

Memorandum



Subject: Distribution of Credible Fear Documents to Applicants	Date: [signed December 15, 1997]
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To: Asylum Office Directors
Asylum Pre-Screening Officer Supervisors
Asylum Pre-Screening Officers

From: Asylum Division
Office of
International Affairs

The purpose of this memo is to clarify who should receive copies of the Credible Fear assessment documents and which documents should be included in the distribution. Interim guidance instructed Asylum Pre-Screening Officers (APSOs) to ensure that applicants with negative credible fear determinations received copies of the I-867 A and B "Record of Sworn Statement in Proceedings" and "Jurat," and the I-870 "Record of Determination/Credible Fear Worksheet," including the Q & A notes from the Credible Fear Interview and the APSO's assessment. APSOs were instructed to distribute these documents to applicants with a negative credible fear determination in order to provide them with a record of why credible fear was not found.

Based upon consultations with the Office of General Counsel, the Asylum Division has determined that all applicants should receive copies of the I-867 A and B and the I-870, including the Q & A notes and the APSO's assessment, regardless of the credible fear decision, unless the applicant specifically requests not to receive them. APSOs should provide two copies of the records to applicants if a consultant was present at the interview. The Asylum Division has decided that the benefit of providing applicants with a copy of their testimony to prepare for future proceedings outweighs the cost of the extra copies and any concerns over an applicant's loss of confidentiality.

Once they have received copied of their credible fear determination, it is the applicant's responsibility to maintain the confidentiality of these records in detention. APSOs should remind applicants that INS will maintain the confidentiality and privacy of their credible fear claim, and that they are solely responsible for allowing anyone else to review the copies of their case documents.

Please direct any questions you have concerning distribution of these documents to Lorraine Eide, Charlie Fillinger, or Lyle Boelens at Headquarters.

Joseph E. Langlois /s/
Deputy Director