

# MIGRANT PROTECTION PROTOCOLS (MPP)

Guidance for Asylum Officers and Asylum Office Staff

# Background/Authority

- INA § 235(b)(2)(C) – “Treatment of aliens arriving from contiguous territory.-In the case of an alien described in subparagraph (A) who is arriving on land (whether or not at a designated port of arrival) from a foreign territory contiguous to the United States, the Attorney General may return the alien to that territory pending a proceeding under section 240”
- 8 C.F.R. § 235.3(d)
- Memorandum from Secretary Nielsen, Policy Guidance for Implementation of the Migrant Protection Protocols (Jan. 25, 2019) (“Secretarial Memo”)
- USCIS PM-602-0169, Guidance for Implementing Section 235(b)(2)(C) of the Immigration and Nationality Act and the Migrant Protection Protocols (“Implementation Memo”)

# Purpose of MPP

- United States has *non-refoulement* commitments, which means we do not return applicants to a country where it is more likely than not they will be tortured or persecuted on account of a protected ground.
- Per the Secretarial Memo, Implementation Memo and INA § 235(b)(2)(C), some aliens may be returned to Mexico while in immigration court proceedings.
- For MPP, interview and assessment limited to fear of persecution on account of a protected ground or torture in Mexico while awaiting immigration proceedings.

# Jurisdiction and Intake

- CBP provides an I-213
- Global:
  - *CCO: ZAC*
  - *Case Type: APSO RF and Fear Type: MPP*
  - *Detention Code: MPPCBP*
  - *POE or for Border Patrol cases, Special Group is INL and POE is UNK/UNK*
  - *Follow caravan reporting instructions, if applicable*

# Interview and Assessment

- No right to attorney, consultation, or rest period
- Asylum Officer must read the explanatory paragraph included in the MPP Assessment Worksheet to the applicant and confirm if he or she understands
- MPP Assessment Worksheet to be completed after interview
- Assessment is only to determine where an alien is to wait pending their immigration proceedings

# Interview and Assessment

- Elicit enough testimony to make a determination
- Can conclude interview after record is sufficiently fleshed out to support assessment
- Review all documents provided by CBP (i.e. I-213), any information in Global at the time of determination, and review the CPMS-IVT (IDENT) record to inform whether there is any pertinent derogatory information that would require additional questioning about an applicable mandatory bar.
- Notify CBP and/or ICE of any relevant derogatory information of which CBP and/or ICE is not already aware
- Family processing
  - *Verify each family member's identity and biographic information*
  - *If one family member is found to have clear probability of persecution or torture, apply to all family members*
  - *If no family member is found to have a clear probability of persecution or torture, make sure record is fully developed for all family members*

# Legal Standard – More Likely Than Not

MPP standard of proof similar to withholding of removal standard (Note: MPP assessment is only to determine where an alien is to wait pending their immigration proceedings)

- More likely than not that applicant will be persecuted on account of a protected ground or tortured if returned to Mexico
- Burden is on the applicant to establish credibility and to meet standard of proof
- “Clear probability” of persecution = more likely than not that the individual will be harmed on account of race, religion, nationality, political opinion, or membership in particular social group. See *INS v. Stevic*, 467 U.S. 407, 429-30 (1984)
- Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
  - Substantial grounds the applicant would be subjected to torture
  - Comparable to more likely than not standard

# Legal Standard – More Likely Than Not

- Same burden of proof standard for both persecution on account of a protected ground and torture claims
- More likely than not standard is higher than well-founded fear but lower than “beyond a reasonable doubt”
- More likely than not standard is comparable to civil cases where plaintiff must establish case by preponderance of evidence
- [This standard provides for protection] “only if the alien’s life or freedom ‘would’ be threatened in the country to which he would be deported; it does not require withholding if the alien ‘might’ or ‘could’ be subject to persecution.” *INS v. Stevic*, 467 U.S. 407, 422 (1984)



# Assurances by Government of Mexico and Country of Origin Information (COI)

- In making a determination, the asylum officer should give substantial deference to
  - *any assurances from the government of the contiguous country from which the alien arrived regarding the treatment of and protections offered to aliens returned to such country pursuant to § 235(b)(2)(C), and*
  - *assessments of current conditions in the country provided by DHS or the United States Department of State.*
  
- The asylum officer should also consider the fact that an alien returned under § 235(b)(2)(C) is not being removed to his or her country of origin, but instead is being returned to a contiguous country through which he or she voluntarily entered and traversed, and in which he or she possibly resided, before arriving in the United States.

# Credibility and Internal Relocation

- In conducting the interview, the asylum officer should take 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, including
  - *whether the alleged harm could occur in the region in which the alien would remain within the contiguous country from which he or she arrived, pending removal proceedings, and*
  - *whether remaining within another region of the country to which he or she would have reasonable access could mitigate against the alleged harm.*

# Comparison: Asylum and Withholding of Removal (Persecution)

## Similarities

- *Applicant's testimony, if credible, may be sufficient for the applicant to meet their burden of proof*
- *Nexus to one of five grounds required*
- *Government Actor OR Government Unable/Unwilling to Control Private Actor*
- *If past persecution established, presumption applied and burden shifts to government to show either fundamental change or relocation is reasonable*
- *Internal Relocation*
- *Mandatory bars apply to both with exception of bars to applying for asylum (one-year filing deadline, safe third country, prior denial) and firm resettlement (only applies to asylum)*

# Comparison: Asylum and Withholding of Removal (Persecution)

## Differences

### ■ Asylum

- Immigration Benefit
  - Not required to fulfill obligations
  - Can have dependents
  - Path to citizenship
- Standard: Well-founded fear
- Nexus: One central reason

### ■ Withholding of Removal

- Comply with *non-refoulement* obligations
  - No dependents
  - No pathway to citizenship
- Standard: More likely than not
- Nexus: One central reason unless alien is in a jurisdiction with contrary case law (e.g., *Barajas-Romero v. Lynch*, 846 F.3d. 351 (9th Cir. 2017), which held that the nexus standard in withholding cases is “a reason”)

# Comparison: Asylum and Withholding of Removal (Persecution)

## Differences, cont'd

- Asylum
  - Discretionary determination
  - Firm resettlement a bar
- Withholding of Removal
  - May not grant based solely on past persecution or other serious harm
  - No discretion; if individual is entitle to withholding of removal to a specific country, they cannot be removed there
  - Firm resettlement not a bar

# Withholding of Removal (Persecution) – Mandatory Bars

- Bars applied to withholding will also be applied for purposes of MPP:
  - *Persecutor bar*
  - *Particularly serious crime bar*
  - *Serious non-political crime bar*
  - *Security bar (includes terrorism bar)*
  - *Nazi persecution and genocide bar*
- Mandatory bars only need to be addressed if the applicant establishes it is more likely than not that they will be persecuted on account of a protected ground if returned to Mexico
- Mandatory bars do not need to be addressed if the applicant establishes it is more likely than not that they will be tortured if returned to Mexico. This is because bars do not apply to deferral of removal under the Convention Against Torture.

# Convention Against Torture (CAT)

- Determination that there is no basis for statutory withholding does not necessarily mean the applicant is ineligible for CAT protection
- Negative credibility determinations as to statutory withholding claim(s) are not dispositive as to CAT claim because officer must address all evidence relevant to possibility of future torture, such as COI
- For MPP purposes, officer must make separate CAT assessment if withholding of removal based on persecution is not established or a bar applies

# Convention Against Torture (CAT) – Refresher

## ■ Elements

- *Severe physical or mental pain or suffering*
- *Specific intent*
- *Infliction or instigation by, or consent or acquiescence of, a public official*
- *Custody or control*
- *Lawful sanctions*



# Convention Against Torture (CAT) – Refresher

- Evidence to Consider
  - *Past Torture*
  - *Internal Relocation*
  - *Gross, Flagrant, Mass Human Rights Violations*
  - *Other Relevant Information*
- Standard is more likely than not
- No presumption of future torture if past torture established
- No nexus to a protected ground required

# Convention Against Torture (CAT) – Mandatory Bars (withholding)

- Withholding of removal versus deferral of removal (CAT)
  - *Mandatory bars to withholding of removal apply to withholding of removal under CAT*
  - *Mandatory bars do not apply to deferral of removal under CAT*
- Accordingly, deferral of removal is granted where individual establishes that he or she is more likely than not to be tortured in the country of removal but is subject to a bar to withholding of removal

# Post-Interview

- Complete Assessment Worksheet following instructions
  - *Save as a PDF and electronically sign; send to supervisor for review and electronic signature*
- Update Global
  - *Only list “possible bars” if the person IS subject to a bar to withholding*
  - *Enter the service date when the case is provided to CBP and/or ICE after supervisory review*
- Supervisor will review, and once concurs, send to CBP and/or ICE
- Complete Assessment Notice and provide to CBP and/or ICE

# Additional Resources

- MPP Implementation Memo
- Secretarial Memo
- RAIO Research Unit page on Mexico at [http://ecn.uscis.dhs.gov/team/raio/Research/RU\\_Resources/SitePages/Resources%20-%20Mexico.aspx](http://ecn.uscis.dhs.gov/team/raio/Research/RU_Resources/SitePages/Resources%20-%20Mexico.aspx)
- Asylum and RAIO Lesson Plans
- CBP Memorandum, Guidance Principles for Migrant Protection Protocols (Jan. 28, 2019)

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Guidance for Immigration Officers

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- For MPP, interview and assessment limited to fear of persecution on account of a protected ground or torture in Mexico while awaiting immigration proceedings.

# Jurisdiction and Intake

- CBP provides an I-213
- Global:
  - See the MPP Implementation Guidance and Procedures for guidance on entering cases into the Global Case Management System.
  - Offices must create a new MPP case each time an individual is referred for an MPP interview, even if the individual already received a previous MPP assessment.



# Interview and Assessment

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# Mexican Border States and Cities



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- More likely than not standard is comparable to civil cases where plaintiff must establish case by preponderance of evidence
- [This standard provides for protection] “only if the alien’s life or freedom ‘would’ be threatened in the country to which he would be deported; it does not require withholding if the alien ‘might’ or ‘could’ be subject to persecution.” *INS v. Stevic*, 467 U.S. 407, 422 (1984)

# Relevant Case Law

- The individual's location is important because we are applying the circuit court law where they are detained.
- We primarily see cases in the 5<sup>th</sup> and 9<sup>th</sup> Circuits – [QA Case Law ECN](#)
- **Nexus**
  - 9<sup>th</sup> circuit: “a reason”
    - *Barajas-Romero*, 846 F.3d 351 (9<sup>th</sup> Cir. 2017)
    - *Parussimova v. Mukasey*, 555 F.3d 734 (9<sup>th</sup> Cir. 2009) (compares “one central reason” to “at least in part,” which is similar to “a reason”)
  - All other circuits: “one central reason”

# Assurances by Government of Mexico and Country of Origin Information (COI)

- In making a determination, the asylum officer should give substantial deference to
  - *any assurances from the government of the contiguous country from which the alien arrived regarding the treatment of and protections offered to aliens returned to such country pursuant to § 235(b)(2)(C), and*
  - *assessments of current conditions in the country provided by DHS or the United States Department of State.*
  
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# Credibility and Internal Relocation

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  - *whether the alleged harm could occur in the region in which the alien would remain within the contiguous country from which he or she arrived, pending removal proceedings, and*
  - *whether remaining within another region of the country to which he or she would have reasonable access could mitigate against the alleged harm.*



# Additional Eligibility Considerations for Persecution Claims

- Individual's testimony, if credible, may be sufficient for the individual to meet their burden of proof
- Nexus to one of the five grounds required
- Government Actor OR Government Unable/Unwilling to Control Private Actor
- If past persecution established, presumption applied and burden shifts to government to show either fundamental change or relocation is reasonable
- Internal Relocation – if individual has not established past, burden is on individual to establish unless persecutor is government or government-sponsored
- May not make a positive determination solely on past persecution or other serious harm

# Withholding of Removal (Persecution) – Mandatory Bars

- Bars applied to withholding will also be applied for purposes of MPP:
  - *Persecutor bar*
  - *Particularly serious crime bar*
  - *Serious non-political crime bar*
  - *Security bar (includes terrorism bar)*
  - *Nazi persecution and genocide bar*
- Firm Resettlement not a bar in MPP (or withholding of removal)
- Mandatory bars only need to be addressed if the individual establishes it is more likely than not that they will be persecuted on account of a protected ground if returned to Mexico, and only need to be established for the primary individual/person for whom finding persecution.
- Mandatory bars do not need to be addressed if the individual establishes it is more likely than not that they will be tortured if returned to Mexico. This is because bars do not apply to deferral of removal under the Convention Against Torture.

# Convention Against Torture (CAT)

- Determination that there is no basis for statutory withholding does not necessarily mean the individual is ineligible for CAT protection
- For MPP purposes, officer must make separate CAT assessment if withholding of removal based on persecution is not established or a bar applies
- Evidence to Consider
  - *Past Torture*
  - *Internal Relocation*
  - *Gross, Flagrant, Mass Human Rights Violations*
  - *Other Relevant Information*
- Standard is more likely than not
- No presumption of future torture if past torture established
- No nexus to a protected ground required

# Practice Tips & Reminders

- Now that we have gone through the basics of MPP, we will go over some Practice Tips & Reminders
- These practice tips & reminders are based on review of MPP cases thus far

# Identity of Persecutor/Torturer

- Reminder: It is important to elicit information about the identity of the persecutor/torturer
  - *If past harm, does individual know who harmed him/her?*
  - *What is their relationship, if any?*
  - *Was there contact on multiple occasions or was this an isolated incident?*
  - *If relevant, was person who targeted the individual part of a group?*
  - *Are they a state actor?*

# Protected Ground - Nationality

- Nationality: may include ethnic groups, linguistic groups, and groups defined by common cultures.
  - *If evidence suggests nexus to particular nationality, ask follow-up questions*
  - *Consider harm and seriousness of harm in context of nexus*
  - *Broad categorizations such as “Non-Mexicans” and “Migrants” include a broad swath of individuals who do not share a common culture or other characteristic such that they would fall within this protected ground*

# Protected Ground - PSGs

- Reminder: You should evaluate the cognoscibility of the PSG in Mexico, as opposed to the individual's home country (e.g., is it socially distinct in Mexico?).
  - *Reminder: Must elicit and analyze all three prongs*
  - *Previously seen fact patterns*
    - Family claims
    - Targeted because they are “migrants in Mexico” – Particular?
    - Targeted because they are “non-Mexicans in Mexico” – Socially distinct?
    - “Former military from X country” – Viable PSG within Mexico? Nexus?

# Internal Relocation

Reminder: Two-step approach

- 1. Determine if individual could avoid future persecution by relocating to another part of Mexico. If you find that an individual will not be persecuted in another part of the country, then,
- 2. Determine if an individual's relocation, under all circumstances, would be reasonable.



# Internal Relocation

- Individuals in MPP must be reasonably able to return to POE where processed to attend immigration court hearings
- May need to return to specific POE multiple times for hearings
- Consider whether individual has lived elsewhere in Mexico or internally relocated after harm
- Individuals may lack knowledge about Mexico
- What questions could you ask to elicit testimony about whether the person can relocate and whether it would be reasonable for them to do so?

# Use of COI

- Individuals may have difficulty articulating information about conditions in Mexico if they have only been there a short time.
- Use COI that relates to facts of the individual's specific case, including location.

# Sample Fact Pattern – CAT State Action

- Individual testifies they witness Mexican officials accepting bribes
  - *Is this enough to establish state action for CAT?*
  - *What more would you want to know?*

# Post-Interview

- Complete Assessment Worksheet following instructions
  - *Save as a PDF and electronically sign; send to supervisor for review and electronic signature*
- Update Global
  - *Only list “possible bars” if the person IS subject to a bar to withholding*
  - *Enter the service date when the case is provided to CBP and/or ICE after supervisory review*
- Supervisor will review and once concurs, send to CBP and/or ICE for A-file and then forwards email to (b)(6) post-service
- Complete Assessment Notice and provide to CBP and/or ICE for A-file and service on individual
- HQ QA Review Pre-Service – publicized/likely to be publicized and cases involving novel issues

# MPP Assessment Worksheet

- Fillable Form
- Check one box under assessment

Assessment

Clear Probability of Persecution on Account of a Protected Ground in Mexico Established

Clear Probability of Torture in Mexico Established

Clear Probability of Persecution on Account of a Protected Ground in Mexico Established But Alien Subject to Bar to Withholding And No Clear Probability of Torture in Mexico

No Clear Probability of Persecution on Account of a Protected Ground or Torture in Mexico Established

# MPP Assessment Worksheet (cont.)

- Both Immigration Officer and SAO should sign and date

## Asylum Officer/Supervisory Asylum Officer Names and Signatures

Click or tap here to enter text. <b>Asylum Officer Name</b>	<b>Asylum Officer Signature</b>	Click or tap here to enter text. <b>Determination Date (mm/dd/yy)</b>
Click or tap here to enter text. <b>Supervisory Asylum Officer Name</b>	<b>Supervisory Asylum Officer Signature</b>	Click or tap here to enter text. <b>Date of Approval by Supervisory Asylum Officer (mm/dd/yy)</b>

# MPP Assessment Worksheet (cont.)

- Fill out all boxes (if no aliases, write “None”)

<b><u>Alien Biographical Information and Interview Data</u></b>	
Click or tap here to enter text. <b>Alien's A-Number</b>	Click or tap here to enter text. <b>Asylum Office Code</b>
Click or tap here to enter text. <b>Alien's Last Name</b>	Click or tap here to enter text. <b>Referral Date</b>
Click or tap here to enter text. <b>Alien's First Name</b>	Click or tap here to enter text. <b>Date of Encounter/Apprehension</b>
Click or tap here to enter text. <b>Aliases</b>	Click or tap here to enter text. <b>Port of Arrival or Border Patrol Station</b>
Click or tap here to enter text. <b>Country of Citizenship</b>	Click or tap here to enter text. <b>Interview Date</b>
Click or tap here to enter text. <b>Country of Birth</b>	Click or tap here to enter text. <b>Interview Location</b> <input type="checkbox"/> Telephonic
Click or tap here to enter text. <b>Date of Birth</b>	Click or tap here to enter text. <b>Language Used</b>
	<b>Interpreter Used?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

# MPP Assessment Worksheet (cont.)

- If applicable, complete. Otherwise, delete

## Accompanying Immediate Family Members *[Delete if Not Applicable]*

Click or tap here to enter text. <b>Alien's A-Number</b>	Click or tap here to enter text. <b>Date of Birth</b>	Choose an item. <b>Relationship</b>
Click or tap here to enter text. <b>Alien's Last Name</b>	Click or tap here to enter text. <b>Country of Birth</b>	
Click or tap here to enter text. <b>Alien's First Name</b>	Click or tap here to enter text. <b>Aliases</b>	

Click or tap here to enter text. <b>Alien's A-Number</b>	Click or tap here to enter text. <b>Date of Birth</b>	Choose an item. <b>Relationship</b>
Click or tap here to enter text. <b>Alien's Last Name</b>	Click or tap here to enter text. <b>Country of Birth</b>	
Click or tap here to enter text. <b>Alien's First Name</b>	Click or tap here to enter text. <b>Aliases</b>	

Click or tap here to enter text. <b>Alien's A-Number</b>	Click or tap here to enter text. <b>Date of Birth</b>	Choose an item. <b>Relationship</b>
Click or tap here to enter text. <b>Alien's Last Name</b>	Click or tap here to enter text. <b>Country of Birth</b>	
Click or tap here to enter text. <b>Alien's First Name</b>	Click or tap here to enter text. <b>Aliases</b>	



# MPP Assessment Worksheet (cont.)

- Make sure to check box to indicate if applicant has understood statement and to indicate applicant and interpreter were put under oath

AO must read the following statement to the applicant:

*The purpose of this screening interview is to determine whether there is a clear probability that you would be persecuted on account of a protected ground or tortured in Mexico. We understand that you may be amenable to Migrant Protection Protocols (MPP) and you have expressed a fear about returning to Mexico. I am an asylum officer and I am going to ask you questions about why you fear returning to Mexico. If you are determined to have a clear probability of persecution on account of a protected ground or torture in Mexico, you may be permitted to remain in the United States for immigration processing. If you are not determined to have a clear probability of persecution on account of a protected ground or torture in Mexico, you may be returned to Mexico to await immigration processing. DHS will provide you with additional information regarding how you will be processed.*

*It is very important to tell the truth during this interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons you fear harm. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is very important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain. Do you understand everything that I have read to you?  Yes  No*

AO placed applicant and interpreter under oath

# MPP Assessment Worksheet (cont.)

- Record notes from interview on worksheet
- Add additional cells as needed by using “tab” button

**Notes** (Officer should add additional cells as needed using tab button on keyboard)

Asylum Officer Question	Applicant Response

# MPP Assessment Worksheet (cont.)

- Fill in A# and check box to indicate applicant's testimony was credible or was not credible

<u>Analysis</u>	
A#	
<b>A. Credibility</b> <i>(Select the appropriate box)</i>	
<b>Applicant's testimony was credible:</b> Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, <u>it is found credible</u> .	<input type="checkbox"/>
<b>Applicant's testimony was not credible:</b> Considering the identified credibility issues, the absence of reasonable explanations for those issues, and taking into consideration the applicant's individual circumstances and all other relevant evidence, the applicant's testimony <u>is found not credible</u> under the totality of the circumstances and all relevant factors.	<input type="checkbox"/>

# MPP Assessment Worksheet (cont.)

## ■ B. Persecution

1. Has the applicant suffered past persecution in Mexico and the presumption that the applicant's life or freedom <u>would be threatened</u> in Mexico is not rebutted <b>OR</b> in the absence of past persecution, would the applicant's life or freedom be threatened in Mexico?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Would the future harm in Mexico be <u>on account of a protected ground</u> ? (If yes, select one) <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input type="checkbox"/> Political Opinion <input type="checkbox"/> Membership in a Particular Social Group	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. <u>Would the future harm in Mexico rise to the level of persecution?</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Is the feared entity an agent of the Mexican government or an entity the Mexican government would be unable or unwilling to control?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is the applicant subject to any bars to withholding of removal?	Yes <input type="checkbox"/> No <input type="checkbox"/>

# MPP Assessment Worksheet (cont.)

## ■ B. Persecution

- *If finding a clear probability of persecution in Mexico established*
  - boxes 1-4 in Part B must be checked “yes” and
  - box 5 must be checked “no”
  
- *If finding no clear probability of persecution in Mexico established*
  - **only** check “no” for the element in Part B on which the claim fails
  - then move to Part C
  
- *If finding clear probability of persecution in Mexico established but a bar applies*
  - **only** check “yes” in box 5 and then move to Part C.
  
- *Include any additional facts relied upon that are not in the notes section of the assessment worksheet in the box at the end of the assessment.*

# MPP Assessment Worksheet (cont.)

## ■ C. Torture

+	1. Would the applicant be subjected to severe physical or mental pain or suffering in Mexico?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	2. Would the severe pain or suffering in Mexico <u>be inflicted by, instigated by, consented to or acquiesced to, by a public official or other person acting in an official capacity?</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	3. Would the severe pain or suffering in Mexico be specifically intended to inflict severe pain or suffering on the applicant?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	4. Would the applicant be in the offender's custody or physical control in Mexico?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	5. Would the severe pain or suffering in Mexico not arise only from or be inherent in or incidental to lawful sanctions?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

# MPP Assessment Worksheet (cont.)

## ■ C. Torture

- *If finding a clear probability of torture in Mexico established, boxes 1-5 in Part C must be checked “yes”*
  - *Do not complete Part B*
- *If finding no clear probability of torture in Mexico*
  - ***only** check “no” for the element in Part C on which the claim fails.*
- *Include any additional facts relied upon that are not in the notes section of this assessment worksheet in the box at the end of the assessment.*

# MPP Assessment Worksheet (cont.)

- Additional Facts Relied Upon (*That Are Not in Notes Section*)

Additional facts relied upon when making determination (COI, family processing notes, previously undocumented mandatory bar issues, etc):



# Special Considerations

- Unwilling to testify
- Unable to testify
- Concerns about the individual's mental or physical health
- Arrived concurrently with an immediate family member but were referred separately
- Asylum Office should notify CBP and/or ICE of any relevant information of which CBP and/or ICE may not already be aware

# Previous MPP Case

- Individuals who previously received a negative MPP assessment and subsequently referred to USCIS
  - *Read the previous interview notes and create a summary of the facts.*
  - *Review the summary with the individual, provide him/her an opportunity to correct any errors, and confirm that the summary is accurate.*
  - *Ask the individual if there is anything else that he or she did not tell the previous officer.*
  - *Focus the rest of the interview on what has happened to the individual between the last interview and the present.*

# Additional Resources

- [MPP Implementation Memo](#)
- [Secretarial Memo](#)
- [Asylum Division HQ MPP ECN page](#)
- [MPP Implementation Guidance and Procedures 07.03.19](#)
- [RAIO Research Unit page on Mexico](#)
- [Asylum and RAIO Lesson Plans](#)

# About this Presentation

- Author: HQ Asylum
- Date of last revision: 7/25/2019. This presentation is current only as of the date of last revision.
- This presentation contains no sensitive Personally Identifiable Information (PII).
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.

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