



Defending Human Rights Since 1983

**AFFIRMATIVE
ASYLUM
TOPICAL OFFICE
HOURS:**

**ESCALATION
OPTIONS WHEN
FACING EXCESSIVE
DELAYS**

**CASEY SCHULTZ
BRUNING**

FEBRUARY 27, 2024



AGENDA

Contact USCIS

Short Notice List

Expedite Request

Congressional Assistance

Ombudsman

Mandamus

ASYLUM OFFICE BACKLOG

- Over 1 million cases (not people) in backlog nationally
- 111,710 cases in backlog at CAO
- 15,098 new cases filed with CAO in FY2024
- 2,066 cases completed by CAO in FY2024
- Staffing down
- Current priorities for CAO: Detained CFIs & OAW

EVERYONE IS WAITING, SO HOW LONG IS “TOO LONG”?

- USCIS: “A decision should be made on your asylum application within 180 days after the date you filed your application unless there are exceptional circumstances.”
- APA: USCIS has duty to adjudicate within “reasonable time”
- Two years without an interview / one year without decision?
- In practice, likely different for each applicant

CONTACT ASYLUM OFFICE

- Email, call, and/or write asylum office regularly to inquire about case status and when interview will be scheduled / rescheduled
- Shows due diligence
- Keep track of all communication (records may be valuable for further escalation options)
- Chicago.Asylum@uscis.dhs.gov
- Jennifer Lorio (jennifer.c.lorio@uscis.dhs.gov) – non-OAW
- Brendan Corcoran (brendan.d.corcoran@uscis.dhs.gov) – OAW

SHORT NOTICE LIST

- Submit written request to asylum office and ask for client to be placed on short notice list
 - Applicant's name, A-number, Asylum receipt number, DOB
- Be prepared to go to interview on very short notice (answer your phone!) when spot unexpectedly becomes available
- Most, but not all, asylum offices maintain short notice lists (Chicago Asylum Office does)
- Don't need to explain why you should be on short list, just ask to be added; no minimum wait required before going on list
- Be aware that short notice list is not a short list

EXPEDITE REQUEST

- Submit written request to asylum office with jurisdiction over application and ask for applicant's interview to be expedited on basis that applicant is suffering from some hardship that could be remedied by adjudication
 - Severe financial loss
 - Emergencies and urgent humanitarian reasons (health, family separation)
- Documentary evidence required to support request
 - Written statement from applicant
 - Medical records / Psychological evaluation
 - Evidence of family relationship
 - Witness statement (proof of threats)
- CAO follows USCIS criteria in deciding expedite request (<https://www.uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request>)
- Not all expedite requests will be granted (denial can be appealed with USCIS Administrative Appeals Office) and request itself may take some time for AO to decide

REQUEST ASSISTANCE FROM APPLICANT'S CONGRESSPERSON

- Representative Betty McCollum
 - <https://mccollum.house.gov/services/help-federal-agency>
 - 651-224-9191
- Representative Ilhan Omar
 - <https://omar.house.gov/services/immigration-casework-request>
 - 612-333-1272
- Senator Tina Smith
 - <https://www.smith.senate.gov/services/help-with-a-federal-agency/>
 - 651-221-1016
- Senator Amy Klobuchar
 - Clara_haycraft@klobuchar.senate.gov
 - 612-727-5220

CONTACT USCIS OMBUDSMAN'S OFFICE

- Submit DHS Form 7001 online (or mail/email) to request case assistance (<https://www.dhs.gov/case-assistance>)
- Provide evidence of your efforts to resolve issue directly with USCIS
- Ombudsman can help with limited types of issues

FILE MANDAMUS LAWSUIT AGAINST USCIS

- Asylum applicants who have been waiting an unreasonable amount of time for their interview (or decision) can file lawsuit in federal court asking for order requiring AO to do its job
- Exhaustion requirement
- AO may agree to create timeframe for interview/decision rather than litigate
- Filing fee, complexities of federal court, etc.

UPCOMING AILA MANDAMUS CLE

- Monday, March 11, 2024 – 12PM CST
- Registration coming (AILA website, but open to non-members)
- Email John Bruning (jbruning@advrights.org) if you want more information

ADDITIONAL THINGS TO KEEP IN MIND

- This is dysfunctional and frustrating – thank you for your patience and continued support of your client through this process!
- If your client is scheduled for an interview, please let us know!
- If you want to discuss circumstances of particular case and assess best course of action, please reach out to us!
 - cschultzbruning@advrights.org
 - hsandison@advrights.org



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