
- Exaggerated startle
- Concentration problems

In Young Children

- Play or behavior that reenacts some aspect of the trauma(s)
- Marked physiological reactions (changes in color in babies)
- Dissociative episodes: child freezes, stays still, stares and is unresponsive to environmental stimuli
- Increased fearfulness and sadness
- Increased outburst of anger and temper tantrums

The Basics: Other Reactions to Trauma

- Depression
- Panic disorder
- Specific phobias
- Behavioral problems
- Attentional problems
- Regression (behaving in a developmentally younger way)
- Separation Anxiety

Differential Diagnosis/Co-Morbidity

- Adjustment disorder *
- Anxiety disorder
- OCD
- Depression
- Dissociative disorders
- Conversion disorder
- Psychosis
- Substance abuse
- Traumatic brain injury

PTSD different in children as compared to adults

- No subjective reaction criterion
- Exposure through close family or friend added
- Extreme and repeated exposure to aversive details included
- For children “negative alterations in cognitions (thoughts) and mood”

► Variability in Responses to Stressors and Traumatic Events

The impact of a potentially traumatic event depends on several factors, including:

- The child's age and developmental stage
 - The child's perception of the danger faced – whether the child was the victim or a witness
 - The child's relationship to the victim or perpetrator
 - The child's past experience with trauma
 - The adversities the child faces following the trauma
- The presence/availability of adults who can offer help and– protection



Trauma and young children

...infants and young children do not exist in isolation, but rather develop and experience the world within the context of relationships and environments.

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Traumatic Stress and the Attachment System

Young children are vulnerable to stressors given their physiological, psychological developmental capacities

They depend on the attachment system for survival

The attachment system organizes children's responses to safety and fear in the early years (Lieberman & Van Horn, 2008)

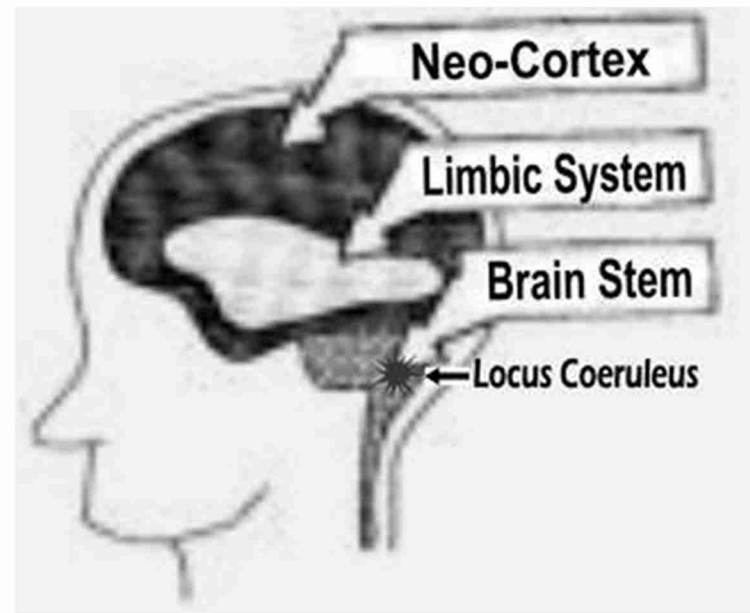
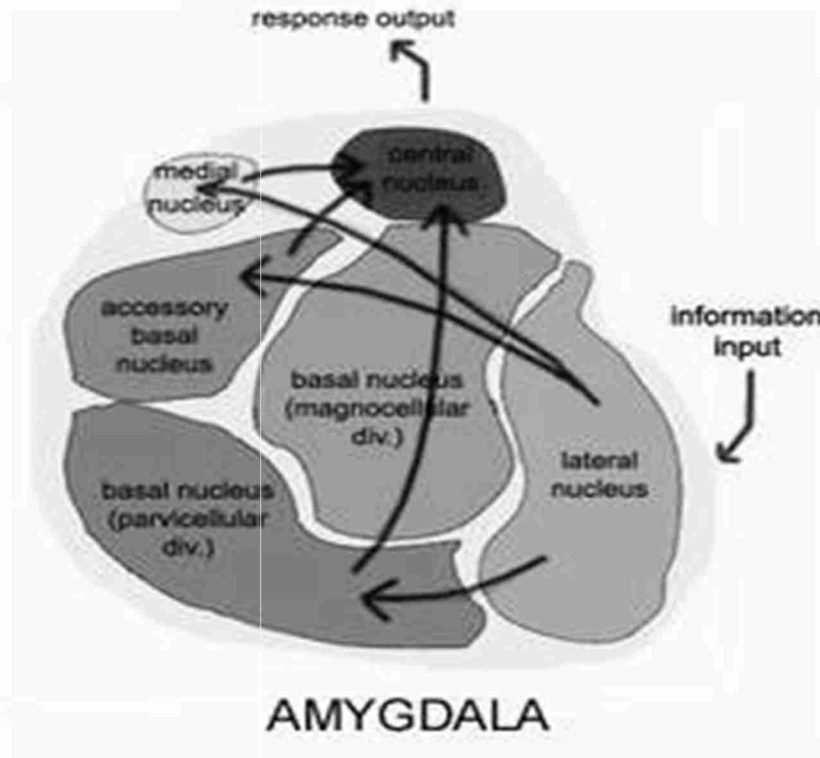
Young children's perception of safety is closely linked to the perception of their attachment figures' safety

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Impact on Child's Body and Brain

- Trauma can have serious consequences for the normal development of children's brains, brain chemistry, and nervous systems.
- Trauma can have serious consequences for the brain.
 - Trauma-induced alterations in biological stress systems can adversely affect brain development.
 - Trauma-exposed children and adolescents display changes in their levels of stress hormones similar to those seen in combat veterans.
- • Plasticity means the brain continues to change in response to repeated stimulation.

Traumatic Stress and Children



Brain Areas and Function

- Prefrontal cortex – abstract thought, logic, factual memory planning ability to inhibit action memory, planning, ability to inhibit action
- • Limbic system – emotional regulation and memories, “value” of emotion
- • Brainstem/midbrain – autonomic functions (breathing, eating, sleeping)

Trauma and Brain Function

- Exposure to trauma causes the brain to develop in a way that will help the child survive in a dangerous world: – On constant alert for danger – Quick to react to threats (fight, flight, freeze)
- The stress hormones produced during trauma also interfere with the development of higher brain functions.

Early Childhood Trauma and Brain

- In early childhood, trauma can be associated with reduced size of the cortex.
- The cortex is responsible for many complex functions, including memory, attention, perceptual awareness, thinking, language, and consciousness.
- Trauma may affect “cross-talk” between the brain’s hemispheres, including parts of the brain governing emotions. These changes may affect IQ and the ability to regulate emotions, and can lead to increased fearfulness and a reduced sense of safety and protection.

- ▶ Immigration stressors also negatively contribute to the biological stress system
- Immigration stressors (e.g. parental deportation, persecution, detention, discriminatory practices) that affect primary figures can represent toxic stressors for the adults, their young children and the child-parent relationships

Trauma and Attachment

- Sensitive period for attachment is the first two years of life.
- All development occurs in the context of attachment.
- Attachment classifications:
 - – Secure
 - –Insecure/Avoidant
 - – Insecure/Resistant
 - – Disorganized •
 - Attachment classification is relationship-specific

Trauma and Attachment

- Secure – The child uses the caregiver as a secure base for exploration, and the caregiver responds appropriately, promptly, and consistently to the child's needs.
- Insecure/Avoidant – The child shows little emotion or affection toward the caregiver,
- Insecure/Resistant – The child is ambivalent toward the caregiver, seeking comfort but also pushing the caregiver away.
- Disorganized – The child shows contradictory or disoriented behavior,

Traumatic Separations

- Challenges to attachment include separation from a parent, which is sudden and under distressing circumstances.
- This can be traumatic for the child and the parent and interrupt healthy attachment

Trauma Memories in Early Childhood

- Implicit memory: babies can perceive their environment and retain unconscious memories (e.g. recognizing mother retain unconscious memories (e.g., recognizing mother s ' voice)
- Explicit memory: conscious memories are created around age two and tied to language development
- •Children with early trauma may retain implicit memories of abuse: – Physical or emotional sensations can trigger these memories, causing flashbacks, nightmares, or other distressing reactions

Source: Applegate, J. S., & Shapiro, J. R. (2005). Neurob

Early Childhood Trauma--Post-natal Experience

- During the first year of postnatal life trauma can result in :
 - Risk for performing worse in a variety of skill areas that are precursors to future school performance
 - Adversity in the first year associated with higher rates of depression in later years
- During the first three years of life: confront a specific psychological vulnerability to developmental delays, verbal and non-verbal and ongoing socio-emotional disturbance
- At eight years old: if not addressed children can show overall lower intellectual functioning.

➤ What does PTSD look like in children?
(ages 5-12)

- These children may not have flashbacks or problems remembering parts of the trauma, the way adults with PTSD often do.
- Children, though, might put the events of the trauma in the wrong order.
- They experience "time skew" and "omen formation," which are not typically seen in adults.

Negative Changes in Thoughts and Mood (ages 5-12)

- In children under six this may appear as increased frequency of negative emotional states (fear, guilt, sadness, shame or confusion); diminished interest or participation in significant activities, including constriction of play and socially withdrawn behavior; persistent reduction in the expression of positive emotions.

▾ Negative Changes in Thoughts and Mood

- A child may be unable to recall an important aspect of the trauma (e.g., kids who, during forensic interviews, cannot recall details);
- Have persistent and exaggerated negative beliefs about self, others or the world (“I am bad”, “No one can be trusted”, “My body is ruined forever”);
- Feel distorted blame of self or others about the event.

Children (5-12)

- In school-age children, trauma undermines the development of brain regions that would normally help children:
 - Manage fears, anxieties, and aggression
 - Sustain attention for learning and problem solving
 - Control impulses and manage physical responses to danger, enabling the child to consider and take protective actions
- As a result, children may exhibit: – Sleep disturbances – New difficulties with learning – Difficulties in controlling startle reactions
- Behavior that shifts between overly fearful and overly aggressive

What does PTSD look like in children? (ages 5-12)

- Time skew refers to a child mis-sequencing trauma-related events when recalling the memory.
- Omen formation is a belief that there were warning signs that predicted the trauma. As a result, children often believe that if they are alert enough, they will recognize warning signs and avoid future traumas.

What does PTSD look like in Adolescents

- Teens are in between children and adults.
- Some PTSD symptoms in teens begin to look like those of adults.
- One difference is that teens are more likely than younger children or adults to show impulsive and agitated behaviors.

Immigrant Stress in Families

- Family separation during the migration process
- Post-migration/resettlement
- Poverty – Social marginalization and isolation stress – Acculturation stress
- Deportation and fear of deportation
- Inadequate housing
- Changes in family structure and functioning

Examples—5 year old child

-
-
-
-

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Examples—16 y/o female

-

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-

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Example 17 y/o female

Her narrative (translated from Spanish):

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15 year old male



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15 year old male (Continued)

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- Children can also be resilient, although exposed to trauma can function well

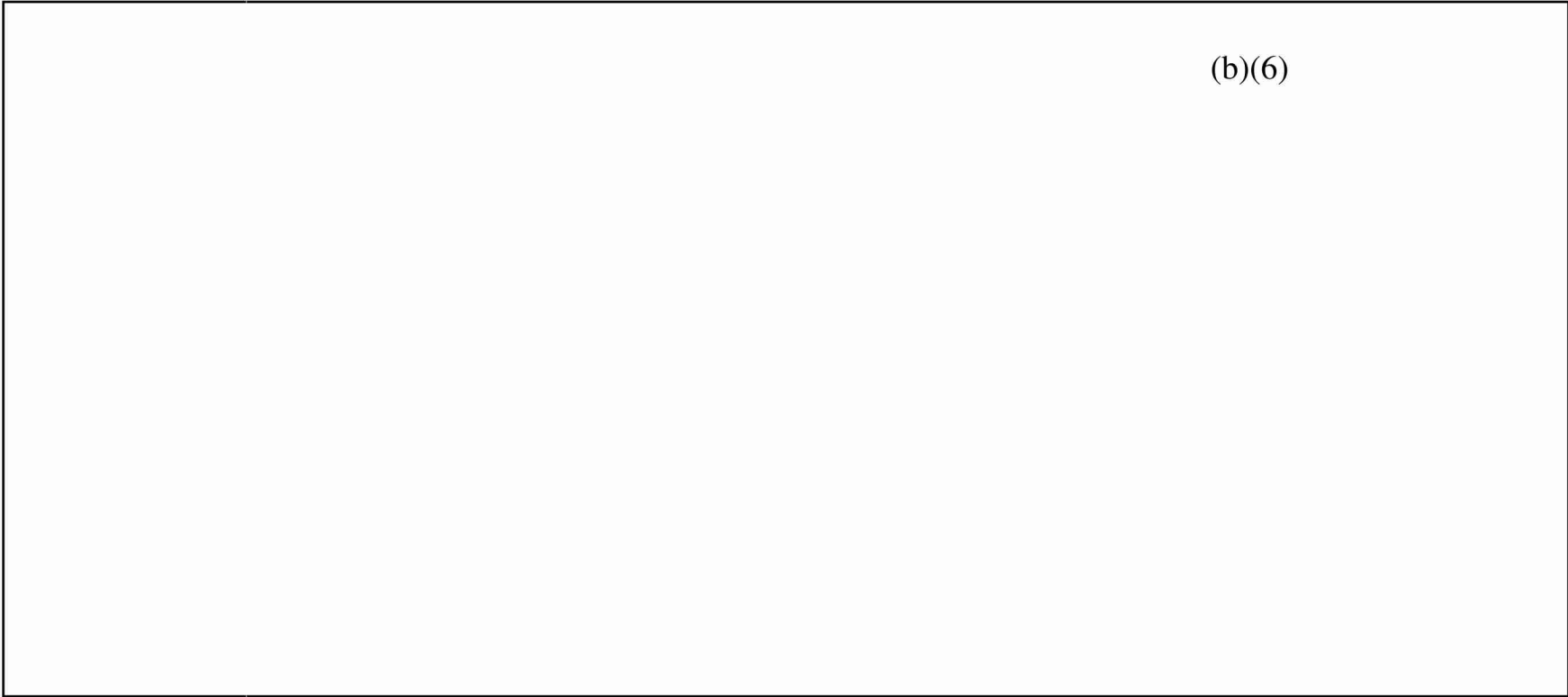
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Culturally based presentations of trauma in a 17 year-old

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12 year old --Timelines and reliability



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Interviews and Assessments

- Open ended questions (avoid leading questions)
- Use play in younger children; symptom measures in older children
- Can use expressive arts and drawing in children and adolescents
- Trust-building is important to build during the assessment process
 - Engage caregivers and form therapeutic alliance
- Assess environment
- Talk to older child with parents **AND** on his/her own
- Young children should always be assessed with a trusted adult



Interviewing

- Understand that social and cultural realities can influence children's experience, and definition of trauma.
- Parents may protect children from the details of trauma and reasons for leaving.
- Even if exposed, younger children may have limited understanding and language to explain trauma.
- Recognize that strong cultural identity can also contribute to the resilience of children, their families, and their communities.
- Assess for traumatic events that may have occurred in the family's country of origin and during the immigration process.
- Work with qualified interpreters, and allow families to choose to have an in-person or telephone interpreter based on their preference.

▾ Important elements to consider during interview

- Emotional numbing
- Reaction formations (laughing)
- Avoidance of affect (not demonstrating affect in context of distressing narrative)
- Time-line confusion
- Thought blocking or freezing

Important elements to consider during interview

- Compartmentalizing (containing feelings in order to function)
- Reactivity, anger
- Acting out
- Fear and anxiety
- Omens and magical thinking (especially in young children)
- Concrete thinking in children

Managing Vicarious Trauma

KATHLEEN FLINTON, MAR, MSW LICSW
BU SCHOOL OF SOCIAL WORK
BOSTON MEDICAL CENTER

SONDRA CROSBY, MD
BU SCHOOL OF PUBLIC HEALTH
BOSTON MEDICAL CENTER



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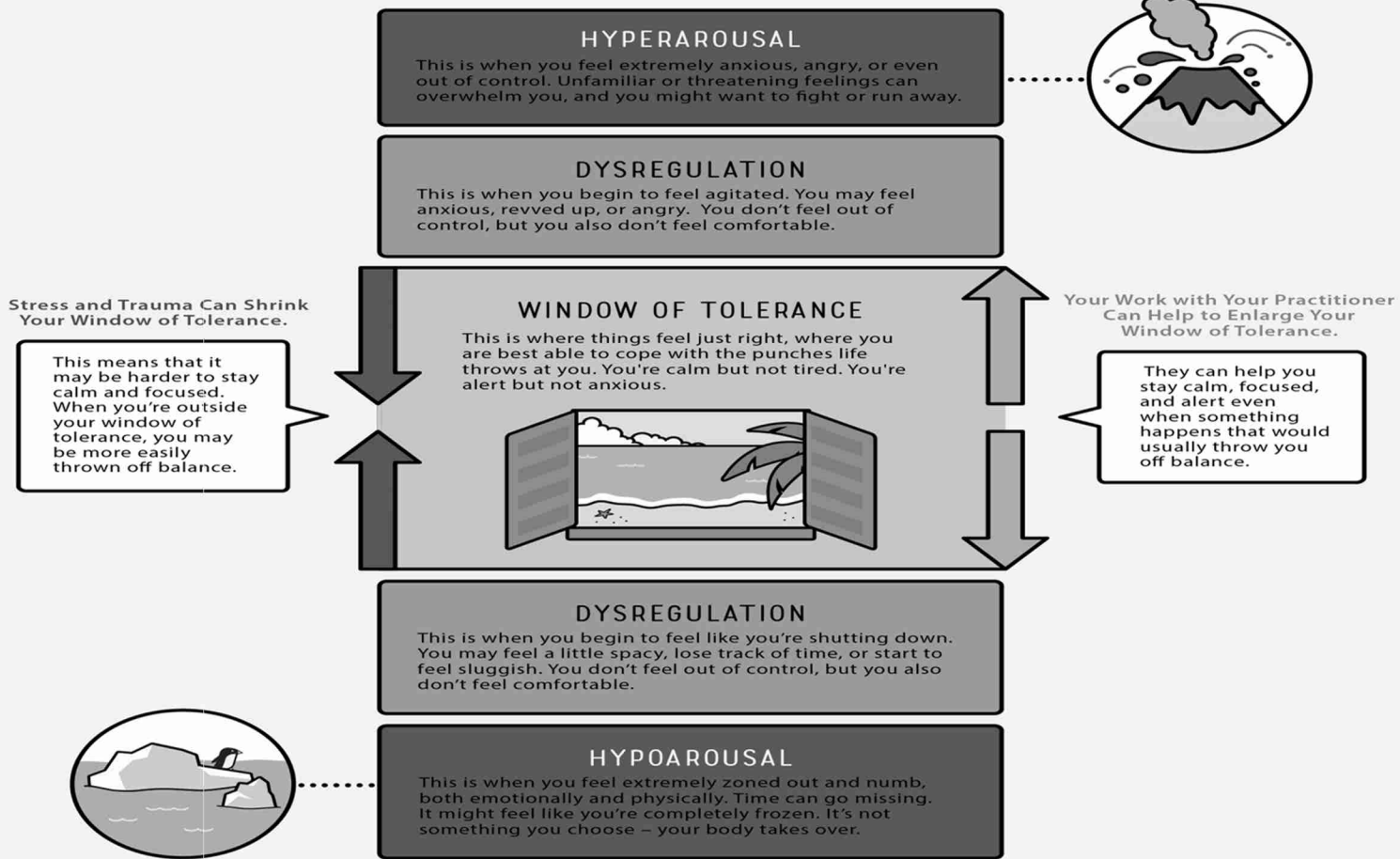
Why do you do this work?

- ▶ What motivates you to do your work?
- ▶ Is there a mission/philosophy that grounds you?
- ▶ How do you keep the frame around why you do this?

DSM V

- ▶ Criterion A: stressor
 - ▶ The person was exposed to: death, threatened death, actual or threatened serious injury, or actual or threatened sexual violence, as follows: **(1 required)**
 - ▶ 1. Direct exposure.
 - ▶ 2. Witnessing, in person.
 - ▶ 3. Indirectly, by learning that a close relative or close friend was exposed to trauma. If the event involved actual or threatened death, it must have been violent or accidental.
 - ▶ 4. Repeated or extreme indirect exposure to aversive details of the event(s), usually in the course of professional duties (e.g., first responders, collecting body parts; professionals repeatedly exposed to details of child abuse). This does not include indirect non-professional exposure through electronic media, television, movies, or pictures.

How Trauma Can Affect Your Window of Tolerance



Flinton & Crosby, 2018

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Vicarious Traumatization (VT)

Pearlman and Caringi 2009

- ▶ “VT is the negative transformation that results from ... engagement with trauma survivors and their trauma material, combined with a commitment or responsibility to help them”
- ▶ Disrupted spirituality ...loss of meaning and hope

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Vicarious Trauma

Pearlman and Caringi (2009)

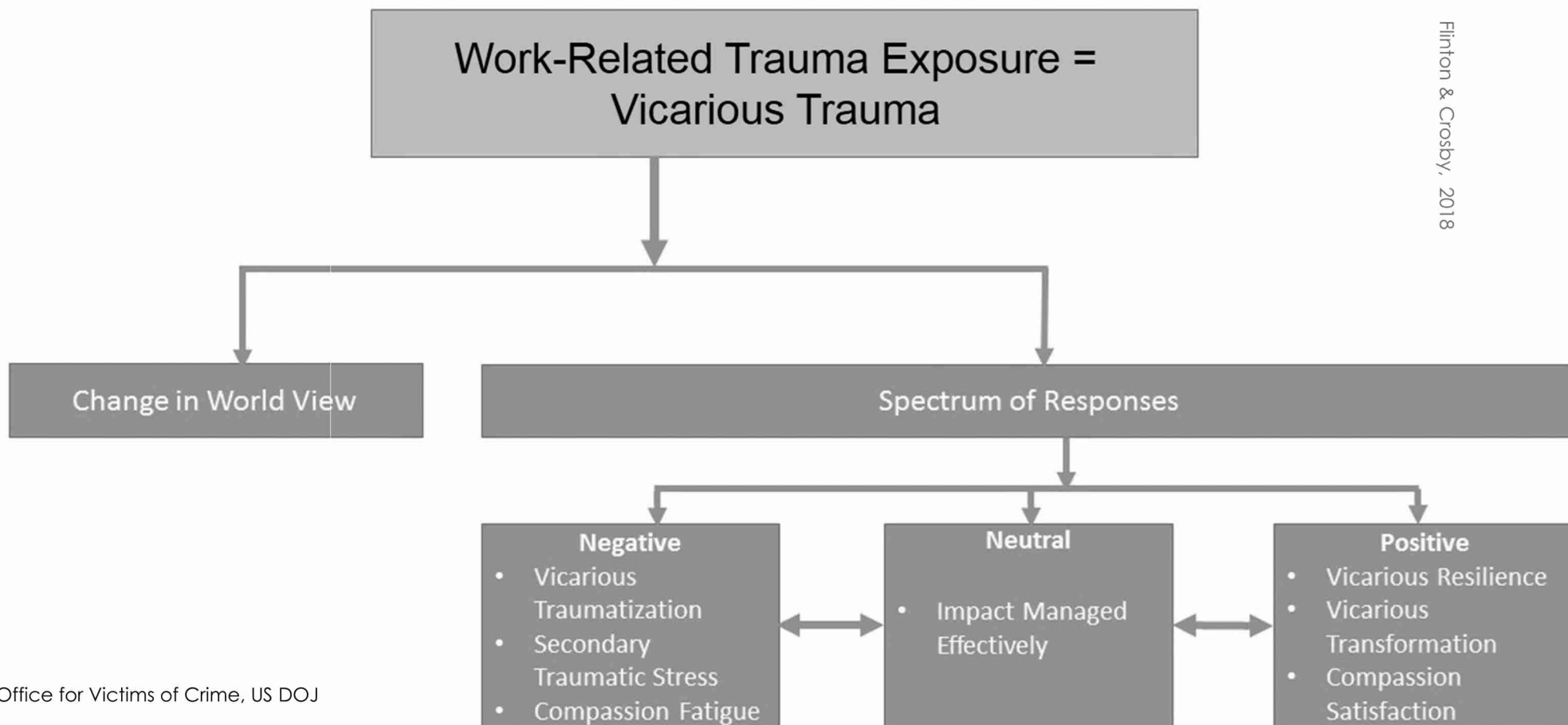
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Underlying mechanism for the development of VT the associated responses are left unprocessed

Responses parallel survivors adaptations including PTSD sx and relational patterns

Vicarious Trauma Toolkit Model

Flinton & Crosby, 2018



Office for Victims of Crime, US DOJ

Vicarious Trauma

- ▶ Burnout
 - ▶ Misfit between demands of job and resources available
- ▶ Secondary trauma
 - ▶ Trauma responses to specific exposure to traumatic material
- ▶ Vicarious traumatization
 - ▶ Changes that occur in the individual over time due to exposure – disruption of world view/spiritual frameworks

Sign of VT

American Counseling Association 2011

- ▶ having difficulty talking about their feelings
- ▶ free floating anger and/or irritation
- ▶ startle effect/being jumpy
- ▶ over-eating or under-eating
- ▶ difficulty falling asleep and/or staying asleep
- ▶ losing sleep over patients
- ▶ worried that they are not doing enough for their clients
- ▶ dreaming about their clients/their clients trauma experiences
- ▶ • diminished joy toward things they once enjoyed
- ▶ • feeling trapped by their work as a counselor (crisis counselor)
- ▶ • diminished feelings of satisfaction and personal accomplishment
- ▶ • dealing with intrusive thoughts of clients with especially severe trauma histories
- ▶ • feelings of hopelessness associated with their work/clients
- ▶ • blaming others

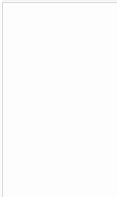
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Behaviors

American Counseling Association 2011

- ▶ frequent job changes
- ▶ tardiness
- ▶ free floating anger/irritability
- ▶ absenteeism
- ▶ irresponsibility
- ▶ overwork
- ▶ irritability
- ▶ exhaustion
- ▶ talking to oneself (a critical symptom)
- ▶ going out to avoid being alone
- ▶ dropping out of community affairs
- ▶ rejecting physical and emotional closeness

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Interpersonal

American Counseling Association 2011

- ▶ staff conflict
- ▶ blaming others
- ▶ conflictual engagement
- ▶ poor relationships
- ▶ poor communication
- ▶ impatience
- ▶ avoidance of working with clients with trauma histories
- ▶ lack of collaboration
- ▶ withdrawal and isolation from colleagues
- ▶ change in relationship with colleagues
- ▶ difficulty having rewarding relationships

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Personal Values/Beliefs

American Counseling Association 2011

- ▶ dissatisfaction
- ▶ negative perception
- ▶ loss of interest
- ▶ apathy
- ▶ blaming others
- ▶ lack of appreciation
- ▶ lack of interest and caring
- ▶ detachment
- ▶ hopelessness
- ▶ low self image
- ▶ worried about not doing enough
- ▶ questioning their frame of reference – identity, world view, and/or spirituality
- ▶ Disruption in self-capacity (ability to maintain positive sense of self, ability to modulate strong affect, and/or ability to maintain an inner sense of connection)
- ▶ Disruption in needs, beliefs and relationships (safety, trust, esteem, control, and intimacy)

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Job Performance

- ▶ low motivation
- ▶ increased errors
- ▶ decreased quality
- ▶ avoidance of job responsibilities
- ▶ over-involved in details/perfectionism • lack of flexibility

Where are the challenges?

- ▶ In the work
- ▶ In our settings
- ▶ In ourselves

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Aspects of the work

Pearlman and Caringi, 2009

- Trauma survivors are seeking safety
interpersonal neurobiological impact of being with a body under threat
- ▶ Body responses – burden of chronically physiological arousal and somatization
- ▶ Traumatic events
 - ▶ “event countertransference” (Danieli, 1981) clinicians reactions to the realities of specific traumatic events
 - ▶ Choice between taking in the story and denying the reality

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Settings

- ▶ Complexity of systems in which we work
 - ▶ Productivity, deadlines
- ▶ Lack of institutional support staff working with trauma material

Settings

- ▶ If we are meeting Criterion A for PTSD at work, what are our setting doing about that?
- ▶ "Self-care" as a flawed construct
 - ▶ Places responsibility on us rather than system
 - ▶ Parallels societal "turning away" from the nature of trauma
- ▶ View programs working with trauma as affect management systems

Provider Identities

Personal histories

- ▶ Over-identification with the trauma story
- ▶ Individual may be reacting to their own history rather than the other persons
 - ▶ Can lead to minimizing OR assumption of understanding



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Working Protectively

Pearlman and Caringi, 2009

- ▶ Perspective
 - ▶ Focus on process rather than outcomes
 - ▶ Moments to maintain contact to why you are here

- ▶ Practice
 - ▶ Appropriate boundary management
 - ▶ Rituals to close exposure
 - ▶ Writing case notes is a great reprocessing tool

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What do we do to address VT?

Pearlman and Caringi, 2009

- ▶ Social support
- ▶ Consultation/Supervision– trauma informed
- ▶ Spiritual renewal – “processes that connect.....with authentic self, allowing and supporting self-transcendence”
- ▶ Vicarious resilience

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Addressing VT

Pearlman and Caringi, 2009

- ▶ Committed or Radical Self Care
 - ▶ Intentional
 - ▶ Frequent
 - ▶ Replacing depleting activities with sustaining
 - ▶ Ethical imperative for working with trauma

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TOP CHEF

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Differential Skill Set

- ▶ What you do in response to a bad day to re-regulate is different than the skills you have to keep yourself at baseline regulation
- ▶ Self-rescue vs self-care



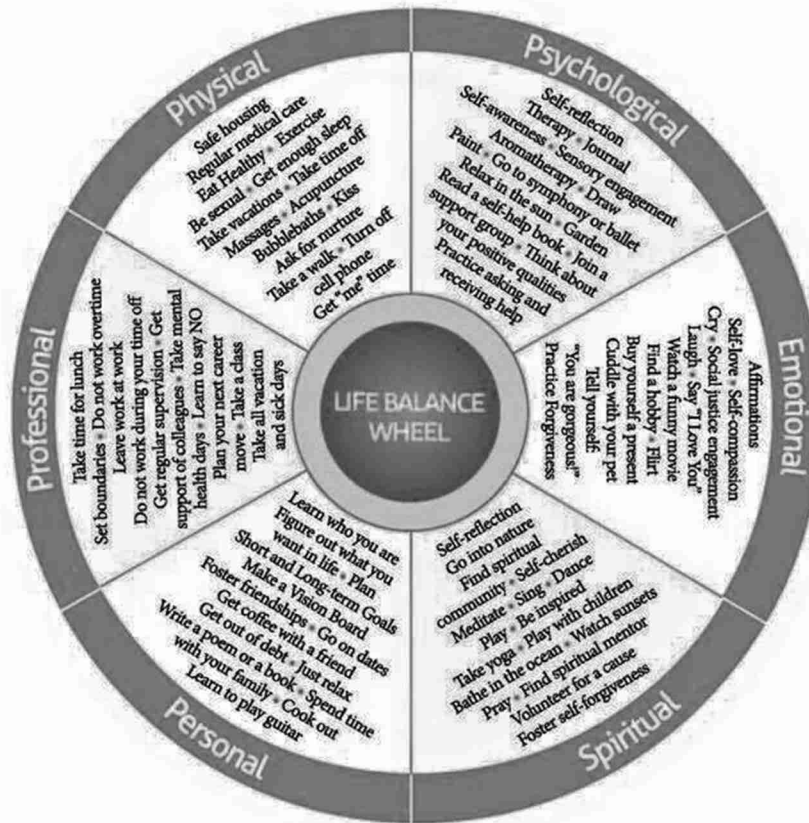
Flinton & Crosby, 2018

Self Care vs Self Rescue

- ▶ Self rescue
 - ▶ Activities that you engage in “after a bad day”
 - ▶ Oxygen mask

- Self care
 - Intentional practices that build a foundation for sustaining oneself
 - Sources of spiritual renewal
 - When do you connect to something greater than yourself?
 - How do you touch back to the source of what motivates you to do what you do?

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Dedicated to all trauma professionals worldwide.
www.OlgaPhoenix.com

Flinton & Crosby, 2018

Self Regulation

- ▶ Window of tolerance
- ▶ How do you know where you are in window
 - ▶ What are you like when regulated?
 - ▶ What are you like when nearing the edges?
 - ▶ What are you like when outside?
- ▶ Need to be in window to be fully present

Regulation skills

- ▶ Body regulation skills
 - ▶ Sleep
 - ▶ Exercise
 - ▶ Hydration
 - ▶ Routines and Rituals

Breathing

- ▶ Exhale
- ▶ Belly breathing
- ▶ Tactical breathing

Flinton & Crosby, 2018

Combat Tactical Breathing

This technique, known as combat or tactical breathing, is an excellent way to reduce your stress and calm down. This breathing strategy has been used by first responders, the military and athletes to focus, gain control and manage stress. In addition, it appears to help control worry and nervousness.

Relax yourself by taking 3 to 5 breaths as described below. Visualize each number as you count.

Breathe in counting 1, 2, 3, 4

Stop and hold your breath counting 1, 2, 3, 4

Exhale counting 1, 2, 3, 4

Repeat the breathing

Breathe in counting 1, 2, 3, 4

Pause and hold your breath counting 1, 2, 3, 4

Exhale counting 1, 2, 3, 4

Flinton & Crosby, 2018

Body Regulation

- ▶ Peripheral gaze
- ▶ Soft palate expansion
- ▶ Modulation of your own tone
- ▶ Music, rhythmicity
 - ▶ Trauma = chaos
 - ▶ Listening/Body movement



Flinton & Crosby, 2018

"As you were."



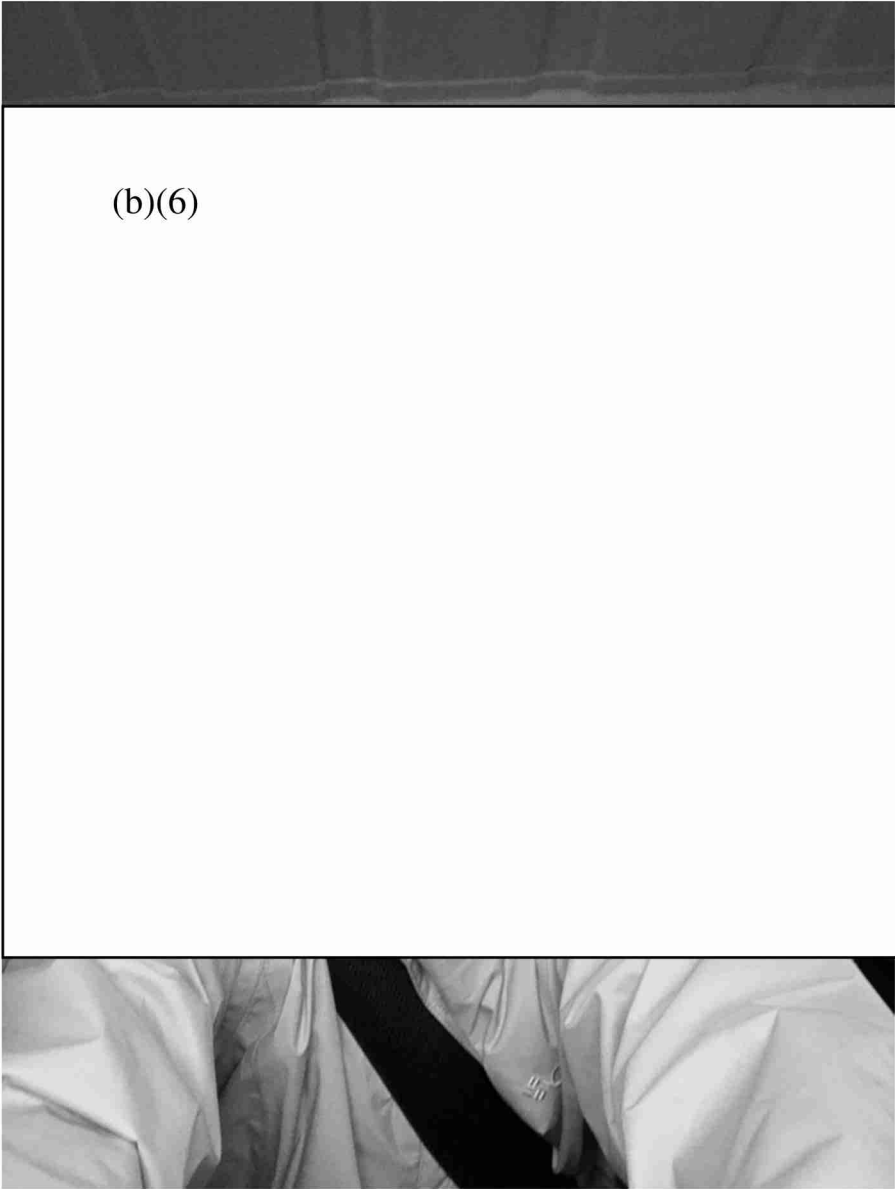
Flinton & Crosby, 2018

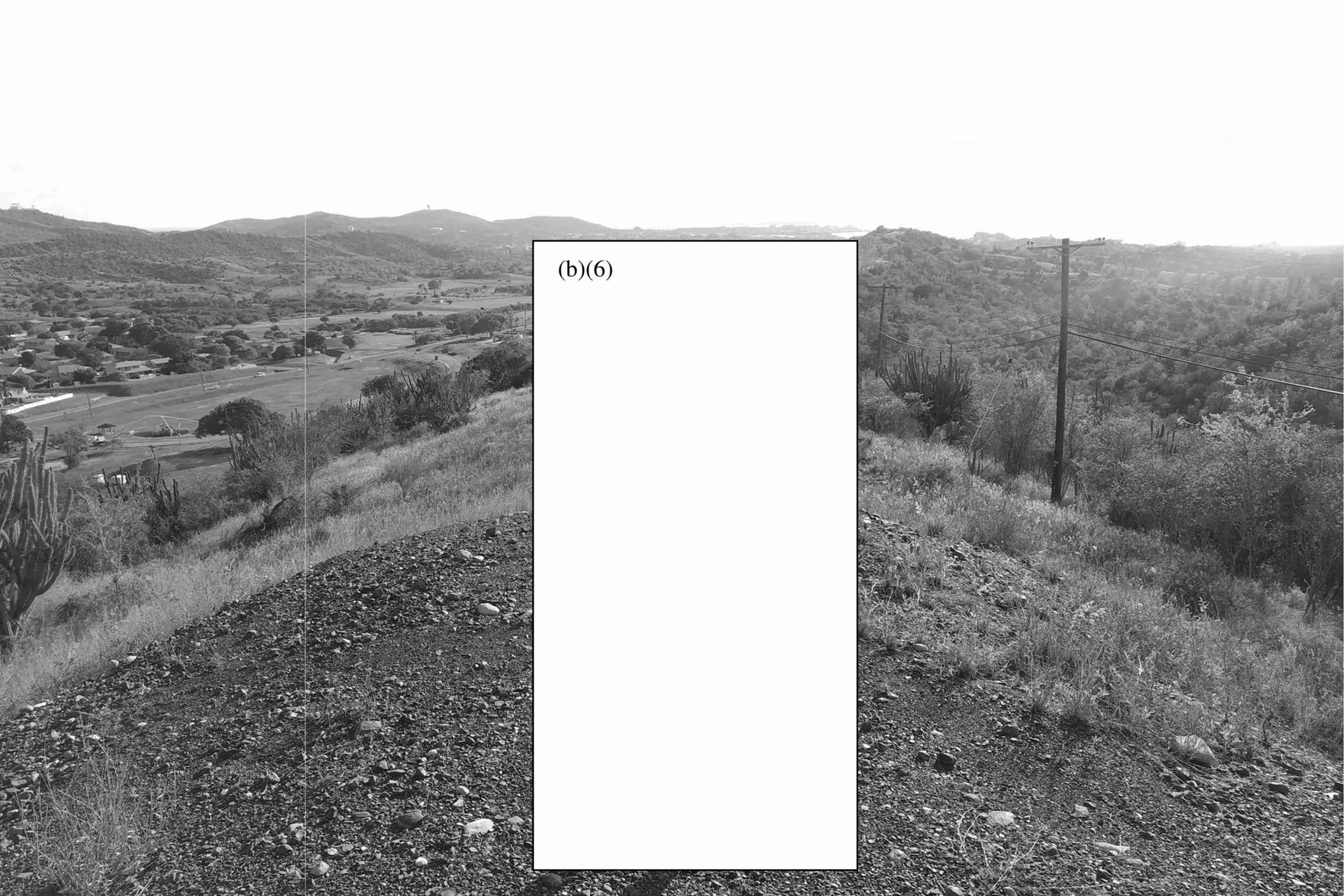
Managing Context Changes

- ▶ Being present in life outside of work
 - ▶ Difficulty in this arena common impact of trauma exposure
- ▶ Transitioning in and out of work space
 - ▶ Context changes present challenges to the body
- ▶ Developing routines and rituals for transitioning
 - ▶ Body cues become associated with the shift, brain will follow



Flinton & Crosby, 2018





Relational Challenges

- ▶ Interacting with others
 - ▶ Who in your life is aware of what you do all day?
 - ▶ Establishing those who are able to be a bridge between contexts

- ▶ What works here doesn't work at home with spouse/kids/others

Touching back to your frame

- ▶ How do you create processes, routines/rituals that connect you to this point
- ▶ Importance of being able to connect frequently for
 - ▶ Maintaining yourself in Window of Tolerance
- ▶ Entering each interview fully present
 - ▶ When does your interview space start?
 - ▶ How do you enter from your “center”
 - ▶ What in your setting works against you getting centered
 - ▶ Need to be trauma informed throughout every aspect of the setting
 - ▶ Has to come from the top

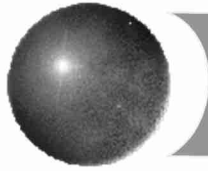
*Interviewing
Traumatized
Individual and
How It Impacts the
Interviewer*



Sondra Crosby, MD
Boston University, Schools of Medicine and Public Health
Boston Medical Center

Kathleen Flinton, MAR, MSW, LICSW
Boston University School of Social Work
Boston Medical Center

IRCT



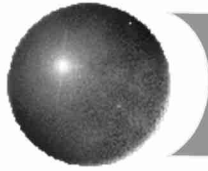
Objectives

- ◆ To clarify the purpose of medical and psychological evaluations
- ◆ To learn about the potential medical and psychological impact of torture in asylum seekers
- ◆ To understand vicarious traumatization
- ◆ To obtain skills for dealing with vicarious trauma



Purpose of the Medical Forensic Evaluation

- ◆ Establish facts relating to alleged traumatic events and document corroborating physical and psychological evidence.
- ◆ Prepare written/oral testimony to provide expert opinions on degree to which medical findings correlate with applicant's allegations.



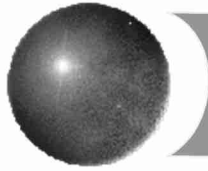
Value of Medical Evaluations

- ◆ Aid in judicial credibility assessments
 - Understanding and explaining demeanor and responsiveness
 - Identifying persecution related inconsistencies
 - Provide corroborating material evidence central to asylum cases



Practical Considerations for Adjudicators

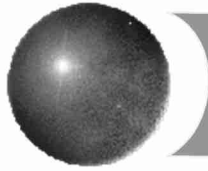
- ◆ There is considerable variability to physical and psychological responses to trauma
- ◆ Medical evaluations may provide compelling explanations for apparent lack of evidence
- ◆ Absence of medical evidence does not mean that alleged trauma did not occur



Types of Evaluators

- ◆ Medical
 - MD, NP, RN

- ◆ Psychological
 - MD, LICSW, PHD, LMHC, NP



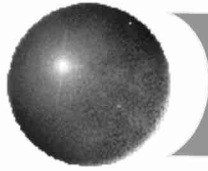
Determining Expertise

- ◆ Licensed Clinicians
- ◆ Expertise in qualifications
 - Established practice with population
 - Under supervision of expert evaluator
 - Depth of experience
 - Training

Demand Exceeds Capacity!

- ◆ Documentation often done on providers personal time
- ◆ Demand for documentation has changed over time





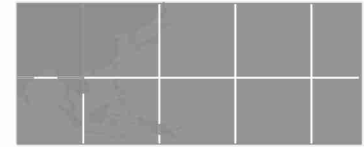
Types of documentation

- ◆ Affidavit
 - Istanbul Protocol
- ◆ Diagnostic Letters
- ◆ Treatment Letters

- ◆ Impact of demand – lack of documentation does not determine lack of credibility



OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
Geneva



PROFESSIONAL TRAINING SERIES No. 8/Rev.1

Istanbul Protocol

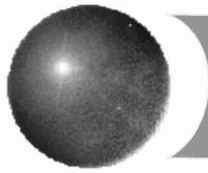
*Manual on the Effective Investigation and
Documentation of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment*



UNITED NATIONS
New York and Geneva, 2004
S. Crosby & K. Finton, 2018

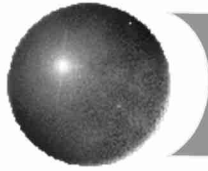
USCIS04626

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Forensic Evaluation – IP Language

- ◆ Render an opinion as to degree of consistency between lesions and attribution given by patient:
 - Not consistent
 - Consistent with
 - Highly consistent
 - Diagnostic of
 - Not related to



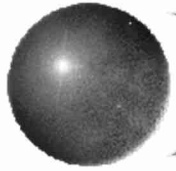
Forensic Evaluation

- ◆ Overall impression:
 - Consistency between history, psychological findings, and overall pattern of physical findings



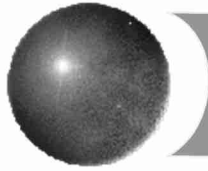
Physical evidence resulting from specific types of trauma

- ◆ Beatings – most common type of torture
- ◆ Cutting wounds
- ◆ Burns
- ◆ Falanga
- ◆ Suspension
- ◆ Electrical Shock
- ◆ Sexual Trauma



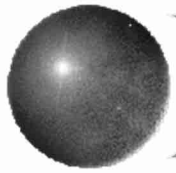
Potential medical sequelae of trauma

- ◆ Scars
- ◆ Extremity Trauma
- ◆ Head Injuries
- ◆ Neurological injuries
- ◆ Genital injuries
- ◆ Communicable diseases – HIV
- ◆ Chronic Pain
- ◆ Somatic Complaints (chest pain, headache, abdominal pain)



Physical sequelae (scars) *Skin*

- ◆ Many skin lesions will heal within 6 weeks
 - contusions, abrasions, blisters
- ◆ **Often torturers use techniques that limit detectable signs of injury.**
- ◆ Examples:
 - Falanga
 - Beating through cloth
 - Electrical Shock



Scars

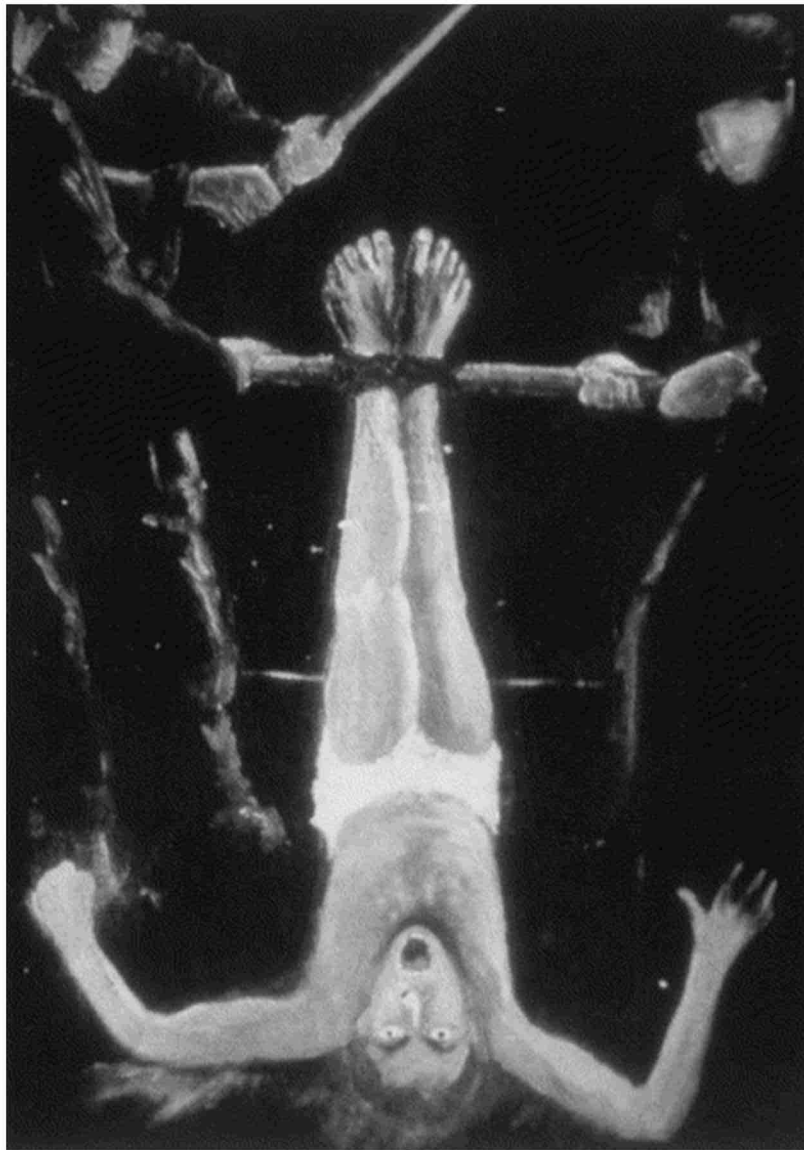
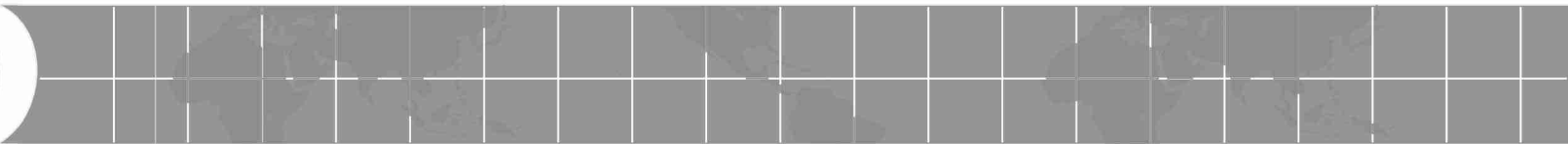
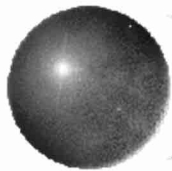
- ◆ Pattern
- ◆ Location
 - Inner thighs
 - Buttocks
 - Back



S. Crosby & K. Flinton, 2018

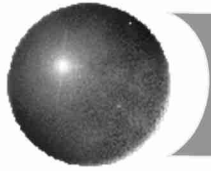
USCIS04632

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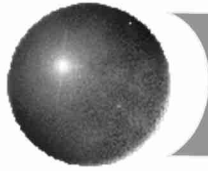
S. Crosby & K. Flinton, 2018

USCIS04633



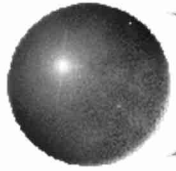
Physical sequelae *Sexual trauma*

- ◆ Female
 - History of Rape – most will not have physical signs at the time of exam.
 - Female genital mutilation
- ◆ Male Sexual Trauma
 - Rape
 - Direct trauma to genitals



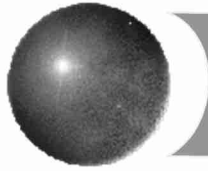
Role of Psychological Evaluation

- ◆ Goal of torture is psychological
- ◆ Psychological evidence may be more pronounced than physical
- ◆ Symptoms may wax and wane over time
- ◆ Absence of specific diagnoses does not mean torture did not occur



Psychological Documentation

- ◆ Istanbul Protocol
- ◆ Psychological Affidavit
 - History
 - Clinical Presentation
 - Link clinical presentation to history
 - Establish credibility
 - Confluence of reported history, reported symptoms, clinical presentation



Practical Considerations for Evaluators

- ◆ Complex and lengthy experiences of trauma
 - Not a dose response association
 - Cumulative impact over time vs an event which causes PTSD

Factors Affecting Psychological Response

SOCIAL CONTEXT PRE, DURING, POST
TORTURE

SUPPORT SYSTEM

MEANING OF TORTURE

CONDITIONS OF
TORTURE

BELIEF SYSTEM
PREPAREDNESS

PREVIOUS
TRAUMAS

Psychological
Response

ADDITIONAL LOSSES

AGE,
DEVELOPMENTAL
STAGE

PRE-EXISTING
PSYCHOLOGICAL
DISORDERS

COPING MECHANISMS

PHYSICAL HEALTH

S. Crosby & K. Flinton, 2018

USCIS04638

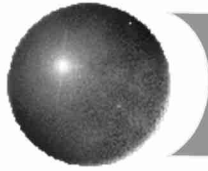


Psychiatric Sequelae

◆ PTSD

■ Diagnostic Criteria: DSM V:

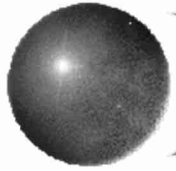
- Re-experiencing event, persistent avoidance of stimuli, increased arousal, intense distress on exposure to cues, disassociation
 - Nightmares, flashbacks, heightened startle response
 - Decreased memory, concentration
 - Alterations in cognition and mood
- 30% will have chronic symptoms after 10 years



Psychiatric Sequelae

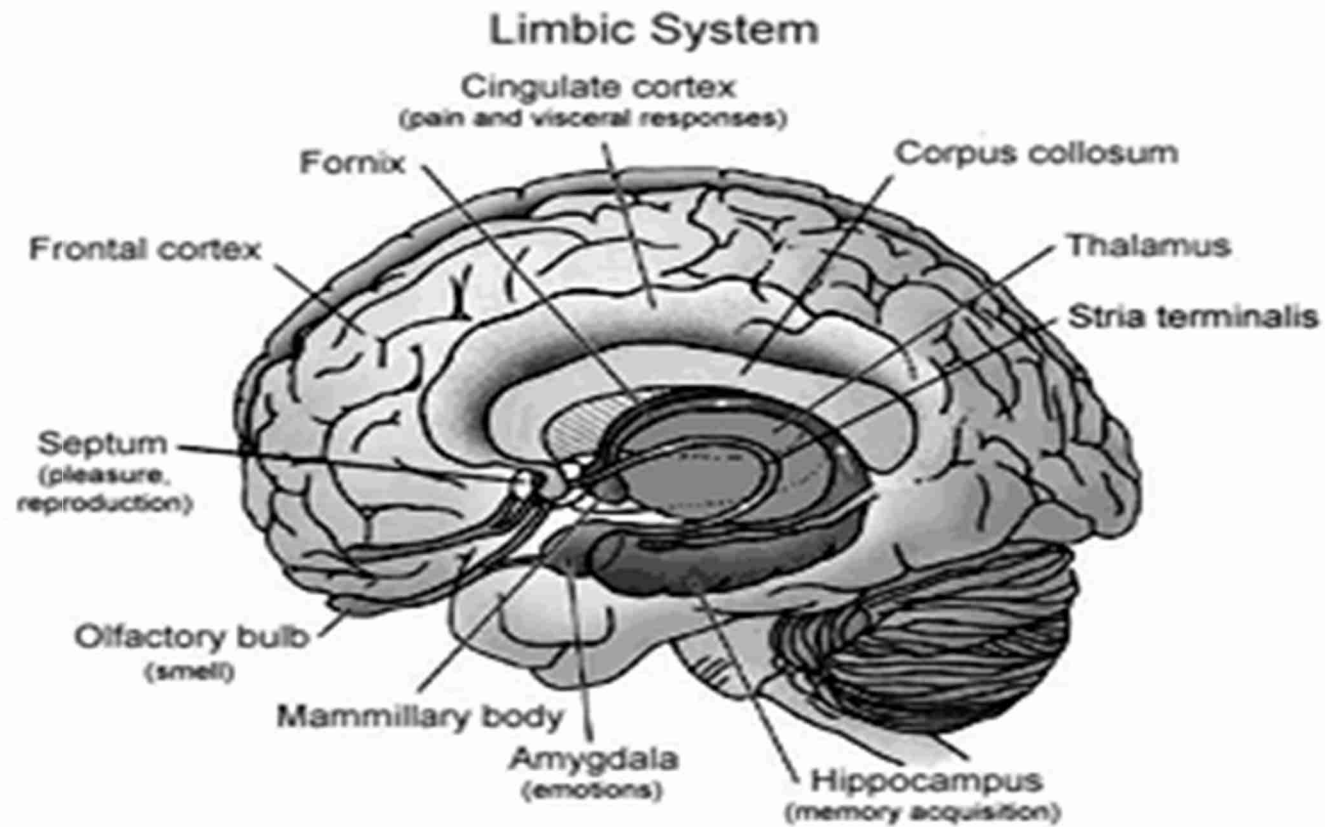
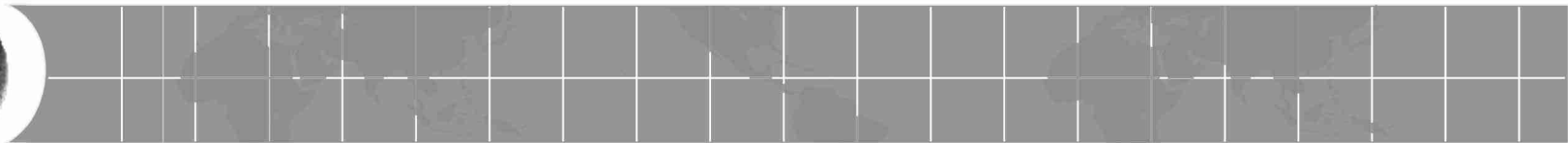
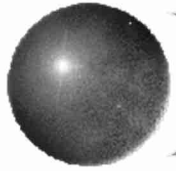
- ◆ Major Depressive Disorder
 - Depressed mood, disrupted sleep and appetite, anhedonia, hopelessness, impaired memory and concentration, passive or active suicidal ideation

- ◆ Somatization
 - Physical manifestation of psychological symptoms (may be culturally bound)



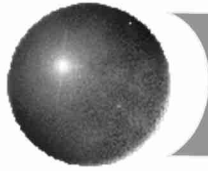
Trauma frequently interferes with an individual's capacity to consistently and accurately recall details

(b)(6)



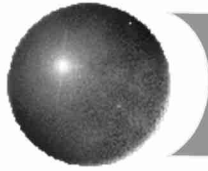
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USCIS04642



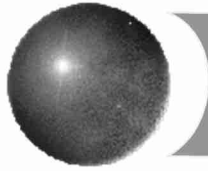
Limbic System

- ◆ Freeze, flight, fight or submit
- ◆ Amygdala –low road, early warning system, hormone released, continues to function
- ◆ Hippocampus –high road, information processor, places time and spatial information. Hormone sensitive, suppressed by hormone release
- ◆ Brainstem “reptilian brain” impulse and sensory regulation, regulates stress hormones



Frontal Cortex

- ◆ Executive Function
- ◆ Cognitive Function
- ◆ Regulatory abilities
- ◆ Social engagement system



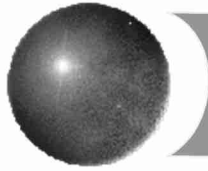
Neurobiological Trauma Response

- ◆ Hippocampus is bypassed, straight to Amygdala
 - Impact on memory

- ◆ Frontal cortex is offline

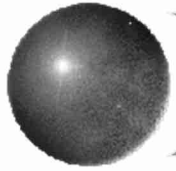
- ◆ Threat response -> survival

- ◆ Bottom up functioning instead of top down



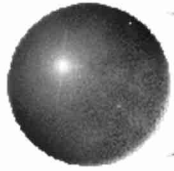
Dissociation

- ◆ Lack of integration of aspects of memory
- ◆ Lack of memory consolidation into autobiographical memory
 - Role of hippocampus in memory consolidation
- ◆ Lack of integration of aspects of experience
 - Not able to access full stimulus of present moment experience



How Dissociation May Present

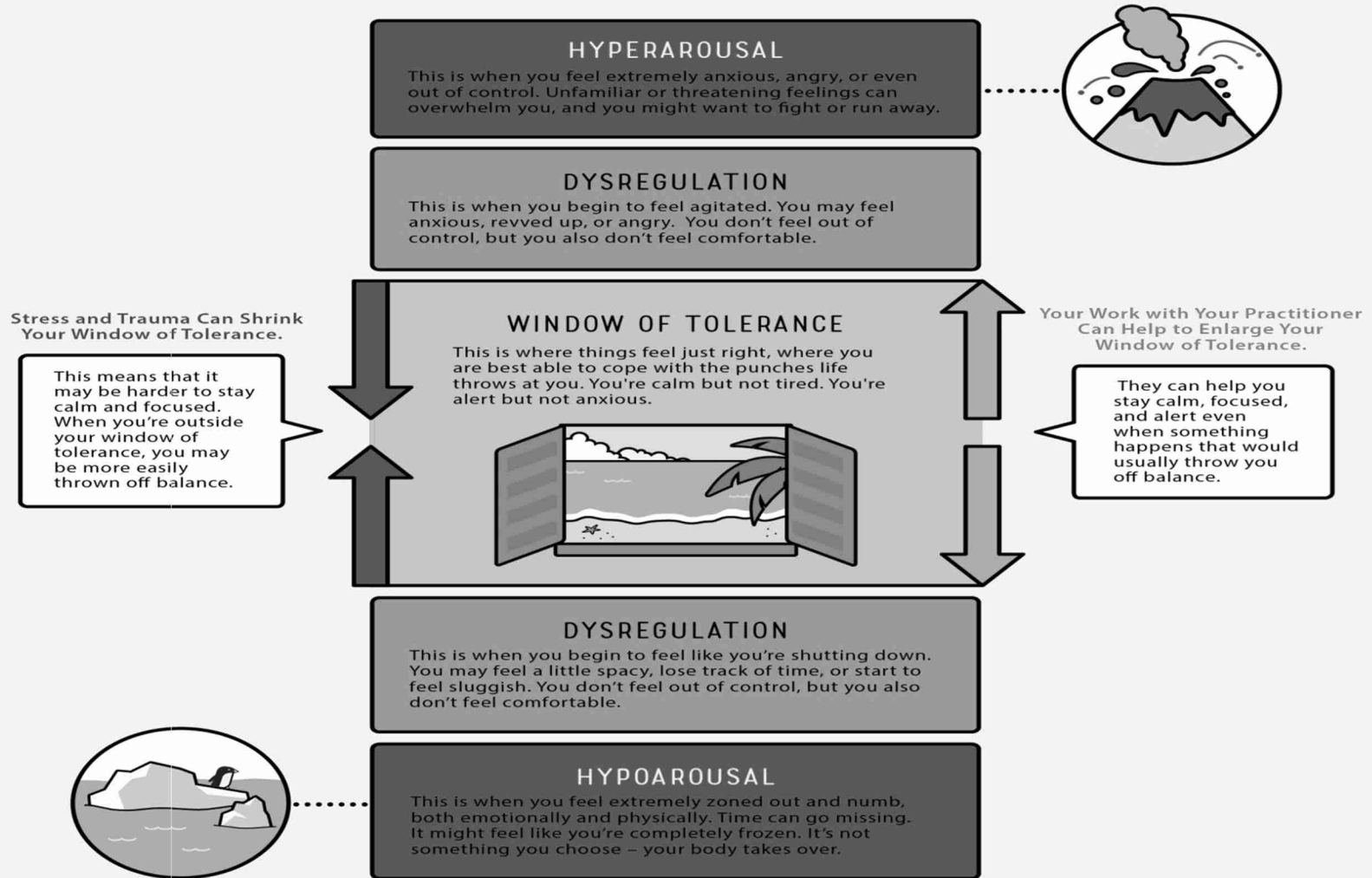
- ◆ Applicant may “freeze” or “zone out”
- ◆ May not be able recall details of trauma experience



How Dissociation May Present

- ◆ May not be able to locate events in relation to each other in time
 - Lack of time and spatial tagging of memories, role of hippocampus, formation of memory during trauma
- ◆ May be missing pieces of memory all together

How Trauma Can Affect Your Window of Tolerance



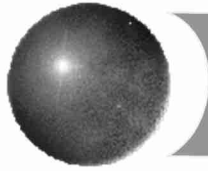
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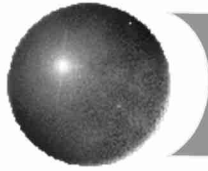
Additional Factors Impacting History

- ◆ PTSD – waxing and waning of symptoms
- ◆ Depression/Anxiety
- ◆ Fear of disclosure
- ◆ Traumatic Brain Injury
- ◆ Lack of socialization, such as slaves
- ◆ Cultural differences
- ◆ Language barrier
- ◆ Literacy
- ◆ Conditions of confinement
- ◆ Dementia



Experience of the Interview

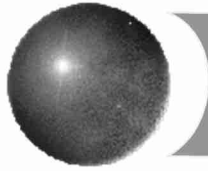
- ◆ Replicates experience of trauma
 - Being taken into a room
 - Being questioned
 - Safety/Life Threat
- ◆ Prefrontal Cortex may not be online
 - Interviewer wants access to the part of the brain that may not be available to applicant
- ◆ In a threat response state
 - Future, safety for self and family at risk



Role of culture

- ◆ Cultural may dictate disclosure
 - “keep it in the kitchen”

- ◆ Demands of immigration legal processes to disclose
 - Covering/uncovering – ex LGBT+/communities



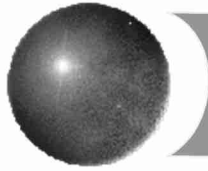
Traumatic Brain Injury

- ◆ Questions about memory are central to documentation of torture
- ◆ Problems in memory and executive function as a result of brain injury sustained during torture may affect ability to tell story
- ◆ Documentation may constitute crucial evidence for a claim to political asylum

Jacobs and Iacopino 2001

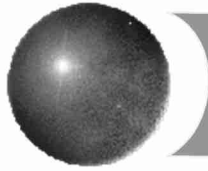
S. Crosby & K. Flinton, 2018

USCIS04653



Traumatic Brain Injury

- ◆ 73% of 200 torture survivors suffered blows to the head (Rasmussen, 1990)
- ◆ Brain injury can also result from starvation, toxic substances, anoxia
- ◆ Can be masked by PTSD/depression (overlap)

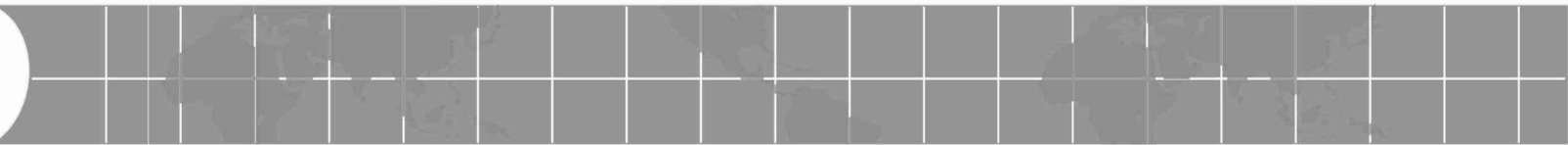
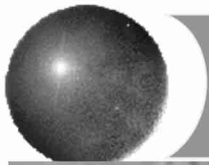


Recommendations for Interviewing

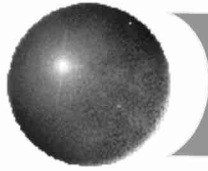
- ◆ Physically
 - Movements should be calm and predictable

- ◆ Modulation of tone of voice

- ◆ Set expectations in the beginning if possible
 - Clarify your role, purpose of being there



(b)(6)



Malingering

- ◆ Definition: intentional production of false or exaggerated symptoms motivated by external incentives
 - Emphasize relationship of symptoms to traumatic event
 - Blame others for problems
 - Dream themes of grandiosity
 - Relish telling of traumatic experiences
 - Do not avoid environments resembling trauma

Resnick PJ. Clinical Assessment of Malingering and Deception; New York, Guilford, 1997

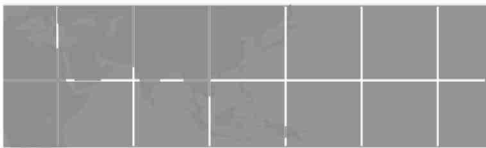
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THE NEW YORKER



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ANNALS OF IMMIGRATION

THE ASYLUM SEEKER

For a chance at a better life, it helps to make your bad story worse.

BY SUKETU MEHTA

AUGUST 1, 2011

Dominique Strauss-Kahn Case Puts Spotlight on False Asylum Applications



S. Crosby & K. Flinton, 2018

USCIS04658

**EFFECTIVE
INTERVIEWING
AND
BEST PRACTICES**

ZBO 8/2/2017

WHAT WE ARE GOING TO DO

- **Become knowledgeable about tools that make interviews and adjudication overall more efficient**

HOW ARE WE GOING TO DO THIS?

- Discussion of best interview practices to keep interviews within the 2.5 hour timeframe
- Review interview documents
- Keeping an open mind and *re-evaluating* the way we do things if they have not been successful in saving time in the past.

WHAT SLOWS YOU DOWN?

- Introduction
- I-589 Review
- Interpreter Issues
- Adding the Monitor
- Applicant comprehension
- Disruption from Attorney
- Lack of knowledge regarding proper procedures

**HOW DO YOU ADDRESS
THESE ISSUES?**

What do
you do???

BASIC ORDER OF THE INTERVIEW

- Introduction
- Review/Sign the following:
 - Record of Applicant and Interpreter Oath
 - Waiver of Presence – If Applicable
 - Waiver of Confidentiality – If Applicable
 - Mail-out/ Pick-Up Notice
- Review/ Sign I-589
- Interview on the Merits
- Mandatory Bar Questions/Close

THE INTRODUCTION

- **How long should this take?**
 - **It depends – is the applicant really sophisticated? Does the interpreter frequent the office?**
 - **Generally, this should take less than 5 minutes. If it takes longer than this on most occasions you need to *re-evaluate*.**

WHAT DO YOU NEED TO INCLUDE IN YOUR INTRODUCTION?

- **Your name**
- **Format of the Interview**
- **Instructions to the applicant, interpreter, and attorney**
- **Instructions to the monitor**

THE INTRODUCTION CONT'D

- Find ways to include portions of your introduction with other parts the interview
- Ex:
 - When reviewing the Oath form also discuss confidentiality
 - Call the monitor on the line when the applicant is signing the I-589 (I always had this signed in the beginning)
 - If there is no attorney present, review the waiver form in the very beginning

SO WHAT DO YOU SAY?

- Hi, my name is Officer xxxx, and I will be conducting your asylum interview today. I'm going to give you some basic instructions before we start. The interview will be taking place in two parts. First, we will be reviewing the I-589 for any corrections or changes and then we will be discussing the reason you are applying for asylum.
- I will be taking notes on my computer during the course of the interview, so that I can keep an accurate record of what we discuss today.
- When I am asking you questions, please try to answer as truthfully and accurately as possible. So if you do not know the answer to a question, simply state that you do not know.
- To Interpreter- Please remember to interpret as close to verbatim as possible. Do not add or omit any words or testimony.
- To attorney- At the end of the interview, you will be given a brief opportunity to make a closing statement or ask additional questions. However, if you believe that it will take longer than 2 to 3 minutes, you can submit a supplementary statement after the interview.
- Do you have any questions at this point?
- Before we start, I am going to have you sign some forms (sign oath, waiver, mail out notice)

REVIEWING THE I-589

(b)(7)(e)

INTERPRETER ISSUES

- Try to identify issues with bad interpretation at the outset of the interview
- Reasons to stop an interview related to the interpreter:
 - Inaccurate Interpretation
 - Inability to interpret in the 1st person (must be really egregious making testimony confusing)
 - Acting as an advocate for the applicant
 - Answering questions on the applicant's behalf/ testifying for the applicant

INTERPRETER ISSUES

- Do an interpreter incident form if there are really egregious issues with an interpreter, that person should not be allowed back to the office to interpret if there are issues with his or her interpretation
- Remember the attorney of record cannot serve as the interpreter – it is in the CFR
- Interpreters should not be allowed to keep the notes they take, you should be taking them from the interpreters, but inform them of this at the outset of the interview

INTERPRETER ISSUES CONT'D

- If you notice an interpreter is having difficulty, you need to provide them with instructions again and inform them as well as the applicant that if the behavior or poor interpretation continues, you will have to stop the interview
- *Never reschedule an interview before talking to a supervisor*

ADDING A MONITOR

- **Add the monitor after review of the I-589, unless you notice issues with the interpreter from the beginning of the interview.**
- **You can add the monitor while the applicant is signing forms**
- **You DO NOT need a monitor to proceed with an interview**

WHAT IF AN APPLICANT JUST DOES NOT UNDERSTAND?

- Check to see if it is really an interpreter issue
- Readjust your questions
- Take the time to explain

WHAT ABOUT DISRUPTIVE ATTORNEYS?

- Depending on the behavior, you should *ignore it*
- If the attorney interjects, remind the attorney of his or her role during the asylum interview and that time will be provided at the end
- If after one warning the attorney continues to interject, contact a supervisor
- If there is any issue that you are uncomfortable with regarding an attorney or an attorney seems upset, contact a supervisor

FOLLOWING PROPER PROCEDURES

- **Is your NTA correct?**
- **Did you do sworn statement?**
- **Is your file in record order?**
- **Are your security checks completed?**

PROPER PROCEDURES - NTAS

(b)(7)(e)

PROPER PROCEDURES – NTAS, CONT'D

(b)(7)(e)

PROPER PROCEDURES NTAS, CONT'D

(b)(7)(e)

SWORN STATEMENT

(b)(7)(e)

SWORN STATEMENTS CONT'D

(b)(7)(e)

SWORN STATEMENTS CONT'D

(b)(7)(e)

RECORD ORDER

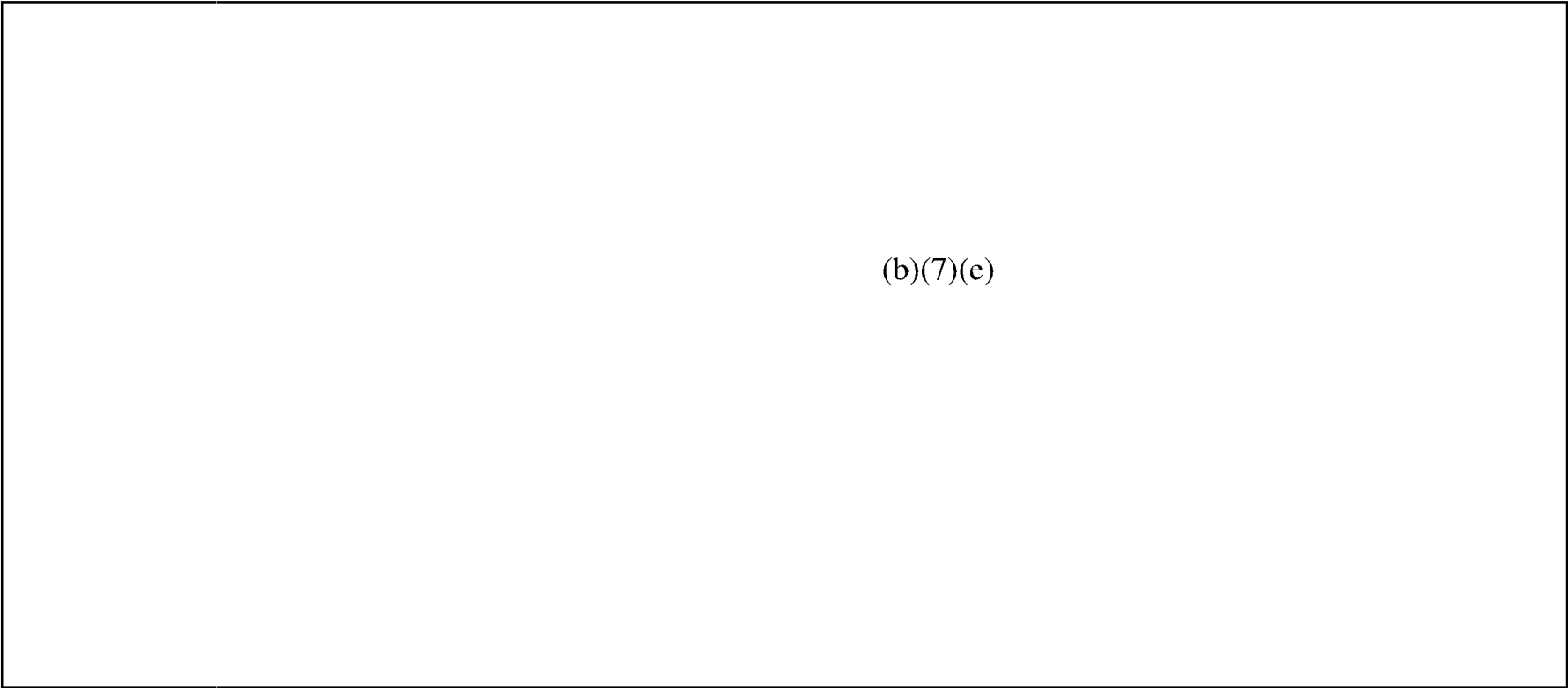
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ACCURATE SECURITY CHECKS

(b)(7)(e)

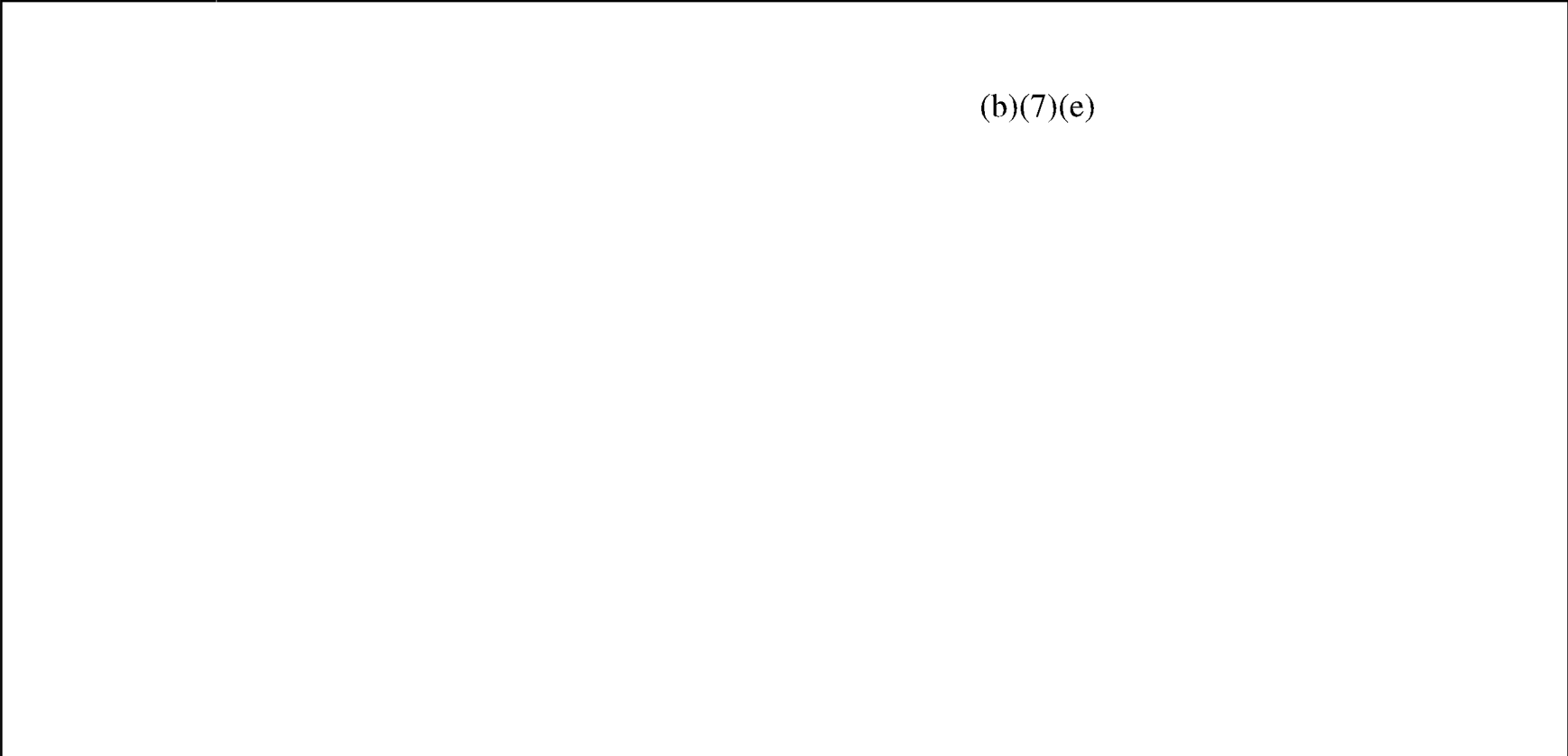
ACCURATE SECURITY CHECKS CONT'D

- **TECS**



ACCURATE SECURITY CHECKS CONT'D

- Updating IBIT



ACCURATE SECURITY CHECKS CONT'D

■ FBI Name Checks

(b)(7)(e)

**COMMENTS, QUESTIONS,
CONCERNS????**



U.S. Citizenship and Immigration Services

Fraud Detection and National Security 2016 Asylum Division Fraud Prevention and Detection Training

Date

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USCIS04689

USCIS Fourth Production Part 2
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Performance Objectives

ENABLING PERFORMANCE OBJECTIVES

- Provide adjudicators a general understanding of fraud and USCIS' approach to fraud deterrence
- Familiarize adjudicators and FDNS officers with their roles and responsibilities in the adjudication process
- Familiarize adjudicators with national and local fraud trends in asylum
- Provide adjudicators with a foundation to properly elicit testimony and develop the interview record
- Familiarize adjudicators with the fraud life cycle, Terminations/PAER process, and Post Conviction Clean Up Response Framework
- Enable adjudicators to identify fraud indicators related to asylum, refugee, identity, and relationships
- Enable adjudicators to recognize and understand primary fraud detection resources



GAO REPORT 16-50

- In December of 2015, the GAO issued a report on *Asylum: Additional Actions Needed to Assess and Address Fraud Risks*
- The GAO made 10 recommendations on which Asylum agreed to take action
 - conduct regular fraud risk assessments across the affirmative asylum application process;
 - develop and implement a mechanism to collect reliable data, such as the number of referrals to FDNS from asylum officers, about FDNS's efforts to combat asylum fraud;
 - identify and implement tools that asylum officers and FDNS immigration officers can use to detect potential fraud patterns across affirmative asylum applications;
 - require FDNS immigration officers to prescreen all asylum applications for indicators of fraud to the extent that it is cost-effective and feasible;



GAO Report cont.

- 10 recommendations cont'd.
 - develop asylum-specific guidance on the fraud detection roles and responsibilities of FDNS immigration officers working in asylum offices;
 - develop and deliver additional training for asylum officers on asylum fraud;
 - develop and implement a mechanism to regularly collect and incorporate feedback on training needs from asylum officers and supervisory asylum officers;
 - develop and implement a method to collect reliable data on asylum officer attrition;
 - include a review of potential fraud indicators in future random quality assurance reviews of asylum applications; and
 - develop and implement timeliness goals for all pending termination reviews of affirmative asylum cases.



Identified Fraud and Security Risks

Type

Serials

Priority (F + PI)

Offices

Type	Serials	Priority (F + PI)	Offices
(b)(7)(e)			



Identified National Security Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNY	(b)(7)(e)
ZNK	
ZMI	
ZMI	
ZSF	
ZSF	
ZSF	
ZSF	
ZLA	
ZLA	
ZAR	
ZAR	



Identified Document Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNY	(b)(7)(e)
ZMI	
ZSF	
ZSF	
ZLA	
ZLA	
ZLA	
ZLA	
ZLA	
ZLA	
ZHN	
ZHN	
ZCH	



Identified Identity Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZLA	(b)(7)(e)
ZHN	
ZHN	
ZCH	
ZCH	
ZCH	



Identified Immigration Service Provider Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNY	
ZNY	
ZNY	(b)(7)(e)
ZNK	
ZMI	
ZHN	
ZCH	
ZAR	
ZAR	



Identified “Boilerplate” Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZHN	
ZAR	
ZAR	

(b)(7)(e)



Identified Jurisdiction Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNY	
ZSF	
ZNK	(b)(7)(e)
ZMI	
ZHN	
ZCH	
ZCH	
ZCH	



Identified Public Safety Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNY	
ZNY	
ZMI	
ZMI	
ZMI	(b)(7)(e)
ZHN	
ZSF	



Identified Gang Affiliation Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNY	(b)(7)(e)
ZMI	
ZAR	
ZSF	



Identified Relationship Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZSF	(b)(7)(e)
ZNY	
ZNK	
ZMI	
ZHN	
ZCH	



Identified Visa Fraud Risks

Office	Identified National Security/Public Safety/Fraud Risk
ZNK	(b)(7)(e)
ZCH	



Fraud Prevention at USCIS

U.S. Citizenship and Immigration Services

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FORMS NEWS RESOURCES LAWS OUTREACH

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About Us

U.S. Citizenship and Immigration Services (USCIS) is the government agency that oversees lawful immigration to the United States.

Mission Statement

USCIS will secure America's promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.

We are the 18,000 government employees and contractors of USCIS working at 250 offices across the world. Achieving our goals becomes possible when the different elements of our organization are engaged and acting as partners working toward a common outcome. USCIS' strategic goals include:

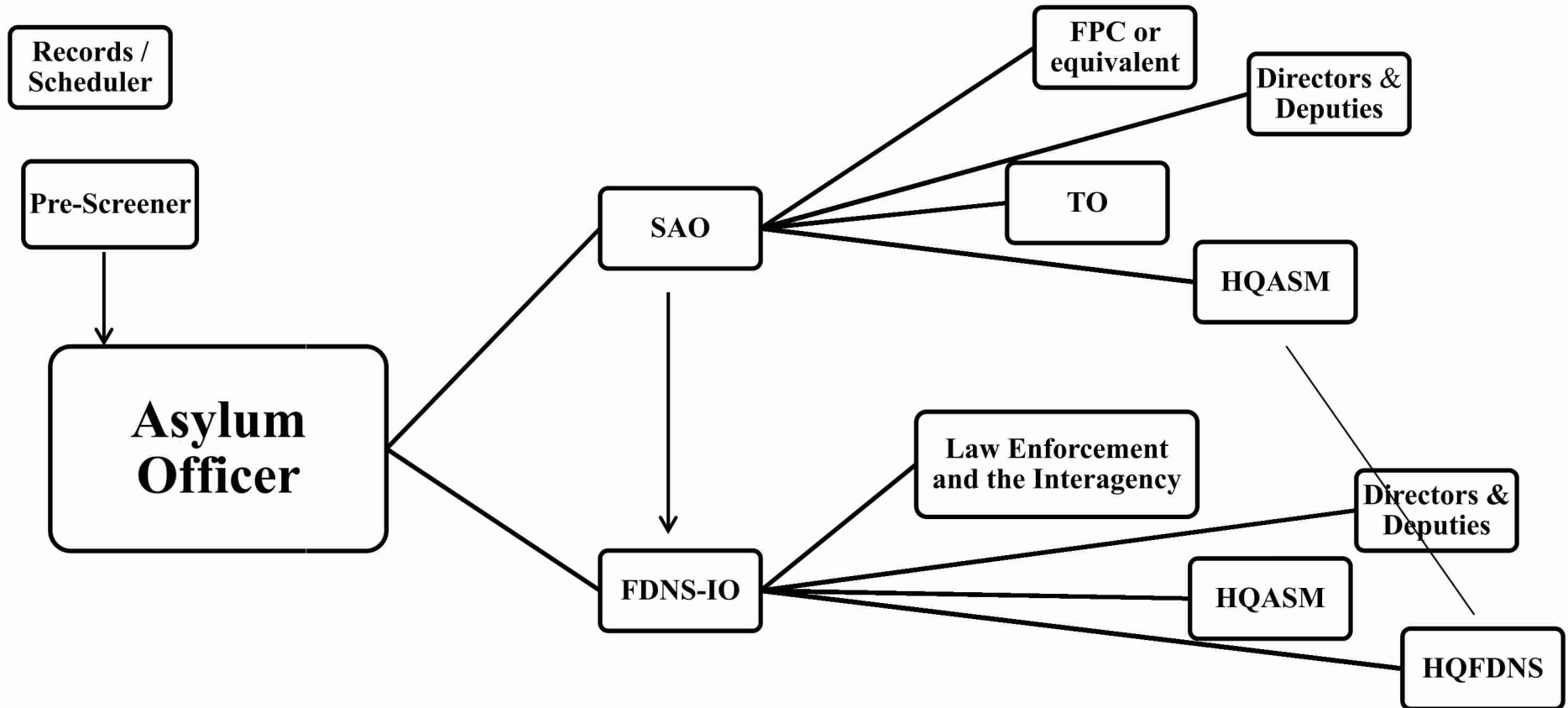
- Strengthening the security and integrity of the immigration system.
- Providing effective customer-oriented immigration benefit and information services.
- Supporting immigrants' integration and participation in American civic culture.
- Promoting flexible and sound immigration policies and programs.
- Strengthening the infrastructure supporting the USCIS mission.
- Operating as a high-performance organization that promotes a highly talented workforce and a dynamic work culture.

USCIS Mission Statement:

“USCIS will secure America’s promise as a nation of immigrants by providing accurate and useful information to our customers, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system.”



Fraud is Everyone's Responsibility





FDNS Roles & Responsibilities

Purpose – The purpose of this memorandum is to clarify existing guidance and provide additional information regarding the roles and responsibilities of FDNS Immigration Officers (FDNS IO) within the Asylum Division.

Scope – In addition to the traditional FDNS roles and responsibilities as articulated in national HQFDNS policy memoranda, training, guidance material, and standard operating procedures, this memorandum and any additional Asylum-specific guidance within it applies only to the Asylum Division staff and FDNS IOs working within the Asylum Division.

Shared – Preventing fraud, ensuring our national security, and addressing public safety concerns is a shared responsibility of all Asylum Office personnel.



FDNS Roles & Responsibilities

- **FDNS Officer**
 - It is the principal role of FDNS officers to provide direct support to the Asylum Office in furtherance of adjudications by:
 - responding to issues referred for assistance
 - conducting administrative investigations of suspected fraud
 - resolving national security concerns
 - coordinating with law enforcement partners
- **FDNS Supervisory Immigration Officer**
 - It is the primary role of supervisory immigration officers to provide direct supervision of day-to-day FDNS operations to their team of immigration officers.



Adjudicator Roles & Responsibilities

- **Asylum Officer**

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- **Supervisory Asylum Officer**

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Fraud Lesson Plan Highlights

FRAUD LESSON PLAN

FRAUD OVERVIEW

- Definition of Fraud
- Perpetrators of Fraud
- Fraud Indicators
- Where are Fraud Indicators Found?
- Types of Fraud in Asylum Adjudications
- Partnering with FDNS

FDNS OVERVIEW

- FDNS Structure
- RAIO's FDNS Program
- FDNS Officer Roles & Responsibilities
- Fraud Referral Process



Fraud Life Cycle

(b)(7)(e)



Post Conviction Clean Up Response Framework

IDENTIFICATION

- Identify the universe of cases benefiting from the fraud scheme.
- Leverage persistent screening technologies to ensure subsequent adjudication is conducted with the benefit of all available information on the subject and the fraud scheme

PRIORITIZATION

- Subjects related to pending benefit applications;
- Subjects that have not adjusted status; remaining subjects

RESOLUTION

- Ensure an immigration consequence by leveraging the Post Conviction Clean up process to provide structure and uniformity to the overall response



Recent/Emerging Clean up Efforts

NATIONAL GOVERNANCE

- (b)(7)(e)
- [REDACTED] (ZNY)

LOCAL GOVERNANCE

- (b)(7)(e)
- [REDACTED] (D23)

POST CONVICTION

- [REDACTED]-ZCH

INVESTIGATION / PROSECUTION

- [REDACTED] (ZLA)
- [REDACTED] (ZAR)
- [REDACTED] (JTF – I/ZHN)

(b)(7)(e)



Terminations – FDNS IO’s Role

ROLE OF THE FDNS IO

- FDNS IO conducts a “work-up” on each asylum case to gather all possible evidence
- Completes updated checks for the *Termination* and *PAER Checklist*
- Completes an FDNS *Statement of Findings* (SOF)
- Creates or updates record in the FDNS-DS database



Terminations Process

TERMINATIONS PROCESS

- Asylum Office reviews evidence and determines if sufficient to proceed
- Prima Facie evidence supporting termination ground is needed for issuance of Notice of Intent to Terminate Asylum Status (NOIT)
- Preponderance of the evidence is needed to terminate asylum status – for termination, the burden of proof is on the government, not the asylee
- Asylum Office issues NOIT, stating ground(s) for termination with a brief summary of the evidence



Terminations Process cont'd

- Termination interview* scheduled at least 30 days after mailing of NOIT (If they FOIA, we reschedule)
 - *Exception: *Nijar v. Holder*, 689 F.3d 1077 (9th Cir. 2012), which provides that DHS (USCIS) does not have the authority to terminate asylum status
- AO conducts termination interview and considers any rebuttal evidence
- AO assesses evidence and determines if preponderance of evidence supports termination
- If yes, AO issues Notice of Termination (NOT)
- If no, AO issues Notice of Continuation of Asylum Status
- AO updates RAPS throughout the terminations process



Eliciting Testimony

ELICITING TESTIMONY

(b)(7)(e)



Eliciting Testimony cont.

(b)(7)(e)



Documenting the Record

DOCUMENTING THE RECORD

- The interview notes serve as a record that allows a reviewer to reconstruct what transpired during the interview
- Notes must be clear and legible
- Notes must include all information elicited during the interview regarding the interviewee's eligibility for a benefit, petition, or request
- Notes must accurately reflect the questions asked and the applicant's response
- Notes must support the decision made by the AO
- Notes must not include the officer's opinions, suppositions, or personal inferences
- Notes must indicate instances when the officer confronts an applicant with adverse information and the applicant's response



Fraudulent Documents

(b)(7)(e)



Fraud Scheme Briefing Slides

Fraud Scheme Briefing Slides

- *briefly discuss the identified scheme overview. This should be a high level overview that minimizes PII. If warranted, create a hard copy handout with all the relevant PII information.*
- *briefly list what an AO needs to know to identify related files during the course of an adjudication.*
- *briefly list what an AO needs to know to identify related files during the course of an adjudication.*

*For examples of how to use this slide, please see the accompanying
EXAMPLE.ppt*



Scheme Indicators

Use this slide to briefly list what an AO needs to know to identify related files during the course of an adjudication.

For examples of how to use this slide, please see the accompanying EXAMPLE.ppt



Actions and Follow Up

Use this slide to briefly list what an AO needs to know to identify related files during the course of an adjudication.

For examples of how to use this slide, please see the accompanying EXAMPLE.ppt



Practical Exercise

PRACTICAL EXERCISE

- *Text*



Questions/Comments?



FDNS

Fraud Detection & National Security Directorate

Mission

FDNS will enhance the integrity of the legal immigration system by identifying threats to national security and public safety, detecting and combating immigration benefit fraud, and removing systemic and other vulnerabilities.

How Does FDNS Support You?

Directorate-Wide

- Administratively investigate Fraud and Public Safety cases, with referral to law enforcement for criminal prosecution(ASM, RAD, IO)
- Resolve National Security issues (ASM, RAD, IO)
- Liaison with law enforcement agencies (ASM, RAD, IO)
- Conduct additional research and security checks (ASM, RAD, IO)

Division-Specific

- Pre-screen applications identifying Fraud, NS and PS issues prior to AO review and interview (ASM)
- Conduct overseas investigation, including site visits (IO)

When should an AO contact FDNS?

- When fraud is detected either by applicant, preparer, and/or interpreter;
- When there is an Egregious Public Safety Concern (EPS); and
- When National Security Concerns are detected.

You can contact FDNS before or after interviewing any of these type of cases. Prefer contact before interview, if possible.

FRAUD

Definition of Fraud

In the USCIS context, fraud is defined as a willful misrepresentation of the truth or concealment of a material fact in order to obtain a benefit for which one would otherwise not be qualified

Fraud Referral Sheet (FRS)

To refer a case for suspected fraud to your local FDNS, you must complete a standard Fraud Referral Sheet in which you document relevant information necessary to initiate a fraud investigation request.

FRS (con't)

In the FRS, you must:

- 1.
- 2.
- 3.
- 4.
- 5.

(b)(7)(e)

FRS (con't)

(b)(7)(e)

Fraud Referral Sheet (FRS)

Difference between old and new



Fraud Referral Sheet

FDNS – Fraud Referral Sheet (FRS)

(b)(7)(e)

OLD FRS

NEW FRS



Fraud Referral Sheet

FDNS – Fraud Referral Sheet (FRS)

(b)(7)(e)

Don't Forget the FRS Cover Sheet

(b)(7)(e)

ZBO Fraud List

ATTORNEYS	PREPARERS	INTERPRETERS	PHYSICIANS
(b)(7)(c)	(b)(7)(c)		
	DOCUMENT TRANSLATORS		
PLEASE SUBMIT FRAUD REFERRALS FOR THE FOLLOWING CATEGORIES:			
(b)(7)(e)			
VISA FRAUD	All visa fraud cases.		
DOCUMENT FRAUD	Any fraudulent documents.		

Attorney Incident Report

ATTORNEY INCIDENT REPORT

Asylum Officer:	
Date of Incident:	
A# of Applicant:	
Name of Attorney:	
Law Firm/Address:	

Nature of Incident:

A. Misrepresentation/Fraud (explain below):

B. Incompetence (explain below):

C. Improper Conduct (explain below):

→ Please attach a photocopy of any identification presented by the Attorney (if available) ←

Interpreter Incident Report

INTERPRETER INCIDENT REPORT

Asylum Officer:	
Date of Incident:	
A# of Applicant:	
Name of Interpreter:	
Address of Interpreter:	

Nature of Incident:

A. Misrepresentation/Fraud (explain below):

B. Incompetence (explain below):

C. Improper Conduct (explain below):

→ Please attach a photocopy of any identification presented by the interpreter. ←

Enhanced FDNS Review

What IS Enhanced FDNS Review?

RAIO and FDNS Coordination

(b)(7)(e)

Who Needs Enhanced FDNS Review?

(b)(7)(e)

Who Needs Enhanced FDNS Review?

Enhanced FDNS Review requires social media and classified checks for applicants from certain nationalities.

(b)(7)(e)

What Is the Adjudicator's Role?

Prior to interviewing an applicant who requires Enhanced FDNS Review, you are required to:

1. Review the results of the Enhanced FDNS Review:
 - results are provided in the FDNS Pre-Interview Screening Notification (“Notification Sheet”)

AND

2. Assess the impact on the adjudication

Asylum: FDNS Pre-Interview Screening Notification

FDNS PRE-INTERVIEW SCREENING NOTIFICATION

CASE INFORMATION				
A Number	(b)(7)(c)	Review Type	N/A	Date Completed
DS CME #	(b)(7)(e)			

REVIEW RESULTS

(b)(7)(e)

Potential Outcome of Enhanced FDNS Review

(b)(7)(e)

Potential Outcomes of Enhanced FDNS Review (con't)

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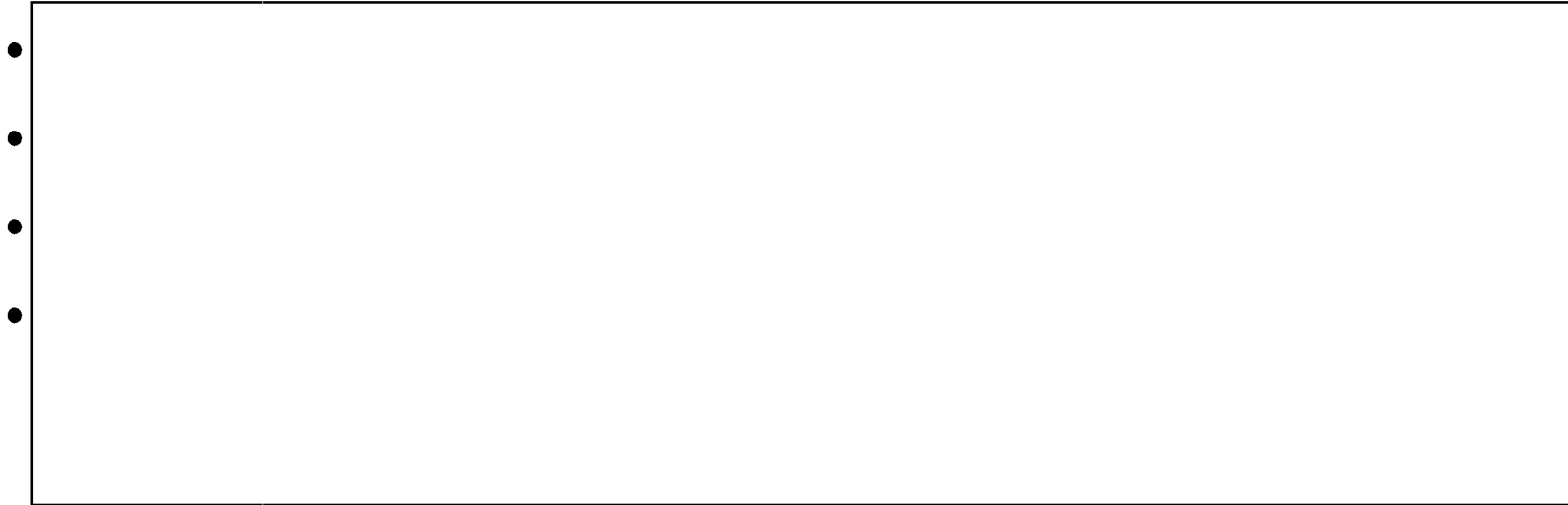
Potential Outcomes of Enhanced FDNS Review (con't)

(b)(7)(e)

What if I have an SMA?

- Review contents of SMA
- SMA will be interfiled on the right hand side of the A File, below the Pre-Interview Screening Notification

Social Media Guidance: Adjudication Procedures

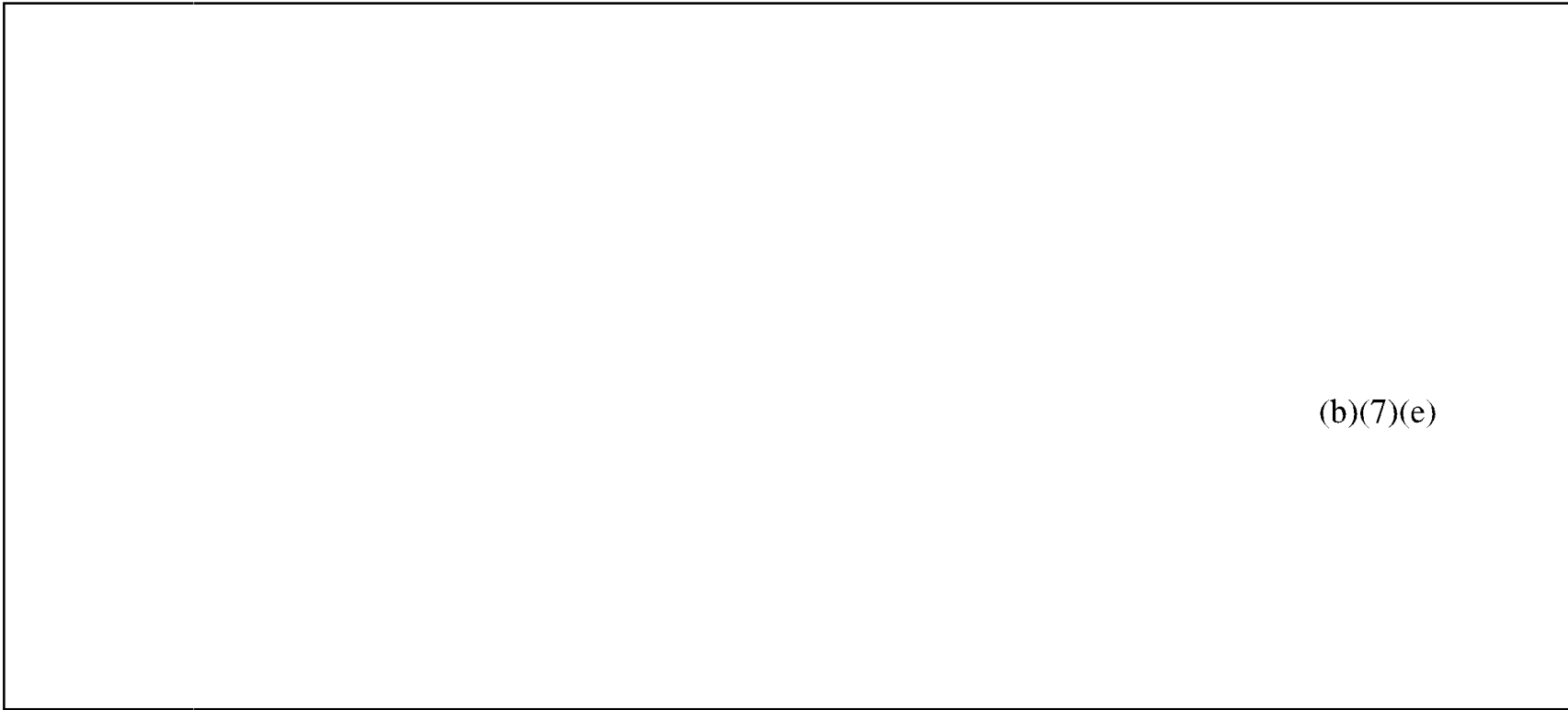


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Social Media Confrontation

Best Practices

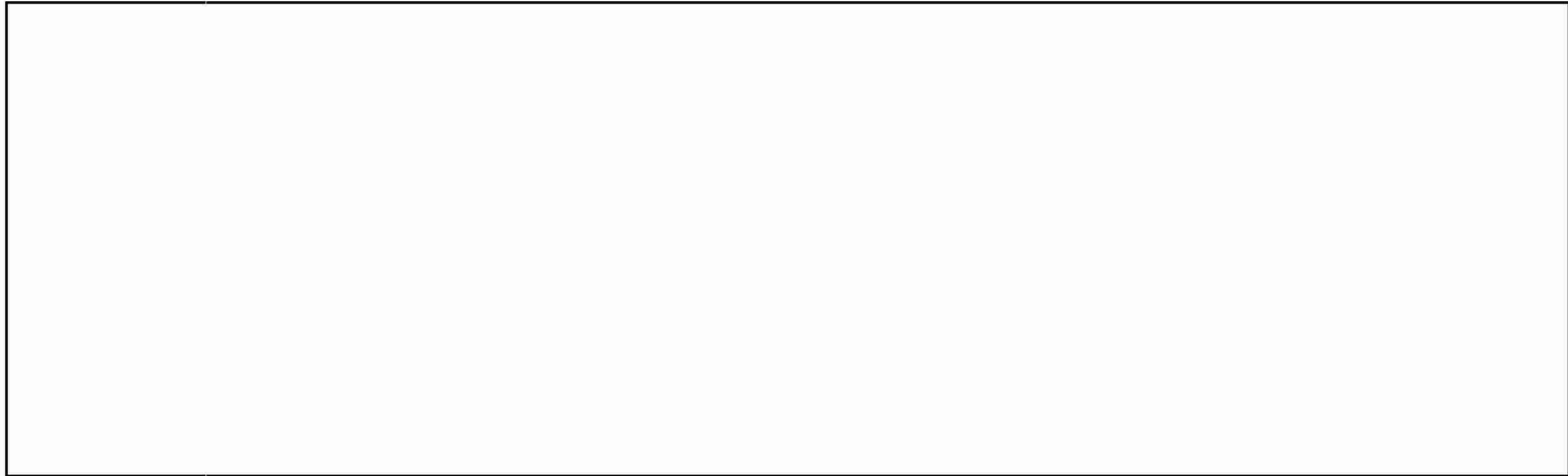
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Social Media Confrontation (con't)

-



– They are ~~For Official Use Only (FOUO)~~.

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-



Cool tools

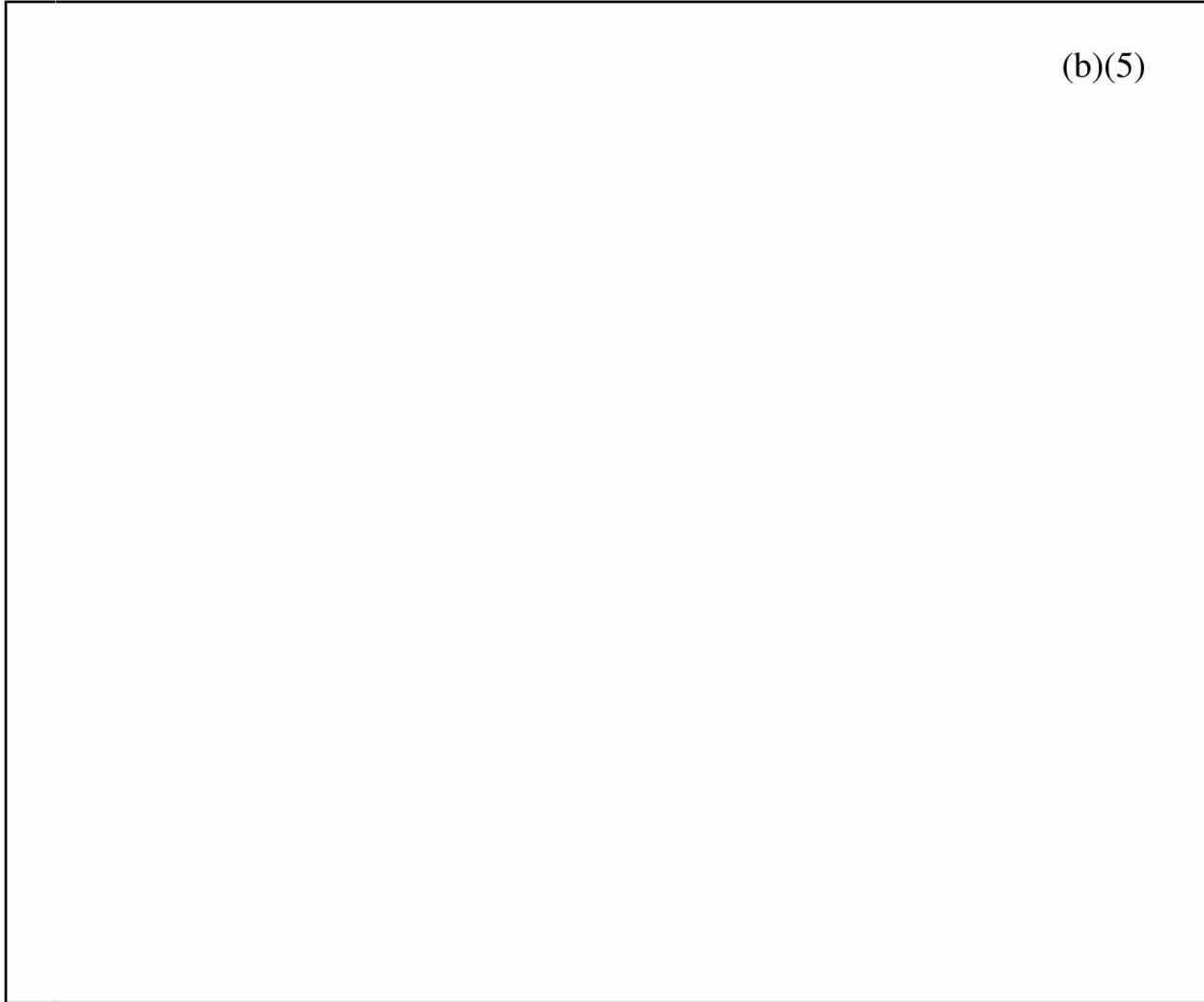


The Client

by Nate Jones

(b)(5)

Client Instructions (con't)



Client Instructions (con't)

(b)(5) (b)(7)(c) (b)(7)(e)

Client Instructions (con't)

What We Need From You:

First of all, thank you very much for agreeing to beta test this product for us. I know at this point it's just an extra step for you, but we hope in the near future that your extra work will save everyone time and frustration in the future. You rock 😊

That said, **we absolutely want to hear your thoughts, feelings, and experiences with this product – whether positive or negative.** As it said at the top, this product is still in the beta stage. We will be changing some aspects of the program/layout, and we need your input! If there's something that bugs you about the program, **EMAIL NATE JONES!** If there's a feature you'd like to see but isn't there, **EMAIL NATE JONES!** If you just had a random thought that might be cool but you're not sure, then you guessed it, **EMAIL NATE JONES!**

But really, thank you. And please let us know what you think!

-Nate Jones!

Egregious Public Safety (EPS)

What is an EPS case?

An EPS case is defined by USCIS and ICE as a case where information indicates the alien is under investigation of or, has been arrested for (without disposition), or has been convicted of, any of the following:

EPS (con't)

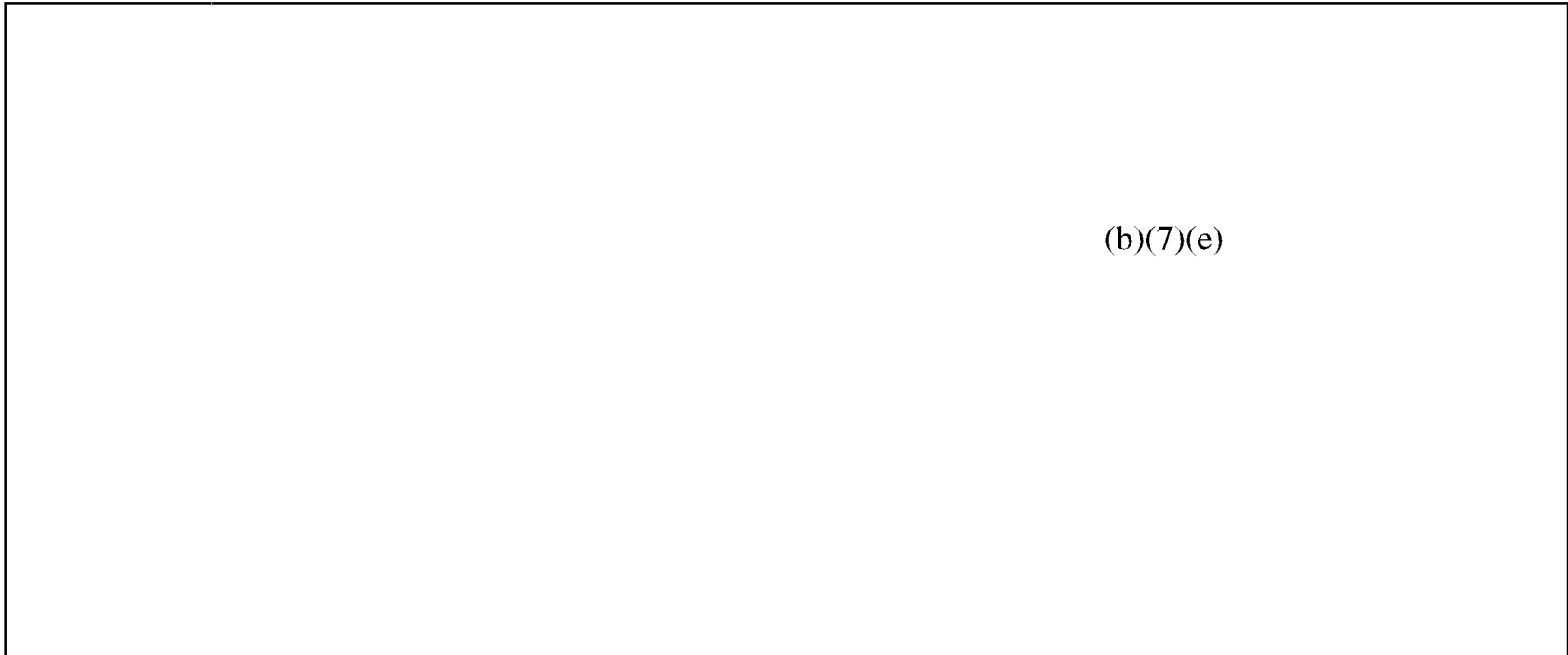
- a) Murder, rape, or sexual abuse of a minor as defined in section 101(a)(43)(A) of the INA.
- b) Illicit trafficking in firearms or destructive devices as defined in section 101(a)(43)(C) of the INA.
- c) Offenses relating to explosive materials or firearms as defined in section 101(a)(43)(E) of the INA.
- d) Crimes of violence for which the term of imprisonment imposed, or where the penalty for a pending case, is at least 1 year as defined in section 101(a)(43)(F) of the INA.
- e) An offense relating to the demand for, or receipt of, ransom as defined in section 101(a)(43)(H) of the INA.

EPS (con't)

- f) An offense relating to child pornography as defined in section 101(a)(43)(I) of the INA.
- g) An offense relating to peonage, slavery, involuntary servitude, and trafficking in persons as defined in section 101(a)(43)(K)(iii) of the INA.
- h) An offense relating to alien smuggling as defined in section 101(a)(43)(N) of the INA.
- i) Human rights violators, known or suspected street gang members, or Interpol hits.
- j) Re-entry after an order of exclusion, deportation or removal subsequent to a conviction for a felony where Form I-212, Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal, has not been approved.

Non-Egregious Criminal Cases

- A Non-EPS case is defined by USCIS and ICE as one involving an alien who is inadmissible or removable for a criminal offense not included on the EPS list.



Public Safety Referral Sheet



Public Safety Referral Sheet

(b)(7)(e)

CARRP

ZNK CARRP procedures (September 2016)

(b)(7)(e)

CARRP Processing Request

(b)(7)(e)

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Helpful Links

- Newark Asylum Field Office FDNS ECN link

(b)(7)(e)

- Country Information
 - Forms and Templates
 - Fraud Alerts
 - Intelligence Reports
 - National Security
 - Public Safety
- The Client
 - Instructions and The Client will be emailed to you

Questions

From: [Benzan, Virginia](#)
To: [#ZBO_Everyone](#)
Subject: READ THIS! What does a monkey know of the taste of ginger? April 10th Mandatory Training: India COI
Date: Thursday, April 4, 2019 4:06:00 PM
Attachments: [India Eliciting Testimony April 2019.pptx](#)
[image001.jpg](#)
Importance: High

Hindi proverb meaning someone who cannot understand, cannot appreciate.

To help us understand and appreciate common claims from Indian applicants, HQ with our own ZBO celebrity Dylan Fuller presents:

India COI, Eliciting, Fraud Trends

April 10, 2019 @ 1:30pm

1st Floor FOD Conference Room



- *This is a nation-wide mandatory training for all AOs, SAOs, TOs, Section Chiefs, and FDNS.*
- *HQ requires a compliance report! Training must be completed by April 19th.*
- *HQ expects 100% compliance.*
- *The training applies to both Affirmative and CF/RF cases.*

Additional Information:

The mandatory India COI training consists of a 3 hour webinar that follows an HQ approved PPT. Makeup time will be provided the following week, April 17th after the ZGA presentation for those who cannot be present for the start of the video or on the 10th. If you are not available on either of these days, please discuss with your supervisor an alternative date to complete the training. Reminder, training is due April 19th.

Anyone can view the webinar from your desk—*starting now!* – following the instructions below. The link is PW protected. The PW, *which must be typed and not copied in*, is [redacted] (b)(6)

[redacted] (b)(7)(e)

The COI PowerPoint for this training is posted on the RAIO Research Unit page, under Training Materials. You can find it [here](#). The Eliciting Testimony PowerPoint is attached to this email.

VIRGINIA BENZAN
Training Officer
Boston Sub-Office/Newark Asylum Office
USCIS/DHS
JFK Federal Building
15 New Sudbury Street, Suite 600
Boston, MA 02203



[redacted]

Fax (617) 565-9507 (b)(6)



[redacted]

Indian APSO Claims

Eliciting Testimony

UNCLASSIFIED//~~FOUO~~//LES

USCIS04772

USCIS Fourth Production Part 2
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Roadmap

- Preliminary considerations
- Identity of persecutor
- Possession of protected characteristic
- Seriousness of harm and state action
- Internal relocation
- Chen/other serious harm
- CAT

UNCLASSIFIED//~~FOUO~~//LES

Areas for emphasis

- Credibility
- Burden of proof
 - Possession
 - Internal relocation
- This presentation will provide strategies, suggested lines of inquiry, and samples for eliciting testimony in these areas.

UNCLASSIFIED//~~FOUO~~//LES

This will take too long. I have 5 cases.

- In all cases we spend additional time eliciting testimony on the aspects of the claim that are outcome determinative.
- Be strategic in where we devote our interview time.

UNCLASSIFIED//~~FOUO~~//LES

Standard of Proof in CF

- CF Standard of proof: significant possibility
- EXCEPT for credibility
- Applicants must provide specific facts to meet their burden.
- Statements of belief on their own are not enough.

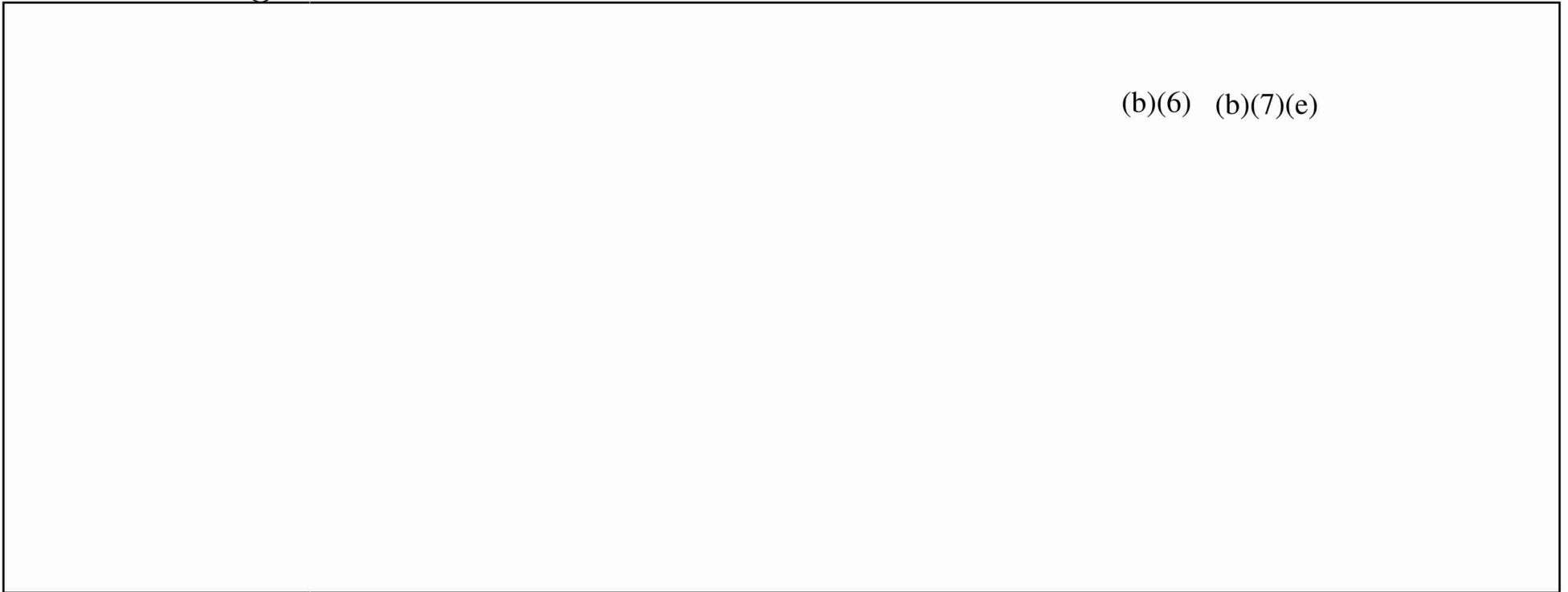
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Credibility vs. Lack of Specific Facts

- **Credibility:** First you said they only used hands and feet to beat you, now you say they used hockey sticks.
- **Specific Facts:** What makes you believe that supporters of the BJP could find you anywhere in India?

UNCLASSIFIED//~~FOUO~~//~~LES~~

Persecutor identity: Specific Facts



UNCLASSIFIED//~~FOUO~~//LES

Persecutor identity: Specific Facts

(b)(6) (b)(7)(e)

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Possession of protected characteristic

(b)(6) (b)(7)(e)

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Possession of protected characteristic

(b)(6)
(b)(7)(e)

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Possession: Posters

(b)(6)
(b)(7)(e)

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Possession: Foundation-laying

(b)(6) (b)(7)(e)

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Possession: Moving off script

(b)(6) (b)(7)(e)

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Possession: Lack of detail

(b)(6) (b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Possession: Lack of detail

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Severity of Harm

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State action

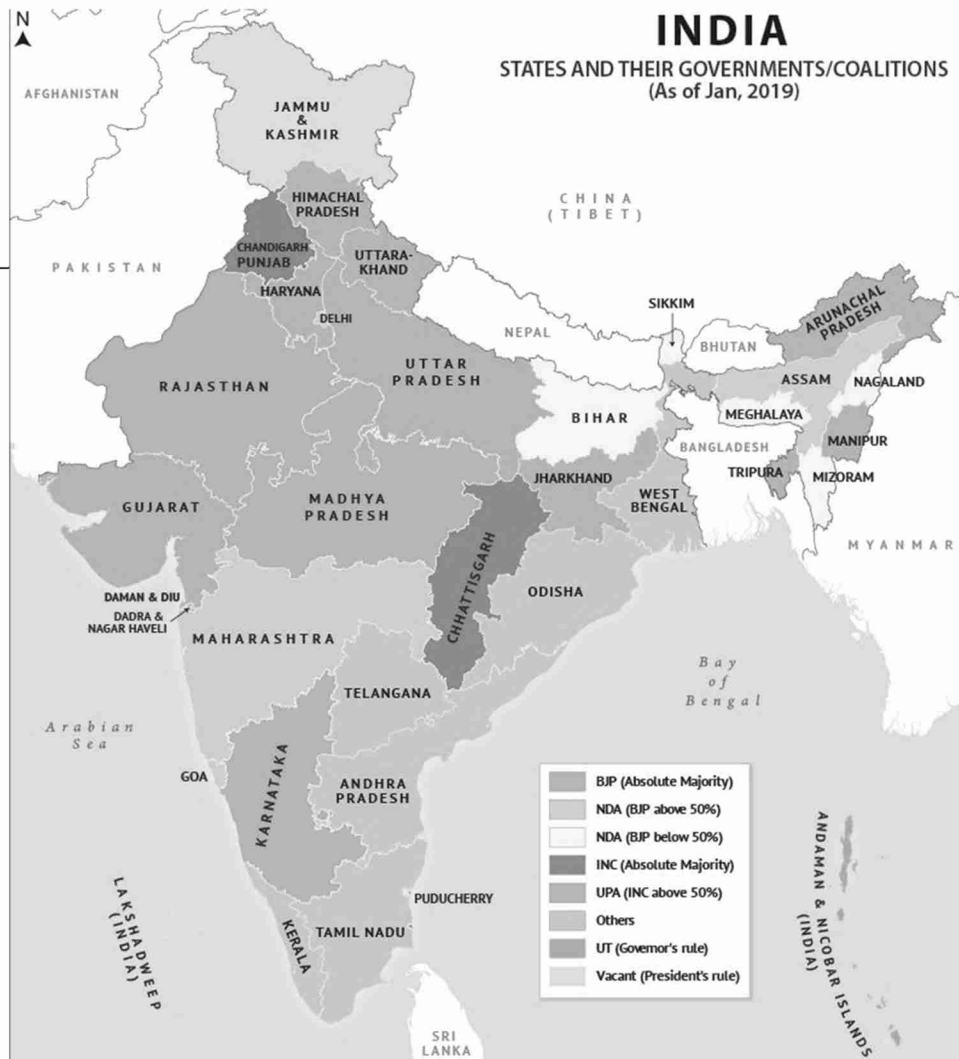
(b)(7)(e)

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Internal relocation: Avoid persecution

(b)(7)(e)

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UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Aadhaar card



UNCLASSIFIED//~~FOUO~~//~~LES~~

Internal relocation: Avoid persecution

(b)(6) (b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//LES

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Internal relocation: Avoid persecution

(b)(7)(e)

UNCLASSIFIED//~~FOUO~~//~~LES~~

Internal relocation: Reasonableness

(b)(7)(e)

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Internal relocation: Reasonableness

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Sample Checklist Analysis: Reasonableness

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Chen-type Harm

- If an applicant has established past persecution and the presumption of WFF has been rebutted because the applicant can internally relocate, consider *Chen* and Other Serious Harm.
- Responses to questions we ask for other purposes can inform this consideration
- Was the past harm serious enough to constitute *Chen*-level harm?
 - Detailed testimony on harm suffered, including any lasting effects.
 - Consider applicant's testimony regarding treatment received after attack. Village doctor or extended hospital stay?

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Sample *Chen* checklist analysis

There is also no significant possibility that asylum could be granted based on the severity of the past persecution. The applicant testified that that the worst incident of harm was when Congress party workers kicked, punched, and threatened him with death on February 28, 2018. His only injuries were bruises, for which he received an injection from the local village doctor. This is insufficient to establish a significant possibility that the harm he suffered was severe enough to warrant a grant of asylum in the absence of a well-founded fear. See *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989).

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