

DRAFT - 180-DAY CLOCK MATRIX
Post-January 4, 1995 Asylum Cases

Event	Required RAPS Action	Impact on KLOK	KLOK Days	Notes
INS Receives complete I-589	I589	Starts 180-day KLOK as of Filing Date with Service Center.	Day 1	Incomplete I-589s are rejected and clock does not start.
Asylum Office Interview Notice sent		None		
Asylum Office Interview		None	Generally, Day 43 for the vast majority of cases at local asylum offices	
Interview Cancellation Caused by INS*	REMC	None		Rescheduled interviews are given 1 st priority for any available reschedule interview slots. Interviews are generally 21 days from date of cancelled interview. Note this includes applicant-generated requests to re-schedule.
Interview Cancellation Caused by Applicant*	REMC	Stops KLOK. Restarts on date of next interview, if the applicant appears.		Request of Applicant can include: a) request to reschedule prior to or during the interview due to illness/accident, unavailability of representative/interpreter or witness; b) awaiting documentation; c) interpreter incompetent; or d) any other type of request made by the applicant.
Applicant Fails to Appear for Interview	NOSH –	Stops KLOK. Restarts only if applicant establishes exceptional circumstances for failure to appear or improper notice provided. If failure to appear excused, KLOK restarts on date of next interview. If referred to EOIR, subsequent KLOK action is controlled by EOIR.		

* In the event that a notice of a new interview is not received after 30-days, a request to expedite the interview can be submitted to the local Asylum Office Director.

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Applicant Fails to Appear for Pick-Up of Decision	PUNS	Stops KLOK. Subsequent KLOK activities controlled by EOIR.		Only the applicant can pick up asylum decision – no agent can pick up – unless under 14 yrs. old.
Asylum Office Admin. Closes I-589	CLOS	Stops KLOK.		Examples: The case is already before EOIR, withdrawal, lack of prosecution, or bad address.
Asylum Office Reopens I-589	REOP	Restarts KLOK on new interview day, if the applicant appears.		Generally does not affect post reform cases.
Asylum Officer requests additional documents	No RAPS action	The KLOK is not tolled.		This relates to short extensions of time prior to pick-up. In rare cases where document is critical to decision and would take longer than 2 weeks to obtain, applicant may choose to request further extension, which would stop KLOK.
Applicant requests additional time to submit documents	HOLD – AD	KLOK stops. Restarts when taken from HOLD in RAPS		This is considered to be an applicant request to re-schedule.
Asylum Office approves asylum status	PDEC/FDEC	None.		Applicant may apply for an EAD upon receipt of the recommended approval notice or final grant.
Asylum Office refers I-589 to immigration court	FDEC	None	Generally by day 60 for reform cases at local asylum offices.	
Asylum Office rejects I-589 (application is referred to IJ)	FDEC	None.		
Asylum Office denies asylum status (final denial)	FDEC	KLOK stops.		This applies to In-Status applicants. Note: If an In-Status applicant at the time of

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				the interview falls out of status before the final decision is made, the case is referred and the KLOK does not stop.
EOIR denies asylum status		KLOK stops.	Prior to Day 180	

Asylum Office Policy is to make all reasonable accommodations in the following situations:

1. Applicant is present at the asylum office and his or her representative is in another interview.

Technically the burden is on the Applicant to be ready to proceed with the scheduled interview. Asylum Offices will try to make all reasonable accommodations for this situation provided the Applicant has notified the office of the situation. Where possible and when the Asylum Office has been notified by the representative, the Asylum Office will try to stagger interviews during the course of the day when a representative who has more than one client being interviewed on the same day represents an applicant.

2. This same policy applies to interpreters.

However, representatives and interpreters should also be realistic about the ability to represent more than one or two clients for asylum interviews on any given day.

Additionally, it is important to note that the Service maintains a rigid adherence to timely processing of the I-589 at both the Service Centers and the Asylum Offices. Most I-589 applications filed at the Service Centers are automatically scheduled for asylum interviews 43-days after acceptance of the complete I-589 (scheduling for cases interviewed on circuit rides varies). Generally, applications filed on the same day and interviewed at local asylum offices will be scheduled for asylum interviews on the same date forward. To avoid scheduling conflicts, it is best to limit and stagger the number of I-589 applications submitted on any one day to the Service Centers.

Note: The KLOK error rate at Asylum Offices is minimal. There have been approximately 5 errors that have come to our attention over the past several years.

8 C.F.R. 208.7 (a)(1) provides:

- Incomplete I-589 applications do not start the clock. Only the filing of a complete I-589 application will start the 180-day clock. (*See 8 CFR 208.7(a)(2)-first sentence.*)

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- I-589 applications denied within 150-day period by either the Asylum Office or the Immigration Court are NOT eligible to apply for EAD.
- If the I-589 is denied prior to 180-days the EAD is denied (e.g. I-765 submitted day 150 and the I-589 is denied by the IJ on day 179 – the I-765 is denied.)
- Persons with recommended approvals may apply for EAD upon receipt of the notice of the recommended approval.

8 C.F.R. 208.7 (a)(2) provides:

- Applicant caused delays may include failure without good cause to follow requirements for fingerprint processing.

8 C.F.R. 208 (a)(4) provides:

- Employment authorization may not be granted to an applicant who fails to appear for a scheduled interview or hearing, unless the applicant demonstrates that failure to appear was the result of exceptional circumstances.