

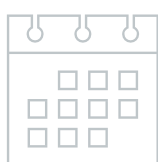


## Processing at the Border under the Circumvention of Lawful Pathways "CLP" Rule

### Customs and Border Patrol "CBP"

#### One Appointments at Ports of Entry

Migrants who want to enter the U.S. must download a mobile app, called CBP One, to schedule an appointment to present themselves at a Port of Entry.



Migrants are given a date, time, and place to appear for their CBP One appointment.

If migrant receives a positive credible fear determination, the individual will be given dates to appear in Immigration Court and apply for asylum.

Go to **Page 4** to see **If a Notice to Appear is Issued.**

### Unauthorized Border Crossings

Migrants who cross the border without inspection and are apprehended will not be eligible for asylum and could be deported unless they can show a special reason they should be eligible for asylum. First, they are taken to CBP stations for processing and next steps.

#### Processing

Migrants are held in CBP stations for processing.

#### Screening

Those who express a fear of returning to their home country and do not choose to leave voluntarily, will receive an initial screening.

#### Voluntary Return

Some migrants will be asked if they want a Voluntary Return to their home country (some will be asked if they want a Voluntary Return to Mexico) that won't count as a formal deportation and won't carry a five-year ban from the U.S. If you choose Voluntary Return to your home country (or Mexico), you will be asked to sign a document that indicates you do not have a fear to return to your home country.

See back of page.

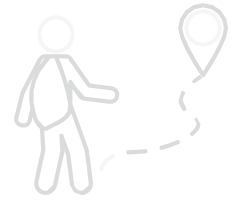




At this point, migrants will have to meet an exception to the rule or “rebut the presumption” of ineligibility for asylum.

**You may meet an exception to the rule, if you:**

- Can show that it was not possible to access or use CBP One.



**Examples:**

- You do not know the languages available on the CBP One application AND do not have someone to assist you.
- You have issues with literacy (difficulty reading and writing).
- You experienced technology issues like faulty CBP One camera or photograph technology, or faulty CBP One geolocation/geofencing issues.
- You could not schedule a CBP One appointment because of another "serious obstacle."
- You can show that you applied for and were denied asylum or protection in a country that you traveled through.
- You were an unaccompanied child at the time you entered the U.S.
- You are a Mexican national.
- You have permission to travel to the U.S. to seek parole.

**You may rebut the presumption, if you:**

- Can show that an "exceptionally compelling circumstance" exists in your case.

**Examples:**

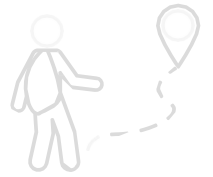
- You or a family member traveling with you experienced a medical emergency.
- You or a family member traveling with you were in extreme danger (threats of rape, kidnapping, torture, murder, etc.).
- You or a family member you are traveling with are a victim of human trafficking.

**The next step is to show a significant possibility of persecution in your home country.**

- You will have to be ready to describe **what** harm you fear, **who** you fear will harm you, and **why** they will harm you, as well as why you are not safe in another part of your country, and why the government or police cannot or will not make you safe.
- It is important to be truthful and accurate, but this is not a time to hold back. You have a right to tell a full and complete history of all past harms you have suffered and all fears you have related to that harm. This may be the best or only chance you have to make your case. The interview is confidential. Make note of any problems to inform a judge later if you need to.



**If the Asylum Officer does not find you have credible fear, and you want an Immigration Judge to review that decision, you must ask for it yourself.**



- You may be offered a Voluntary Return throughout this process. You do not have to accept, but you may. If you accept a Voluntary Return to your home country or Mexico, you will be asked to sign a document (**Form I-826**) that indicates you do not have a fear to return to your home country.
- It is your right to request a review of the negative credible fear determination by an Immigration Judge.
- You may also consider asking the Judge at the end of the review hearing to grant Voluntary Departure, if the Judge also finds there is no credible fear.



**A request for an Immigration Judge to review the negative credible fear finding has to be submitted in writing.**

You can make this request by marking the box on the **Form I-869**, Record of Negative Credible Fear Finding and Request for Review by Immigration Judge.



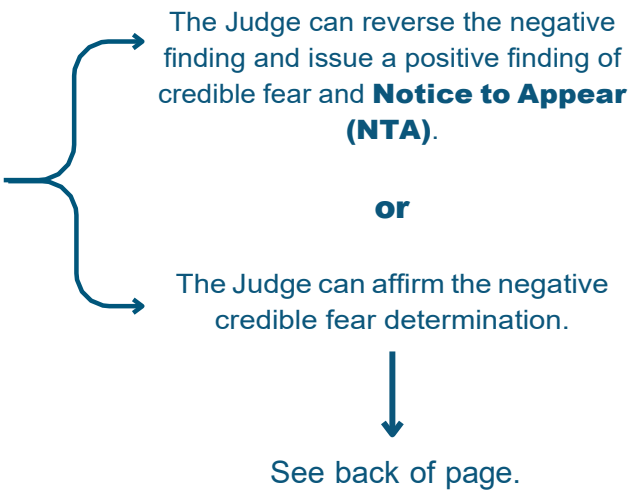
Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision. If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision. If you do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

Mark **X** in the **YES** box for a Judge to review the negative finding.

2. To be completed by the alien:
- Yes, I request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.
  - No, I do not request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.

\_\_\_\_\_  
Applicant's Last Name/ Family Name (Print)      Applicant's First Name (Print)      Applicant's Signature

- Prepare to present the details of how, and why the CLP Rule should not apply to you and details regarding your fear to return home again to the Judge.
  - If something went wrong at the Credible Fear Interview, explain to the Judge what went wrong.
    - Some Examples: there were problems with the interpreter at the screening and credible fear interview, there is incorrect information that must be corrected, you were prevented from providing all the details in your case, or you have new evidence.
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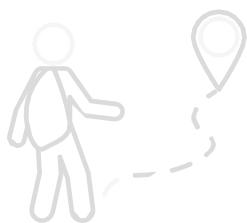


### If a Notice to Appear is Issued:

- Try to find a lawyer as soon as possible.
- You should be considered for release from detention. You can contact the DRIL at **9116#** to find out more.
- Ask for a transcript of your Credible Fear Interview and check it carefully for any errors. If you can, review the transcript with a lawyer.
- You will now have to formally request asylum in Immigration Court.
- To request asylum, you must file a **Form I-589** within one year of arriving to the United States or when the Judge requires it, whichever comes first.



- You must appear in court at the date and time on the **Notice to Appear**.
- The first court date is called the "Master Calendar Hearing." You can usually ask for more time, if you need to find a lawyer.
- The final court date is called the "Individual" or "Merits" Hearing, where you will present your asylum case to the Immigration Judge.
- After the final decision, both you and the government have 30 days to appeal.



### If your Negative Credible Fear Determination is upheld by the Judge:

- If you are still scared to return to your home country and you believe there was an error, **IMMEDIATELY** send a letter to USCIS asking them to use their **discretion** to re-evaluate your negative credible fear finding, explaining what went wrong in the Credible Fear Interview process and why it was not fair.
- As soon as the Immigration Judge issues a negative credible fear determination, the case will be returned to DHS to deport the individual. As such, this letter should be submitted as soon as possible.
- Reasons someone might ask USCIS to use their discretion to re-evaluate a negative credible fear finding: there were problems with the interpreter at the screening and credible fear interview and/or at the hearing with the judge, there is information that must be corrected, you were prevented from providing all the details in your case, and/or you have new evidence to present.
- The best way to contact USCIS is by emailing your letter to the Asylum Office directly or with the help of someone else, such as an attorney, ICE, or family/friends. If you do not have access to e-mail or someone who can help, send your letter to the USCIS office that completed your credible fear interview by mail.
- For a telephonic orientation, or the address for USCIS, please call the ABA Detention & LOP Information Line at **2150#**.

