

# Human Rights First

## Discrimination, Detention, and Deportation: Immigration & Refugees

**<https://www.humanrightsfirst.org/resource/credible-fear-screening-and-fraud-safeguards>**

### Policy Issue Resources

Work With Asylum Seekers

If you are seeking asylum, we can help

Areas of Focus

Current Initiatives

The United States has, over decades, established rigorous, interagency procedures to vet and screen asylum seekers. Human Rights First has detailed the asylum systems fraud and security safeguards in a number of [statements](#) and [fact sheets](#). This fact sheet outlines the security and anti-fraud measures applicable to asylum seekers who are initially subjected to expedited removals credible fear process before they are allowed to file an asylum application for consideration by a U.S. immigration court. They are subjected to multiple security measures, which include vetting conducted with U.S. Customs and Border Protection (CBP) databases, interviews with asylum officers, screening by U.S. Immigration and Customs Enforcement (ICE) and multiple intelligence agencies, and hearings before immigration judges. Immigration officials also use the FBI, the Department of Defense, the National Counterterrorism Center databases and other databases that include U.S. and international intelligence agency and terrorist watch-list information. No one may be granted asylum until these steps are taken. Moreover, throughout the process immigration agents and adjudicators apply anti-fraud measures to assess the credibility of the applicant.

#### What is the Credible Fear Process?

When a person subjected to expedited removal (a summary removal process) indicates an intention to apply for asylum or a fear of persecution and/or torture, the immigration officer must refer him or her for a credible fear interview by an asylum officer within U.S. Citizenship and Immigration Services (USCIS).<sup>[1]</sup> The asylum officer determines whether a significant possibility exists taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the officer that the person will be able to demonstrate eligibility for asylum.<sup>[2]</sup> Asylum seekers are generally held in U.S. immigration detention facilities during this screening process. If the asylum seeker receives a positive result from the credible fear interview, she or he will be referred to regular removal proceedings, a process under section 240 of the Immigration and Nationality Act, and can then present an asylum claim before an immigration judge. When subjected to expedited removal, asylum seekers are not allowed to file a request for asylum unless they demonstrate a credible fear.

Over the years, CBPs use of expedited removal has expanded significantly. Since fiscal year 2009, the number of credible fear assessments referred to USCIS has increased, in the wake of the expanded use of expedited removal amid the refugee crisis in Central America. By fiscal year 2016, there were 94,048 credible fear screenings adjudicated by USCIS, compared to 36,030 in 2013.<sup>[3]</sup> Other countries in the region have also seen sharp increase in requests for refugee protection, with asylum claims by Salvadorans, Guatemalans, and Hondurans rising by 435 percent in the neighboring countries of Mexico, Panama, Nicaragua, Costa Rica, and Belize.<sup>[4]</sup>

Asylum seekers who enter the asylum process after presenting themselves to CBP at a port-of-entry or after coming into contact with the Border Patrol initially undergo vetting by CBP. This process includes national security, terrorism, and intelligence checks via TECS, an information-sharing platform and database owned by CBP.<sup>[5]</sup> TECS contains enforcement, inspection, and intelligence records from federal, state, local, and foreign sources, as well as records pertaining to known or suspected terrorists, wanted persons, and persons of interest for law enforcement and counterterrorism purposes. The data in TECS is collected both directly from the person in question, as well as by referencing other systems. For example, TECS maintains a copy of the FBI's Terrorist Screening Database, and TECS users have access to Nlets (formerly the National Law Enforcement Telecommunications System), which links every federal, state, local law enforcement, justice, and public safety agency for the purpose of sharing information on criminal histories as well as Interpol information.

<sup>[1]</sup> Immigration and Nationality Act 235(b)(1)(A)(ii).

<sup>[2]</sup> Immigration and Nationality Act 235(b)(1)(B)(v).

<sup>[3]</sup> U.S. Citizenship and Immigration Services, Credible Fear Workload Report Summary, October 2013; U.S. Citizenship and Immigration Services, Credible Fear Workload Report Summary, November 2016.

<sup>[4]</sup> U.N. High Commissioner for Refugees, *Children on the Run* (2014).

<sup>[5]</sup> See, U.S. Department of Homeland Security, Privacy Impact Assessment for the TECS System: CBP Primary and Secondary

Processing, Dec. 22, 2010.

Published on May 23, 2017

Share

Systemic Injustice-Refugee Protection

2017 Pro Bono Stars: Houston

Blog

Systemic Injustice-Refugee Protection

Joint Letter to President Biden, Secretary Mayorkas & AG Garland on Title 42

Letter

Systemic Injustice-Refugee Protection

360 Videos Document Life for Asylum Seekers at U.S. Border

Press

Systemic Injustice-Refugee Protection

5 Ways To Help Migrant Parents And Children At The Border

Blog

Systemic Injustice-Refugee Protection

5th Circuit Amicus Brief in State of Texas, State of Missouri v Biden: HRF Opposes MPP on the Merits

Amicus Briefs

Systemic Injustice-Refugee Protection

A life in safety would not mean anything if my children were not here with me: Joys and Trauma Persist for Refugees Separated from Their Families

Letter

Systemic Injustice-Refugee Protection

A Second Chance for Detained Asylum Seekers in Jennings v. Rodriguez

Blog

Systemic Injustice-Refugee Protection

A Shameful Record: Biden Administrations Use of Trump Policies Endangers People Seeking Asylum

Reports

Systemic Injustice-Refugee Protection

A Sign of Desperation: Syrian Refugees are Selling Their Organs

Blog

Systemic Injustice-Refugee Protection

A Sordid Scheme: The Trump Administrations Illegal Return of Asylum Seekers to Mexico

Reports

Systemic Injustice-Refugee Protection

A Sordid Scheme: The Trump Administrations Illegal Return of Asylum Seekers to Mexico

Reports

Systemic Injustice-Refugee Protection

A Year After Del Rio, Haitian Asylum Seekers Expelled Under Title 42 Are Still Suffering

Letter

Urge Congress to pass the Afghan Adjustment Act

Human Rights First is a nonpartisan, 501(c)(3). We do not favor or oppose any candidate for public office.