

## Information About Credible Fear Interview

You have been placed in expedited removal proceedings because the U.S. Department of Homeland Security (DHS) believes that you may not have the right to stay in the United States. You have also indicated that you intend to apply for asylum, you fear persecution or torture, or you fear returning to your country. This notice explains what will happen while the U.S. Government is considering your case, what rights you have, and what may happen to you as a result of statements you make. **PLEASE READ THIS NOTICE CAREFULLY.**

### What is a Credible Fear Interview?

Before DHS can remove you, DHS must interview you to determine if you have a fear of persecution or torture that the U.S. Government needs to consider further. A specially trained USCIS asylum officer will interview you. The credible fear interview is not a formal asylum or withholding of removal hearing or interview. The credible fear interview is a screening to determine if you are eligible for a hearing before an immigration judge or an Asylum Merits Interview with a USCIS asylum officer.

You may be detained both before and after the credible fear interview if DHS determines that it is appropriate. The interview will usually occur at least 48 hours after you arrive at the detention facility.

### What Happens At Your Credible Fear Interview

At your credible fear interview, you will have an opportunity to discuss your background and experiences in your country and any other country where you fear harm, and explain to the USCIS asylum officer the reasons you are pursuing an asylum claim. The officer will take written notes. This may be your only opportunity to provide information about your claim, so it is very important that you tell the asylum officer about any harm you may have suffered in the past and any harm you fear in the future. You also may be asked about conditions in your country. **To demonstrate a credible fear of persecution or torture, you must show the officer that you have a credible fear of being persecuted because of your race, religion, nationality, membership in a particular social group or political opinion, or a credible fear of being tortured in your country.**

You may request a female or male officer, if this would make it easier for you to speak about information that is very personal or difficult to discuss. You also have the right to speak with the asylum officer separately from your family.

It is very important that you:

- **Tell the truth during your credible fear interview.** Your statements may be used in this or in any future immigration case.
- **Possible Use for Asylum Application.** It is also possible that the record from your credible fear interview may be considered your asylum application if you are found to have a credible fear of persecution or torture and are scheduled and appear for an Asylum Merits Interview with a USCIS asylum officer.
- **Tell the officer any reasons why you fear returning to your home country.** U.S. law has strict rules to prevent the government from telling others about what you say in your credible fear interview. For example, the U.S. Government will not disclose to your government any information that you provide, except in exceptional circumstances.

### Whom You May Consult

While you wait for your credible fear interview, you may use this time to prepare and consult with a person of your choice as long as it does not unreasonably delay the interview process. The U.S. Government does not provide you with an attorney or representative, but you may choose to hire an attorney or representative, at your expense. You may have a consultant of your choice with you at your interview or participate by telephone.

If you need additional time before your credible fear interview to contact someone, inform a DHS officer about your circumstances and explain the reason you need more time. USCIS will decide whether your circumstances merit providing you with additional time. You may also request to have the interview earlier if you are prepared to discuss your case immediately.

A list of representatives who may be able to speak to you for free is attached to this notice. Representatives of the United Nations High Commissioner for Refugees (UNHCR) also may be able to assist you with information regarding the credible fear process:

United Nations High Commissioner for Refugees  
1800 Massachusetts Avenue N.W., Suite 500, Washington, D.C. 20036  
*Telephone:* 202-296-5191 *Email:* [usawa@unhcr.org](mailto:usawa@unhcr.org) *Web site:* [www.unhcr.org](http://www.unhcr.org)

You may call UNHCR toll-free by dialing #566 or 1-888-272-1913 on Monday, Wednesday, and Friday, 2 p.m. - 5 p.m. (Eastern Time).

If you want to call someone, ask a DHS officer for assistance. You may also use the telephone while you are in detention to call a representative, friend, or family member in the United States. You or the person you call must pay for the phone call, if charges apply.

### **Interpreters**

If you do not speak English well or if you want to be interviewed in a language of your choosing, DHS will provide an interpreter for the interview. The interpreter will be sworn to keep the information you discuss confidential. You may:

- Request another interpreter if the interpreter is not interpreting correctly or you do not feel comfortable with the interpreter.
- Request a female or male interpreter, if this would make it easier for you to speak about information that is very personal or difficult to discuss. DHS will provide them if they are available.

### **Biographic and biometric checks**

Applicants for asylum are subject to biographic and biometric checks of all appropriate records and other information databases. USCIS may use your biometrics that were collected by DHS, including Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE), to check the criminal history records, for identity verification, to determine eligibility, or any purpose authorized by the Immigration and Nationality Act. The privacy notices in this document provide information about the collection and use of this information.

### **After Your Credible Fear Interview**

After your credible fear interview, the USCIS asylum officer will make a determination on your initial screening case. If the asylum officer determines that you have a credible fear of persecution or torture, you will either receive a charging document for a hearing in immigration court or you will be scheduled for an Asylum Merits Interview with a USCIS asylum officer. At the immigration court hearing or USCIS Asylum Merits Interview, the immigration judge or asylum officer will determine whether to grant you asylum or whether you are eligible for other protection from removal. You will receive information about the date, time, and location of this hearing or interview.

If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask to have an immigration judge review the asylum officer's negative determination. If you decline this review, you may be removed from the United States.

## **Immigration Judge Review of a Negative Credible Fear Determination**

If you request that an immigration judge review the USCIS asylum officer's negative credible fear determination, the immigration judge's review will usually happen no later than 7 days from the date that you receive your negative credible fear determination. The review will be in person, by telephone, or by video connection. You may consult with a person of your choice before the review as long as it does not cause unreasonable delay. You will receive a copy of the asylum officer's determination before the immigration judge review. If any of the information is incorrect, you should tell the immigration judge.

At the review, the immigration judge will decide either that:

- You do not have a credible fear of persecution or torture. You may then be removed from the United States.

OR

- You have a credible fear of persecution or torture and you are eligible for further proceedings in immigration court or an Asylum Merits Interview with an asylum officer where you can apply for asylum or other protection from removal. At any further proceedings in immigration court or Asylum Merits Interview, the immigration judge or asylum officer will determine whether to grant you asylum or whether you are eligible for other protection from removal. If you are ordered removed, you may not be allowed to reenter the United States for 5 years or longer.

## **After a Positive Credible Fear Determination by an Asylum Officer or Immigration Judge**

If you receive a charging document for proceedings in immigration court and wish to apply for asylum, you must file Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589 and instructions on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

If you receive a document called "Information About Your Asylum Merits Interview," you will receive a notice with the time, date, and location of the Asylum Merits Interview. You will not be required to file a Form I-589 if you are scheduled and appear for an Asylum Merits Interview with a USCIS asylum officer, as the record of the credible fear interview and your credible fear determination will be considered your asylum application.

## **DHS Privacy Notice**

**Authorities:** The acquisition, preservation, and exchange of information in connection with a credible fear interview and any potential associated asylum adjudication is collected under the Immigration and Nationality Act sections 103, 208, 235 and 241(b)(3), and 8 CFR sections 103, 208, 235, and 1208.

**Purpose:** The primary purpose for providing the requested information is to determine eligibility for asylum in the United States or other protection from removal.

**Disclosure:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in the denial of a benefit request.

**Routine Uses:** DHS may share the information you provide with other federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-001 – Alien File, Index, and National File Tracking, DHS/USCIS-010 – Asylum Information and Pre-Screening and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessment [DHS/USCIS/PIA-027 USCIS Asylum Division], which you can find at [www.dhs.gov](http://www.dhs.gov), along with EOIR-001, Records Management Information System, 69 Fed. Reg 26, 179 (May 11, 2004) or its successors. DHS may also share the information as appropriate, for law enforcement purposes or in the interest of national security.

**FBI Privacy Notice**

USCIS may use your biometrics to check the criminal history records of the FBI, for identity verification, to determine eligibility, to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.), or any purpose authorized by the Immigration and Nationality Act. You may obtain a copy of your own FBI record using the procedures outlined within Title 28 C.F.R., Section 16.32. For information, please visit: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>. For Privacy Act information, please visit <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>.

**Noncitizen Acknowledgment of Receipt**

I acknowledge that I have been given notice concerning my credible fear interview. I understand that I may consult with anyone I choose before the interview as long as it does not unreasonably delay the process and is at no expense to the U.S. Government.

\_\_\_\_\_  
Noncitizen Signature

\_\_\_\_\_  
Date of Signature (mm/dd/yyyy)

**Interpreter Certification**

Interpreter was placed under oath, certified they are fluent in both the \_\_\_\_\_ and English languages, and read the form in entirety to the noncitizen in the \_\_\_\_\_ language. The noncitizen confirmed that they understood every instruction on the form.

Telephonic interpreter used

\_\_\_\_\_  
Service/ID if available

OR

\_\_\_\_\_  
Interpreter Signature

\_\_\_\_\_  
Date of Signature (mm/dd/yyyy)