

## § 208.10

spouse or child as a principal applicant is adjudicated.

[62 FR 10337, Mar. 6, 1997, as amended at 65 FR 76133, Dec. 6, 2000; 76 FR 53784, Aug. 29, 2011; 85 FR 38627, June 26, 2020; 85 FR 59660, Sept. 23, 2020; 86 FR 15076, Mar. 22, 2021; 86 FR 51788, Sept. 17, 2021; 87 FR 14763, Mar. 16, 2022; 87 FR 18216, Mar. 29, 2022]

EFFECTIVE DATE NOTE: At 85 FR 59660, Sept. 23, 2020, § 208.9 was amended by adding paragraph (h), effective Sept. 23, 2020, through Mar. 22, 2021. At 86 FR 15076, Mar. 22, 2021, the expiration date for § 208.9(h) was extended to Sept. 20, 2021. At 86 FR 51788, Sept. 17, 2021, the paragraph was amended and the expiration date for § 208.9(h) was further extended to Mar. 16, 2022. At 87 FR 14763, Mar. 16, 2022, § 208.9(h) was amended and the effective date was further extended from Mar. 16, 2022, through Mar. 16, 2023.

### **§ 208.10 Failure to appear at an interview before an asylum officer or failure to follow requirements for fingerprint processing.**

Failure to appear for a scheduled interview without prior authorization may result in dismissal of the application or waiver of the right to an interview. Failure to comply with fingerprint processing requirements without good cause may result in dismissal of the application or waiver of the right to an adjudication by an asylum officer. Failure to appear shall be excused if the notice of the interview or fingerprint appointment was not mailed to the applicant's current address and such address had been provided to the USCIS by the applicant prior to the date of mailing in accordance with section 265 of the Act and regulations promulgated thereunder, unless the asylum officer determines that the applicant received reasonable notice of the interview or fingerprinting appointment. Failure to appear at the interview or fingerprint appointment will be excused if the applicant demonstrates that such failure was the result of exceptional circumstances.

[87 FR 57798, Sept. 22, 2022]

### **§ 208.11 Comments from the Department of State.**

(a) U.S. Citizenship and Immigration Services (USCIS) may request, at its discretion, specific comments from the Department of State regarding individual cases or types of claims under

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consideration, or such other information as USCIS deems appropriate.

(b) With respect to any asylum application, the Department of State may provide, at its discretion, to USCIS:

(1) Detailed country conditions information relevant to eligibility for asylum or withholding of removal;

(2) An assessment of the accuracy of the applicant's assertions about conditions in his or her country of nationality or habitual residence and his or her particular situation;

(3) Information about whether persons who are similarly situated to the applicant are persecuted or tortured in the applicant's country of nationality or habitual residence and the frequency of such persecution or torture; or

(4) Such other information as it deems relevant.

(c) Any comments received pursuant to paragraph (b) of this section shall be made part of the record. Unless the comments are classified under the applicable Executive Order, the applicant shall be provided an opportunity to review and respond to such comments prior to the issuance of any decision to deny the application.

[74 FR 15369, Apr. 6, 2009]

### **§ 208.12 Reliance on information compiled by other sources.**

(a) In deciding an asylum application, or in deciding whether the alien has a credible fear of persecution or torture pursuant to § 208.30 of this part, or a reasonable fear of persecution or torture pursuant to § 208.31, the asylum officer may rely on material provided by the Department of State, other USCIS offices, or other credible sources, such as international organizations, private voluntary agencies, news organizations, or academic institutions.

(b) Nothing in this part shall be construed to entitle the applicant to conduct discovery directed toward the records, officers, agents, or employees of the Service, the Department of Justice, or the Department of State. Persons may continue to seek documents