

Immigration Information

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INSERTS/Adjudicator's Field Manual - Redacted Public Version/Adjudicator's Field Manual - Redacted Public Version (3 of 3), Evidence. /11.2 Video and Audio Taping.

11.2 Video and Audio Taping.

(a) General. In many instances the adjudicator may audio or video tape an interview with an applicant petitioner. The purpose of such a recording is to preserve evidence for possible use in later proceedings, without expending significant resources creating a verbatim written record. Such recordings may be used as evidence for denying a benefit. However, if such a decision is subsequently appealed, it may be necessary to transcribe the text of the interview in order to introduce it before the immigration court or Board of Immigration Appeals. If the Executive Office for Immigration Review has declined to accept either video or audio taped interviews as evidence unless they are so transcribed. **Chapter 15** of this manual contains information on interview procedures including the use of video and audio recording devices as an integral part of the interview process.

(b) Retention. Tapes (video or audio) used for routine interviews (e.g. marriage fraud, adjustment of status, naturalization) may be erased for reuse within ten days unless:

- the application or petition is likely to be denied and the information contained on the tape is considered evidence;
- an incident during the interview was recorded on the tape and the tape may be used either for training support or refute allegations of misconduct by a USCIS employee.

Such tapes should be retained for a period of three years, and may be extended in yearly increments of ongoing litigation.

11.3 Foreign Language Documents and Translations.

(a) Document Translations. All documents submitted in support of an application or petition must include a translation into English. In addition, there must be a certification from the translator indicating that the translation is complete and accurate and attesting to his or her competence as a translator. See **8 CFR 103.2(b)(3)**

NOTE: Sometimes the keeper of a record will issue an "extract" version of the document. This often happens in countries where the complete document is lengthy and filled with extraneous information. Such official extracts are acceptable, but only if they contain all the information necessary to make a decision on a case. For example, an official extract of a birth certificate which fully identifies the child's parents may be used in support of a petition; one which only lists the child's name and date and place of birth may not. Furthermore, only extracts prepared by an authorized official (the "keeper of record") are acceptable. A summary of a document prepared by a translator is unacceptable.

From time to time, you may have need to translate a document which is relevant to a case but not a substantial part of the supporting documents. In other instances, you may have reason to suspect the accuracy of a translation which has been submitted. Some offices have access to translation services provided by e-mail or others. In addition, USCIS officers may request translation services for documents in all major languages at the New York District Office. **[(b)(2) or (b)(7)(E)]**

(b) Interpreters. If a statement is taken in a foreign language, using an interpreter, and transcribed into English, it may be necessary to produce the interpreter at a subsequent hearing. Thus, when it is known or believed that the statement will be attacked on the ground that it was not correctly interpreted, it is a good practice to have an interpreter available to testify not only as to knowledge of the language but also that the statement was interpreted when it was made. If the interpreter is not a regular USCIS or DHS employee, the statementer should show certification that the individual was a qualified interpreter and interpreted to the best of his or her ability. Furthermore, before anyone who is not a regular USCIS or DHS interpreter can be used in such capacity, she must first be sworn to give full, accurate and complete translation.

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