

Red Notices in Immigration Court: Strategies for using the CCF in Asylum Proceedings

By [Ariel Rawls](#) and [Dr. Ted Bromund](#)

In [Part 1](#) of this series, we discussed how to handle a surprise Red Notice at a bond hearing and prevent it from becoming the sole reason a client remains detained. But obtaining release is only the beginning.

A Red Notice can create significant obstacles to the underlying relief your client is seeking. In asylum cases, DHS may rely on a Red Notice to invoke the serious nonpolitical crime bar, challenge credibility, or argue that a client is undeserving of discretionary relief. If left unchallenged, allegations originating from the very government your client fled may begin to shape the narrative of the case.

That is why immigration counsel should look beyond the immigration court and engage directly with INTERPOL's oversight body: the Commission for the Control of INTERPOL's Files (CCF).

Understanding the CCF

The [CCF](#) is an independent body responsible for ensuring that information processed through INTERPOL's databases complies with INTERPOL's [Constitution](#) and data-processing rules (i.e., [Rules on the Processing of Data](#)). The CCF is the primary mechanism for obtaining information about, challenging, and ultimately removing Red Notices and other INTERPOL data.

The CCF handles three principal types of requests:

Request for Access (RFA)

A request seeking confirmation of whether INTERPOL holds data concerning an individual and, where permitted, a summary or copy of that information.

Request for Deletion or Correction (RFD)

A request seeking the deletion or correction of data that violates INTERPOL's rules. This is the primary procedure used to challenge Red Notices.

Request for Revision

A request asking the CCF to reconsider a prior decision based on newly discovered facts that could have affected the outcome.

The RFA is often the starting point.

Obtaining the Red Notice

One of the most common frustrations in immigration proceedings is that DHS may reference a Red Notice without producing a copy. Immigration counsel should remember that most Red Notices are not publicly available. The absence of a public posting on INTERPOL's website does not mean a notice does not exist.

Whenever possible, obtain the Red Notice before formulating a litigation strategy. While it is possible to challenge INTERPOL data without first receiving access, doing so often requires operating in the dark.

In a majority of cases, the most effective way to identify what information exists against your client in INTERPOL's databases is through a Request for Access. Immigration counsel may also consider filing a Freedom of Information Act (FOIA) request to the [United States' National Central Bureau](#) (US NCB). As a member country to INTERPOL, the U.S. government has full read access to Notices published through INTERPOL's databases. The US NCB is co-managed by the Department of Justice and the Department of Homeland Security, meaning that DHS counsel has direct access to INTERPOL's databases and can provide copies of any circulating Notices to the respondent and the immigration court. Their failure to do so can be emphasized to the immigration judge.

As of March 26, 2026, all requests to the CCF must generally be submitted through the Commission's secure [online portal](#). Email and postal submissions are no longer accepted

except in exceptional circumstances. The portal allows applicants and representatives to submit requests, track communications, and receive decisions electronically.

Temporarily Blocking the Notice

When a client is in removal proceedings, counsel should also consider requesting provisional measures under Article 37 of the [CCF Statute](#).

Many attorneys think of provisional measures solely as a mechanism to temporarily block the visibility of INTERPOL data while a challenge is pending. Equally important, however, is that provisional measures can help bring a case to the CCF's attention more quickly and support requests for expedited consideration.

The CCF has indicated that provisional measures may be particularly appropriate where:

- The individual is detained based on INTERPOL data;
- The individual faces imminent extradition or removal-related consequences; or
- The individual has been granted refugee or other protection-based status.

For asylum seekers in immigration detention, all three of the above grounds may be present.

Although a request for expedited processing may be appropriate, it is never guaranteed. Immigration counsel should be realistic about timelines. Although the CCF's governing framework contemplates decisions on admissibility within approximately one month and sets target timelines of four months for access requests and nine months for deletion requests, delays remain common. According to the CCF's [2024 Activity Report](#), approximately 70% of access requests exceeded the four-month target, while roughly 30% of deletion requests exceeded the nine-month target. In practice, complex deletion requests may take significantly longer. Those realities can become important evidence in immigration court when requesting continuances or explaining why a CCF filing remains pending.

Seeking Deletion of the Notice

In many cases, obtaining access to a Red Notice is only the first step. The ultimate objective is often to have the Red Notice deleted so that it no longer poses a problem in removal proceedings.

For asylum seekers, one of the strongest grounds for deletion is INTERPOL's [Refugee Policy](#). Adopted in 2019, the policy generally prohibits INTERPOL from maintaining notices against individuals who have been granted refugee status or comparable forms of international protection by the country from which they are seeking protection. In the U.S. context, this may include individuals granted asylum, withholding of removal, or protection under the Convention Against Torture.

For respondents whose immigration cases are still pending, the Refugee Policy can support a request for provisional measures (see above section). If the CCF blocks the notice while the individual's protection claim is being adjudicated, and the respondent later obtains protection-based relief, that grant may serve as the basis for permanent deletion.

That said, the Refugee Policy is not always a complete solution. As we will discuss in a future installment in this series, pursuing deletion solely based on refugee status may not always be the strongest or most comprehensive approach. In many cases, counsel should consider a broader challenge that argues that the notice is non-compliant with INTERPOL's Rules or Constitution.

The good news is that much of the evidence developed for an asylum claim can also support a deletion request. Evidence of political persecution, procedural irregularities, and country conditions often serves double duty before both the Immigration Court and the CCF.

For that reason, coordination between immigration counsel and INTERPOL counsel is critical. The narrative presented to the Immigration Judge and the narrative presented to the CCF should reinforce one another and form part of a unified strategy from the outset.

Using Independent INTERPOL Experts

Independent INTERPOL experts—including academics, former INTERPOL officials, country specialists, and experienced INTERPOL counsel—can provide valuable context that immigration courts often lack.

Depending on the case, expert declarations may help explain:

- The limited legal significance of a Red Notice;
- The distinction between a Red Notice and a domestic arrest warrant;
- A requesting country's history of abusing INTERPOL systems;
- Patterns of transnational repression targeting dissidents, journalists, or political opponents;
- Typical CCF timelines and processing delays; and
- Publicly available CCF decisions involving similar factual scenarios.

For judges encountering INTERPOL issues for the first time, expert testimony can provide important context that is otherwise absent from the record.

Looking Ahead

Successfully addressing a Red Notice is typically a complex and lengthy procedure, and even more so when a client is in removal proceedings. The arguments made before the Immigration Judge, the evidence submitted to the CCF, and the timing of each proceeding can all influence one another. Effective representation requires a coordinated strategy across both forums.

In upcoming parts of this series, we will explore:

- Countering the serious nonpolitical crime bar when a Red Notice is involved;

- Using Red Notices as evidence of persecution;
- The advantages and limitations of INTERPOL's refugee policy; and
- Countering Common DHS Arguments about Red Notices;

By engaging with the CCF early, obtaining the underlying records, and developing a coordinated strategy, counsels can help ensure that untested allegations from the very government their client fled do not dictate the outcome of a U.S. asylum case.