

Afghan Asylum Pro Se+ Project: Interview Prep Toolkit Supplement

Last Updated: 12/19/2022

TABLE OF CONTENTS

ABOUT HIAS	3
ABOUT THE ABA: COMMISSION ON IMMIGRATION	3
DRAFT ASYLUM INTERVIEW WORKSHEET	4
<i>Experienced past persecution.....</i>	<i>4</i>
<i>Holds a well-founded fear of future persecution</i>	<i>4</i>
<i>Suffered/fears persecution on account of race, religion, nationality, membership in a particular social group, and/or political opinion.....</i>	<i>4</i>
<i>No mandatory bars apply, and a positive exercise of discretion warranted.....</i>	<i>4</i>
REVIEW FORM I-589 WITH THE CLIENT	5
PREPARE TO ADDRESS THE ASYLUM CLAIM.....	5
<i>Asylum Applicant’s Role in the Interview.....</i>	<i>5</i>
<i>Asylum Officer’s Role in the Interview.....</i>	<i>5</i>
<i>Mock Interview Questions.....</i>	<i>5</i>
<i>Tips Regarding the Asylum Interview Setting</i>	<i>6</i>
<i>Tips About Navigating Misunderstandings</i>	<i>6</i>
<i>Tips on the Narrative and Articulating the Claim</i>	<i>6</i>
CONSIDERATIONS/REMINDERS FOR THE INTERVIEW	7
<i>Using Foreign Language Interpreters.....</i>	<i>7</i>
<i>Special Note About Social Media.....</i>	<i>7</i>
<i>What to Bring to the Interview.....</i>	<i>7</i>
<i>Who to Bring to the Interview.....</i>	<i>7</i>
<i>Logistical Tips for Arriving at the Asylum Office.....</i>	<i>8</i>
FREQUENTLY ASKED QUESTIONS ABOUT ASYLUM INTERVIEWS	9

About HIAS

There have never been more people seeking safety and so few places willing to protect and welcome them. Over 100 million people are forcibly displaced. Governments should be taking responsibility to support them, but instead, their responses are unacceptable. Founded in the late 1800s, HIAS is there for refugees when and where they need help most. We are a Jewish humanitarian organization that works in the United States in 20 different cities, as well as in 20+ other countries, providing vital services to refugees and asylum seekers of all faiths so they can rebuild their lives in safety, and with dignity. With the Jewish community beside us, we also advocate for the rights of forcibly displaced people globally. Over our expansive history, we've confronted—and overcome—formidable challenges facing refugees. Today, we are a leader with the expertise, partnerships, and values necessary to respond to the global crisis. Refugees deserve a world in which they find welcome, safety, and freedom. With you, we can create it. Join us.

- **Learn** about the global refugee crisis and how to make our world more safe and welcoming.
- **Visit [HIAS.org](https://www.hias.org)** to learn about our work in the U.S. and 15 countries around the world.
- **Donate to [HIAS](#)**, or directly to **[HIAS' Legal Team](#)**. Your gift will make an immediate impact in the lives of refugees and asylum seekers.
- **Take action.** Speak up, show up, or organize your community to advocate for the rights of refugees and asylum seekers everywhere.
- **Volunteer** your time and talents directly to help refugees and asylum seekers near you.
- **Welcome the Stranger.** Learn about the Jewish values we bring to our work and how you can live them out every day.
- **Follow HIAS on social media** ([Facebook](#) – [Instagram](#) – [Twitter](#)) to stay informed on refugee news and ways to help.

About the ABA: Commission on Immigration

Guided by resolutions adopted by the American Bar Association (ABA) House of Delegates, the Commission on Immigration (COI) works to coordinate and strengthen the ABA's response to legal developments and to address the needs of immigrants and newcomers. The ABA Board of Governors has designated immigration to be a legislative priority of the ABA in each Congress since 1992. COI works to achieve its goals to ensure fair treatment and full due process rights for immigrants, asylum-seekers, and refugees within the United States through various projects including South Texas Pro Bono Asylum Representation Project (ProBAR), Immigration Justice Project of San Diego (IJP), the Children's Immigration Law Academy (CILA), the Detention and LOP Information Hotline, and the COI pro bono, educational, and advocacy efforts.

Draft Asylum Interview Worksheet

An asylum applicant must establish, through their application and at their interview, that they meet each of the requirements for asylum. This worksheet (below) can help identify the key aspects of a client's story/case which will provide the factual basis to show the asylum officer that the applicant meets the legal standard for asylum. Identifying these key points will aid in your interview preparation sessions with the client, as the client will be better prepared to talk about the most important parts of their case at the interview.

Keep in mind that the facts of every case are different. These are just examples of possible facts in the client's case that may be relevant.

Experienced past persecution

- List any major incidents in the client's life when the client was harmed or threatened, especially the first incident, the worst incident, and the last incident before fleeing.
- List other times the client experienced harassment, discrimination, abuse, violence, threats, etc.
- Consider making a timeline of events with the client if there are several incidents and/or if client has trouble remembering when things happened.

Holds a well-founded fear of future persecution

- List any threats the client received while in Afghanistan.
- List any persecution of similarly-situated individuals.
- List any threats the client or their family received after arriving in the U.S.
- List any country conditions that are specifically relevant to the client's fear (relevant to client's fear being objectively reasonable).
- List reasons why client's fear is subjectively genuine.

Suffered/fears persecution on account of race, religion, nationality, membership in a particular social group, and/or political opinion

- Identify client's protected characteristic (race/religion/nationality/political opinion/particular social group).
- List any reasons why the client believes they were targeted.
- Describe anything said by persecutors during attacks (and how they relate to the applicant's protected characteristic, if at all).
- Note any incidents where other individuals with the same protected characteristic (race/religion/nationality/political opinion/social group) were threatened or harmed.

No mandatory bars apply, and a positive exercise of discretion warranted

- Identify any potential issues and explanation.
- List positive factors warranting the granting of asylum.

Review Form I-589 with the Client

When preparing for the Asylum Interview, the first thing to do with the Client is to review the Form I-589, to ensure that the information contained in the application is up-to-date and accurate. Review the form with the client in its entirety. If information needs to be updated (for example, if the client moved to a new address or changed jobs since filing the application for asylum), note those changes.

If there are numerous updates, corrections, or additions to make, it may be easiest to note all updates on a separate sheet of paper. Be sure to include at the top of the page: the applicant's complete name, alien number, receipt number, date of birth, and the date of interview. Include a space at the bottom of the page for the client's signature, and date.

We recommend advising the client to provide this supplemental update page to the officer at the start of the interview to make updating the information easier for the officer.

Prepare to Address the Asylum Claim

Asylum Applicant's Role in the Interview

The client's role in an asylum interview is to tell their story. They should keep in mind, however, that the asylum interview is not the place to tell their entire life story. The client should understand and communicate the most important details of their story which support the legal theory of their case. For example, if the client suffered threats and harm that were unrelated to their persecution on account of a protected ground, the asylum interview is not the best venue to share those stories. Take time to educate the client on what the law requires an asylum seeker to prove, and explain which parts of the client's story you believe help establish that they qualify for asylum under the law.

Asylum Officer's Role in the Interview

The asylum officer (AO)'s role in the interview is to understand the truth, and determine whether – based on the facts of the applicant's case – the applicant has met their burden to establish legal eligibility for asylum. AOs won't ask the same questions in the same order to every applicant, because the facts of every asylum case are different and every asylum officer is different. An AO is more likely to follow the flow of the conversation as the applicant tells their story, and ask follow-up questions.

Mock Interview Questions

In the link below, we provide a comprehensive list of possible questions that an asylum officer may ask your client. It is not an exhaustive list; rather, it is meant to provide a general guide on how to prepare your client to discuss their claim at the asylum interview. You can download our mock asylum interview questions [here](#).

Tips Regarding the Asylum Interview Setting

- The asylum interview is meant to be non-adversarial. The goal is to ensure the AO understands the facts of the client's case, and can easily connect those facts to the legal standard to grant asylum.
- Different cultures have different standards and expectations regarding eye contact. Remind the client that, in the U.S., maintaining eye contact is a common cultural marker of credibility; the client wants the AO to believe that they are telling the truth, so it may be important to look the AO in the eye when speaking. *(Note – This may take a couple of mock interviews to achieve.)*
- The client will be required to take an oath, i.e., a promise to tell the complete truth.
- The interview may last several hours; remind and empower the client that they should ask the AO for a break if they need one to grab water, use the restroom or to just give themselves a minute to recollect their thoughts.

Tips About Navigating Misunderstandings

- If the AO asks the client a question that they don't know the answer to, the client should not try to guess at the answer. Instead, remind the client that it's okay to answer "I don't know" or "I don't understand" or "I don't remember," when relevant.
- If the client does not understand the interpreter, or does not understand the phrasing of a question, the client can and should ask for clarification or repetition.

Tips on the Narrative and Articulating the Claim

- Ideally, the client would have a short summary of their claim prepared, so they are ready to respond to open-ended questions. How might your client fill in the blanks of this sentence? "I am afraid to return to Afghanistan because _____ will harm me. The reason they will harm me is because _____. I think that they can and will harm me because _____."
- The client should be prepared to discuss details of relevant events that help establish eligibility for the asylum (e.g., the client was previously kidnapped or threatened by the Taliban), or that could lead the AO to believe that the client is subject to a bar to asylum (e.g., the client interacted with the Taliban in a way that may make someone believe he was supporting them, when a clearer examination of the context shows that he was not).
- An AO may focus questioning on the earliest or most significant events raised in the client's application. The client should be prepared to address details of those incidents.
- Try to avoid discrepancies between the declaration and the client's spoken narrative during the interview. Such discrepancies may affect the applicant's credibility and the AO's interpretation of the entire application.
- The applicant should be prepared to address their own personal fear of persecution if returned to Afghanistan, not simply the danger that people face in general.

Considerations/Reminders for the Interview

Using Foreign Language Interpreters

As of July 21, 2022: USCIS has extended its COVID regulations through March 2023, requiring most applicants to use USCIS contracted interpreters. However, due to a lack of availability of Dari and Pashto interpreters, USCIS is asking applicants who speak those languages to provide their own interpreters if possible. **The interpreter should not be a family member of the applicant, or a fellow asylum-seeker.**

If your client speaks a rare language, you can bring an interpreter with you. It is at the discretion of the Asylum Officer as to whether a client's interpreter will be used during the interview or whether the interview will be rescheduled.

Please note the below communication with the **Arlington Asylum Office** specifically:

- *For Afghan applicants who speak the common Afghan languages (Dari, Pashto, Farsi, Uzbek, and Urdu), the Asylum Division has invoked the exception in 8 CFR 208.9(h)(1)(i) to exercise discretion to allow these applicants to bring their own interpreters, due to an increased demand for Afghan language interpreters and limited availability. If you and your client are not able to bring an interpreter, we of course will contact one of our telephonic interpreters, but there may be a delay in obtaining an interpreter, depending on their availability.*

Special Note About Social Media

Be sure to ask your client about their social media presence and any communications, inside or outside of Afghanistan, on social media or through phone calls, text messages, or emails, that may be construed as in support of the Taliban or of any extremist, violent, or terrorist organizations. We have heard of instances where AOs ask to review clients' social media accounts (please see more on this in our sample questions linked above). Be sure to prepare your clients for this so they are not surprised when the AO asks to review their social media.

What to Bring to the Interview

- Interview notice;
- Identity documents;
- Originals of all personal documents submitted with the asylum application, like their passport, driver's license, political party identification card, marriage certificates, etc. for themselves and dependents, in case the Asylum Officer asks to see them;
- Asylum Application Updates (if applicable, see Review Form I-589 with Client for detailed information on the suggested format and content); and
- *If bringing an interpreter:* Interpreter's identity document.

Who to Bring to the Interview

- All dependents, including spouse and any minor children in the U.S.; and
- Interpreter.

Logistical Tips for Arriving at the Asylum Office

- Everyone arriving at the Asylum Office will need to go through security upon arrival. They should plan to take off metal objects, and remove things from their pockets (jewelry, cell phone, wallet, etc.), to pass through the metal detector.
- To let the Asylum Office know they have arrived, the applicant should “check in” at the window after arrival and passing through security. The USCIS officer will want to see the applicant’s interview notice. Then, the officer will take the applicant’s photo and fingerprints at the window. After that, the applicant will be asked to take a seat and wait until their name or alien number is called.
- Anticipate a long wait.
- Do not bring food or drinks into the waiting room.
- Cell phone use is not permitted in waiting room.

Frequently Asked Questions about Asylum Interviews

**1. How can the client request a postponement / reschedule their affirmative asylum interview?
What information should they provide in the request?**

The client can request a postponement by emailing the appropriate asylum office directly. They should provide their availability for a rescheduled interview. An initial request for a postponement will typically be granted as a matter of course; any additional requests for postponements will only be granted for good cause.

2. How long is the first adjournment of an asylum interview?

The asylum office typically provides an adjournment of two weeks, after the first request.

3. How has the COVID-19 pandemic affected postponements / rescheduling of asylum interviews?

Due to the complications in staffing, number of people permitted in office spaces, and changing CDC guidelines, we anticipate that the asylum offices' response to requests for postponements will be less predictable. We will continue to update HIAS' guidance as more information becomes available. Visit the [USCIS website](#) for updated information regarding COVID-19 protocols at the asylum offices.

4. What should I do if I have questions about requesting a telephonic appearance or Asylum Office specific procedures?

Asylum offices often have their own processes and procedures. If you are representing a client at their interview, we recommend reaching out with questions directly to the Asylum Office where the interview will be held. A full list of asylum offices can be found [here](#). Contact information for each office is generally available online.

5. What should I make sure the Client addresses during the interview?

Consider drafting a "List of Key Points" (see information above and sample worksheet to download) and share it with the client.

6. I am planning to withdraw my G-28. Will the client be asked about the G-28 withdrawal?

We have heard anecdotally that the clients are being asked about the G-28 withdrawal. We recommend preparing the clients to explain the reason why the G-28 is being withdrawn (due to the limited nature of representation that is being provided remotely).

7. What happens after the interview?

The Asylum Officer will instruct your client as to the next steps. Most likely, the Asylum Office will mail your client the decision on their case.

8. What happens if the client misses their asylum interview?

If an asylum applicant misses their asylum interview, the Asylum Office will likely issue a "Failure to Appear Warning" Notice. The applicant should submit a request to reschedule the interview and explain why they missed their originally scheduled interview. If the asylum office finds that good cause exists to reschedule the interview, the applicant will receive a new interview notice.

A template letter to request that the Asylum Office reschedule an interview following a missed interview is [available for download here](#).