

Record of Determination/Credible Fear Worksheet

██████████	██████████	██████████	██████████
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
██████████	██████████	██████████	
Asylum Officer's Last Name	Asylum Officer's First Name	Alien's Nationality	

All statements in italics must be read to the applicant.

SECTION I:

INTERVIEW PREPARATION

1.1 On or about: ██████████
Date of arrival [MM/DD/YY]

1.2 At or near: ██████████
Port of arrival

1.3 ██████████
Date of detention [MM/DD/YY]

1.4 ██████████
Place of detention

1.5 ██████████
Date of AO orientation [MM/DD/YY]

1.6 N/A
If orientation more than one week from date of detention, explain delay

1.7 ██████████
Date of interview [MM/DD/YY]

1.8 ██████████
Interview site

1.9 Applicant received and signed Form M-444 and relevant *pro bono* list on ██████████
Date signed [MM/DD/YY]

1.10 Does applicant have consultant(s)? Yes No

1.11 If yes, consultant(s) name, address, telephone number and relationship to applicant
N/A

1.12 Persons present at the interview (check which apply)

1.13 Consultant(s)

1.14 Other(s), list: Interpreter on the phone

1.15 No one other than applicant and asylum officer

1.16 Language used by applicant in interview: Spanish

1.17 ██████████ Interpreter Service, Interpreter ID Number.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2:02	3:20
	Interpreter Has Forms	Time Started	Time Ended
1.18 ██████████ Interpreter Service, Interpreter ID Number.	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Interpreter Has Forms	Time Started	Time Ended
1.19 ██████████ Interpreter Service, Interpreter ID Number.	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	Interpreter Has Forms	Time Started	Time Ended

1.20 Interpreter was not changed during the interview

1.21 Interpreter was changed during the interview for the following reason(s):

1.22 Applicant requested a female interpreter replace a male interpreter, or *vice versa*

1.23 Applicant found interpreter was not competent

1.24 Applicant found interpreter was not neutral

1.25 Officer found interpreter was not competent

1.26 Officer found interpreter was not neutral

1.27 Bad telephone connection

1.28 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to Mexico or any other country you may be removed to. It is very important you tell the truth during the interview and you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so I may explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Alien's File Number:

A

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication(s) that a medical condition exists? If YES, answer questions 2.20 and 2.21 and explain below. Yes No

2.20 Has applicant notified the facility of medical condition? Yes No

2.21 Does applicant claim that the medical condition relates to torture? Yes No

2.22 Does the applicant have a relative, sponsor or other community ties, including spouse or child already listed above? Yes No

2.23 If YES, provide information on relative or sponsor (use continuation section, if necessary):

Name

Relationship

Address

Telephone Number

Status in the United States: Citizen Legal Permanent Resident Other: Don't know

SECTION III:

CREDIBLE FEAR INTERVIEW

The following notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for purposes of this threshold screening.

The asylum officer must elicit sufficient information related to both credible fear of persecution and credible fear of torture to determine whether the applicant meets the threshold screening. Even if the asylum officer determines in the course of the interview that the applicant has a credible fear of persecution, the asylum officer must still elicit any additional information relevant to a fear of torture. Asylum officers are to ask the following questions and may use the continuation sheet if additional space is required. If the applicant replies YES to any question, the asylum officer must ask follow-up questions to elicit sufficient details about the claim in order to make a credible fear determination.

3.1 a. Have you or any member of your family ever been mistreated or threatened by anyone in any country to which you may be returned?

Yes No See Summary

b. Do you have any reason to fear harm from anyone in any country to which you may be returned?

Yes No See Summary

c. If YES to questions a and/or b, was it or is it because of any of the following reasons? (Check each of the following boxes that apply).

Race Religion Nationality Membership in a particular social group Political Opinion

See Summary

Alien's File Number:

A

- 3.2 At the conclusion of the interview, the asylum officer must read the following to applicant:

If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. The Field Office Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. *If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you may be removed from the United States as soon as travel arrangements can be made. Do you have any questions?* Yes No

- 3.3 At the conclusion of the interview, the asylum officer must read a summary of the claim, consisting of the responses to Questions 3.1 a-c and information recorded in the Additional Information/Continuation section, to applicant.

****Typed Question and Answer (Q&A) interview notes and a summary and analysis of the claim must be attached to this form for all negative credible fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear.

SECTION IV:

CREDIBLE FEAR FINDINGS

A. Credible Fear Determination:

Credibility

- 4.1 There is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.
- 4.2 Applicant found not credible because (check boxes 4.3-4.5, which apply):
- 4.3 Testimony was internally inconsistent on material issues.
- 4.4 Testimony lacked sufficient detail on material issues.
- 4.5 Testimony was not consistent with country conditions on material issues.

Nexus

- 4.6 Race 4.7 Religion 4.8 Nationality 4.9 Membership in a Particular Social Group

(Define the social group): PSG: Immediate family member of

- 4.10 Political Opinion 4.11 Coercive Family Planning [CFP] 4.12 No Nexus

Credible Fear Finding

- 4.13 Credible fear of persecution established.
OR
- 4.14 Credible fear of torture established.
OR
- 4.15 Credible fear of persecution **NOT** established and there is not a significant possibility that the applicant could establish eligibility for withholding of removal or deferral of removal under the Convention against Torture.

B. Possible Bars:

- 4.16 Applicant could be subject to a bar(s) to asylum or withholding of removal (check the box(es) that applies and explain on the continuation sheet):
- 4.17 Particularly Serious Crime 4.18 Security Risk 4.19 Aggravated Felon
- 4.20 Persecutor 4.21 Terrorist 4.22 Firmly Resettled
- 4.23 Serious Non-Political Crime Outside the United States

- 4.24 Applicant does not appear to be subject to a bar(s) to asylum or withholding of removal.

C. Identity:

- 4.25 Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.26 Applicant's own credible statements. (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty).
- 4.27 Passport which appears to be authentic.
- 4.28 Other evidence presented by applicant or in applicant's file (List): _____
- 4.29 Applicant's identity was not determined with a reasonable degree of certainty. (Explain on the continuation sheet.)

Alien's File Number:

Λ

SECTION V:

ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES

5.1

[Redacted]

5.2

[Redacted]

5.3

[Redacted]

5.4

[Redacted]

Supervisory asylum officer name

5.5

[Redacted]

Asylum Officer's Signature

5.6

[Redacted]

Decision date

Date Supervisor Approved Decision

ADDITIONAL INFORMATION/CONTINUATION

Summary

See Q & A

4.16 - Possible Bars: N/A

4.29 - Identity: N/A

A#: [REDACTED]
Name: [REDACTED]
Country: [REDACTED]

Date: [REDACTED]
APSO: [REDACTED]
Office: [REDACTED]

CREDIBLE FEAR NOTES

Applicant's name: [REDACTED]	Language: Spanish
Interpreter Provider: [REDACTED]	Interpreter Start Time: 2:02
Interpreter Number: [REDACTED]	Interpreter End Time: 3:20
Detention Facility: [REDACTED]	

Call Interpreter

Hello interpreter. This is a credible fear interview. Please have form I-870 available for reference. I'm going to place you under oath.

Administered Interpreter Oath

Officer	Interpreter
Do you affirm that you will truthfully, literally and fully interpret the questions asked by the asylum officer and the answers given by the applicant; that you will not add to, delete from, comment on, or otherwise change the matter to be interpreted; and that you will immediately notify the officer in this case if you become aware of your inability to interpret in a neutral manner on account of a bias for or against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?	Yes
Do you affirm that you understand that the matters discussed during this interview are confidential?	Yes

Interpreter: Interpreter, please introduce yourself to the applicant and make sure you understand each other.

Introduction: Hello. My name is Officer [REDACTED] and I will be conducting your interview today through an interpreter. We are having this interview today because you have expressed a fear of returning to your country at some point after you were detained, and today we will discuss what those fears may be.

What language did you learn first in your life?	Spanish
Do you speak any other languages?	No.
Do you have an attorney or a consultant?	No
An attorney is not required for this interview. However, during this interview, you have the right to have an attorney or consultant present if you would like one. Would you like to have your interview today by yourself or would you like to reschedule so that you can have more time to find an attorney?	I would like to continue without an attorney
Do you or your children have any medical or health issues that I should be aware of?	No
Are you comfortable proceeding today with your child is in the waiting room?	Yes
Do you want your children to be included in your application?	Yes
Is it okay for you to testify on your children's behalf as well?	Yes
I will talk to her at the end of the interview. I just wanted to make sure we could talk about things openly.	
Are you comfortable having this interview with me, a male officer?	Yes

A#: [REDACTED]
Name: [REDACTED]
Country: [REDACTED]

Date: [REDACTED]
APSO: [REDACTED]
Office: [REDACTED]

Interpreter read Section 1.28 (Form I-870) to applicant
Interpreter please read Paragraph 1.28 to the Applicant.

Do you have any questions about what was just read to you? Yes No

- Applicant received and signed M-444 before interview
- Complete interpreter information
- Administered Applicant Oath

Before we begin, I need to place you under oath. Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth?	Yes, I do
Thank you, you may place your hand down. The interpreter has been sworn in by me and has promised to keep everything we discuss confidential.	
Records indicate you entered the United States on [REDACTED], at or near [REDACTED]. Is that correct?	Yes
Was this the first time you entered the United States?	Yes
Which family members arrived with you to the US?	I came with my son and my daughter as well as my husband
Where is your husband now?	I believe he is detained somewhere [REDACTED]. We entered together but then were separated
Do you want him to be included in your application?	Yes, I told CARA attorneys and they said they would join our cases together.
Has either of your parents ever visited the US, even for a short trip?	Yes, my [REDACTED] was here about [REDACTED] years ago and then he returned. He lives in [REDACTED]. He never obtained legal status in the US.
Has either of your parents applied for an immigration status in the US, or are they USC?	No

Fear Claim

We are about to begin discussing the substance of your claim. It is in your best interest to keep your responses short with plenty of pauses so the interpreter may accurately interpret your responses. If what you say is too long for the interpreter to interpret, s/he will stop you. Please listen to my questions carefully and answer directly. If you do not understand a question, stop me so I may explain it.

Would you explain why you decided to leave [REDACTED] and travel to US?	Members of gang 18 killed [REDACTED] my [REDACTED] [REDACTED] as well as threatened to kill me and my children.
Why did gang 18 target your family?	[REDACTED]
What did the police say/do about your [REDACTED] murder?	[REDACTED]

A#: [REDACTED]
Name: [REDACTED]
Country: [REDACTED]

Date: [REDACTED]
APSO: [REDACTED]
Office: [REDACTED]

	[REDACTED]
What was your mother's name?	[REDACTED]
When did the gang approach you or anyone in your family including your husband and your children?	[REDACTED] <p>The gang then told him they would kill him and the rest of his family. Fearing for our lives, my husband, my children and I fled the country soon afterwards and headed to the US.</p>
Did anyone from the gang approach you directly at any point?	[REDACTED]

Future Harm

What do you think will happen to you if you return to your country?	I believe I would be killed along with my husband and my children by members of gang 18 because my [REDACTED]
Could you live in a different part of your country and	No, gang 18 has a wide reach [REDACTED] and would

A#: [REDACTED]
Name: [REDACTED]
Country: [REDACTED]

Date: [REDACTED]
APSO: [REDACTED]
Office: [REDACTED]

be safe? Why did the gang target you and your children?	be able to find us anywhere in the country. [REDACTED]
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Nexus Questions

Have you or your children ever been threatened and/or harmed or do you fear harm/threats on account of your religion in your country?	No
Have you or your children ever been threatened and/or harmed or do you fear harm/threats on account of your race/skin color in your country?	No
Have you or your children ever been threatened and/or harmed or do you fear harm/threats on account of your nationality, in your country?	No
Have you or your children ever been threatened and/or harmed or do you fear harm/threats on account of your political opinion in your country?	No
Do you think someone in [REDACTED] would want to hurt or threaten you or your children just b/c they think you're different from other [REDACTED]	No
Have you ever been harmed by a family member or (romantic) partner?	No
Besides what you told me, is there anything or anyone else that makes you scared about returning to [REDACTED]	No

CAT

Have you ever experienced severe pain or suffering?	Yes, my [REDACTED] and [REDACTED] were killed and I was threatened to be killed along with my children and my husband by members of gang 18
For the next questions, I will be using the term "public official". A public official can include any of the following types of people: police officers, military personnel, government agents, elected official or their agents, or anyone who works in a governmental or official capacity. Do you understand?	Yes
Have you ever experienced any mistreatment, threats or harm at the hands of public officials or persons associated with public officials?	No
Do you believe you could be harmed by public officials or by someone operating with the consent or permission of public officials?	Yes, [REDACTED]
If the police were to see the people you fear	[REDACTED]

A#: [redacted]
Name: [redacted]
Country: [redacted]

Date: [redacted]
APSO: [redacted]
Office: [redacted]

hurting you, what do you believe the police would do?	[redacted]
Do you believe the government of your country would torture you <i>or</i> allow you to be tortured if you return to your country?	Yes, I believe the government would allow the gang to kill me, my children and my husband.

Bars

I ask the next few questions to everyone, even children. Since your children are so young, would you like to answer on their behalf as well?	Yes
Have you or your children ever harmed anyone for any reason?	No
Have you or your children ever committed a crime in any country?	No
Have you or your children ever been convicted of a crime in any country?	No
Have you or your children ever committed an armed act or an act that could be considered a terrorist act?	No
Have you or your children ever been a member of an armed group or a group that could be considered a terrorist group?	No
Have you or your children ever provided any type of support, like food, housing, money, weapons transportation, to a person or group who commits armed acts?	No

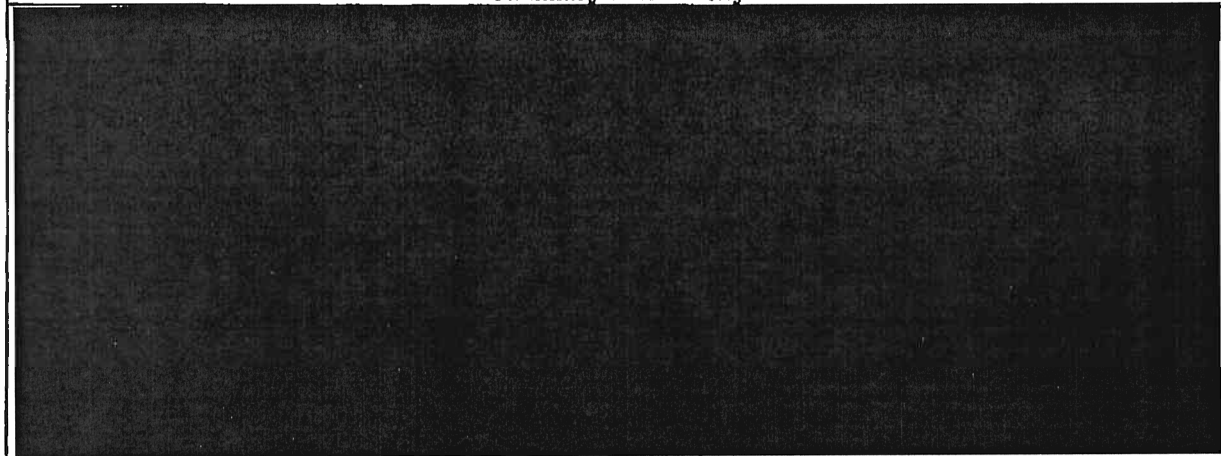
Last Check for Understanding

Did you understand the questions that I asked?	Yes
Did you understand your interpreter?	Yes
Interpreter, did you understand the applicant?	Yes

Summary of Testimony

APSO summarized the case to the applicant as required by Section 3.3 of Form I-870.

Summary of testimony



Is this summary correct?	Yes
Are there any changes or additions you would like to make?	No
Is there anything else that is important to your claim that we have not yet discussed?	No

A#: [REDACTED]
Name: [REDACTED]
Country: [REDACTED]

Date: [REDACTED]
APSO: [REDACTED]
Office: [REDACTED]

Interview Conclusion

Interpreter Please Read Section 3.2 (I-870) to applicant

Do you understand what was read to you?	Yes
Do you have any comments or questions?	No, but I just want to clarify that my son's name is [REDACTED] What you have in your records, [REDACTED] as his last name is incorrect.
Okay, thank you, I'll make a note of it.	

That concludes the interview today.

Interview End Time: 3:20 CST