

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



February 5, 2001

**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

ALL-COUNTY INFORMATION NOTICE NO. I-11-01

TO: ALL COUNTY WELFARE DIRECTOR  
MUTUAL ASSISTANCE ASSOCIATIONS  
COUNTY REFUGEE COORDINATORS  
VOLUNTARY RESETTLEMENT AGENCIES  
STATE ADVISORY COUNCIL  
COUNTY REFUGEE FORUM CHAIRS

SUBJECT: CONDITIONAL GRANTS OF ASYLUM

Individuals granted asylum on a conditional basis are not eligible for refugee cash assistance and services until they receive an outright grant of asylum. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) expanded the definition of a refugee to include individuals who have been subject to or have a well-founded fear of being subject to coercive population control methods such as forced abortion or involuntary sterilization. When Congress added the provision concerning coercive population control, it limited the number of individuals who could receive asylum on this basis to 1,000 per federal fiscal year.

Over 1,000 individuals applied for and were eligible to receive asylum on this basis. Therefore the Executive Office for Immigration Review (EOIR) and the Immigration and Naturalization Service (INS) have created a "queue" for whom a number was not available to allow the individuals to receive an outright grant of asylum. The individuals in the queue have been granted asylum conditionally and must wait until numbers are available to receive an actual grant and to become fully eligible for asylum benefits.

**Documentation**

When numbers become available, notices are sent out informing the conditional grantees that the condition has been removed and their asylum is granted. Individuals who are granted asylum will receive an Asylum Approval Letter and Arrival/Departure Card, I-94. The date on the Asylum Approval Letter and the I-94 will serve as the individual's "entry" date.

Attached is the federal Office of Refugee Resettlement's State Letter 00-22, which expands on their directive in greater detail.

If you have any questions, please contact Ms. Linda Keene of the Refugee Programs Branch at (654-2602 or e-mail at [lkeene@dss.ca.gov](mailto:lkeene@dss.ca.gov)).

Sincerely,

ORIGINAL SIGNED BY

BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachment

C CWDA



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIE  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**ORR State Letter**

# 00-22

Date: November 8, 2000

TO: STATE REFUGEE COORDINATORS  
NATIONAL VOLUNTARY AGENCIES  
MUTUAL ASSISTANCE ASSOCIATIONS  
OTHER INTERESTED PARTIES

FROM: Lavinia Limón, Director  
Office of Refugee Resettlement

SUBJECT: Conditional Grants of Asylum

**Individuals granted asylum on a conditional basis will not be eligible for refugee assistance and services until they receive an outright grant of asylum.** The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) expanded the definition of a refugee to include individuals who have been subject to or have a well-founded fear of being subject to coercive population control methods such as forced abortion or involuntary sterilization. When Congress added the provision concerning coercive population control, it limited the number of individuals who could receive asylum on this basis to 1,000 per fiscal year. Soon after the implementation of IIRIRA, the number of individuals receiving asylum based on their fear of coercive population control exceeded 1,000 per year. At that time, the Executive Office for Immigration Review (EOIR) and the Immigration and Naturalization Service (INS) created a "queue" of individuals who met the definition of a refugee due to their fear of coercive population control but for whom a number was not available to allow the individuals to receive an outright grant of asylum. The individuals in the "queue" have been granted asylum conditionally and must wait until numbers are available to receive an actual grant and to become fully eligible for all asylum benefits.

**Documentation**

When numbers become available, EOIR and INS send out notices to inform conditional grantees that the condition has been removed from their asylum grant and that they are fully eligible for asylum benefits. Individuals who are granted asylum by an INS Asylum Office also will receive an Asylum Approval Letter and an I-94 Arrival/Departure Card. The date on the Asylum Approval Letter and the I-94 Arrival/Departure Card will serve as the individual's "entry" date. (See State Letter #00-15 for more information on asylee eligibility.) Individuals

who are granted asylum by an Immigration Judge or by the Board of Immigration Appeals (BIA) do not receive an Asylum Approval Letter or I-94 Arrival/Departure Card. The date on their notices will serve as their "entry" date for ORR benefits eligibility purposes.

<b>Grant</b>	<b>Documentation</b>	<b>"Entry" Date</b>
By INS Asylum Office	Asylum Approval Letter; I-94 Arrival/Departure Card	Date in the text of the Asylum Approval Letter; Date on the I-94 Arrival/Departure Card
By Immigration Judge	Notice from EOIR Office of the Chief Immigration Judge that condition has been lifted and individual has an outright, actual grant of asylum	Date on the notice
By Board of Immigration Appeals (BIA)	Notice from EOIR Board of Immigration Appeals that condition has been lifted and individual has an outright, actual grant of asylum	Date on the notice

ORR will provide notification if there are any changes by INS or EOIR to the documentation or policy concerning conditional grants of asylum. If you have questions about this State Letter, please call AnnaMarie Bena at (202) 260-5186 or send an e-mail to [abena@acf.dhhs.gov](mailto:abena@acf.dhhs.gov).

**Enclosures:**

- (1) Sample Notice from EOIR lifting the condition from an asylum grant by an Immigration Judge
- (2) Sample Notice from EOIR lifting the condition from an asylum grant by the Board of Immigration Appeals
- (3) August 2, 2000 EOIR News Release on Conditional Asylum Grants



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF IMMIGRATION JUDGE

5107 Leesburg Pike, Suite 2545  
Falls Church, VA 22041

DATE OF THIS NOTICE: 7/20/2000

In re:

File:

During fiscal year 1999, which lasted from October 1, 1998 until September 30, 1999, an Immigration Judge found that you were eligible for asylum based on resistance to coercive population control methods. The Immigration Judge ordered that you be granted asylum on a conditional basis. The order was conditional because, under section 207(a)(5) of the Immigration and Nationality Act, not more than 1,000 persons can be granted asylum or admitted as refugees pursuant to a persecution claim based on resistance to coercive population control methods in a fiscal year.

The Immigration and Naturalization Service has informed the Executive Office for Immigration Review that individuals who were conditionally granted asylum based solely on resistance to coercive population control methods from October 1, 1998 to March 18, 1999, have been allocated a number within the 1,000 cap. Accordingly, the condition on the Immigration Judge's grant of asylum in your case has been removed as of the date of this notice, 7/20/2000.

You are eligible to apply for employment authorization with the Immigration and Naturalization Service based on the approval of your asylum application. In addition, you may apply for permanent residence status with the Immigration and Naturalization Service one year after the date of this notice, 7/20/2000. Any dependents listed below may be eligible for the same benefits.

Michael J. Creppy  
Chief Immigration Judge

cc: District Counsel  
ROP



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS

5107 Leesburg Pike, Suite 2400  
Falls Church, VA 22041

DATE OF THIS NOTICE: 7/20/2000

In re:

File:

During fiscal year 1999, which lasted from October 1, 1998 until September 30, 1999, the Board of Immigration Appeals found that you were eligible for asylum based on resistance to coercive population control methods. The Board ordered that you be granted asylum on a conditional basis. The order was conditional because, under section 207(a)(5) of the Immigration and Nationality Act, not more than 1,000 persons can be granted asylum or admitted as refugees pursuant to a persecution claim based on resistance to coercive population control methods in a fiscal year.

The Immigration and Naturalization Service has informed the Executive Office for Immigration Review that individuals who were conditionally granted asylum based solely on resistance to coercive population control methods from October 1, 1998 to March 18, 1999, have been allocated a number within the 1,000 cap. Accordingly, the condition on the Board's grant of asylum in your case has been removed as of the date of this notice, 7/20/2000.

You are eligible to apply for employment authorization with the Immigration and Naturalization Service based on the approval of your asylum application. In addition, you may apply for permanent residence status with the Immigration and Naturalization Service one year after the date of this notice, 7/20/2000. Any dependents listed below may be eligible for the same benefits.

*Paul W. Schmidt*

Paul W. Schmidt  
Chairman

cc: District Counsel  
ROP



**U.S. Department of Justice**  
Executive Office for Immigration Review

*Office of the Director*  
5107 Leesburg Pike, Suite 2400  
Falls Church, Virginia 22041

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## NEWS RELEASE

**Contact:** Public Affairs  
(703)305-0289, Fax: (703) 605-0365

**Internet:** [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir)

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August 2, 2000

### **EOIR and INS Lift Conditional Status for Certain Fiscal Year 1999 Asylum Grants Based on Coercive Population Control Policies**

*Law Limits Asylum in Such Cases to 1,000 Applicants in Each Fiscal Year*

The Executive Office for Immigration Review (EOIR) recently sent notices to aliens in the United States who had been granted asylum *conditionally* from October 1, 1998, to March 18, 1999, based on their persecution or fear of persecution related to coercive population control in their countries of origin. The notices informed those aliens that they were now fully eligible for all asylum benefits.

Asylum is granted on a conditional basis by Immigration Judges and by the Board of Immigration Appeals in EOIR, or by Asylum Officers in the Immigration and Naturalization Service (INS), because the law specifically limits to 1,000 per fiscal year the number of applicants who can receive asylum on grounds related to coercive population control. After the cases are completed, EOIR and INS arrange all conditional asylum grants chronologically, then convert no more than 1,000 to outright grants for any fiscal-year period and notify the grantees.

Any alien who was granted conditional asylum *on or before* March 18, 1999, by EOIR but who has **not** received a notice advising that a number is available may check on the status of his or her asylum grant by promptly sending a letter *with a copy of the order granting conditional asylum* to the office with jurisdiction over the case. The addresses are listed below:

#### **Conditional Grant issued by an Immigration Judge:**

The Office of the Chief Immigration Judge  
Attn: Mark Pasierb  
5107 Leesburg Pike, Suite 2500

Falls Church, VA 22041 Phone: 703-305-1247

**Conditional Grant issued by the Board of Immigration Appeals:**

Board of Immigration Appeals  
The Clerk's Office  
Post Office Box 8530  
5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041 Phone: 703-605-1007

**Grants by INS Asylum Officers**

The INS Asylum Offices are in the process of removing the conditional grant status and sending out notification letters to certain aliens granted conditional asylum status by the INS during fiscal year 1999. Aliens who received a recommended approval from the INS from October 1, 1998 through March 18, 1999, will receive a notice of a final grant of asylum from an INS asylum office at this time.

The INS granted conditional asylum status to aliens only after completion of all required background investigations, such as fingerprint checks by the Federal Bureau of Investigation (FBI). If an alien was found eligible for asylum based on persecution or fear of persecution on account of opposition to coercive population control practices, the INS issued the alien a recommended approval pursuant to regular INS asylum procedures, pending completion of the required background investigation.

Once the INS received results from the background investigation, the INS would convert the recommended approval to a conditional grant of asylum, pending release of the numbers for fiscal year 1999. Therefore, an alien who was given notification of a recommended asylum approval in fiscal year 1999 may not have been granted conditional asylum in fiscal year 1999, if the results of the background security check were not received on or before September 30, 1999.

Any inquiries regarding removal of the conditional asylum status granted by an INS Asylum Office should be directed to the Asylum Office that issued the recommended approval.

- EOIR -