

Record of Negative Credible Fear Finding and Request For Review by Immigration Judge

Alien File Number: [REDACTED]

1. To be explained to the alien by the asylum officer:

U.S. Citizenship and Immigration Services (USCIS) has determined that you do not have a credible fear of persecution or torture pursuant to 8 CFR 208.30 for the following reason(s):

- A. You have not established a credible fear of persecution in your country of nationality, country of last habitual residence, or a country to which you have been ordered removed because:
 - You have not indicated that you were harmed in the past and you have not expressed fear of future harm.
 - There is no significant possibility that you could establish in a full hearing that the harm you experienced and/or the harm you fear is on account of your race, religion, nationality, political opinion, or membership in a particular social group.
 - You have not indicated that you were harmed in the past, and there is no significant possibility that you could establish in a full hearing that the harm you fear is well founded.
 - There is no significant possibility that you could establish in a full hearing that the harm you experienced or fear was/is sufficiently serious to amount to persecution.
 - There is no significant possibility that you could establish in a full hearing that the entity that harmed you or would harm you was/is an agent of the government or an entity the government was/is unable or unwilling to control.

AND

- You have not established a credible fear of torture in a country to which you have been ordered removed because you have not established that there is a significant possibility that:
 - You would suffer severe physical or mental pain or suffering.
 - The harm you fear would be specifically intended to inflict severe physical or mental pain or suffering.
 - The harm you fear would be inflicted by or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.
 - The harm you fear would be inflicted while you are in the custody or physical control of the offender.
 - The harm you fear would not arise only from, would not be inherent in, and would not be incidental to, lawful sanctions.
- B. Considering the totality of the circumstances and all relevant factors, you have not established that your testimony is credible.

Therefore, you are ordered removed from the United States. You may request that an Immigration Judge review this decision. If you request that an Immigration Judge review this decision, you will remain in detention until an Immigration Judge reviews your case. That review could occur as long as 7 days after you receive this decision. If you do not request that an Immigration Judge review the decision, you may be removed from the United States immediately.

2. To be completed by the alien:

- Yes, I request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.
- No, I do not request Immigration Judge review** of the decision that I do not have a credible fear of persecution or torture.

[REDACTED]	[REDACTED]	Unable to serve
Applicant's Last Name/ Family Name	Applicant's First Name (Print)	Applicant's Signature
[REDACTED]	[REDACTED]	9/8/2022
Asylum Officer's Last Name (Print)	Asylum Officer's First Name, (Print)	Date

The contents of this form were read and explained to the applicant in the Hindi language

Interpreter used:
By telephone (list interpreter service /ID number used no interpreter available).

In person (I, _____, certify that I am fluent in both the _____ and English languages. I interpreted the above information completely and accurately to the alien.)

Interpreter's Signature	Date
-------------------------	------

Name	[REDACTED]	Date	9/8/2022
Address	IAH Secure Adult Detention Facility, 3400 FM 350 S, Livingston, TX 77351	A-File	[REDACTED]
		Country of Citizenship	India
Place and Manner of Arrival	Unknown, EWI	Date of Arrival	On or about 8/15/2022

To immigration judge:

- 1. The above-named alien has been found inadmissible to the United States and ordered removed under section 235(b)(1) of the Immigration and Nationality Act (Act). A copy of the removal order is attached. The alien has requested asylum or protection under the Convention against Torture. An asylum officer has reviewed the matter and concluded that the alien **does not** have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act and 8 CFR § 208.30(g).
- 2. The above-named alien arrived in the United States as a stowaway and has been ordered removed under section 235(a)(2) of the Act. The alien has requested asylum or withholding of removal under the Convention against Torture. An asylum officer has reviewed the matter and concluded that the alien **does not** have a credible fear of persecution or torture. The alien has requested a review of that determination in accordance with section 235(b)(1)(B)(iii)(III) of the Act.
- 3. The above-named alien arrived in the United States in the manner described below and has requested asylum or withholding of removal under the Convention against Torture. The matter is referred for a determination in accordance with 8 CFR § 208.2(c).
Arrival category (check one):

<input type="checkbox"/> Crewmember/applicant	<input type="checkbox"/> Crewmember/refused	<input type="checkbox"/> Crewmember/landed
<input type="checkbox"/> Crewmember/violator	<input type="checkbox"/> VWP/applicant	<input type="checkbox"/> VWP/violator
<input type="checkbox"/> 235(c) order	<input type="checkbox"/> S-visa nonimmigrant	<input type="checkbox"/> Stowaway: credible fear determination attached
- 4. The above-named alien has been ordered removed by an immigration officer under section 235(b)(1) of the Act. A copy of the removal order is attached. In accordance with section 235(b)(1)(C) of the Act, the matter is referred for review of that order. The above-named alien claims to be (check one):

<input type="checkbox"/> a United States citizen	<input type="checkbox"/> a lawful permanent resident alien
<input type="checkbox"/> an alien granted refugee status under section 207 of the Act	<input type="checkbox"/> an alien granted asylum under section 208 of the Act
- 5. The above-named alien has been ordered removed under section 238(b) of the Act, or the Department of Homeland Security (DHS) has reinstated a prior exclusion, deportation, or removal order of the above-named alien under section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture. An asylum officer has reviewed the claim and concluded that the alien **does not** have a reasonable fear of persecution or torture. The alien has requested a review of that determination in accordance with 8 CFR §§ 208.31(f) and (g).
- 6. The above-named alien has been ordered removed under section 238(b) of the Act, or the DHS has reinstated a prior exclusion, deportation, or removal order of the above-named alien under section 241(a)(5) of the Act. A copy of the removal order and, if applicable, the notice of reinstatement, are attached. The alien has expressed fear of persecution or torture. An asylum officer has reviewed the claim and concluded that the alien **has** a reasonable fear of persecution or torture. The matter has been referred for a determination in accordance with 8 CFR § 208.31(e).
- 7. The Secretary of Homeland Security has determined that the release from custody of the above-named alien who is under a final order of removal would pose a special danger to the public according to the standards set in 8 CFR § 241.14(f)(1). The DHS has therefore invoked procedures to continue the alien's detention even though there is no significant likelihood that the alien will be removed from the United States in the reasonably foreseeable future. The matter is referred to the immigration judge for a review of this determination in accordance with 8 CFR § 241.14(g).

NOTICE TO APPLICANT

You are ordered to report for a hearing before an immigration judge for the reasons stated above. Your hearing is scheduled on

TBD at TBD
(Date) (Time)

You are to appear at EOIR - Immigration Court, 806 Hilbig Road, Suite 2-300, Conroe, TX 77301
(Complete office address)

- Checkboxes for representation, consultation, and recognized organizations.

Signature and title of immigration officer: Christa J. ... Supervisory Asylum Officer

CERTIFICATE OF SERVICE

- Checkboxes for reading notice, delivery date (9/8/2022), and delivery method (in person).

Signature and title of immigration officer: Diana M. Koffler Legal Administrative Specialist

Attachments to copy presented to immigration judge:

- Checkboxes for various document attachments including Passport, Visa, Form I-94, Forensic document analysis, Fingerprints and photographs, EOIR-33, Form I-860, Form I-869, Form I-898, Asylum Officer's reasonable fear determination worksheet (I-899), and Asylum officer's credible fear determination worksheet (I-870).

FOR 8 CFR 241.14(f) CASES ONLY: Written statement including summary of the basis for the Secretary's determination to continue the alien in detention, and description of the evidence relied on in finding the alien specially dangerous (with supporting documents attached).

FOR 8 CFR 241.14(f) CASES ONLY: Written notice advising the alien of initiation of proceedings and informing alien of procedures governing the Reasonable Cause Hearing at 8 CFR 241.14(h).

Other (specify): Officer's Notes