



DEPARTMENT OF HOMELAND SECURITY
8 CFR Part 208
[CIS No. 2851-26; DHS Docket No. USCIS-2026-0199]
RIN 1615-AD18
Affirmative Asylum Referrals Without Interview

Correction

Editorial note: This document is the only published correction to 2026-15190. Due to technical issues, documents numbered C1-2026-15190 and C2-2026-15190 do not exist.

In rule document 2026-15190 beginning on page 47101 in the issue of Tuesday, July 28, make the following change

On page 47119, Table 3 should appear as follows:

Table 3. Summary of the Cost and Benefits of the Rule			
Changes	Description of the Changes to the Regulatory Text	Estimated Benefits	Estimated Costs
Referral of an affirmative asylum application to EOIR without interview	Amend regulations to remove language stating that an AO “in an interview” shall review the application and give the alien the opportunity to present any relevant and useful information bearing on any prohibitions on filing. <i>Update to 8 CFR 208.4(a)</i> Amend regulations to permit an AO to refer an affirmative Form I-589 to EOIR without interview, based on the record and other relevant evidence. <i>Addition of 8 CFR § 208.9(a)(2)</i> Amend regulations to remove language referring to “right to an” interview. <i>Update to 8 CFR § 208.10</i>	Applicants – • Reduced applicant wait times and faster case resolution at USCIS for both meritorious claims and referrals. ○ Earlier clarity and less time in legal uncertainty. ○ Faster access to long-term protection and family re-unification. ○ Better preservation of evidence. ○ Earlier work authorization for aliens who are approvable. ○ Earlier access to INA 240 removal proceedings. ○ Earlier access to procedural protections. ○ Reduced procedural redundancy. • Better understanding of the asylum process. ○ Explaining that an interview may not be offered for all cases. ○ Greater awareness to	Applicants – • Possibility of increased wait times and slower case resolution for some aliens who under the previous process would have asylum granted by USCIS. Government – • Possible costs to DOJ to develop certain elements of the case during removal proceedings where USCIS no longer performs an interview. • Possible new costs to DOJ for processing referred asylum cases that USCIS could have granted.

Table 3. Summary of the Cost and Benefits of the Rule

Changes	Description of the Changes to the Regulatory Text	Estimated Benefits	Estimated Costs
	Amend regulations to include that an AO can refer an asylum application to EOIR without offering an opportunity for an interview, and to remove language referring to “applicant’s right to an” interview. <i>Update to 8 CFR § 208.14(c)</i> Amend regulations to remove the requirement that a letter communicating the basis for referral of asylum include an assessment of the alien’s credibility. <i>Update to 8 CFR §208.19</i> Amend previous agency practice so that an AO may refer an application as a matter of discretion without first making an eligibility determination. (No change to a regulatory provision).	submit any and all evidence in support of the asylum application at the time of filing. ○ Improved application quality and completeness. ○ Aliens who are better prepared for the asylum process. Government – ● Increased operational efficiency and reduction in USCIS’ affirmative asylum backlog. ○ Time and resource savings (AO time, interpreter resources, and administrative support) for USCIS that could be reallocated to other priority caseloads. ○ More efficient adjudications within USCIS, especially in cases where aliens clearly fail to meet their burden to establish eligibility. ○ Reduced duplicative work for USCIS and EOIR. ○ Give USCIS flexibility to issue future policy guidance about which categories of cases should be prioritized for referral without interview. ○ Give AOs the ability to focus a decision letter on the basis for referral, where credibility is not the basis for referral. ○ More efficient drafting of referral decision letters. ● Improvements to national security and public safety.	

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Changes	Description of the Changes to the Regulatory Text	Estimated Benefits	Estimated Costs
		○ Accelerate adjudication and reduce the amount of time that potentially dangerous aliens remain in the community. ○ Reduce the number of in-person encounters in USCIS facilities for ineligible aliens who also pose a danger to the public, thereby lowering the exposure risk for AOs, interpreters, attorneys, and other government staff working in public-facing interview spaces.	
Source: USCIS Analysis			

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