

**U.S. Citizenship and Immigration Services  
Refugee, Asylum, and International Operations Directorate  
Asylum Division  
Affirmative Asylum Procedures Manual (AAPM)  
November 2007**

**Link to entire AAPM:**  
<http://www.uscis.gov/files/natedocuments/AffrmAsyManFNL.pdf>

**EXCERPT of:**

**III. EXPANDED TOPICS**

**V. TERMINATION OF AN ASYLUM APPROVAL**

**V. TERMINATION OF AN ASYLUM APPROVAL**

**1. Overview of Termination Proceedings**

**a. Grounds for Termination of Asylum Status**

The Asylum Office initiates a proceeding to terminate asylum status granted by USCIS when prima facie evidence indicates that at least one (1) of the following circumstances is present:

- There is a showing of fraud in the alien's application such that he or she was not eligible for asylum at the time it was granted.
- As to an application filed on or after April 1, 1997, one or more of the conditions described in Section 208(c)(2) of the INA exist, summarized below:
  - the alien no longer meets the definition of a refugee due to a fundamental change in circumstances;
  - the alien is a persecutor, danger to the security of the U.S., described in terrorist grounds of inadmissibility, or firmly resettled in another country; or the alien was convicted of a particularly serious crime or there are serious reasons to believe the alien committed a serious nonpolitical crime outside the U.S.;
  - the alien may be removed pursuant to a safe third country agreement;
  - the alien voluntarily re-availed him- or herself of the protection of the country of feared persecution by returning to such country with the reasonable possibility of obtaining or having obtained permanent resident status with the same rights and obligations of other permanent residents of the country;
  - the alien has acquired a new nationality and enjoys the protection of that country.
- As to an application filed before April 1, 1997, the alien no longer has a well-founded fear of persecution due to a change of country conditions in the alien's country of nationality or last habitual residence, or the alien has committed any act that would have been grounds for a mandatory denial of asylum under 8 C.F.R. 208.13(c)(2), summarized below:
  - the alien was convicted of a particularly serious crime;
  - the alien was firmly resettled in another country;
  - the alien is a danger to national security;

- the alien has been convicted of an aggravated felony;
- the alien order, incited, assisted, or otherwise participated in persecution of others on account of one or more of the five protected grounds;
- the alien is involved in terrorist activities as described in INA Section 212(a)(3)(B)(i)(I) [engaged in], (II) [reasonably likely to engage in after entry], and (III) [incited with an intent to cause death or serious bodily harm], unless there are no reasonable ground to believe the asylee is a danger to national security.

Termination of asylum status for the principal asylee results in termination of any derivative status, whether derivative status was gained at the same time of the original asylum grant or through the approval of an I-730, *Refugee/Asylee Relative Petition*. The termination does not preclude the former derivative from applying for asylum or withholding of removal on his or her own. When grounds for termination apply to a derivative alone, the derivative asylum status is terminated without effect on the principal asylee's status, and documents discussed in this section are issued to the derivative asylee alone.

[INA § 208\(c\)\(2\), \(3\);](#)  
[8 C.F.R. 208.24](#)

### **b. Standards of Proof Relevant to Termination Proceedings**

Before asylum may be terminated, the Asylum Office issues to the asylee a *Notice of Intent to Terminate (NOIT)* listing the ground(s) for the intended termination and containing a summary of the evidence supporting the ground(s). To issue a *NOIT*, the Asylum Office must have information establishing a *prima facie* case supporting termination. In order to terminate asylee status, USCIS has the burden of establishing one or more of the termination grounds in 8 C.F.R. 208.24 by a *preponderance of the evidence*. In other words, to begin termination proceedings through the issuance of a *NOIT*, the Asylum Office must have information that, on its face, indicates that asylum termination *may* be appropriate, but need not have the higher level of evidence required to terminate asylee status.

After the issuance of the *NOIT*, the disclosure of other facts and circumstances in the termination interview may cause the Asylum Office to find that there is insufficient evidence to meet the preponderance of the evidence standard required to terminate asylee status. For more discussion regarding standards of proof, *see* AOBTC Lesson Plan, *Asylum Eligibility Part IV: Burden of Proof, Standards of Proof, and Evidence*.

If the Asylum Office possesses information that does not rise to the level of a *prima facie* case in support of termination but that raises questions about the viability of the asylee's status, the Asylum Office may request a *voluntary* interview with the asylee. If the asylee does not cooperate, the Asylum Office may coordinate with the Office of Fraud Detection and National Security (FDNS), ICE Investigations, or (as in the case of overseas information or where otherwise appropriate) with HQASM to develop the information further.

### **c. Asylum Office Jurisdiction and Choice of Procedure for Terminating Asylum Granted by USCIS**

Termination proceedings can only be initiated after an *Asylum Approval* has been issued, and may be initiated even if the individual has adjusted to LPR status. The Asylum Office does not have jurisdiction to terminate asylum granted by EOIR. If the Asylum Office receives a request to take action to terminate asylum that was granted by EOIR, the Asylum Office refers the requester to USCIS Area Counsel or the ICE Office of the Principal Legal Advisor (OPLA).

When USCIS initiates termination proceedings, it may do so by initiating and conducting

termination proceedings at the Asylum Office pursuant to guidance in this manual, or USCIS may elect to issue an NTA concurrently with a *Notice of Intent to Terminate Asylum Status by EOIR* (Appendix 43) to vest the Immigration Court with jurisdiction over the termination proceedings. *See* 8 C.F.R. 208.24(f).

The Asylum Office that handles issues related to the termination of asylum status, including conducting termination proceedings, if any, is the Asylum Office with jurisdiction over the asylee's place of residence (or, if detained, place of detention). The Asylum Office that conducts termination proceedings may update the REVO screen regardless of whether that office issued the asylum grant.

## 2. Sources of Adverse Information

### a. Overseas Source

**An Asylum Office should not take action on adverse information received directly from an overseas DOS consular or overseas DHS immigration officer before submitting it to HQASM for review.** DHS and DOS have established a protocol requiring that any adverse information supplied by a DOS consular officer be directed to HQASM for review. If the source of the adverse information is a DHS office overseas, the adverse information must also be forwarded to HQASM for review. Asylum Office personnel refer to HQASM any inquiries or information received by the Asylum Office directly from an overseas source. The Asylum Office should not take further action before receiving written instructions from HQASM.

#### i. *HQASM receipt of adverse information*

When HQASM receives adverse information from either the DOS or an overseas DHS office, HQASM personnel:

- Receive and review the cable or correspondence containing the adverse information.
- Determine jurisdiction over the case (HQASM should forward the information to the appropriate entity if the Asylum Division does not have jurisdiction over the case).
- Create a W-File that contains a copy of the adverse information. The work folder remains at HQASM.
- Make appropriate entries into the HQ Overseas Asylum Fraud Interdiction Log ("HQ Log") and request transfer of the individual's A-file to HQASM.

If HQASM requests the A-file, upon its receipt, HQASM personnel photocopy the original Form I-589, interview notes, and other relevant information, and place copies in the Work Folder. HQASM also confirms receipt of the file by updating NFTS and the HQ Log.

If HQASM determines that the adverse information is not related to a termination ground for asylum (because, for example, the alleged fraud is wholly unrelated to the asylee's asylum claim), HQASM forwards the adverse information from an overseas source to HQFDNS.

#### ii. *Transmittal of adverse information to the Asylum Office*

If HQASM determines that the adverse information establishes a prima facie case for termination and, therefore, warrants a termination interview, HQASM prepares a memorandum to the Asylum Office Director having jurisdiction over the individual's place of residence requesting that the Asylum Office issue a Notice of Intent to Terminate Asylum Status (NOIT) or other appropriate action.

The memo to an Asylum Office Director *does not* recommend that asylum status be terminated. The transmittal memo provides a brief outline of the information and merely

concludes that there is sufficient adverse information to warrant NOIT issuance and to conduct a termination interview, where all the facts of the case can be more fully developed and evaluated by an AO.

If HQASM determines that adverse information related to a termination ground for asylum is insufficient for NOIT issuance but warrants further review, HQASM prepares an FDNS referral sheet and forwards the referral sheet and A-file (if applicable) to the Asylum Office Director for further action by the FDNS IO.

HQASM attaches the transmittal memo to the A-file for shipment to the appropriate Asylum Office Director for further action. After the Asylum Office Director receives the A-file and memo from HQASM, the Asylum Office Director will forward the file/file information to the AO responsible for termination and the FDNS IO. The AO responsible for termination and the FDNS IO will coordinate file handling and information sharing on the case.

The Asylum Office must send the draft *NOIT* to HQASM for review before it may be served on the applicant and any representative of record. Similarly, a subsequent memorandum to the file recommending either termination or continuation of asylum status (described below in section V.5.) must be sent to HQASM for review before a final decision is made.

#### **b. Domestic Source – Asylee in the U.S.**

An Asylum Office may receive from within DHS or another domestic source outside DHS adverse information that indicates that an individual’s asylum status should be terminated. The Asylum Office Director, or designee, should review any adverse information received and institute termination proceedings when it establishes a *prima facie* case in support of termination based on one or more of the grounds provided in 8 C.F.R. 208.24. The Asylum Office Director will share the adverse information and file/file information with the FDNS IO.

Yates, William R. [Protocols for Handling Asylee Adjustment Cases That May Warrant Initiation of the Asylum Status Termination Process](#). Memorandum to Regional Directors, et al., 19 July 2004, 16p.

Unless HQASM received the information and therefore brought it to the attention of the Asylum Office, HQASM need not act as an intermediary between the Asylum Office and the entity providing the information. HQASM also does not need to review the *NOIT* or a recommendation to terminate or continue the individual’s asylum status, unless the case otherwise falls within one of the categories for HQASM/QA review, when requested in a particular case, or if the case involves classified information, as discussed below.

See Section [III.V.3.b](#) on classified information.

#### **c. Domestic Source – Asylee Applying for Admission at a Port of Entry**

An Asylum Office may receive a request from another DHS component to issue a *NOIT* to an asylee who is seeking re-admission to the U.S. The Asylum Office may only issue the *NOIT* if there is evidence establishing a *prima facie* case in support of termination.

[8 C.F.R. 208.24\(g\)](#)

### **3. Notifying Asylee of USCIS’s Intent to Terminate Asylum Status**

Prior to the termination of a grant of asylum, the Asylum Office notifies the individual of USCIS’s intent to terminate asylum status through the issuance of a *Notice of Intent to Terminate (NOIT)*. The *NOIT* template used depends on whether the termination proceedings will be conducted by the Asylum Office or EOIR. Circumstances under which a USCIS asylum grant may be terminated by EOIR are discussed below. In either case, the *NOIT* notifies the asylee of the grounds for termination, and includes a summary of the

**Required Materials:** Appendices: *Notice of Intent to Terminate Asylum Status by USCIS (Error! Reference source not found.)*, *Notice of Intent to Terminate Asylum*

unclassified supporting evidence that constitutes grounds for termination.

Status by EOIR  
(Error! Reference  
source not found.)

When the Asylum Office serves the *NOIT*, Asylum Office personnel enter the date of service in the ISSUE DATE – NOIT ONLY field on the Termination of Asylum (REVO) screen. When Asylum Office personnel enter a date in the ISSUE DATE – NOIT ONLY field, an update indicating “NOIT ISSUED” will appear on the Case Status (CHIS) screen.

“Date of service” refers to the date that the letter is placed in an envelope and put in the out-going mail.

Upon service of the *NOIT*, Asylum Office personnel also enter an interview date, which must be at least 30 days after the service of the *NOIT*, in the TERMINATION INTERVIEW DATE field on the REVO screen. Entry of an interview date is required at the same time that the date of *NOIT* issuance is entered on the REVO screen. When Asylum Office personnel enter a date in the TERMINATION INTERVIEW DATE field, an update indicating “TERMINATION INTERVIEW” will appear on the CHIS screen.

Generally, the Asylum Office may disclose to the asylee unclassified evidence constituting or supporting grounds for termination, including unclassified materials from the Department of State or other government agencies. If there is a question as to what may be disclosed to the asylee in notifying him or her of the grounds for termination, HQASM should be contacted.

The Asylum Office may not disclose information about third parties in the *NOIT*. If the material from another agency contains information about a third person, the Asylum Officer should summarize the document, omitting the information about that individual and redact those portions of the document, if it is attached to the *NOIT*.

Asylum Office personnel attach a Legal Provider List to the *NOIT* when sending it to the individual. The *NOIT* must be personally served on the asylee within the meaning of 8 C.F.R. 103.5a(a)(2). This includes mailing a copy by registered or certified mail, return receipt requested, to the asylee’s last known address. See Section III.A above for guidance on determining an asylee’s most recent address. Because a significant amount of time may have passed since the asylum approval, Asylum Office personnel review the A-file, RAPS, CLAIMS, AR-11, and other available DHS systems for the most current address for the *NOIT*.

As noted above, if the Asylum Office conducts the termination proceedings, the termination interview is set for at least 30 days after the date of mailing of the *NOIT*. The asylee may waive this 30-day period and request an earlier interview, or may waive the interview entirely and admit the allegations in the *NOIT* in writing. A written waiver form is included as an attachment to the *NOIT* for this purpose. If the Asylum Office receives a written rebuttal, a request for an earlier interview, or a waiver of the interview, Asylum Office personnel enter the date received in the DATE REBUT/WAIVER RECVD field on the REVO screen. If the Asylum Office receives a request for an earlier interview, Asylum Office personnel may enter a date sooner than 30 days after the date of mailing of the *NOIT* in the TERMINATION INTERVIEW DATE field after Asylum Office personnel enter the date the request for an earlier interview was received in the DATE REBUT/WAIVER RECVD field. When Asylum Office personnel enter a date in the DATE REBUT/WAIVER RECVD field, an update indicating “REBUTTAL/WAIVER TO NOIT RECEIVED” will appear on the CHIS screen.

**a. Termination by EOIR When the Asylum Office Issued the *Asylum***

## *Approval*

Generally, an Asylum Office terminates asylum status when the asylum approval was issued by an Asylum Office. An Immigration Judge (IJ) may also terminate asylum status at any time after an Asylum Office has issued a *NOIT* to an asylee.

[8 C.F.R. 208.24\(f\)](#)

The majority of the asylees whose asylum status is reviewed by an IJ are those individuals who will be or have already been placed into proceedings by another branch of DHS or are being detained based on a criminal conviction. The Asylum Office Director may elect to send an AO to a facility to conduct a termination interview and complete the adjudication, or can choose to have the individual's asylum status reviewed by the IJ in the context of a removal or deportation proceeding. However, there may be other circumstances where the Director feels it is appropriate to issue an NTA concurrently with the *NOIT* to vest jurisdiction over the termination proceedings with the Immigration Court.

If the Director determines that an IJ will review the individual's asylum status, the following occurs:

- The Asylum Office obtains a copy of the court disposition, indicating the criminal record of the asylee, and a copy of the NTA (charging document), if any.
- Asylum Office personnel prepare a *Notice of Intent to Terminate Asylum Status by EOIR* (Appendix 43), which indicates the IJ's role in reviewing the individual's asylum status.
- Asylum Office personnel serve the *NOIT* and a Legal Provider List on the asylee either by certified mail or in-person by an Investigator. If in-person service is accomplished, the Asylum Office must obtain a copy of the *NOIT* signed by the asylee in order to verify receipt.
- When the Asylum Office serves the *NOIT* on the asylee, Asylum Office personnel enter the date of service in the OR NOIT + NTA field on the REVO screen. When Asylum Office personnel enter a date in the OR NOIT + NTA field, an update indicating "NOIT + NTA ISSUED" will appear on the CHIS screen, and Asylum Office personnel will be automatically transferred to the NTA Generation (OSCG) screen to prepare the NTA.
- Asylum Office personnel consult with USCIS Area Counsel or the ICE Office of the Principal Legal Advisor (OPLA) to prepare and issue an NTA with the appropriate charge(s). If an NTA has already been issued, it may or may not be necessary for counsel to file an amended NTA. Whether the Asylum Office or another DHS component places the asylee in proceedings, Asylum Office personnel update the IJ Hearing (HEAR) screen in RAPS with the IJ hearing information.

Unless the *NOIT* is served in person, "date of service" refers to the date that the letter is placed in an envelope and put in the out-going mail.

Asylum Office personnel request that the USCIS Area Counsel or ICE OPLA and any other DHS component involved in the case notify the Asylum Office if asylum is terminated. The Asylum Office may not update the REVO screen to show that an individual is no longer an asylee unless the Immigration Judge terminates asylum status.

### **b. Classified Information**

In some cases, the adverse information from either an overseas or domestic source that constitutes grounds for termination will include classified terrorist or criminal information supplied by the Department of State or other sources. An AO must not disclose the details of the classified information to the asylee, either in the *NOIT* or later at the termination interview, in order to protect the security of the classified operation or the safety of a confidential informant. The AO who conducts the interview and reviews the information must have the proper security clearance according to the level of the classified information.

If the information is from an overseas source, the transmittal memorandum from HQASM to

the Asylum Office will suggest the appropriate disclosure of information, as needed, including suggested language to be included in the *NOIT* to balance security concerns with the need to provide an asylee with a meaningful opportunity to rebut. HQASM will also be available to discuss the issue with the interviewing AO. If the information is from a domestic source, the Asylum Office Director will liaise with HQASM to inform the AO what information may be disclosed, and to what degree of detail.

An AO may not at any time disclose the identity of a confidential informant (or information that could reasonably lead to discovery of the identity of the informant), or the nature of an undercover or otherwise classified (e.g., terrorist or security) operation.

#### **4. Conducting the Termination Interview**

The AO places the individual, dependent family members, and the interpreter, if any, under oath. The AO, asylee, and interpreter, if any, complete a *Record of Applicant and Interpreter Oaths* (Appendix 2).

If a dependent entered the U.S. pursuant to an I-730 that was granted based upon the principal's asylum approval, the AO updates the I-730 Data Entry (I730) screen in RAPS. This adds the dependent to the principal's asylum claim.

The nature of the termination interview is nonadversarial, and the conduct of the interview is consistent with the procedural aspects of an asylum interview as outlined in Section II.J, *AO Conducts an Asylum Interview*, except that the termination interview need only explore issues relevant to termination of asylum. If the individual fails to appear for the termination interview, the Asylum Office waits fifteen (15) calendar days from the date of the interview before taking further action to see if the individual submits an excuse for his or her failure to appear or a request to reschedule the interview.

#### **5. Making a Determination**

USCIS has the burden of establishing that a preponderance of the evidence supports termination. For guidance on the preponderance of the evidence standard, see the AOTBC Basic Training Materials, *Asylum Eligibility IV: Burden of Proof and Evidence*.

If the reason for termination is based upon fraud, an AO may not affirm the grant of asylum based on a new "true" story offered by the alien for the first time at the termination interview. In most cases the Asylum Officer will not have a new I-589 reflecting the new "true" story, nor will the DOS or overseas information supplier, if any, have had the opportunity to review and comment on the new claim. More importantly, after having committed fraud in the affirmative system, the appropriate forum for the individual to present a new asylum claim is in defensive proceedings where adversarial methods such as cross-examination can further test the veracity of the new story.

##### **a. Asylee Appeared for the Interview**

If the individual appears for the interview, the AO makes a recommendation either to terminate or to continue the individual's asylum status based upon evidence presented. The Asylum Officer prepares a memorandum for the file recommending either termination or continuation of asylum status, depending upon whether a preponderance of the evidence supports termination. The memo includes a summary of the asylee's testimony, the original claim, the adverse information considered, and an analysis of why asylum status should be terminated or continued.

##### **b. Asylee Failed to Appear for the Interview**

If the individual fails to appear for the interview and the failure to appear is not excused in accordance with 8 C.F.R. 208.10, the Asylum Office follows the same procedures as discussed in Section III.X.5.a above, except that the recommendation memo also includes a brief statement of the circumstances surrounding the failure to appear, whether any excuse was submitted and, if so, why the excuse was insufficient.

If the evidence constitutes less than a preponderance of the evidence and therefore appears insufficient to terminate asylum status, the Asylum Office Director may elect to coordinate with USCIS Area Counsel, the Office of Fraud Detection and National Security (FDNS), the ICE Office of the Principal Legal Advisor (OPLA), and/or ICE District Investigations to follow up on the case and possibly issue an NTA when there are sustainable charges.

### **c. HQASM Review**

When HQASM review is required because the case falls within one of the categories of cases that require Headquarters Quality Assurance review or as discussed in Section III.V.2.a., above, the Asylum Office must ensure that HQASM receives the following documents for review before preparing the case further:

- QA Referral Sheet,
- *NOIT*,
- I-589 with supporting documentation,
- Original assessment to grant,
- Interview Notes from original asylum interview and termination interview, if any,
- Memo to the file recommending termination or continuation of asylum status,
- Evidence presented by the individual at the time of the termination interview, if any,
- Draft of Notice of Termination of Asylum Status or Notice of Continuation of Asylum Status.

Asylum Office personnel should scan the case documents and e-mail them to the “ASYLUM QA – AFFIRMATIVE” mailbox. If the materials cannot be scanned to a file size of less than 9MB, Asylum Office personnel send them to HQASM/TRAQ via DHL at 20 Massachusetts Ave., NW, Suite 3300, Washington, D.C. 20529. Asylum Office personnel should alert HQASM/TRAQ in advance of any case sent via DHL.

Once HQASM concurs in the decision, or if the Asylum Office does not need to obtain concurrence, Asylum Office personnel prepare the case either for termination or continuation of asylum status.

### **d. Asylum Office Terminates Asylum Status**

The AO prepares:

- *Notice of Termination of Asylum Status* (Appendix 41),
- Form I-213, if required,
- NTA.

Termination of asylum status applies to the principal as well as all individuals who obtained derivative asylum status from the principal, whether granted as dependents on the I-589 or through an I-730 *Refugee/Asylee Relative Petition*. See 8 C.F.R. 208.24(d), 208.21(g). The *Notice of Termination of Asylum Status* (Appendix 41) can be used to terminate either a principal or a derivative asylee. If terminating a derivative asylee, Asylum Office personnel do not use any of the language pertaining to dependents in the *Notice*.

If the asylee appeared for the interview, Asylum Office personnel record T2 (Asylum Terminated) next to the TERMINATION DECISION field on the REVO screen. Asylum Office personnel also record the date of termination in the TERMINATION DATE field and record the reason for termination (either R1 (Changed Country Conditions), R2 (Fraud in Application), or R3 (Grounds for Denial Act)) next to the REASON FOR TERMINATION field. Before Asylum Office personnel may finalize entry of the decision, RAPS will remind Asylum Office personnel that a preponderance of the evidence is required to terminate asylum status. Asylum Office personnel press PF9 to terminate asylum status or PF3 to cancel the termination decision. Asylum Office personnel may also press PF3 to cancel the termination decision at any time before it becomes final. If Asylum Office personnel go through with the decision to terminate asylum status, an update indicating "ASYLUM STATUS TERMINATED" will appear on the Case History (CHIS) screen. The FINAL DECISION field on the Case Status (CSTA) screen will reflect "GRANT TERMINATED" and the reason for the termination. Asylum Office personnel also indicate to what immigration status (if any) the former asylee should be restored next to the RESTORE TO STATUS field on the REVO screen.

Supervisory Asylum Officers (SAOs) may reverse a final decision to terminate asylum status by pressing PF1. If an SAO elects to reverse a final decision to terminate asylum status, the SAO will need to reenter the information pertaining to the final grant of asylum into RAPS on the Final Decision (FDEC) screen.

If the asylee failed to appear for the interview, the failure to appear is not excused in accordance with 8 C.F.R. 208.10, and the Asylum Office intends to terminate asylum status based on a preponderance of the evidence, Asylum Office personnel follow the steps in the two paragraphs above to terminate asylum status. On the REVO screen Asylum Office personnel also record that the individual failed to appear for the interview by recording an X next to TERMINATION INTV NO-SHOW.

If the asylee failed to appear for the interview, the failure to appear is not excused in accordance with 8 C.F.R. 208.10, and the evidence constitutes less than a preponderance of the evidence and therefore appears insufficient to terminate asylum status, Asylum Office personnel follow the steps in Section III.X.5.b above. On the REVO screen Asylum Office personnel also record that the individual failed to appear for the interview by recording an X next to TERMINATION INTV NO-SHOW. However, Asylum Office personnel do not terminate the individual's asylum status.

Regardless of whether the individual is an LPR or an asylee, after asylum status is terminated, the Asylum Office must place the individual before the Immigration Court. Asylum Office personnel note the deportation code on the REVO screen by recording either A1 (NTA Required), A5 (I-863), or A6 (No Deportation) next to the DEPORTATION CODE field and then place a charge and allegation on the NTA that corresponds to the reason for termination (e.g., commission of fraud, criminal conviction, etc.). Asylum Office personnel should consult the DHS field manual that lists all allegations and charges that DHS uses for NTAs, and local USCIS Area Counsel and/or the ICE Office of the Principal Legal Advisor (OPLA) for appropriate charges to list on the NTA.

If the termination grounds apply only to a dependent, only the asylee status of the dependent is terminated. If the derivative asylee status of an individual who was admitted pursuant to an I-730 is terminated, the NTA is prepared with the appropriate deportability charges under INA Section 237, most likely 237(a)(1)(B) [present in the U.S. in violation of law], with any additional charges. Asylum Office personnel send the *Notice of Termination of Asylum Status* (Appendix 41) to the dependant with a copy to the principal asylee.

If the asylee was paroled on or after April 1, 1997, not pursuant to advance parole, Asylum Office personnel must follow the procedures outlined in Section III.Q when preparing to initiate removal proceedings. The termination of an asylee's status, in and of itself, does not negate the possibility that the asylee has a credible fear of persecution or torture.

If HQ review is required, Asylum Office personnel should scan the case documents and e-mail them to the "ASYLUM QA – AFFIRMATIVE" mailbox. If the materials cannot be scanned to a file size of less than 9MB, Asylum Office personnel send them to HQASM/TRAQ via DHL at 20 Massachusetts Ave., NW, Suite 3300, Washington, D.C. 20529. Asylum Office personnel should alert HQASM/TRAQ in advance of any case sent via DHL.

**e. Effect of Termination on Employment Authorization**

Once asylum status is terminated, any employment authorization issued as a result of that status is automatically terminated. The former asylee must surrender any EAD issued under code "a5" (asylee) as soon as possible after termination of his or her asylum status. The Asylum Office Director will determine the appropriate method of surrender, for example to Asylum Office personnel, to an Assistant U.S. Attorney (in the case of an asylee whose asylum status is terminated on criminal grounds), or to ICE DRO in the case of an individual who is in custody. Asylum office personnel should also coordinate with USCIS District Office personnel to ensure that the former asylee's EAD information is properly updated in CLAIMS 3.

[8 C.F.R. 208.24\(c\)](#)

**f. Asylum Office Continues the Individual's Asylum Status**

The AO prepares:

- *Notice of Continuation of Asylum Status* (Appendix 42)

Asylum Office personnel record T1 (Asylum Continued) next to the TERMINATION DECISION field on the REVO screen. An update indicating "ASYLUM STATUS CONTINUED AFTER NOIT" will appear on the CHIS screen. The Case Status (CSTA) screen continues to reflect that the individual was granted asylum.

Asylum Office personnel serve the letter by either regular or certified mail, as dictated by local Asylum Office policy, and place a copy in the asylee's file. If HQ review is required, Asylum Office personnel also scan a copy of the *Notice of Continuation of Asylum Status* and e-mail it to the "ASYLUM QA – AFFIRMATIVE" mailbox.

**6. FOIA Requests During Termination Proceedings**

After the issuance of a NOIT, an asylee or his or her representative may file a request for information in the asylee's file pursuant to the Freedom of Information Act (FOIA). Termination proceedings are to be delayed until the asylee has been provided a response to his or her request, and the file is returned to the Asylum Office.