

## Asylum Seekers Face More Uncertainty Under New USCIS Interview Scheduling Policy

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In a crowded federal building earlier this month, against a backdrop of innocent child laughter and knowing adult tears, among joyful embraces and somber reassurances, a our client heard the last three digits of his alien registration number echo off the anxious faces around him, and he made his way to the window from where the voice rang. Seconds later—composing himself before the United States Citizenship and Immigration Services (USCIS) official on the other side of the glass—his fate came: “Congratulations, you have been granted asylum in the United States.”

Only six months after [Immigration Equality](#), a leading LGBTQ immigrant rights organization, referred this client to us, we successfully secured his right to remain in the United States indefinitely as an asylee, away from the persecution he had faced in his native country.

While the final word itself came with an almost surreal certainty, the months-long wait was characterized by unpredictability because of a recent change in USCIS’ affirmative asylum interview scheduling policy, which was introduced with no notice. On January 31, 2018, USCIS announced that, effective two days prior, it had begun to schedule asylum interviews for the most recent applications ahead of older filings, and that cases filed in the past 21 days, our client’s included, were given high priority.[1] By contrast, prior to the change, affirmative asylum applicants had been scheduled for interviews based on the date their case was filed.[2]

Citing concerns about a growing backlog of asylum filings, USCIS explained the policy change: “The aim is to deter individuals from using asylum backlogs solely to obtain employment authorization by filing frivolous, fraudulent or otherwise non-meritorious asylum applications. Giving priority to recent filings allows USCIS to promptly place such individuals into removal proceedings, which reduces the incentive to file for asylum solely to obtain employment authorization.”[3]

The immigrant advocacy community, however, was quick to point out the potentially devastating consequences such a change presented to asylum seekers now relegated to the back of the interview queue. Said non-profit Human Rights First, “[T]he agency’s announcement reflects no process to ensure timely interviews for the many asylum seekers who have been desperately awaiting their asylum interviews so they can, after their grant of asylum, bring their children and spouses to safety....”[4] The Legal Aid Society explained further, opining in a memo to immigration rights advocates that, based on evidence that there are more asylum applications being filed than

interviews being conducted, the new policy “would leave those applicants that are currently part of the backlog with no hope to ever have their cases adjudicated.”

For asylum applicants now unexpectedly pushed to the front of the queue, the policy change dictates an entirely different challenge. Namely, preparing in a matter of months rather than years the strongest case possible to present to USCIS.

For our client and his team of pro bono attorneys, that challenge was met with a swift call to action: our team already on the case redoubled their efforts to prepare the supporting evidence for submission and the client for his interview. New attorneys and paralegals joined the team within days of the policy change announcement; and our client repeatedly took time off work for follow-up, in-person meetings.

In the new scheduling regime, guidance on an interview date involved a single paper notice given two-weeks in advance. In the face of that limited ability to plan, a dedicated our team conducted interviews with both our client and his relatives living in foreign countries, coordinated the international shipment of supporting evidence, and translated sworn statements—all with the greatest urgency.

Fortunately, these efforts culminated in a well-deserved victory for our client, a joyous phone call with anxious relatives, and a new life free from the terrors of a country once called home.

Our client experienced relief, but for countless others who were summoned to the asylum office that afternoon on similarly short notice, the future is understandably met with downtrodden eyes.

For the bundle of asylum applicants in the cafeteria waiting their turn to hear a lone attorney describe an appeals process that does not guarantee a right to counsel, for the family of five trailing an asylum officer into an interview room with no attorney, and for the applicants who may never even get their applications adjudicated under the new policy, our nation’s status as a safe haven for survivors of human rights abuses has been seriously imperiled.

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[1] <https://www.uscis.gov/news/news-releases/uscis-take-action-address-asylum-backlog>; see also <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-interview-scheduling>

[2] *See id.*

[3] <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-interview-scheduling>

[4] <https://www.humanrightsfirst.org/press-release/new-guidelines-asylum-processing-will-harm-refugees-stuck-backlog>