

Lesson Plan Overview

Course	Asylum Officer Basic Training
Lesson	<i>Interviewing Part II: Note-Taking</i>
Rev. Date	September 13, 2006
Lesson Description	This lesson informs asylum officers about the importance of taking clearly written and comprehensive notes during the interview and the characteristics of proper notes and proper note-taking. Through practical exercises, students will learn techniques for proper note-taking.
Field Performance Objective	Given the field situation of interviewing an applicant for asylum (and witnesses, if any), the asylum officer will be able to elicit in a nonadversarial manner and clearly record all relevant information necessary to adjudicate the asylum claim and to issue documents initiating removal proceedings.
Interim (Training) Performance Objectives	<ol style="list-style-type: none"> 1. Write legible interview notes. 2. Record all pertinent points of the asylum interview. 3. Identify who may have access to an asylum officer's interview notes. 4. Recognize when an asylum officer is required to switch to "Question-and-Answer" format of note-taking.
Instructional Methods	Lecture, practical exercises
Student Materials/References	Participant Workbook; 8 CFR § 208.6; Selected Legal References and Supplemental Information binder (section with sample notes)
Method of Evaluation	Practical exercise exam, Written test

CRITICAL TASKS

SOURCE: Asylum Officer Validation of Basic Training Final Report (Phase One), Oct. 2001

Task/ Skill #	Task Description
022	Take detailed legible notes.

023	Take sworn statements in “Q & A” format when required.
SS 4	Ability to write clearly, concisely, and grammatically in the English language.

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I. INTRODUCTION

This lesson informs students about the importance of taking **clearly written and comprehensive** notes during the interview and the characteristics of proper notes and proper note-taking.

Instructor Note #1

II. OVERVIEW

It is essential for asylum officers to take clearly written and comprehensive notes during the interview. Interview notes must accurately reflect what transpired during the interview so that a reviewer can reconstruct the interview by reading the interview notes. In addition, the interview notes should substantiate the asylum officer's decision. The quality of the notes will help determine the quality of the written assessments.

If the notes are sketchy, they will not give a complete picture of what occurred during the interview. The asylum officer will have problems remembering information when writing the assessment, particularly if there is a delay between interviewing the applicant and writing the assessment, or if another asylum officer writes the decision.

III. PURPOSE OF TAKING NOTES

A. Purpose

There are two main purposes of taking notes:

1. to substantiate the asylum officer's decision regarding credibility and the applicant's eligibility for asylum, and
2. to enable a reviewer to reconstruct the discussion that took place during the asylum interview.

B. Access

The following individuals may have access to interview notes.

1. Certain Asylum Office staff

Supervisory asylum officers review interview notes when reviewing assessments and NOIDs. Other Asylum Office

Instructor Note #2

staff, such as Quality Assurance / Trainer, Deputy Director, and Director may also review notes in certain cases. In addition, other asylum officers review files, including interview notes, in cases in which the interviewing officer could not complete the case or, in some cases, if there is a need to reinterview the applicant.

2. Headquarters staff

Headquarters quality assurance reviewers and country of origin information researchers sometimes review cases, including interview notes.

3. ICE Trial attorneys and immigration judges

ICE Trial attorneys have access to the files of cases that are referred to the immigration judge or denied by the asylum officer. If interview notes are introduced to the court as evidence, the immigration judge will also see the interview notes.

4. U.S. government officials

Certain government officials or contractors as indicated in 8 C.F.R. § 208.6 may review information pertaining to certain asylum applications.

8 CFR § 208.6

5. Applicants and their representatives

Some asylum applicants or their representatives may obtain the notes as part of a Freedom of Information Act (FOIA) request. Although generally, notes are not provided in response to a FOIA request, there have been occasions when they have been provided.

In addition, if interview notes are introduced as evidence in proceedings in Immigration Court, the applicant and representative are given a copy of the notes.

IV. CHARACTERISTICS OF PROPER NOTES

Instructor Note #3

A. Must be Legible

As noted above, a number of persons may have need to read interview notes, so notes must be written in a legible manner.

Instructor Note #4

B. Must Accurately Reflect What the Applicant Says as Well as What the Asylum Officer Asks

A reviewer should be able to reconstruct what transpired during the interview by reading the interview notes. The interview notes should substantiate the asylum officer's decision.

Asylum officers interview several applicants in a day. When the asylum officer writes the assessments later in the day, the facts of one case can blur with the facts of another case. In addition, extenuating circumstances may delay the writing of an assessment, or require another officer to write the assessment. Therefore, it is imperative that the notes be sufficiently detailed and clear.

Instructor Note #5

Furthermore, accurate interview notes are crucial for probing into the internal consistency of an applicant's claim.

Interview notes should include clearly the following:

1. Factors that address the elements of the refugee definition
2. Factors that affect credibility, including the applicant's opportunity to respond to any perceived inconsistencies
3. Factors that relate to mandatory bars and discretionary denials
4. Indications that the asylum officer pursued all relevant lines of questioning, followed-up on relevant points, and provided the applicant to add additional information before the conclusion of the interview
5. The applicant's (and any dependent's) current immigration status
6. Factors that relate to the one-year filing deadline

Instructor Note #6**C. Must Not Include the Asylum Officer's Subjective Opinions, Suppositions, or Personal Inferences****Instructor Note #7**

This should not be confused with subjective statements that the applicant may make. Such statements made by the applicant should be included in the notes.

Asylum officers should take care that their notes will be perceived by others as an accurate and objective record of the interview. For example, even an exclamation point placed in reaction to a portion of the applicant's testimony may appear as a judgment of the applicant's claim.

D. Do Not Need to Contain Every Word the Applicant Has Said

1. General rule

Notes should focus on key issues, people, places, dates, and events. Recording every word the applicant says is time-consuming and can substantially detract from the interview process. There may be rare instances, however, when every word is essential in order to capture the meaning of what the applicant said.

2. Question & Answer Notes

Headquarters requires that asylum officers take notes in a question & answer (Q&A) format in the following circumstances:

- a. The applicant admits to involvement in terrorist acts or membership in a terrorist organization.
- b. The applicant admits to persecuting others on account of one of the five protected grounds.
- c. There are serious reasons for considering an applicant a threat to national security.
- d. The applicant admits to having been convicted of a crime outside the United States, and the file does not contain a record of the conviction.
- e. The applicant admits to committing human rights abuses.

The asylum officer should switch to Q&A format notes once the applicant provides any information relating to any of the above circumstances. Q&A notes should begin on a separate page and continue through to the conclusion of the interview. Q&A notes do not have to be a verbatim record of everything said at the interview, but they must provide an accurate record of the specific questions asked and the

See, Asylum Procedures Manual, section II.2.J.9., Note-Taking by an AO During an Asylum Interview; See also, lesson, Bars to Asylum Relating to National Security

Instructor Note #8

Note: SAO concurrence might be required before switching to Q&A notes. Check with the local office for procedures.

applicant's specific answers.

Each page should include the applicant's A-number, the date of the interview, and the AO's name.

At the conclusion of the interview, the AO should review the notes with the applicant, making any corrections requested, and have the applicant initial each page of the notes. Both the AO and the applicant print and sign their names on the last page of the interview notes, and the AO draws a diagonal line from the bottom of the page to the end of the testimony.

E. Must Include What the Applicant Did Not Say, When Appropriate

It is sometimes important to include what the applicant did not say. For example, if the applicant does not know an answer or appears to be evasive, it is appropriate to include in the notes comments such as, "Applicant does not know who threatened her," or "Applicant was asked 3 times in different ways to describe arrest in detail, but would answer only that he was arrested." It is important to be as objective as possible when writing such notes.

F. Must Indicate Who Said What if More than One Person is Providing Information

Witnesses may provide testimony on behalf of the applicant, or the asylum officer may make a statement he or she wants recorded in the notes. In addition, the representative may make a statement at the end of the interview, or may ask the applicant additional questions. In these situations, the asylum officer should clearly indicate in the notes who is speaking.

G. Must Include the Date, A-Number, and Asylum Officer's Name

H. Must Not Include Abbreviations That Someone Else Will Not be able to Understand

If an asylum officer uses abbreviations, they should be few in number and should be clear enough that anyone who reviews the notes will understand what they mean from the content of the

Instructor Note #9

notes. Shorthand should never be used.

I. Must Include a Notation that the Oath was Administered to the Interpreter Monitor

On some occasions during an asylum interview, a professional interpreter will be used to monitor (via telephone) the interpretation by the applicant's interpreter. As the interpreter monitor is not present at the interview to sign an oath form, the notes must indicate that the oath was administered to the interpreter monitor.

J. Must Include Both Interpretations Where There is a Dispute in Interpretation between the Applicant's Interpreter and the Interpreter Monitor

When using a professional interpreter to monitor the interpretation by the applicant's interpreter, there may be instances in which a dispute in interpretation between the interpreter monitor and the applicant's interpreter arises. The asylum officer must accept the interpreter monitor's interpretation; however, the interview notes must preserve both the interpretation given by the applicant's interpreter and the interpreter monitor.

Langlois, Joseph. USCIS Office of Refugees, Asylum and International Operations. *Award of Interpreter Services Contract and Interim Guidance on Monitoring of Asylum Interviews by Contract Interpreters*. Draft Memorandum to All Asylum Office Personnel, distributed on February 8, 2006.

Asylum Officers may need to reschedule the interview with a different interpreter if the applicant-provided interpreter willfully misrepresents the applicant's testimony, is incompetent to translate, or displays improper conduct. Documentation of these incidents in the officer's notes may be useful in supporting requests to reschedule with a different interpreter, and if necessary, bar the interpreter from the Asylum Office. See *Affirmative Asylum Procedures Manual*, Section 2.J.4.

V. CHARACTERISTICS OF PROPER NOTE-TAKING

A. The Asylum Officer Must Develop a Non-Intrusive Technique for Taking Notes

1. The asylum officer must take notes in a way that minimizes loss of rapport and does not distract from the applicant's ability to discuss his or her claim, yet ensures that necessary information is recorded to justify decisions.
2. When an interpreter is present, the asylum officer can use the time when the interpreter is speaking to write notes. Otherwise, the asylum officer can ask a question, addressing the applicant directly, listen to the answer, and then write down the information.
3. Note-taking may be intimidating to the applicant. The asylum officer should explain toward the beginning of the

interview (during the introduction component of the interview) that he or she will be taking notes during the interview, the purpose in taking notes, and that the notes will be kept confidential.

4. Officers who type their notes during the interview must go to additional lengths to prevent the note-taking from interfering with rapport-building.

Officers must become comfortable with taking notes on the computer so that it does not interrupt the flow of the interview. For example, the officer should not have to pause the interview for significant lengths in order to type or to adjust the formatting of the document. In addition, the computer monitor should be placed at an angle so that the officer can maintain eye contact with the applicant, interpreter, and attorney (if present).

Before beginning to take notes, the officer should explain to the applicant the use of the computer as a way to take notes of the interview.

B. The Asylum Officer Must Not Become so Engrossed in Taking Notes That the Interaction with the Applicant Becomes Secondary

If an asylum officer focuses more on taking notes than on paying attention to the applicant, it may appear as if the asylum officer is not listening, which can be very distracting to the applicant. Recording notes must always be subordinate to interviewing the applicant.

Instructor Note #10

VI. SUMMARY

A. The Purpose of Note-Taking

1. To substantiate the asylum officer's decision regarding the applicant's eligibility (including credibility) for asylum; and
2. To enable the reviewer to reconstruct the discussion that took place during the asylum interview

B. Interview Notes: Legible, Accurate, Objective

A number of individuals may have access to and may review interview notes.

Interview notes

- must be legible
- must accurately reflect what transpired during the interview
- must not contain the asylum officer's subjective opinions
- do not need to include every word the applicant says
- must include what the applicant did not say when appropriate
- must indicate who said what
- must not include shorthand or abbreviations that cannot be understood
- must include the date, A-#, and asylum officer's name

C. Note-Taking Should be Non-Intrusive

Taking notes is secondary to the interaction between the asylum officer and the applicant.