# IMPROVING COUNTRY OF ORIGIN INFORMATION FOR ASYLUM ADJUDICATORS

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The U.S. asylum system faces enormous backlogs and serious shortcomings.[1] Detailed, accurate and timely country or origin information (COI) offers a key tool in addressing these problems, enabling adjudicators, including asylum and refugee officers from United States Citizenship and Immigration Services (USCIS), to decide asylum claims accurately and efficiently. Due to insufficient resources and competing budget priorities, USCIS does not currently employ sufficient staff at the Research Branch of the Statelessness, TRIG, and Research Division of Refugee, Asylum, and International Operations (RAIO Research) to effectively maintain a robust COI center.

## The Need for a Country-of-Origin Information Center

In 1980, Congress passed the Refugee Act, which created a legal basis for asylum in the United States and directed the Attorney General to establish a procedure to assess asylum claims.[2] These implementing regulations required the establishment of a COI center in order to "aid Asylum Officers to maintain *current knowledge* of country conditions around the world."[3] COI is indispensable for asylum officers to "[a]sk questions to fully develop the interviewee's claim,"[4] "[e]valuate the objective or factual basis of the claim and eligibility," and "[a]ssess credibility."[5] Without reliable and consistent country of origin information, asylum adjudicators might rely "on their own subjective concepts of country conditions in refugee-producing countries, or…. exclusively on reports motivated by foreign policy considerations."[6]

Though detailed, timely, and reliable COI is crucial for an accurate and efficient asylum adjudication system, the current COI offerings at the asylum offices are inadequate.

## The Role of RAIO Research

RAIO Research serves both RAIO and USCIS more broadly, providing research services to eleven asylum offices, refugee officers, immigration service centers, field offices, the Office of Policy and Strategy, the Fraud Detection and National Security Directorate (FDNS), and more. Staff in the Research Unit perform the following core tasks:

- Collecting information about assigned regions from a wide variety of sources;

- Disseminating information to the field through training, papers, query responses, and other work products; and

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[1] U.S. Department of Homeland Security, Office of the Inspector General, *USCIS Faces Challenges Meeting Statutory Timelines and Reducing Its Backlog of Affirmative Asylum Claims* (July 3, 2024) [hereinafter DHS OIG report], https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-36-Jul24.pdf

[2] Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980). § 208(a).

[3] Asylum Officer Training, 55 Fed. Reg. 30676 (Immigr. & Naturalization Serv. July 27, 1990) ("a documentation center shall be maintained for the collection and dissemination of information on human rights conditions.").

[4] U.S. CITIZENSHIP & IMMIGR. SERV., RAIO DIRECTORATE – OFFICER TRAINING: RESEARCHING & USING COUNTRY OF ORIGIN INFORMATION IN RAIO ADJUDICATIONS: TRAINING MODULE 11 (2019) [hereinafter RAIO COI TRAINING], https://www.uscis.gov/sites/default/files/document/foia/COI_LP_RAIO.pdf.

[5] *Id.*

[6] INS, ASYLUM OFFICER BASIC TRAINING: COUNTRY CONDITIONS RESEARCH AND THE COIRS 1 (2009), Westlaw 2009 WL 4566262.

• Conducting field trainings on COI and research techniques.[7]

For questions involving legal issues, RAIO Research coordinates with the Law Library of Congress Foreign Law Specialists who provide foreign and legislative information services upon request.[8]

The Research Unit consists of twelve researchers that are delegated as follows:

• Two researchers for the Middle East and North Africa;
• Two researchers for East and South Asia;
• Two researchers for Europe and Central Asia;
• Two researchers for Sub-Saharan Africa;
• Three researchers for Latin America and the Caribbean;
• One researcher for the Horn of Africa;

In addition, RAIO Research houses the Research Division Chief and a Management and Program Analyst.

**These staffing levels are inadequate to meet the demands of the job.** At the most recent count, there were 760 asylum officers and 290 refugee officers, or one researcher for 87 officers.[9] In FY 2023, the asylum office alone received 440,000 affirmative asylum applications, which translates to over 36,000 new cases per researcher.[10] As noted above, RAIO Research also fields requests for COI from other parts of USCIS, including Service Centers, Field Offices, and FDNS. These requests include country conditions reports for the Office of Policy and Strategy which relies on them to make Temporary Protected Status (TPS) determinations as well as research for senior leadership in RAIO and USCIS. Moreover, each researcher is responsible for creating and updating country conditions information for and conducting trainings on a large number of countries. Because RAIO Research faces very high demand for its work and insufficient knowledge management resources, shortfalls in staffing prevent them from providing the time-sensitive country conditions research needed by asylum adjudicators to decide asylum claims accurately and efficiently.[11] By way of comparison, the Immigration and Refugee Board of Canada (IRB), which received 137,947 claims in 2023, employs approximately fifty to sixty researchers, approximately 2500 new cases per researcher.[12]

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[7] RAIO COI TRAINING, *supra* note 4, at 20.

[8] *Id.*

[9] 769 asylum officers as of September 2023. Asylum Quarterly Engagement Fiscal Year 2023, Quarter 4 Talking Points (Sept. 19, 2023), *available at* https://www.uscis.gov/sites/default/files/document/outreach-engagements/AsylumQuarterlyEngagement-FY23Quarter4PresentationTalkingPoints.pdf 290 refugee officers as of November 2022. USCIS Refugee Processing Quarterly Engagement (Dec. 7, 2022), *available at* https://www.uscis.gov/sites/default/files/document/outreach-engagements/Refugee_Processing_Quarterly_Engagement.pdf

[10] DHS OIG report, *supra* note 1.

[11] Although asylum adjudicators also use COI furnished by the State Department through their annual "Country Reports on Human Rights Practices", these reports are generally not sufficiently detailed to assess individual asylum claims. At worst, these reports may be politicized in ways that render them unreliable. EOIR provides COI through its Law Library and Immigration Research Center online "Country Pages" database; these resources are inconsistent in the breadth of information they provide for each country and are not updated frequently. *EOIR: Country Conditions Research*, DOJ, https://www.justice.gov/eoir/country-conditions-research (last visited Mar. 22, 2023). Given that RAIO Research maintains its own country pages offering sources of COI tailored to the issues seen by refugee and asylum officers in their caseloads, RAIO officers have little incentive to rely on EOIR's Country Pages.

[12] Immigration and Refugee Board of Canada, *Claims by Country of Alleged Persecution – 2023*, *available at* https://www.irb-cisr.gc.ca/en/statistics/protection/Pages/RPDStat2023.aspx (last visited June 13, 2024).

**How to Improve Country of Origin Information in U.S. Asylum System**

Given the importance of accurate and up to date country of origin information in determining asylum claims, U.S. policymakers should increase funding to bolster country conditions research for asylum adjudicators. Funding should primarily be allocated towards expanding RAIO's regional research teams, on which adjudicators rely for country-of-origin information. USCIS should also relaunch a webpage for RAIO Research, potentially with the long-term goal of publishing country conditions information.

    1.  **Expand RAIO Research Capacity**

First, RAIO should allocate researchers to different regions through an evidence-based approach that can identify how to expend its resources most effectively. Regular needs-based assessments should be utilized, balancing the frequency of claims, the most common types of claims, and the complexity of the claims from particular countries of origin. Drawing from these assessments, and with an eye to likely migration trends, RAIO research should confirm that current allocations of researchers match the need for country-of-origin information for particular geographic sub-regions, hiring additional researchers as needed. RAIO should also survey adjudicators to enable them to identify any COI gaps, including requests for specific COI.

Currently, RAIO Research divides the geographic regions into the following six regions: Latin America and the Caribbean; Europe and Central Asia; East and South Asia; Horn of Africa; Middle East and North Africa; and Sub-Saharan Africa. According to data from the Department of Homeland Security's Office of Immigration Statistics, since 2015,[13] seventy to eighty percent of asylum applicants have come from Latin America and East and South Asia. Despite these disproportionate numbers, only three researchers are assigned to Latin America and only two researchers are assigned to East and South Asia. These regions should be further divided into sub-regions, as proposed below, to ensure more nuanced research:

- Latin America:
  - Central America and Mexico
  - South America
  - The Caribbean
- East Asia and South Asia
- Europe and Central Asia
- Middle East and North Africa; and
- Horn of Africa and Sub-Saharan Africa

**More researchers should be assigned to the sub-regions that have consistently produced the highest number of asylum claimants and/or the most complex claims.** A recently hired Management and Program Analyst is currently gathering data on the past two years of asylum receipts which will help to identify the need for country of origin information for different regions.

In order to meet the demand it faces more effectively, RAIO Research should hire nine to eleven additional researchers, three more research managers to oversee their work, and one more

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[13] 2015 was the last year for which DHS OIS released data on the number of asylum filings; prior to 2015, available data only examines asylum claims that were granted. *Immigration Data and Statistics: Refugees and Asylees*, DHS, https://www.dhs.gov/immigration-statistics/refugees-asylees (last updated Mar. 14, 2023). OIS publishes Annual Flow Reports, which report on the flow of refugees and asylees who applied for and were granted asylum during a given fiscal year. *Id.*

Management and Program Analyst to disseminate their work. As the program expands, it will be important to create a supervisory structure that ensures that these additional resources are put to the most effective use possible.

Increasing and assigning staff using an evidence-based approach that takes into account past demand and predicts future needs would enable RAIO Research to produce more reliable and accurate country conditions information in a shorter amount of time, increasing the efficiency of the asylum adjudication process. Adding staff with expertise in knowledge management would help to achieve that goal by enabling researchers to focus on COI research and ensuring their work product is disseminated effectively. Expanding the teams would allow researchers to conduct more thorough and accurate research, respond to adjudicators more quickly, and update existing country conditions reports more frequently. This approach could be piloted with the Latin American region to better understand potential efficiencies.

Moreover, greater capacity at RAIO Research could make adjudication more efficient, likely reducing the current asylum office backlog of over 1 million cases, by expanding "pattern and practice of persecution" analysis, following the recommendations of the USCIS Ombudsman.[14] RAIO Research could identify groups of people in specific countries who are likely to have a well-founded fear of persecution based on one of the five grounds for asylum, and offer country conditions information that would enable adjudicators to assess their cases quickly. In addition, RAIO Research could create interview guidance tailored to certain groups fearing persecution to increase efficiency and accuracy in adjudication. Finally, an expanded RAIO Research team could train asylum officers on how to incorporate country conditions information into their decisions.

## 2. Distribute COI More Efficiently and Effectively

The country of origin information produced by RAIO Research should be more accessible to adjudicators and potentially other participants in the process. Until its web redesign in October 2006, USCIS had dedicated a webpage for the Resource Information Center (now RAIO Research), where it publicly published country conditions information including country information pages, query responses, profiles, alerts, perspectives, question and answers, information packets, and master exhibits.[15] The page has since been removed and COI is accessible to adjudicators only via their internal, currently outdated, SharePoint server which is not readily text searchable, among other shortcomings. This gap in knowledge management makes the asylum process less efficient than it should be; adjudicators who can easily access reliable country of origin information will have increased capacity to make more accurate and more efficient decisions.

**Conclusion**

Even with President Biden's recent executive actions to further curtail access to asylum at the border, people in need of protection are arriving in the U.S. every day, adding to the backlog of over 1 million asylum cases pending at the asylum office and in the immigration court.[16] These modest investments in RAIO Research can help to ensure that asylum cases are decided accurately and efficiently.

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[14] U.S. Citizenship and Immigration Services Ombudsman, Annual Report 2022, at 45-47, available at https://www.dhs.gov/sites/default/files/2022-06/CIS_Ombudsman_2022_Annual_Report_0.pdf

[15] *Resource Information Center*, USCIS, https://web.archive.org/web/20031229145600/https://www.uscis.gov/graphics/services/asylum/ric/index.htm (last visited Mar. 1, 2023).

[16] HIAS, *Asylum Backlog Presents Anguish, Uncertainty for Seekers* (Apr. 4, 2024), *available at* https://hias.org/news/asylum-backlog-presents-anguish-uncertainty-seekers/ (last visited June 13, 2024).