



U.S. Citizenship and Immigration Services

BASIC

INTERVIEWING TECHNIQUES MODULE 208A PART 1

PARTICIPANT GUIDE

SYLLABUS**COURSE TITLE:** Interviewing Techniques**COURSE NUMBER:** 208A Part 1**COURSE DATE:** March 2013**LENGTH AND METHOD OF PRESENTATION:**

Lecture	Lab	P.E.	Total	Program
4:00	0:00	0:00	4:00	BASIC

DESCRIPTION:

This course provides each participant with an idea of the essential actions and behaviors needed to properly conduct all types of interviews. More specifically, it discusses effective interviewing techniques through lecture, while incorporating video shorts and illustrations to achieve student proficiency in conducting an interview. The participants will also be exposed to where we derive the authority to conduct a Service interview, the criteria that must be considered prior to conducting a Service interview, and how an officer should contribute to fostering a more cooperative atmosphere during the interview.

TERMINAL PERFORMANCE OBJECTIVE (TPO):

Given a field situation involving the mock interview of an applicant for immigration benefits, the officer will identify techniques used in conducting an effective interview.

ENABLING PERFORMANCE OBJECTIVE (EPOs):

EPO #1: Identify the authority and purpose for conducting interviews.

EPO #2: Identify the criteria that must be considered prior to conducting an interview.

EPO #3: Identify the elements and steps that must be taken by the officer conducting the interview, which are necessary to create an atmosphere which promotes a successful conclusion to the interview.

STUDENT SPECIAL REQUIREMENTS:

There are no special requirements

METHOD OF EVALUATION:

Written Examination

TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	3
II. PRESENTATION	3
A. EPO #1. Identify the authority and purpose for conducting Service interviews.....	3
B. EPO #2. Identify the criteria that must be considered prior to conducting a Service interview.....	4
C. EPO #3. Identify the elements and steps that must be taken by the officer conducting the interview, which are necessary to create an atmosphere which promotes a successful conclusion to the interview.....	8
III. SUMMARY	11
IV. REFERENCES	12

OUTLINE OF INSTRUCTION

I. INTRODUCTION

A. Class Opening

Interviewing techniques is the fine-tuned skill of an officer capable of evaluating the credibility of testimony and evidence.

B. Lesson Plan Overview

1. Review TPO and EPO(s) of course 208A Part 1
2. Advise students of the importance of establishing interviewing techniques that will assist them in making efficient and appropriate decisions. Discuss the importance of evaluating and customizing your approach to an interview and its influence on adjudicating immigration benefits.

II. PRESENTATION

A. EPO #1: Identify the authority and purpose for conducting an interview.

1. An Immigration Services Officer (ISO) must know his/her authority to conduct a Service interview.
 - a. Immigration & Nationality Act
 - 1) Section 287 identifies the powers of immigration officers.
 - 2) Section 288 relates to jurisdiction of offices.
 - b. Title 8, Code of Federal Regulations
 - 1) Section 287.5(a)(2) advises of the right to exercise power bestowed upon immigration officers.
 - 2) Section 103.2(b)(9) relates to the Service's authority to request an appearance of the applicant, the beneficiary, the petitioner, in front of an officer of this Service regarding the submitted application for immigration benefits.
 - 3) Section 335.2(a) advises of the Service's authority to request an appearance of the *naturalization applicant* in front of an officer of this Service regarding the submitted application for immigration benefits. An officer must know his/her purpose for conducting a Service interview.

- 4) Section 316.14(a) advises of the Service's authority to conduct an examination to determine eligibility for *naturalization benefits*.
2. The purpose of an interview is to verify information and seek clarification to the answers of the questions listed on applications and petitions in order to make a determination of eligibility pursuant to immigration laws, regulations, procedures, and policies. The purpose is to cover and discover all pertinent information, both favorable and unfavorable, to the applicant in order to consider the totality of the situation and render an appropriate decision.

B. EPO #2: Identify the criteria that must be considered prior to conducting an interview.

1. An officer will be able to properly administer the oath, acknowledge the authority to administer the oath, and take evidence.

a. Section 287(b) of the Immigration & Nationality Act

"Any officer or employee of the Service designated by the Attorney General, whether individually or as one of a class, shall have the power and authority to administer oaths..."

- b. Administering a proper oath is crucial to the integrity of the taking verbal information during interviews.**

"and any person to whom such oath has been administered under the provisions of this Act, who shall knowingly or willfully give false evidence or swear to any false statement concerning any matter referred to in this subsection shall be guilty of perjury..."

c. Administering the oath:

"Do you solemnly swear (or affirm) that the statements you are about to make will be the truth, the whole truth, and nothing but the truth?"

2. An officer is more efficient if they build rapport with the clients while conducting the interview.

a. Officer behavior

- 1) An interview is non-adversarial in nature.

- a. Greet the affected parties in a polite, dignified manner.
- b. Identify yourself, giving your name and title
- c. Begin the interview with an explanation in non-technical terms of the purpose of the interview.

- d. Obtain identification from all parties to establish identity.
- b. Atmosphere within the office
 - 1) The environment should be conducive for interviewing.
 - a. Orderly space
 - b. Minimize disruptions
 - c. Shall make reasonable accommodations for persons with disabilities or special circumstances
 - c. Placement of all parties – no person shall be seated where they can observe the officers computer.

- 1) Applicant/Petitioner

The applicant/petitioner is the primary participant during the conduction of the interview; consequently, they must always be visible by the officer.

- 2) Attorney/Accredited Representative

The attorney or accredited representative should support their client by sitting where it best facilitates their confidence during the process. The Attorney or accredited representative is present to protect the legal rights of their client and is not expected to answer on behalf of the client.

- 3) Translator/Interpreter

- a. The Translator or Interpreter is a secondary participant, and shall be placed next to the applicant or the officer to assist the Applicant and Translator as well as the Officer and Translator to maintain quality communication.
- b. It is most desirable to have the Translator sit next to the USCIS Officer to ensure that the Applicant is focused on the USCIS Officer's line-of-questioning and not conducting a one-on-one conversation with the Applicant. However, the USCIS Officer must maintain security measures if the Translator sits next to the USCIS Officer and may be able to view the computer screen.

4) Friends and Relatives

The Officer may allow friends and relatives to witness the conduction of the interview **only** if the friend and relative is acting within an official capacity as their translator or as a representative in accordance with 8 CFR Part 1292. Otherwise, all friends and relatives who are unrelated to the adjudication of the petition/application must remain in the public waiting room. Keep in mind that local office policy is controlling in this situation and may allow them to remain in the interview room. Consult with local management for additional guidance.

5) Dealing with Applicants with Disabilities

Impaired Applicants – Additional customer service skills must be used when interviewing applicants with disabilities. When administering the oath to hearing impaired individuals, make eye contact with the applicant, and make note that there is no need to shout, because raising the decibel level of your voice does not convert into a higher level of comprehension to the applicant. Also speak slowly and deliberately if the subject is able to read lips.

3. An officer will be able to identify each affected party and the boundaries of each affected party's role.

- a. Officer

The officer is the facilitator of the interview who establishes the environment, and is the controller of, the interview.

- b. Beneficiary

The beneficiary is the primary focus of the interview.

- c. Applicant/Petitioner

It is the applicant/petitioner's burden of proof to establish eligibility for the immigration benefit sought. Focus may shift during the interview depending on whether there are several items to consider from within the record. There may be a pending application with an underlying approved petition that the officer must analyze and determine the course of the interview. If an underlying approved petition is the basis of a pending application,

an officer is not expected to re-adjudicate but they must consider any indicators that may warrant a different decision. The ISO should make a notification verifying that they support the underlying decision their determination ultimately will be based on its validity.

d. Attorney/Accredited Representatives

The Attorney or accredited representative is present to protect the legal rights of their client and is recognized by a submission of Form G-28, Notice of Entry of Appearance as Attorney or Representative. The Form G-28 must be filed prior to the interview in order for the attorney to be present during the interview. An officer may verify a person's authority to act as an attorney at any time. When a copy of the I.D. is retained, it should be attached to the Form G-28 for future reference.

An accredited representative is someone who represents an organization as described in 8 CFR 1292.2 that has been accredited by the Board of Immigration Appeals. An accredited representative must:

1. Represent a non-profit religious, charitable, social service, or similar organization established in the United States. The Board of Immigration Appeals (BIA) may designate a representative to practice before USCIS. Only one person from that organization is authorized by the BIA.

Proof of a person's authority to act as a representative may be viewed at <http://www.usdoj.gov/eoir/statspub/raroster.htm>

e. Interpreter

A disinterested party should be employed as an interpreter; however, an officer may exercise judgment and permit a witness, friend, or relative who is competent in the beneficiary's language and the English language to translate for the officer.

Whoever acts as an interpreter must not have a significant tie to the outcome of the case.

The use of an interpreter during the interview process must be recorded on the proper form and retained in the file.

The officer must administer a special oath to the interpreter, prior to administering the oath to the other interview participants.

Oath to the translator:

Do you solemnly swear (or affirm) that in connection with this proceeding you will truthfully, literally, and fully translate the questions asked by me into the _____ language, and that you will truthfully, literally, and fully translate answers to such questions into the English language?"

C. EPO #3: Identify the necessary elements that the officer must consider and the steps that must be taken to facilitate a successful interview.

1. An officer must be familiar with the equipment utilized during the conduction of a Service interview to record the testimony provided by all affected parties and the evidence submitted.
 - a. Familiarize yourself with your computer, video recorder, and electronic data systems before initiating an interview.
 - b. The use of a video recorder is contingent on local office policy, i.e. if fraud is suspected and there is a stated need to have a film archive of the interview.
 - c. Be prepared for malfunctions of the equipment during the interview.
 - d. Follow all practices, policies, and procedures for storage, maintenance, and use of interview equipment. If a video recorder is being utilized during the interview, you must advise all participants by means of a formal statement.
2. An officer must maintain control of the interview at all times.
 - a. Develop Rapport.
 - 1) An officer must maintain a professional demeanor at all times.
 - 2) Speak to all participants in language and semantics appropriate for the situation.
 - 3) Advise all participants of the interview format and clearly direct your questions to the individual you want to answer.
 - b. Guidelines for officer behavior during the conduction of the interview.

An officer's actions during the conduction of the interview must be viewed as reasonable and professional. The officer must not engage in yelling, screaming, or making threats against any of the affected parties.

- a. An officer's mannerisms must exhibit professionalism and courteousness.
 - b. An officer's demeanor must display a positive attitude and forgo demonstration of personal prejudices and emotions.
 - c. An officer's tone must sound rational and one's tempo must be conversational in nature.
- c. Maintaining control under adverse circumstances.
 - 1) Examples of adverse circumstances are behavioral distractions, interruptions, fire drill, and confusion with interpretations by the translator.
 - a. Exhibit a firm presence while conducting the interview when appropriate.
- 3. An officer must be conscientious of time during the conduction of an interview.
 - a. Conduct the interview in the amount of time allotted for each interview.
 - b. Notify your supervisor of the extenuating circumstances and the need for additional time.
- 4. An officer must have superior listening skills throughout the conduction of the Service interview.
 - a. Be attentive to each affected party who is providing testimony.
 - b. Do not fall into a habit of assuming typical situations; instead, clarify testimony.
- 5. An officer will review the declarations denoted on each immigration form with the affected parties during the conduction of the Service interview.
 - a. Be able to pose questions listed on immigration forms in non-technical terms. Review and update all information on applications and petitions. Place a check mark next to each question for which you have received a response.

- b. Review submitted documentary evidence to ensure declarations provided on the immigration forms correspond.
- 6. An officer will pose an alternate line of questioning to each affected party when appropriate for probing credibility and eligibility.
 - a. How to formulate questions
 - 1. Open-ended
 - 2. Closed-ended
 - 3. Follow-up questions
 - 4. Leading questions
- 7. An officer will maintain a written record of elicited information during the conduction of the Service interview.
 - a. An officer may use notes to denote file deficiencies upon file preview.
 - 1. Notes for personal use shall be discarded after the conduction of the interview. If after the conduction of the interview the file still contains deficiencies, then the officer shall issue a RFE, Request for Evidence, outlining the documents necessary to complete the Service record.
 - b. An officer may use notes throughout the conduction of the interview as points-of-reference.
 - 1. Notes for personal use shall be discarded after the conduction of the interview. Information acquired throughout the conduction of the interview in which the officer deems significant shall be placed into a Memo or on a Referral Sheet so the information will be maintained as part of the record.
 - 2. The Service has forms for note-taking such as Inter-office/Intra-office Memos, Referral Sheets, and Sworn Statements in order to advise the Service of any factors that may affect the procurement of the immigration benefit.

III. SUMMARY

This course has examined through lecture, discussion, laboratories, and video examples; the appropriate language, structure, legal parameters, regulations, and policy that is expected of an officer when conducting interviews.

Immigration laws, regulations, policy, and SOPs are an officer's guidelines for future reference and were reviewed. Being prepared, maintaining professionalism, and obtaining the tools necessary to conduct an efficient and quality interview are imperative to the job as an officer.

IV. REFERENCES

- A. "Adjudicator's Field Manual," United States Citizenship & Immigration Services.
Revised December 2008 edition.